



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-66
Site: 24 Wesley Park
Date of Decision: August 6, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 19, 2014

ZBA DECISION

Applicant Name:	Heidi Meyer
Applicant Address:	24 Wesley Park, #2, Somerville, MA 02143
Property Owner Name:	Heidi Meyer
Property Owner Address:	24 Wesley Park, #2, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Heidi Meyer, seek a Special Permit under SZO §4.4.1, to alter a nonconforming three-family by installing an egress stair in the rear of the property.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	June 12, 2014
<u>Date(s) of Public Hearing:</u>	August 6, 2014
<u>Date of Decision:</u>	August 6, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-66 was opened before the Zoning Board of Appeals at Somerville City Hall on August 6, 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
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DESCRIPTION:

The proposal is to rebuild the rear deck that sits on the 2-story portion of the house and construct a set of stairs from the deck to the ground. The stairs would extend over an existing deck on the ground floor and follow the rear property line to the driveway. The door on the third floor that provides access to the deck and stairs would be shifted to the left of its current location and made bigger (32" by 78") to create a proper egress door.

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 existing house and ground floor rear deck are built to the right side and rear property lines. The third floor deck will be reconstructed in the same area and the stairs to the ground will be over an existing deck and only extend the nonconforming rear yard by a few feet to touch the ground.

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 and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the Residence B district, which is, "[t]o 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.

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 large size of the stairs and change to the door location will be minimally impactful to the neighbors due to the location of the house at the end of a cul de sac with a grade change at the back of the property. The abutting houses to the rear are located at a higher elevation than the subject property and therefore the stairs will not be intrusive to the view from their houses. The abutter to the right side will be most impacted but the jog in the stair situates the largest portion of the stair away from their view. The shift in the third floor door location will require that the door cuts through the eave on the gable end of the house. This is not ideal; however, because of its location on the third floor and the grade change behind the property, it will be difficult to see from the ground of the subject property or from surrounding properties.



5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

This proposal does not impact the stock of affordable housing.

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.

The proposal allows for the enhancement of this house in a residential district as long as the legal use of the property is determined by Inspectional Services to be a three-family.

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 the construction of a rear egress stair and alteration of a rear third floor door. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 12, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 28, 2014</td> <td>Modified plans submitted to OSPCD (A1 Elevation and Plan View)</td> </tr> <tr> <td>June 30, 2014</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 12, 2014	Initial application submitted to the City Clerk’s Office	June 28, 2014	Modified plans submitted to OSPCD (A1 Elevation and Plan View)	June 30, 2014	Modified plans submitted to OSPCD (Plot Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Public Safety												
2	Owner must obtain a Certificate of Occupancy, which if deemed necessary by Inspectional Services may include zoning approval, for a three-family dwelling in connection with construction of the stairs.	BP	ISD/ Plng.									
3	An exterior light and electrical receptacle is required for all levels of the porch.	Final Signoff	Wiring Inspector									



Final Sign-Off				
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.	



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 _____

