



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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RICHARD ROSSETTI
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JOSH SAFDIE (ALT.)

Case #: ZBA # 2013-13
Site: 20 Elston Street
Date of Decision: April 3, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 9, 2013

ZBA DECISION

| | |
|--------------------------------|-----------------------------------|
| Applicant Name: | James Gogos |
| Applicant Address: | 87 Long Avenue, Belmont, MA 02478 |
| Property Owner Name: | James Gogos |
| Property Owner Address: | 87 Long Avenue, Belmont, MA 02478 |
| Agent Name: | N/A |

Legal Notice: Applicant, James Gogos, and Owner, Louise Taylor, seek a Special Permit under SZO §4.4.1 to enclose a rear porch and reconstruct a rear deck, to include additional square footage, at an existing single-family dwelling.

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|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u> | RA zone/Ward 6 |
| <u>Zoning Approval Sought:</u> | §4.4.1 |
| <u>Date of Application:</u> | March 4, 2013 |
| <u>Date(s) of Public Hearing:</u> | April 3, 2013 |
| <u>Date of Decision:</u> | April 3, 2013 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2013-13 was opened before the Zoning Board of Appeals at Somerville City Hall on April 3, 2013. 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.



DESCRIPTION:

Applicant and Owner James Gogos proposed to enclose a rear porch and reconstruct a rear deck at an existing single-family dwelling.

The rear entry porch is located behind the projecting bay on the right side. The Applicant proposes to enclose this space, which extends 5'-9" to the rear façade and is 4 feet in width. The Applicant also proposes to reconstruct the rear deck. The deck would extend 12'-2" across the rear façade of the dwelling and be 8 feet in width. The rear entry door is currently located behind the projecting bay; however, upon reconstructing the rear deck, the door would be replaced with a window. A new rear entry door would open onto the reconstructed deck and be located near the center of the rear façade. Stairs, four feet in width, would be located across the deck from the new door and lead into the rear yard.

Additional renovations to this single-family dwelling include modifying the kitchen and bathroom as well as adding a new bathroom. There are four existing bedrooms, which will not change as a result of this proposal.

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, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to enclose a rear porch and reconstruct a rear deck enables the interior space to be reconfigured. The existing entry door would become a window and the door would be relocated to open onto the reconstructed deck.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Residence A district, §6.1.1, which is, "To establish and preserve quiet neighborhoods of one- and two-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 proposal to include an additional twelve square feet, enables the interior space to be reconfigured. This project will minimally enlarge the existing footprint and reconstruct a deck that had previously deteriorated.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Josh Safdie. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 a Special Permit to enclose a rear porch and reconstruct a rear deck, to include additional square footage, at an existing single-family dwelling. 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>(March 4, 2013)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>February 14, 2013 (March 26, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>(March 26, 2013)</td> <td>Proposed plans submitted to OSPCD (Sheet 1 and 2)</td> </tr> <tr> <td>(March 26, 2013)</td> <td>Photographs submitted to OSPCD (Sheets 1, 2 & 3)</td> </tr> <tr> <td>March 2, 2013 (March 26, 2013)</td> <td>Assessor plan submitted to OSPCD</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 | (March 4, 2013) | Initial application submitted to the City Clerk’s Office | February 14, 2013 (March 26, 2013) | Plot plan submitted to OSPCD | (March 26, 2013) | Proposed plans submitted to OSPCD (Sheet 1 and 2) | (March 26, 2013) | Photographs submitted to OSPCD (Sheets 1, 2 & 3) | March 2, 2013 (March 26, 2013) | Assessor plan submitted to OSPCD | BP/CO | ISD/Plng. | |
| Date (Stamp Date) | Submission | | | | | | | | | | | | | | | |
| (March 4, 2013) | Initial application submitted to the City Clerk’s Office | | | | | | | | | | | | | | | |
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| March 2, 2013 (March 26, 2013) | Assessor plan submitted to OSPCD | | | | | | | | | | | | | | | |
| 2 | An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground). | Final sign off | Wiring Inspector | | | | | | | | | | | | | |
| 3 | New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure. | CO | Plng. | | | | | | | | | | | | | |
| 4 | The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements. | CO | FP | | | | | | | | | | | | | |
| 5 | 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. | | | | | | | | | | | | | |
| 6 | Reconstructed deck shall not encroach into the 8’ right side yard setback. | Final sign Off | Plng. | | | | | | | | | | | | | |



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Josh Safdie (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 _____

