



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2013-35
Site: 26 Avon Street
Date of Decision: June 5, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 6, 2012

ZBA DECISION

Applicant Name:	Theresa M. Doneghey
Applicant Address:	26 Avon Street, Somerville, MA 02143
Property Owner Name:	Theresa M. Doneghey
Property Owner Address:	26 Avon Street, Somerville, MA 02143
Agent Name:	Stephanie Moore
Agent Address:	8 Cedar Road, Andover, MA 01810

Legal Notice: Applicant/Owner Theresa M. Doneghey seek a Special Permit under SZO §4.4.1 to alter an existing 2-family nonconforming structure to add a 39 sf addition within the existing front open porch and a 35 sf addition and stairs in the rear of the property.

<u>Zoning District/Ward:</u>	RA zone / Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	May 7, 2013
<u>Date(s) of Public Hearing:</u>	June 5, 2013
<u>Date of Decision:</u>	June 5, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-35 was opened before the Zoning Board of Appeals at Somerville High School Cafeteria on June 5, 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 (1) hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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www.somervillema.gov

DESCRIPTION:

The subject property is a two-family dwelling on an approximately 3,256 square foot parcel. The structure is 2 ½ stories and approximately 2,657 net square feet with a .82 floor area ratio.

FINDINGS FOR SPECIAL PERMIT (SZO §):

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 Staff 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, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to construct a 39 square foot addition in the front of the house, enclose a rear stoop, and construct platform stairs would enable the interior of the first floor to be reconfigured without a great deal of impact to the exterior form of the house.

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 conserving the value of land and buildings.

The proposal is consistent with the purpose of the Residence A district, §6.1.1, 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 proposal has been designed to be compatible with the built and unbuilt surrounding area. The proposal will minimally enlarge the existing footprint. The addition in the front will not encroach farther into the front yard than the portion of the house on the left side of the front porch. The front porch will remain as a prominent feature of the house and will not be reduced in size as a result of the addition.

The addition in the rear is small and not very visible. There is a retaining wall along the rear of the property because the land to the south is at a higher grade and therefore the subject property's rear yard is not easily visible from these properties to the south. The abutter to the west has a fence along the property line causing the rear addition to not be easily visible from this property as well.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Danielle Evans, Elaine Severino, and Brandy Brooks. Upon making the above findings, Orsola Susan Fontano made a motion to approve the request for a Special Permit. Elaine Severino 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 Special Permit to construct a front and rear addition, and construct stairs in the rear at an existing two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Png.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(May 7, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 17, 2012 (May 30, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>February 25, 2013 (May 30, 2013)</td> <td>Proposed plot plan submitted to OSPCD</td> </tr> <tr> <td>(May 30, 2013)</td> <td>Proposed floor plans and elevations submitted to OSPCD</td> </tr> <tr> <td>April 1, 2013 (May 30, 2013)</td> <td>Landscaping plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(May 7, 2013)	Initial application submitted to the City Clerk's Office	October 17, 2012 (May 30, 2013)	Plot plan submitted to OSPCD	February 25, 2013 (May 30, 2013)	Proposed plot plan submitted to OSPCD	(May 30, 2013)	Proposed floor plans and elevations submitted to OSPCD	April 1, 2013 (May 30, 2013)	Landscaping plans submitted to OSPCD
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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	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	Png.													
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP													
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	Png.													



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Danielle Evans
Elaine Severino
Brandy Brooks (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 _____

