



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-60
Site: 54 Beacon Street
Date of Decision: September 17, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 23, 2014

ZBA DECISION

Applicant Name:	Rimma Pevzner
Applicant Address:	54 Beacon Street, Somerville, MA 02143
Property Owner Name:	Rimma Pevzner
Property Owner Address:	54 Beacon Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant & Owner, Rimma Pevzner, seeks a Special Permit under SZO §4.4.1 to alter an existing nonconforming two-family structure, which includes multiple dormers and a rear stairwell, in order to add a by-right third unit. The Applicant also seeks a Special Permit under SZO §9.5.1.a for parking relief.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1 & §9.5.1.a
<u>Date of Application:</u>	July 3, 2014
<u>Date(s) of Public Hearing:</u>	September 17, 2014
<u>Date of Decision:</u>	September 17, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-60 was opened before the Zoning Board of Appeals at Somerville City Hall on September 17, 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.



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DESCRIPTION:

The Applicant proposes to add a third unit into the existing building on the existing half-story. To create habitable space on the third floor with a code compliant staircase, two dormers (10 and 11 feet in width) will be constructed. One will be located on the nonconforming north side and the second will be at the rear of the building, also within the nonconforming setback. The floor area ratio would become 0.92 with approximately 3,000 square feet of habitable space.

Creating a third unit also requires two additional parking spaces to be located on-site. There are currently three spaces located at the rear of the building; while additional parking is not an option at this site, there will be one space per unit provided.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §9.5.1.a):

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."*

Under SZO §4.4.1, existing one- and two-family dwellings may alter a nonconformity through special permit. Therefore, alterations to create two dormers within the nonconforming setback requires Special Permit approval. In addition, under SZO §4.4.1, existing nonconforming structures other than one- and two-family dwellings, such as the proposed three-family, may only be altered through special permit approval.

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 two dormers will provide code compliant stairs and kitchen space while the footprint will not be altered.

The existing parking situation is non-conforming under SZO §9.5.1.a, as each existing unit requires two-spaces and only three currently exist. Creating a third unit requires two additional parking spaces. Locating additional parking on-site is not an option, therefore, the Applicant requests a Special Permit for parking relief for two spaces under SZO §9.13.a.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The provision of one space per unit, proximity to amenities and services, and access to public transit will ensure this third unit does not cause detriment to the surrounding neighborhood.



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; to preserve the historical and architectural resources of the City; and to encourage housing for persons of all income levels."

The proposal is consistent with the purpose of the residence C district, §6.1.3, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

The proposal for dormers and parking relief to establish an third unit is consistent with the purpose of the RC district as this will establish a three-family dwelling.

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 surrounding neighborhood is a mixed-use corridor near the Cambridge line. The west side of the street is predominantly residential while Whole Foods and Walgreens are located nearby. The 83 bus stops directly across the street.

The two dormers will provide code compliant stairs and kitchen space while the footprint will not be altered. The original gable massing along Beacon Street will still be understood and architectural features will not be negatively affected. The provision of one parking space per unit, proximity to amenities and services, and access to public transit will ensure this third unit does not cause detriment to 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.*

Nonconforming alterations and parking relief will not adversely affect the surrounding area. The alterations will maintain the front gable and parking relief will still provide one space per unit.

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

This application will not provide or affect affordable housing.

7. 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.*



<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	3
<i>Parking Spaces:</i>	3	3

This proposal complies with SomerVision through the additional unit that is provided within an area that has access to public transit, goods/services, and neighborhood amenities. The unit does not expand the existing footprint and retains the existing dwelling.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. 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 a Special Permit under SZO §4.4.1 to alter an existing nonconforming two-family structure, which includes multiple dormers and a rear stairwell, in order to add a by-right third unit & a Special Permit under SZO §9.5.1.a for parking relief. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PInG	
	Date (Stamp Date) Submission			
	(July 3, 2014) Initial application submitted to the City Clerk’s Office			
	April 23, 2014 Plot plan submitted to OSPCD (September 11, 2014)			
	April 23, 2014 Landscape plan submitted to (August 28, 2014) OSPCD			
	July 1, 2014 Existing & Proposed Elevations (August 28, 2014) submitted to OSPCD (front & right side)			
	August 10, 2014 Proposed Rear elevation (August 28, 2014) submitted to OSPCD			



	(August 28, 2014) First and second floor plans submitted to OSPCD			
	(September 11, 2014) Proposed Third floor plan submitted to OSPCD			
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.			
Pre-Construction				
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and/or drainage plans may be necessary to submit to the Engineering Department for review and approval.	BP	Eng.	
Construction Impacts				
3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
4	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	
Design				
5	The existing eaves along the right side shall be retained within the new dormer. There shall be one window located within this dormer.	CO	Plng.	
6	Will require electrical drawings showing a service upgrade, electrical drawings for lights, switches, receptacles etc as well as fire alarm.	BP	Elec.	
7	The new siding, trim, and roofing materials of the new dormers shall match or be complimentary to the existing.	CO	Plng.	
8	Should a second rear egress be necessary from the third floor, the Applicant shall work with Planning Staff to determine an appropriate solution.	BP	Plng.	
Site				
9	The Applicant shall screen the new trash area with	CO	Plng.	



	fencing/landscaping that blocks any view of the barrels.			
Traffic & Parking				
10	The Applicant shall ensure that construction vehicles are not stored on adjacent parcels and that these vehicles do not block the shared passageway.	During Construction	ISD	
11	Work resulting in noise transmission outside of the home will take place between 8 am and 6 pm Monday through Friday.	During Construction	ISD	
Public Safety				
12	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
13	Fire Prevention requires hard wired detectors for this renovation.	CO	FP	
14	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
15	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 _____

