



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-28
Site: 119 Rogers Avenue
Date of Decision: May 7, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 12, 2014

ZBA DECISION

Applicant Name:	Jack Higham & Pam Hearon
Applicant Address:	119 Rogers Avenue, Somerville, MA 02144
Property Owner Name:	Jack Higham & Pam Hearon
Property Owner Address:	119 Rogers Avenue, Somerville, MA 02144
Agent Name:	Zach Pursley & Sandra Lannan
Agent Address:	59 Pearson Road, Somerville, MA 02144

Legal Notice: The Applicants and Owners, Jack Higham and Pam Hearon, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to add a gable dormer on the left side and modify windows on the front façade of a single-family dwelling. RA zone. Ward 5.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 3, 2014
<u>Date(s) of Public Hearing:</u>	May 7, 2014
<u>Date of Decision:</u>	May 7, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-28 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 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.



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DESCRIPTION:

The Applicants propose to add a gable dormer to the left, or north side façade and alter the window openings beneath the gable on the front façade.

Currently, there are two windows beneath the gable on the front façade. This opening would be modified to accommodate a Palladian style window pattern which is composed of three windows, each two feet in width for a total width of 6". The center window extends slightly taller at 4'-6" than the two flanking windows at 3'-10".

The north facing proposed gable dormer would be located nearest the rear of the structure and retain approximately 4' from the gable edge of the roof. The dormer itself would be 15'-6" in length, which is slightly less than 50% of the north roof plane. This dormer would also have the same Palladian window pattern as noted above and this new space would accommodate a new master suite by combining two existing third floor bedrooms.

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 and front yard setbacks, the proposed window alterations to the primary façade and gable dormer require a Special Permit.

In considering a special permit under §4.4 of the SZO, the Board finds that the alteration proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed window alteration will not impact abutters, but allow views of Rogers Avenue that are consistent with the existing. The dormer would look out onto the adjacent garage and Pescatore Restaurant. While this proposal reduces the bedroom count, this proposal does not alter the parking requirement and enables the occupants to better utilize the interior space. This proposal would increase the floor area ratio (FAR) to 0.74, while the ground coverage (43%), landscape (43.6%) and pervious area (43.6%) are all in compliance.

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 preserve the historical and architectural resources of the City."

The proposal is consistent with the purpose of the RA 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."



The proposal to alter windows and add a gable dormer is not detrimental to the structure, nor the adjacent abutters. This proposal enables the occupants to better utilize the interior space, is consistent with the Queen Anne style of the building and surrounding neighborhood, and does not alter the footprint or increase the parking requirement.

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 structure is located in a residential neighborhood, near Ball Square at the intersection of Boston and Rogers avenues, and Broadway. Nearby business establishments include Pescatore Restaurant and Crowley's Liquor. The surrounding area along Broadway includes a mix of commercial and office uses while Rogers Avenue is predominantly residential, with single, two-, and three-family dwellings.

The proposal to alter windows and add a gable dormer is not detrimental to the structure, nor the adjacent abutters. This proposal enables the occupants to better utilize the interior space, is consistent with the Queen Anne style of the building and surrounding neighborhood, and does not alter the footprint or increase the parking requirement.

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 alter a nonconforming structure to add a gable dormer on the left side and modify windows on the front façade of a single-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>(April 3, 2014)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 24, 2014 (April 28, 2014)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>March 26, 2014 (April 28, 2014)</td> <td>Plans submitted to OSPCD (00, 01, 02, 03, 04, & 05)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 3, 2014)	Initial application submitted to the City Clerk's Office	February 24, 2014 (April 28, 2014)	Plot plan submitted to OSPCD	March 26, 2014 (April 28, 2014)	Plans submitted to OSPCD (00, 01, 02, 03, 04, & 05)
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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 storm water policy.	BP	Eng.									
Design												



3	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				
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
	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 _____

