



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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PLANNING DIVISION

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**Case #: ZBA 2016-145**  
**Site: 25 Ivaloo Street**  
**Date of Decision: March 1, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: March 3, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Tuesday Thomas & Can Keskin
<b>Applicant Address:</b>	12 Murdock Street, Cambridge, MA 02139
<b>Property Owner Name:</b>	Tuesday Thomas & Can Keskin
<b>Property Owner Address:</b>	12 Murdock Street, Cambridge, MA 02139
<b>Agent Name:</b>	N/A

Legal Notice: Applicants and Owners, Tuesday Thomas & Can Keskin seek a Special Permit under §4.4.1 of the SZO to substantially alter a non-conforming structure by razing the structure and rebuilding a single-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 1, 2016
<u>Date(s) of Public Hearing:</u>	2/1, 2/15 & 3/1/17
<u>Date of Decision:</u>	March 1, 2017
<u>Vote:</u>	5-0

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Appeal #ZBA 2016-145 was opened before the Zoning Board of Appeals at Somerville City Hall on February 1, 2017. 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 Applicant proposes to alter the property by demolishing the existing building and constructing a new, single-family residence. To do so, the Applicant will build off of the left side yard non-conforming setback. The Applicant proposes two-plus bedrooms and two on-site parking spaces. The proposed design will present an extended Mansard roofline and add rooftop space that will house one room and accompanying balcony.

The Applicant states that the new building will be similar in character to the existing and will be of similar scale. The new building height will be to 33' 6" only at the rooftop room. The top of the Mansard portion will be 22' 6". The Applicant states that the change in height will have no shadow impact on any of the adjacent lots.

**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 of the SZO. This section of the report goes through §5.1 in detail.

**1. Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

**1. 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."***

*Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are non-conforming 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."*

The property, with its existing structure, is currently non-conforming with regard to:

- lot area
- front yard setback
- rear yard setback
- left and right side yard setbacks
- parking

No new non-conformities would be created under the proposal.

In order to build a new structure after the demolition of an existing building, an Applicant must build off of an existing non-conformity in order to maintain the right to re-build. In this case, the Applicant proposes maintaining the left side yard setback (at 1.1 feet from the property line) and building off of a portion of the original foundation in order to construct the new, single-family dwelling.

The existing structure presents three bedrooms, which requires that two parking spaces be provided. However, the property currently only provides one on-site space.

As proposed, the project will improve or maintain all of the above-mentioned non-conformities with the exception of one: lot area, which cannot be changed.

The Applicant will maintain the left side yard setback at the existing 1.1' . Maintaining this non-conforming setback will allow the Applicant to be able to build a new structure after the existing building is razed, keeping in line with City requirements.

The front yard setback will be maintained at 8.2 feet. The rear yard setback will increase from 12.9 feet to 16.4 feet, and the right side yard setback will increase from 5.1 feet to 9.95 feet. Although these setbacks are being improved, they will still remain non-conforming.

In the RB zone, the maximum building height allowed under conforming conditions is 40 feet. The top of the existing (former) Mansard roof of the house is 22 feet. The new construction will create a Mansard roof that tops off at 22 feet as well. The additional room proposed for the top rear portion of the new roof structure will increase that portion of the building to 33 feet in height.

The existing building presents 3 bedrooms, which requires that 2.0 parking spaces be provided. Current conditions show only one on-site parking space. The Application states that there will be "two-plus" bedrooms. The Planning Office counts this as 3 bedrooms, in compliance with the SZO which defines a bedroom as "*a private room for sleeping, however named, planned, intended or used, which is separated and can be closed off from other parts of the dwelling by walls and a door.*" Three bedrooms require 2.0 on-site parking spaces which the Applicant is able to provide under the proposed plans.

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, as conditioned by the Board, 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; and to encourage the most appropriate use of land throughout the City.

The proposal is also consistent with the purposes of the RB zoning district which are "...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.

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 immediate surrounding neighborhood contains several two-story, Mansard-roofed residential structures as well as gable-fronted residential buildings from a similar period. Interspersed with these buildings is a large, brick, multi-unit apartment building on Ivaloo and a large, multi-unit, residential condo building at the intersection of Harris and Ivaloo.

Regarding the site, the Board finds that the single-family proposal is consistent with the use for this site. The proposed Mansard-"style" roofline of the replacement structure is compatible with both the existing structure to-be-razed as well as with other two-story Mansard-roofed residences along this portion of Ivaloo Street. While the proposed additional room atop the rear of the Mansard-style roof is not seen anywhere else in the immediate neighborhood, Staff finds that its size and location toward the back of the new roof will be minimally impactful on the neighborhood.

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



The proposal does not add to the City’s affordable housing stock.

6. **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 proposal contributes to SomerVision in that it improves a property in this neighborhood

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Pooja Phaltankar with Josh Safdie and Anne Brockeman absent. 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 **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to substantially alter a non-conforming structure by razing the existing structure and constructing a new, single-family residential structure in its place.	BP/CO	ISD/ Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>December 1, 2016</td> <td>Initial application submitted to city clerk’s office</td> </tr> <tr> <td>January 31, 2017</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	December 1, 2016	Initial application submitted to city clerk’s office	January 31, 2017	Updated plans submitted to OSPCD
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December 1, 2016	Initial application submitted to city clerk’s office									
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ANY changes to the approved plans, other than those changes made specifically to conform with the conditions below, must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA.										
4	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 1 <sup>st</sup> to April 1 <sup>st</sup> and there is a list of streets that have additional opening restrictions.	BP	Eng/ISD							
5	The Applicant shall present their electrical plan to lights and lines/wiring for their review and approval prior to the issuance of a Building Permit.	BP	Wiring/ISD							



6	The Applicant shall provide the Traffic & Parking Division with a plan for construction traffic management for that division's review and approval prior to the issuance of a building permit. This plan shall include delivery windows for construction equipment and materials.	BP	T&P / ISD	
	The Applicant shall present a demolition plan to the Inspectional Services Division (ISD) and shall follow that departments procedures for demolition and neighborhood notification thereof exactly.	BP	ISD	



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Pooja Phaltankar (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 \_\_\_\_\_

