



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-38
Site: 32 Concord Avenue
Date of Decision: June 22, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 23, 2011

ZBA DECISION

Applicant Name:	Jein Park & Nicholas Choly
Applicant Address:	32 Concord Avenue, Somerville, MA 02143
Property Owner Name:	Jein Park & Nicholas Choly
Property Owner Address:	32 Concord Avenue, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant/Owner Jein Park & Nicholas Choly seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct 3 dormers on an existing two-family residence creating a third story.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 10, 2011
<u>Date(s) of Public Hearing:</u>	June 22, 2011
<u>Date of Decision:</u>	June 22, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-38 was opened before the Zoning Board of Appeals at the Visiting Nurses Association on June 22, 2011. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to add two shed dormers to the house, one on each side of the house. The dormers will provide space for an existing staircase with insufficient headroom, two bedrooms on the third floor and a bathroom for a growing family. The proposal increases the net square feet of the third floor by 117. The dormers start below the ridge of the house and are pulled back from the main wall of the house significantly for portions of the dormers. Twelve feet of the dormer on the right side of the house will come to the main wall of the house and 12 feet 9 inches will be setback significantly so that there is a small area that will provide required headroom in the bathroom. The right dormer will have a 9 foot section that will come to the main wall of the house and a 12 foot section that will be setback significantly to provide windows and a closet space for a bedroom. The windows will account for a large portion of the front wall of the dormers and trim and corner board detailing is proposed that matches the trim on the house.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §5.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. On the side of the house that has an insufficient setback, there is a driveway on the adjacent parcel between the subject house and the neighbor's house so privacy issues are not an anticipated concern. On the other side, there is a fourteen foot setback from the dormer to the lot line. The design impacts of the proposal are below in finding 4.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the Residence B zoning district in that it allows for additional living space within a two-family house.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Board is generally concerned when large shed dormers are proposed because they can greatly alter the appearance of 2 ½ story houses which make up much of the fabric of the City. The Applicant underwent several design changes and alternative dormer styles to add the amount of living space on the third floor that they require for their family while keeping the gable roof as the predominate element on the house. The final design is a compromise which keeps the clean lines of the shed dormers but pulls them back to reduce their massing and weight on the roof. The dormers are also set down from the ridge of the house and incorporate many windows and trim and corner board details to improve their appearance.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of 2 shed dormers to create a third story. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 10, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Jun 14, 2011</td> <td>Modified plans submitted to OSPCD (Site Plan, Attic Floor Plan, Elevations of 4 sides of building)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 10, 2011	Initial application submitted to the City Clerk's Office	Jun 14, 2011	Modified plans submitted to OSPCD (Site Plan, Attic Floor Plan, Elevations of 4 sides of building)
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May 10, 2011	Initial application submitted to the City Clerk's Office									
Jun 14, 2011	Modified plans submitted to OSPCD (Site Plan, Attic Floor Plan, Elevations of 4 sides of building)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
3	The color, materials and trim details on the house shall match or be complimentary to the rest of the house.	CO	Plng.							
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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