



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-21
Site: 22 Endicott Avenue
Date of Decision: April 4, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 6, 2012

ZBA DECISION

Applicant Name:	Tara Ten Eyck & Chetty Lovantheran
Applicant Address:	22 Endicott Avenue, Somerville, MA 02144
Property Owner Name:	Tara Ten Eyck & Chetty Lovantheran
Property Owner Address:	22 Endicott Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant/Owner Tara Ten Eyck & Chetty Lovantheran seek a Special Permit to alter a nonconforming single-family structure under SZO §4.4.1 to alter the front entryway and stairs and slightly expand the side entryway. RB zone. Ward 7.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 6, 2012
<u>Date(s) of Public Hearing:</u>	April 4, 2012
<u>Date of Decision:</u>	April 4, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-21 was opened before the Zoning Board of Appeals at Somerville City Hall on April 4, 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:

The proposal is to bring the two entryways to code and make them more practical. The front entry will have a new roof that is an asymmetrical gable that extends over a landing. The stairs will be reoriented so that they lead from this landing straight to the sidewalk. The reconfiguration of the front steps will allow for more than 50 sf of additional green space in the front yard.

The side entry will be rebuilt to the minimum required dimensions. The structure will need to be 15" longer and 5" wider into the side setback. The roof will be raised but it will appear similar with a sloping roof towards the back of the house.

Two existing windows in the basement will be enlarged to add additional daylight to the basement. The refrigerator, range, and door at the bottom of the stairs in the basement will be removed to remove the illegal residential unit. The project is expected to last for 6 weeks.

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The slight expansion of the side entry is not anticipated to have negative impacts. The abutting neighbor's driveway is between the structures and therefore there will be approximately 8 to 10 feet between the structures. Access to the back and sides of the property will be limited on the left side of the house but there is eight feet on the right side of the house that provides sufficient access to the rest of the property. The enlargement of two basement windows will not negatively impact the appearance of the structure and will add light to the basement for additional living space in the single-family structure.

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 providing for and maintaining the uniquely integrated structure of uses in the City and the purpose of the Residence B zoning district in making renovations to a single-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 project is compatible with the existing structure and surrounding residential neighborhood. The change to the front entry will improve the appearance of the structure. The main gable of the house is asymmetrical and the roof of the front entryway will also be asymmetrical. The roof structures will complement each other and provide an updated appearance to the structure. The appearance of the side entry will also improve from its current dilapidated state. The illegal basement unit will be eliminated as part of the proposed renovations.



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DECISION:

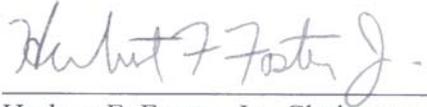
Present and sitting were Members Herbert Foster, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Susan Fontano absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the 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	Approval is for the alteration of the front and side entryway and installation of a larger window in the basement. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Mar 6, 2012</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Jul 25, 2011</td> <td>Plans submitted to OSPCD (Plot plan)</td> </tr> <tr> <td>Nov 30, 2011</td> <td>Plans submitted to OSPCD (Existing Plan and Elevation of Main Entry, Proposed Plan and Elevation of Main Entry, Existing and Proposed Plans and Sections of Basement Entry)</td> </tr> <tr> <td>Mar 19, 2012</td> <td>Plans submitted to OSPCD (Proposed Basement Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Mar 6, 2012	Initial application submitted to the City Clerk's Office	Jul 25, 2011	Plans submitted to OSPCD (Plot plan)	Nov 30, 2011	Plans submitted to OSPCD (Existing Plan and Elevation of Main Entry, Proposed Plan and Elevation of Main Entry, Existing and Proposed Plans and Sections of Basement Entry)	Mar 19, 2012	Plans submitted to OSPCD (Proposed Basement Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall seek the require permits from Fire Prevention and provide plans for the installation of a code compliant fire alarm system.	CO	FP											
3	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:

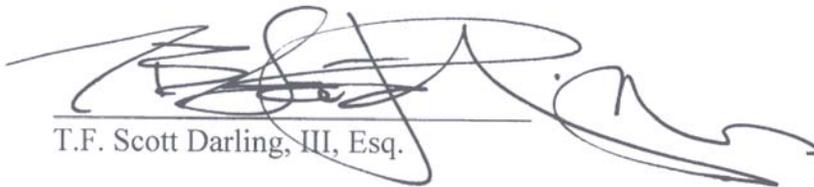
Herbert Foster, *Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)



Herbert F. Foster, Jr., Chairman



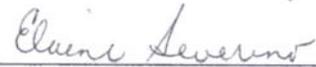
Richard Rossetti



T.F. Scott Darling, III, Esq.



Danielle Evans



Elaine Severino, (Alt.)

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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