



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

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RICHARD ROSSETTI  
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JOSH SAFDIE (ALT.)

**Case #: ZBA 2014-111**  
**Site: 2 Belmont Terrace**  
**Date of Decision: December 10, 2014**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: December 18, 2014**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Philip Kramer
<b>Applicant Address:</b>	84 Davis Avenue, Brookline, MA 02445
<b>Property Owner Name:</b>	Dorothy Suput & Will Thalheimer
<b>Property Owner Address:</b>	2 Belmont Terrace, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant, Philip Kramer, and Owner Dorothy Suput & Will Thalheimer, seek a Special Permit per SZO §4.4.1 to expand a nonconforming structure & a Variance per SZO §8.5.g to construct a 2-story side addition.

<u>Zoning District/Ward:</u>	RB zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1 & §8.5.g
<u>Date of Application:</u>	November 6, 2014
<u>Date(s) of Public Hearing:</u>	December 10, 2014
<u>Date of Decision:</u>	December 10, 2014
<u>Vote:</u>	5-0

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Appeal #ZBA 2014-111 was opened before the Zoning Board of Appeals at Somerville City Hall on December 10, 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.



**DESCRIPTION:**

The proposal is to build a two story side addition for additional living area. The first floor room will be multipurpose and used as a guest room, living area, and home office. The second floor will be used for storage and an additional office. The property owners both work from home. The existing garage will be demolished; the parking area will be relocated closer to the side lot line. There will also be a small shed placed at the back corner of the lot.

**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."*

The subject property is nonconforming on the rear yard. Per SZO §4.4.1 lawfully existing one- and two-family dwellings which are nonconforming with respect to dimensional requirements may be enlarged, expanded, renovated, or altered by Special Permit. The side addition will be aligned with the existing body of the home approximately 4.8' from the rear lot line.

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.

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; and to preserve the historical and architectural resources of the City.

The proposal is consistent with the purpose of the district, 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."

There is no parking relief necessary for this application. The home is an existing two bedroom. The parking requirement for a two bedroom is 1.5 spaces which is rounded to 2. The proposed use could be considered a 3 bedroom. The parking requirement for a 2 bedroom is also 2 spaces.

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 mix of residential building types including one-, two-, and three-family dwelling units. The property is close to Somerville Avenue and convenient to both Porter and Union Squares.



There are little to no impacts to the proposed addition. The existing garage sits closer to the rear property line than the proposed addition.

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

The project will have no impact on existing 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.*

The proposed project does not contribute to the target numbers of SomerVision but will allow a homeowner to modestly modify a property to accommodate a family.

#### **FINDINGS FOR VARIANCE (SZO §5.5.3):**

In order to grant a variance for front yard setback requirements under SZO §8.5.G, the SPGA must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The subject property is a quadrilateral shape with only one 90 degree corner. The lot is 84’ wide which is wider than most lots in Somerville but only 51’ at the left lot line and 23’ at the right lot line. The shape of the lot and the angled front lot line is a special circumstance that does not affect other properties in the zoning district that is causing a hardship. The front of the side addition is 4.3’ from the front lot line but is almost aligned with the front of the existing home which is set back over 22’. The land area of the site is not able to expand because of the private way. Setting the building back 15 feet from the front line would cause the building to have an unusable interior layout. It is atypical in Somerville to have residential properties with a conforming front setback.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant has designed a side addition that is contextual to the historic nature of the property. A three-story building is allowed in the district but additional floors would change the nature of the home as well as create shadow burdens on neighboring properties. A variance is the minimum relief necessary to keep the building in context with neighboring structures, keep the historic fabric intact, and create a usable interior floor plan.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The granting of a variance for the front yard setback would be in harmony with the general purpose of the ordinance which includes preserving the historical and architectural resources of the City. The property will continue to be used as a single family home after construction and will not have an additional impact on the surrounding neighborhood. The two story addition will not cause shadow impacts on the neighboring properties.

#### **DECISION:**



Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Herbert Foster absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit and a Variance. 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 a Special Permit and Variance to construct a 2-story side addition. 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>November 6, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(December 3, 2014)</td> <td>Modified plans submitted to OSPCD (Cover, Plot Plan, A-2 – First Floor Plan, A-3 – Second Floor Plan, A-4 – Existing South Elev, A-5 – Proposed South Elev, A-6 – Proposed Elevations, A-7 – West Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.						
<b>Pre-Construction</b>						
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/report must be submitted to the Engineering Department for review and approval.	BP	Eng.			
<b>Construction Impacts</b>						
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			
<b>Design</b>						



5	Side addition shall match or coordinate with the existing exterior finish of the home. No vinyl siding shall be used.	BP	Plng.	
<b>Site</b>				
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng/ ISD	
<b>Miscellaneous</b>				
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
9	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:

Orsola Susan Fontano  
Richard Rossetti  
Danielle Evans  
Elaine Severino  
Josh Safdie (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 \_\_\_\_\_

