



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-61
Site: 39 Adrian Street
Date of Decision: September 21, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: September 27, 2011

ZBA DECISION

| | |
|--------------------------------|--|
| Applicant Name: | Kelly Liu |
| Applicant Address: | 39 Adrian Street, Somerville, MA 02143 |
| Property Owner Name: | Kelly Liu |
| Property Owner Address: | 39 Adrian Street, Somerville, MA 02143 |
| Agent Name: | N/A |

Legal Notice: Applicant and Owner Kelly Liu seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct dormers on an existing two-family residence.

| | |
|-----------------------------------|--------------------|
| <u>Zoning District/Ward:</u> | RB zone/Ward 2 |
| <u>Zoning Approval Sought:</u> | §4.4.1 |
| <u>Date of Application:</u> | August 9, 2011 |
| <u>Date(s) of Public Hearing:</u> | September 21, 2011 |
| <u>Date of Decision:</u> | September 21, 2011 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2011-61 was opened before the Zoning Board of Appeals at Somerville City Hall on September 21, 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 Applicant had received a building permit to construct a full bathroom on the third floor of the dwelling. Upon a preliminary inspection at the site, it was determined that the stairway leading up to the third floor needed to be brought into compliance with regard to the proper head room. To achieve this, the Applicant is proposing to construct a 15 foot long shed dormer on the left side of the existing two-family structure. The dormer would contain three windows that are 3 1/3 feet tall spaced across the façade of the dormer. The dormer would come directly off the peak of the roof at a 16 degree angle and leave only a small portion of the roof surface between the bottom of the dormer and the edge of the roof. There would be a 5 foot length of roof surface from the side of the dormer to the front of the structure and a 14 foot length from the dormer to the rear of the structure. Internally, the shed dormer would allow for the proper head height in the stairwell and also allow for full doors to be installed for the two bedrooms on the third floor. Currently the top corner of each of the doors is cut off to accommodate for the slope of the roof.

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 proposed dormer design, while not entirely preferable to Planning Staff, will not substantially alter the look and design of the existing structure as the important essential massing will be retained. The proposed dormer will look out onto the roof of the property directly adjacent to the west. As there are no windows on the third story of the neighboring structure, no privacy concerns should arise from this project. Additionally, because of the close proximity of the dwellings along Adrian Street, any additional shadow that may be cast from the new dormer would not greatly impact the neighbors in the surrounding area.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."

The proposal is also consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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."

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."



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The Board is generally concerned when larger shed dormers are proposed because they can greatly alter the appearance of 2½ story houses which make up much of the fabric of the City. The Applicant was originally proposing to construct shed dormers on both sides of the existing structure. After conversations with Planning Staff it was determined that the Applicant could meet the space requirements inside the existing structure with just one 15 foot long shed dormer on the left side of the existing structure. The dormer itself will be 7.5 feet high with 3 windows and will come directly off the peak of the roof. While the Board would prefer to see a different style of dormer or to have the dormer stepped off of the roof peak, the required head height in the stairwell and structural concerns about a dormer that does not come directly off the peak of the roof dictated the design that was before the Board. Other dormer designs such as a gable or hipped dormer may not provide the necessary head room in the stairwell for building code or would be entirely out of context with the design of the existing structure because the necessary roof pitch on those dormer designs would be extremely shallow and this would not be in line with the pitch of the existing roof. There are other structures on Adrian Street and in the surrounding neighborhood that have both small and large shed dormers on them and this project fits into the context of the existing neighborhood. The property will remain a 2½ story, two-family residential use which is consistent with the surrounding neighborhood.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

The Applicant is proposing to construct a 15 foot long by 7.5 foot high shed dormer on the left side of the existing structure and there are no anticipated adverse environmental impacts from this proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials, nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano 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 alter a nonconforming structure under SZO §4.4.1 to construct a dormer on the left (west) side an existing two-family residence. 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>(August 9, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 16, 2011 (September 8, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>(September 8, 2011)</td> <td>Plans submitted with Application (Proposed Floor Plans and Elevations)</td> </tr> <tr> <td>(September 13, 2011)</td> <td>Section of Proposed Dormer</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (August 9, 2011) | Initial application submitted to the City Clerk's Office | August 16, 2011 (September 8, 2011) | Plot Plan | (September 8, 2011) | Plans submitted with Application (Proposed Floor Plans and Elevations) | (September 13, 2011) | Section of Proposed Dormer |
| | Date (Stamp Date) | | | | Submission | | | | | | | | | |
| | (August 9, 2011) | | | | Initial application submitted to the City Clerk's Office | | | | | | | | | |
| | August 16, 2011 (September 8, 2011) | | | | Plot Plan | | | | | | | | | |
| (September 8, 2011) | Plans submitted with Application (Proposed Floor Plans and Elevations) | | | | | | | | | | | | | |
| (September 13, 2011) | Section of Proposed Dormer | | | | | | | | | | | | | |
| Any changes to the approved site plans, elevations, or use that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | | | | | |
| 2 | The Applicant shall update the fire alarm system to be code compliant | CO | FP | | | | | | | | | | | |
| 3 | The Applicant shall submit window and trim detail samples to Planning Staff for review and approval. | BP | PIng. | | | | | | | | | | | |
| 4 | The Applicant shall submit an elevation drawing indicating the width and spacing of the proposed windows on the dormer for Planning Staff review and approval. | BP | PIng. | | | | | | | | | | | |
| 5 | New siding type and color, roofing, trim, and materials of the dormer shall match or be complimentary to the rest of the existing structure. | CO | PIng. | | | | | | | | | | | |
| 6 | 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 | | | | | | | | | | | |



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|---|---|-------------------|-------|--|
| 7 | 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
T.F. Scott Darling, III, Esq.
Danielle Evans

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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