



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2013-63
Site: 141-143 North Street
Date of Decision: October 2, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 11, 2013

ZBA DECISION

Applicant Name:	Alexandra Hatzopoulos & George Mikhael
Applicant Address:	143 North Street, Somerville, MA 02144
Property Owner Name:	Alexandra Hatzopoulos & George Mikhael
Property Owner Address:	143 North Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicants and Owners, Alexandra Hatzopoulos and George Michael, seek a Special Permit under SZO §4.4.1 to alter the orientation of the front stair at an existing nonconforming two-family dwelling.

<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	August 30, 2013
<u>Date(s) of Public Hearing:</u>	October 2, 2013
<u>Date of Decision:</u>	October 2, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-63 was opened before the Zoning Board of Appeals at Somerville City Hall on October 2, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

Applicants and Owners, Alexandra Hatzopoulos and George Michael, propose to alter the orientation of the front stair at an existing nonconforming two-family dwelling as part of larger renovations to the property.

The existing front stair extends to the front property line, is very steep and composed of crumbling concrete that is in need of replacement. The Applicant proposes to remove this stair and construct a new stair that extends across the width of the lot with two landings. The new stair would have three steps to reach landing one, turn toward the interior of the property where 6 more steps would lead to a second landing, and then turn toward the front of the property and, with three more steps, lead to the front property line. New metal handrails and a brick retaining wall along the front property line would also be installed as part of this proposal. The concrete stairs to the left of the staircase leading to the porch would be removed as part of this proposal and this area would become additional landscaping. A small new concrete stair would be constructed at the rear of the building to provide access to the backyard and the brick retaining wall to the left of the property would be reconstructed if further displaced due to removing the existing concrete stairs and path. The landscape and pervious area as a result of this proposal would increase by an additional 180 square feet. The final landscape and pervious area would become conforming at approximately 46%, which includes the removal of concrete pads in the rear yard.

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 alter the existing front stair will minimally impact abutters while creating safe access to the front porch. This proposal will enhance the structure as a brick retaining wall would be constructed along the front property line, landscaping would be added and the overall streetscape improves as a result of the larger investment in this property.

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 provide for and maintain the uniquely integrated structure of uses in the City; 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; 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 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 current owners are doing a variety of interior and exterior renovations to update the property, enhance the structure, and create safe access to the front porch. This proposal will improve the structure as a brick retaining wall would be constructed along the front property line, landscaping would be added and the overall streetscape improves as a result of the larger investment in this property. Additionally, if the existing brick retaining wall is further displaced as a result of removing the existing concrete stairs and path, this retaining wall will be reconstructed to be consistent with the new retaining wall along the front property line.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti , Josh Safdie and Brandy Brooks with Danielle Evans and Elaine Severino absent. 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:

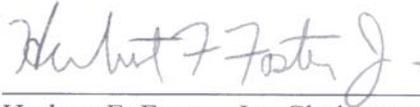
#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for a Special Permit to alter the orientation of the front stair at an existing nonconforming two-family dwelling This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(August 30, 2013)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 18, 2013 (September 19, 2013)</td> <td>Existing and proposed modified plot plan submitted to OSPCD</td> </tr> <tr> <td>September 9, 2013 (September 19, 2013)</td> <td>Plans submitted to OSPCD (A1, A2, A3, & A4)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 30, 2013)	Initial application submitted to the City Clerk’s Office	March 18, 2013 (September 19, 2013)	Existing and proposed modified plot plan submitted to OSPCD	September 9, 2013 (September 19, 2013)	Plans submitted to OSPCD (A1, A2, A3, & A4)
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Any changes to the approved (site plan or elevations/use) that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
Design												



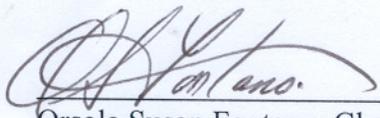
3	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector	
Site				
4	All new sidewalks will be installed by the Applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete.	CO	Plng.	
5	The Applicant shall remove the concrete stairs and sidewalk to the left of the house that leads to the rear yard. This area shall be landscaped and new stairs shall be constructed at the rear of the building.	CO	Plng.	
6	Should the existing brick retaining wall, located between 141 and 145 North Street, be further displaced as a result of removing the concrete stairs and path, the Applicant shall reconstruct this retaining wall along the entire length of the property.	CO	Plng.	
Public Safety				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
8	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.	



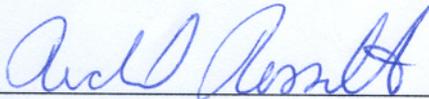
Attest, by the Zoning Board of Appeals:



Herbert F. Foster, Jr., Chairman



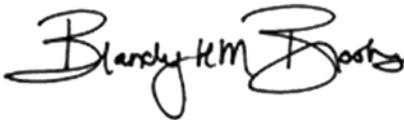
Orsola Susan Fontano, Clerk



Richard Rossetti



Josh Safdie (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.



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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 _____

