



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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JOSH SAFDIE (ALT.)

Case #: ZBA # 2012-32
Site: 187 Willow Avenue
Date of Decision: May 16, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 22, 2012

ZBA DECISION

| | |
|--------------------------------|---|
| Applicant Name: | Daniel Doble & Molly McGovern Doble |
| Applicant Address: | 187 Willow Avenue, Somerville, MA 02144 |
| Property Owner Name: | Daniel Doble & Molly McGovern Doble |
| Property Owner Address: | 187 Willow Avenue, Somerville, MA 02144 |
| Agent Name: | N/A |

Legal Notice: Applicants and Owners, Daniel and Molly Doble, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to remove a staircase and construct an addition at the rear of the structure.

| | |
|-----------------------------------|----------------|
| <u>Zoning District/Ward:</u> | RA zone/Ward 6 |
| <u>Zoning Approval Sought:</u> | §4.4.1 |
| <u>Date of Application:</u> | April 17, 2012 |
| <u>Date(s) of Public Hearing:</u> | May 16, 2012 |
| <u>Date of Decision:</u> | May 16, 2012 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2012-32 was opened before the Zoning Board of Appeals at Somerville City Hall on May 16, 2012. 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:

Owners and Applicants, Daniel and Molly Doble, seek to alter a single-family dwelling by removing a rear staircase and deck to construct a two-story addition in the same location. The rear façade of the property contains an enclosed stairwell, added to the building at a later date, and a wooden deck that is approximately 15 feet long by 10 feet wide. The Applicants would like to demolish these two features and, in the same location, construct a two-story addition with a third floor roof deck.

The proposed addition will add 6 feet of length to the existing structure, but since the existing deck and staircase will be removed, the rear yard setback of the structure, which is currently conforming, will decrease to 23 feet 6 inches. The addition will include a two-story bay, similar to those located on the front and right side elevations of the building. The addition will extend into the rear yard where the current rear staircase is now and the additional six feet will extend the entire width of the rear façade. However, as the staircase is only 3'-6" in width, the added length to the building will expand slightly more than two feet beyond the current rear staircase. This extra square footage will give space for a new mudroom, pantry, and eating area on the first floor, while the additional space on the second floor will create a walk-in closet and more bedroom space.

The new addition will include a two-story bay that would be consistent with the existing bays on the front and right side elevations. The first story portion would be bowed while the second story portion would be square. The Applicants propose to maintain the decorative wood work that is located at the bottom corners of the square bay as well as the dentil work located between the first and second story which surrounds the house on all four sides. The roof of the second story would become a roof deck that is accessible by a door centered directly under the gable. The deck will be 13'-2" in length by 11'-7" in width and have 42 inch high railings on three sides. The Applicants plan to use footings left over from the demolition of the staircase and cellar entry; therefore, the deck and railings above the two-story bay are not able to be centered on the façade.

The new addition will incorporate several new windows, most of which are located within the two-story bay. The first story bay will have two windows each on the left side and in the center of the bay. The center bay windows will be three feet wide while the left side bay windows will be 2.5 feet wide. French doors, five feet in width, will be placed on the right side of the bay and open onto a new deck that is five feet wide by three feet long with stairs that lead down the right side of the building. The stairs will extend slightly past the right side elevation of the house; however, they will not be visible behind the two-story bay located on this side elevation. Another door, opening onto the deck from a new mudroom, will be located to the right of the French doors. The adjacent right corner will have one window installed next to the mudroom door and two more will be located on the right side. The second story of the addition will have two windows in the center of the square bay with one more in both the right and left sides of the bay. There will also be one window located to the right of the bay, which is above the mudroom, and on the right side elevation near the two-story bay. There will be no windows added to the attic space.

The new addition would also modify the bulkhead stairs which currently have less than five feet of headroom, making reasonable use of the cellar stairs difficult. Modifications to the bulkhead include moving the entrance six feet toward the rear of the property and adding a new concrete slab at grade to raise the elevation of the exit six inches. Lattice will then be placed at the foundation level around the bay and under the new deck and stairs.



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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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed addition will visually enhance the rear façade of the building and, by continuing the existing style and design of the building, the addition will contextually fit into the surrounding neighborhood. Additionally, the proposed addition and modifications are all located at the rear of the building, so minimal changes will be visible from Willow Avenue.

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 secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; 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 district (6.1.1.RA – Residence Districts), 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.

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 addition has been designed to be compatible with the built and unbuilt surrounding area. The two-story addition on the rear façade, to include a two-story bay and roof deck, will enhance the building and make it more compatible with the surrounding neighborhood. While the rear staircase currently intrudes on the design of the façade, the style and design of the building will be maintained with the new addition.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster and Josh Safdie 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 for a Special Permit to alter a nonconforming structure under SZO §4.4.1 to remove a staircase and construct an addition at the rear of the structure. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/PIng. | | |
| | Date (Stamp Date) | | | | Submission |
| | (April 17, 2012) | | | | Initial application submitted to the City Clerk's Office |
| | November 18, 2009 (May 10, 2012) | | | | Plot plan submitted to OSPCD |
| | (May 10, 2012) | | | | 187 Willow Ave before – Existing Elevation images submitted to OSPCD |
| | February 27, 2012 (May 10, 2012) | | | | Existing Plans submitted to OSPCD (A-000, A-001, A-002 & A-003) |
| | March 28, 2012 (May 10, 2012) | | | | New Plans submitted to OSPCD (A-100, A-101 & A-102) |
| | April 24, 2012 (May 10, 2012) | | | | New Plans submitted to OSPCD (A-103, A-104, A-105 & A-106) |
| | Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | |
| 2 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | | |
| 3 | New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure. | CO | PIng. | | |
| 4 | New decorative trim between levels and architectural detailing of the bays shall match the existing trim. | CO | PIng. | | |
| 5 | 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. | | |



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (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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