



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA # 2012-33
Site: 12 Dickinson Street
Date of Decision: May 16, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 22, 2012

ZBA DECISION

Applicant Name:	Helene Rodar & Pamela Ryan
Applicant Address:	12 Dickinson Street, Somerville, MA 02143
Property Owner Name:	Helene Rodar & Pamela Ryan
Property Owner Address:	12 Dickinson Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicants and Owners, Helene Rodar and Pamela Ryan, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to enlarge an existing bathroom on the right side of the structure.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 17, 2012
<u>Date(s) of Public Hearing:</u>	May 16, 2012
<u>Date of Decision:</u>	May 16, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-33 was opened before the Zoning Board of Appeals at Somerville City Hall on May 16, 2012. 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:

Applicants and Owners, Helene Rodar and Pamela Ryan, propose to alter their single family dwelling to enlarge an existing bathroom on the right side of the building. The existing bathroom is approximately ten feet in length by 5 feet in width, or 48 square feet, and located close to the front façade of the building. One small window is centrally located on the right exterior wall. The bathroom is currently four to five feet from the property line as this boundary slants left toward the rear of the property.

The proposal includes demolition of the existing bathroom, though the foundation will remain. The enlarged bathroom will be twelve feet in length by six feet in width, or 85 square feet, and allow space for a full bathtub/shower. The enlarged bathroom would be 3'-5" to 1'-6" from the property line. One window will be installed in the center of both the front and rear façades of the addition for natural light.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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, Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. There are no character-defining features that will be altered or demolished as a result of this proposal. Although the proposal will be visible from the street, the noticeable changes will be minimal once construction is complete. The enlargement of the bathroom would also have minimal impact to abutters as there is a small hedge that extends the length of the right property line and the abutting dwelling faces a different direction as there is a bend in the street at this location.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the district 6.1.2. RB - Residence Districts, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 expansion of the existing bathroom has been designed to be compatible with the built and unbuilt surrounding area. Enlarging the bathroom one foot in width and two feet in length will minimally impact the building itself, the immediate abutters, and the surrounding neighborhood. There will be a minimal visual impact within the neighborhood



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as an existing hedge, which extends the length of the lot line, abuts another dwelling that faces a different direction.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster and Josh Safdie absent. Upon making the above findings, Richard Rossetti 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	<p>Approval is for Special Permit to alter a nonconforming dwelling to enlarge an existing bathroom on the right side of the structure. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 17, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 8, 2008 (May 9, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 17, 2012 (May 9, 2012)</td> <td>Proposed and existing site plans submitted to OSPCD (A1.0 & A2.0)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(April 17, 2012)	Initial application submitted to the City Clerk's Office	May 8, 2008 (May 9, 2012)	Plot plan submitted to OSPCD	April 17, 2012 (May 9, 2012)	Proposed and existing site plans submitted to OSPCD (A1.0 & A2.0)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission											
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2	New siding type and color, roofing, trim and materials of the new addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.									
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
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:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)

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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