



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-12
Site: 31 Irvington Road
Date of Decision: March 7, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 15, 2018

ZBA DECISION

Applicant Name: Ronald K. Taylor & Stacey D. Purviance
Applicant Address: 31 Irvington Road, Somerville, MA 02144
Owner Name: Ronald K. Taylor & Stacey D. Purviance
Owner Address: 31 Irvington Road, Somerville, MA 02144
Agent Name: n/a
Agent Address: n/a
Alderman: Katjana Ballantyne

Legal Notice: Applicant/Owners, Ronald K. Taylor & Stacey D. Purviance, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding a dormer providing head height in the stair and a bathroom to the existing 3rd floor. RA zone. Ward 7.

<u>Zoning District/Ward:</u>	RA zone. Ward 7.
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	February 2, 2018
<u>Date(s) of Public Hearing:</u>	3/7
<u>Date of Decision:</u>	March 7, 2018
<u>Vote:</u>	4-0

Appeal #ZBA 2018-12 was opened before the Zoning Board of Appeals in the Aldermanic Chambers, City Hall, 93 Highland Avenue. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The application requests the addition of a dormer to the right side of the house to allow for a bathroom and additional height in the stair to the attic level.

FINDINGS FOR SPECIAL PERMIT (SZO §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."*

Nature of Application: RA – Residential A.

The structure is currently nonconforming with respect to the following dimensional requirements:

	Required	Existing	Proposed	Notes
Minimum Lot Size (sf)	10000	3965	3965	pre-existing non-conformity
Minimum Lot Area per Dwelling	2250	1982.5	1982.5	pre-existing non-conformity
Maximum Ground Coverage	50%	39.8%	39.8%	conforming
Minimum Landscaped Area	25%	28.6%	28.6%	conforming
Floor area ratio (F.A.R.)	0.8	0.68	0.72	conforming
Maximum Height (ft)	35'	26'	26'	conforming
Maximum Height (stories)	2.5	2.5	2.5	conforming
Minimum front yard (ft)	15'	7.6'	7.6'	pre-existing non-conformity
Minimum side yards (ft): Left	17'	14.7'	14.7'	pre-existing non-conformity
Minimum side yards (ft): Right	8'	2.9'	2.9'	pre-existing non-conformity
Minimum rear yards (ft)	20'	29'	29'	pre-existing non-conformity
Minimum frontage (ft)	50'	43'	43'	pre-existing non-conformity
Minimum Pervious Area	35%	28.6%	28.6%	pre-existing non-conformity

This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[I]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5.”



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 proposal has been designed with a 2” setback from the face of the main structure to allow operable windows (3’ from the property line) and further distance from the neighboring 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 promote 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 preserve the historical and architectural resources of the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

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

Surrounding Neighborhood: The West Somerville neighborhood and Irvington Road are composed of two-family residential buildings of similar age and building type as the subject property. While only one house on the street currently has a dormer, it is not uncommon to see dormers on this building type throughout the City.

Impacts of Proposal (Design and Compatibility): The proposal has been designed with a 2” setback from the face of the main structure to allow operable windows (3’ from the property line) and further distance from the neighboring house. The proposed dormer is only the length required to provide the necessary head height for the stair and bathroom and is less than 50% of the roof ridge length.

The siding and windows are proposed to match the main body of the house. The roof of the dormer is shown as standing seam metal to drain more efficiently given the flatter slope. While the main roof is asphalt shingles, the Board recommends acceptance of the metal roof with the standard condition for material and color review added to the approval.

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.*



Impacts of Proposal (Environmental): This renovation will have no adverse environmental impacts from excessive noise, lighting, smoke, emissions, pollution, or transmissions.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Impacts of Proposal (Circulation): This renovation will not create any changes in circulation patterns for vehicles or pedestrians.

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

This renovation will have no impact on affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following: Preserve and enhance the character of Somerville’s neighborhoods, and 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. 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.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	1	1
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	0	0
<i>Estimated Employment:</i>	0	0
<i>Parking Spaces:</i>	1	1
<i>Publicly Accessible Open Space:</i>	0	0

7. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

This renovation will have no impact on affordable housing.

DECISION:

SPECIAL PERMIT (SZO §5.1)

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a **Special Permit**. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:



#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is for the attic level renovation with a dormer addition for a bathroom and increased head height for the stair. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 2, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table> <p>Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	February 2, 2018	Initial application submitted to the City Clerk's Office	BP/CO	ISD/ Planning	
Date (Stamp Date)	Submission							
February 2, 2018	Initial application submitted to the City Clerk's Office							
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Engineering					
3	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD					
4	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Planning					
5	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Planning	Deed submitted & application form signed				
6	The Applicant shall at their 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					
7	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					
8	Applicant shall provide final material samples and colors for siding, trim, roofing, and windows to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Planning					



9	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Planning	
10	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Planning	
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	The Applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Planning /OSE	
13	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	Planning	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti
Elaine Severino
Josh Safdie

Attest, by City Planner: _____
Sarah Lewis

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 _____

