



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-34
Site: 80 Properzi Way
Date of Decision: May 21, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 27, 2014

ZBA DECISION

| | |
|--------------------------------|---------------------------------------|
| Applicant Name: | N. John Hallam & Teresa L. Swartzel |
| Applicant Address: | 80 Properzi Way, Somerville, MA 02143 |
| Property Owner Name: | N. John Hallam & Teresa L. Swartzel |
| Property Owner Address: | 80 Properzi Way, Somerville, MA 02143 |
| Agent Name: | N/A |

Legal Notice: Applicant and Owners, N. John Hallam & Teresa Swartzel, seek a Special Permit under SZO §4.4.1 to alter a nonconforming single-family dwelling through the addition of a third floor in the existing rear addition. RB zone. Ward 2.

| | |
|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u> | RB zone/Ward 2 |
| <u>Zoning Approval Sought:</u> | §4.4.1 |
| <u>Date of Application:</u> | April 17, 2014 |
| <u>Date(s) of Public Hearing:</u> | May 21, 2014 |
| <u>Date of Decision:</u> | May 21, 2014 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2014-34 was opened before the Zoning Board of Appeals at Somerville City Hall on May 21, 2014. 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
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The Applicant proposes to add a third floor to the existing two-story rear addition for a master suite. The front massing is 1½ stories and due to the grade change toward the rear of the lot, the rear addition is presently considered two stories. The proposal would add 8 feet of height to the present third story to create habitable space. This massing would meet the peak of the existing roof and not exceed the present, 27 foot height. The northwest elevation would have three skylights installed. The southwest elevation proposes two dormers, 8 feet and 4.5 feet in width, with a total of three windows. The rear façade would have two additional windows. The exterior material would be board and batten siding to match the existing basement entry, which is complimentary to the existing wood shingles.

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."

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. Therefore, due to the existing nonconforming left side yard setback, the proposed change, to add eight feet of height to create a habitable third floor, requires a Special Permit. There are two bedrooms currently on the second floor and one would be enlarged to allow for a master bedroom, so while the parking is currently compliant, the proposal does not impact the parking requirement.

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 changes proposed will add habitable space and not affect the streetscape, or negatively impact the adjacent property. The proposed dormers will look into the side yard and would not exceed the height of the surrounding structures due to the grade change. Other than nonconforming setback dimensions, the proposal would comply with ground coverage (12%), landscape (88%) pervious area (88%), and floor area ratio (0.27).

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 RB district, §6.1.2, 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."

The proposal to add habitable space through a third floor rear addition will enable the occupants to expand their living area and have a master suite. The addition is contextual to the existing structure as the addition meets the



existing ridge and does not exceed this height. This proposal would not negatively impact the streetscape, nor be detrimental to adjacent properties.

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 parcel is located in a Residence B zoning district near Cambridge, between Somerville Avenue and Beacon Street. The surrounding neighborhood is predominantly composed of single, two-, and three-family dwellings while Beacon Street is composed of a mix of uses, including commercial, office and residential. The nearby dwellings are predominantly similar structures of 1-2½ stories.

The habitable rear third floor will have minimal to no impact on abutters, will not affect the streetscape, and does not enlarge the existing footprint. The enlarged addition overlooks the side yard and does not exceed the height of adjacent buildings. Proposed alterations to the building will enhance the interior plan and is contextual with the building.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. 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 a nonconforming single-family dwelling through the addition of a third floor in the existing rear addition. 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>(April 17, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 9, 2005 (May 15, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>April 17, 2014 (May 15, 2014)</td> <td>Modified plans submitted to OSPCD (T, X-1, X-2, X-3, X4, A-1, A-2, A-3, & A-4)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (April 17, 2014) | Initial application submitted to the City Clerk's Office | March 9, 2005 (May 15, 2014) | Plot plan submitted to OSPCD | April 17, 2014 (May 15, 2014) | Modified plans submitted to OSPCD (T, X-1, X-2, X-3, X4, A-1, A-2, A-3, & A-4) |
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| Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | |
| Pre-Construction | | | | | | | | | | | | |
| 2 | The Applicant will be required to demonstrate that the project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans must be submitted to the Engineering Department for review and approval. | BP | Eng. | | | | | | | | | |



| Construction Impacts | | | | |
|-----------------------------|--|---------------------|-------|--|
| 3 | All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained. | During Construction | T&P | |
| Design | | | | |
| 4 | The new siding, trim, roofing material, and other exterior wall details shall match or be complimentary to the existing in size, color and detail. | CO | Plng. | |
| Public Safety | | | | |
| 5 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| Final Sign-Off | | | | |
| 6 | 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
Danielle Evans
Elaine Severino

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 _____

