



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2013-16
Site: 160 Washington Street
Date of Decision: April 17, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: April 24, 2013

ZBA DECISION

Applicant Name:	Autozone, Inc.
Applicant Address:	123 South Front Street, Memphis, TN 38103
Property Owner Name:	Romanow Real Estate Trust, c/o Gabriela Romanow
Property Owner Address:	1010 Memorial Drive, Cambridge, MA 02138
Agent Name:	Carolyn Thaemert
Agent Address:	123 South Front Street, Memphis, TN 38103

Legal Notice: Applicant, AutoZone Inc., and Owner, Romanow Real Estate Trust, seek a Special Permit under SZO §4.4.1 to modify the existing commercial storefront, which includes the rearrangement and removal of windows.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 19, 2013
<u>Date(s) of Public Hearing:</u>	April 17, 2013
<u>Date of Decision:</u>	April 17, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-16 was opened before the Zoning Board of Appeals at Somerville City Hall on April 17, 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.



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DESCRIPTION:

The Applicant, AutoZone, proposes to modify the existing storefront, which includes rearranging and removing windows in an effort to update the front entrance. The existing center door will remain on the front façade, but the windows will be modified so four windows would be located to the left of the door and five located to the right. The windows would be approximately five feet in width by seven feet in height. The existing storefront window framing will be replaced with red Kynar (a thermo plastic) framing.

The left side elevation currently has six clear aluminum storefront windows grouped into two groups of three. These windows would be removed and infilled with a masonry material consistent with the existing. The wall will be painted to match the existing façade.

Signage is not proposed to change as a result of this application.

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 modify and update the existing structure will create a unified front façade.

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; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the IA Industrial District, §6.1.8, which is, "To establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like."

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 proposal, to modify the front and left sides façades by rearranging and removing windows, will update the existing structure and create a unified front façade.



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	<p>Approval is for a Special Permit to modify the existing commercial storefront, which includes the rearrangement and removal of windows. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(March 19, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 18, 2013 (April 10, 2013)</td> <td>Land survey plan submitted to OSPCD</td> </tr> <tr> <td>April 4, 2013 (April 10, 2013)</td> <td>Elevations submitted to OSPCD (A-2 & CE-1)</td> </tr> </tbody> </table> <p>Any changes to the approved (site plan or elevations) that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(March 19, 2013)	Initial application submitted to the City Clerk's Office	March 18, 2013 (April 10, 2013)	Land survey plan submitted to OSPCD	April 4, 2013 (April 10, 2013)	Elevations submitted to OSPCD (A-2 & CE-1)	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	New siding infill, both type and color, as well as trim or other detail materials shall match or be complimentary to the rest of the existing structure.	CO	Plng.									
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	Plng.									
5	The Applicant shall comply with SZO 12.4.1.f, in that temporary signs affixed to windows may not exceed 30% of the total window area and may not be posted more than 30 days.	Perpetual	ISD									
6	The Applicant shall work with Planning Staff to make best efforts to provide additional landscaping on-site.	Final sign off	Plng.									



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (Alt.)

Attest, by the Senior Planner:

Lori Massa

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 _____

