



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-23
Site: 80-82 Yorktown Street
Date of Decision: May 4, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 12, 2016

ZBA DECISION

Applicant Name:	80 Yorktown , LLC
Applicant Address:	78 Yorktown Street, Somerville, MA 02144
Property Owner Name:	80 Yorktown , LLC
Property Owner Address:	78 Yorktown Street, Somerville, MA 02144
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant & Owner, 80 Yorktown LLC, seek a Special Permit to alter a nonconforming two family house to add a dormer and living space in the basement.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Date of Application:</u>	March 3, 2016
<u>Date(s) of Public Hearing:</u>	4/20 & 5/4/16
<u>Date of Decision:</u>	May 4, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2016-23 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 2016. 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



DESCRIPTION:

The proposal is to construct an 11' 5 1/2" gable dormer on the right side of the house. The dormer would supply headroom for a bathroom. The proposal also includes adding 464 square feet of living space in the basement which will be used as a living room and relocated bathroom.

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 structure is currently nonconforming with respect to the following dimensional requirements: floor area ratio, landscaped and pervious area, lot area, lot area per dwelling unit, front, and side and rear yard setbacks.

The proposal will impact the following nonconforming dimensions: floor area ratio and side yard setback. The current side yard where the dormer will be located is 4 feet, and the requirement in the district is 8 feet for a 2 ½ story house. The floor area ratio is 1.06, the proposed is 1.24. 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 "[l]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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer length will be less than 50% of the roof length and will not overwhelm the roof. It will be a gable dormer that will be a consistent style to the dormer on the left side of the house. The dormer will contain two windows that match the style of the windows on the main body of the house. The living space in the basement will provide space for a family room with no change in the bedroom count for the unit. No window wells or exterior alterations are proposed along the basement.

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.

The proposal to alter this two-family house is consistent with the purpose of the Residence B district, which is, "[t]o 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 dormer has been designed and conditioned to be consistent with the main body of the house. The additional living space in the basement will not require any exterior change to the structure and will not add additional bedrooms to the unit.

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

The units are not restricted as affordable units. The increase in living space of one of the units will make it a more expensive unit; however, it will also allow for a family room which will increase the potential for a family to live here.

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 property is in an area that is to be preserved in the SomerVision map and the proposal is not counter to the goals of preserving the existing housing stock.

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



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, 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 **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 total of 499 sf of living space in the basement and for the construction of an approx. 11 foot wide dormer. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 3, 2016</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 1, 2016</td> <td>Modified plans submitted to OSPCD (A1.00-A1.02 Floor Plans, A1.03 Elevation (with window details))</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 3, 2016	Initial application submitted to the City Clerk's Office	March 1, 2016	Modified plans submitted to OSPCD (A1.00-A1.02 Floor Plans, A1.03 Elevation (with window details))
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
Design										
2	The siding, trim, and windows on the dormer shall be the same or compatible with these features on the main house.	BP	Plng.							
Public Safety										
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Final Sign-Off										
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	Plng.							



Attest, by the Zoning Board of Appeals:

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

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 _____

