



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-82
Site: 40 Rogers Avenue
Date of Decision: November 16, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 22, 2011

ZBA DECISION

Applicant Name:	Walter Lorraine
Applicant Address:	40 Rogers Avenue, Somerville, MA 02144
Property Owner Name:	Walter Lorraine
Property Owner Address:	40 Rogers Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant and Owner Walter Lorraine seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a three-story rear porch, alter windows on the front porch and side of the building and building a by-right dormer.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	October 18, 2011
<u>Date(s) of Public Hearing:</u>	November 16, 2011
<u>Date of Decision:</u>	November 16, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-82 was opened before the Zoning Board of Appeals at Somerville City Hall on November 16, 2011. 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 includes the following renovations to the two-family home. The Applicant will rebuild the two-story rear porch and add a third story. The porch will be shifted towards the middle of the house but stairs and a landing from the first to the second level will project out from the deck towards the nonconforming side yard. Sliding doors will be added to each level in the back of the house to access the porch. Existing windows in the rear of the property will be removed and a new window on the first and second floor will be added.

The Applicant will renovate the front porch by removing existing sliding windows and installing double hung windows that will wrap the porch. A skirt will also be added to the porch, which currently has shingles down to the ground.

On the north elevation, the Applicant will replace two double hung windows with small casement windows and replace two small casement windows with double hung windows. The scallop detail trim that currently exists on the windows will remain.

A by-right gable dormer will be installed on the south elevation to add headroom to an existing bedroom and new bathroom. The dormer will begin one foot from the ridge of the house and just less than 50% of the length of the roof to which it is attached.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The rear porch will be a story taller but the bulk of the porch will be setback farther from the side yard than the existing porch. The window reconfiguration will not increase the nonconforming front and side yards.

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 RA district by making an alteration to a residential structure.

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 alterations has been designed to be compatible with the built and unbuilt surrounding area. The front porch will have an improved appearance as it will be more open with additional windows that match the style of the other windows on the house. Also, the skirt on the porch is a typical porch detail that will define it as a porch. The windows on the right façade will continue to line up on the first and second floors and the two



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existing styles of windows will be simply changing location. Overall the window configuration will not negatively impact the appearance of the façade.

The by-right dormer fits with the character of the house. There is an existing gable dormer on the right side of the house. The new gable dormer will be set down one foot from the ridge of the house and is less than 50% of the length of the side of the roof to which it is attached.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Josh Safdie with Herbert Foster 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 to construct a three-story rear porch and alter windows on the front porch and side of the building. 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>Oct 18, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 5, 2011</td> <td>Plans submitted to OSPCD (Site Plan)</td> </tr> <tr> <td>Oct 28, 2011</td> <td>Modified plans submitted to OSPCD (A.1 Proposed & Existing Floor Plans, A.2 Enlarged Floor Plans, A.3 Existing & Proposed Exterior Elevations, A.4 Exterior Elevations, A.5 Sections)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 18, 2011	Initial application submitted to the City Clerk's Office	Oct 5, 2011	Plans submitted to OSPCD (Site Plan)	Oct 28, 2011	Modified plans submitted to OSPCD (A.1 Proposed & Existing Floor Plans, A.2 Enlarged Floor Plans, A.3 Existing & Proposed Exterior Elevations, A.4 Exterior Elevations, A.5 Sections)
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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 install one new exterior light fixture and one new exterior electrical receptacle for the new outdoor deck space.	Final Sign Off	Wiring Inspector									
3	The Applicant shall install a code compliant fire alarm system.	Final Sign Off	Fire Prevention									
4	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	PIng.									



5	The Applicant shall submit a new front elevation that shows that the existing dormer will remain.	BP	Plng.	Submitted 11/18/11
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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
T.F. Scott Darling, III, Esq.
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 _____



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