



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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Case #: ZBA # 2011-56
Site: 27 Oxford Street
Date of Decision: August 3, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 4, 2011

ZBA DECISION

Applicant Name:	Georg Lauer
Applicant Address:	17 Linden Avenue, Somerville, MA 02143
Property Owner Name:	Georg Lauer
Property Owner Address:	17 Linden Avenue, Somerville, MA 02143
Agent Name:	Ben Dryer
Agent Address:	11 Olive Square, Somerville, MA 02143

Legal Notice: Applicant and Owner, Georg Lauer, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to reduce the rear of the structure to one story, construct an approximately 500 gross square foot addition in the rear, and alter window openings on the façades of an existing single-family residence.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 5, 2011
<u>Date(s) of Public Hearing:</u>	August 3, 2011
<u>Date of Decision:</u>	August 3, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-56 was opened before the Zoning Board of Appeals at Somerville City Hall on August 3, 2011. 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 would like to make substantial renovations to the residence at 27 Oxford Street. As part of these renovations, the Applicant is proposing to reduce the rear portion of the structure to one story, add on to the rear of the structure towards the center of the lot, and alter the fenestration on the façades of the existing structure. The front door of the dwelling would be moved around to the right side and three new windows on the front would replace the existing picture and double-hung windows. The right side of the existing structure would also have new, larger windows installed along with the new entryway and associated entrance steps. The left side would continue to only have one window but it would now be located on the second story towards the front of the structure. The existing structure would also be re-sided with untreated cedar boards that will weather the color silver to replace the existing asbestos shingles and plywood. The rear addition would consist of metal siding, large windows, six skylights, and a wood deck cover by a large overhang. Most of this proposed addition would be as-of-right construction. Furthermore, as part of the overall project, an existing old wood shed, koi pond, and concrete patio in the rear of the property would all be demolished and the large amount of asphalt on the property would be removed and turned into green space.

These renovations will facilitate interior changes to the existing structure which will entirely rework the existing layout of the dwelling. The central portion of the first floor will become the entry area for the dwelling with stairs to the second floor and will also include the master bedroom with a large bathroom. The new addition in the rear would be one large area containing the living room, dining room, and kitchen for the dwelling. A small mudroom would extend off of the addition 8 feet deeper into the lot than the existing structure and a patio with a roof would extend off the east end of the addition. The second story would be renovated to allow for a bathroom, a second bedroom, and an office/third bedroom for the dwelling. The property will remain a two story, owner-occupied, single-family residential use which is consistent with the surrounding neighborhood. The total net square footage of the structure will only increase by 20 square feet from 1,640 to 1,660.

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."

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 providing for and maintaining "the uniquely integrated structure of uses in the City; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."



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The proposal is consistent with the purpose of the district (6.1.1. RA - Residence Districts), 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."

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to reduce the rear portion of the structure to one story, add on to the rear of the dwelling towards the center of the lot, and alter the fenestration on the façades of the existing structure. Most of the proposed addition would be as-of-right construction. The renovations to the existing dwelling and the addition will either add or retain windows on the visually prominent portions of the building. As part of the project, the Applicant will also be removing the concrete patio and all pavement on the site to turn these areas into additional green space. The area required for the necessary two parking spaces will consist of pervious pavers which will also contribute to stormwater percolation on the property. The Applicant is only extending the existing footprint of the structure 8 feet deeper into the lot within the required left side yard setback. While the proposed design moves the existing front door around to the right side of the structure, the property will still retain a very inviting feeling from the streetscape with the proposed fenestration on the front façade and the walkway from the new front door which leads the sidewalk. It should also be noted that the walk from the front door to the sidewalk will be through a garden area and not through a parking area, which is a much more appealing experience. Furthermore, even though the proposed design is quite modern, which differs from the structures in the surrounding area, much of the addition can actually be constructed as-of-right. This design of the structure retains building's basic form, faces the street with a gable end, and provides interest and contrast to the site. The addition is also setback from the streetscape and is so different in its nature from the existing building that someone could not mistake this portion of the structure as being part of the original form of the dwelling. The property will remain a two story, owner-occupied, single-family residential use which is consistent with 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.

No adverse environmental impacts are anticipated from this project. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The Applicant will also be removing the concrete patio and all pavement on the site to turn these areas into green space. The area required for the necessary two parking spaces will consist of pervious pavers which will also contribute to stormwater percolation on the property. The structure will remain a two story, single-family dwelling and will continue to be used for residential purposes.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to reduce the rear of the structure to one story, construct an approximately 500 gross square foot addition in the rear, and alter window openings on the façades of an existing single-family residence. 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>(July 5, 2011)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>August 2, 2011 (July 15, 2011)</td> <td>Plot Plan – Existing Conditions</td> </tr> <tr> <td>July 14, 2011 (July 15, 2011)</td> <td>Plot Plan – Proposed</td> </tr> <tr> <td>July 15, 2011 (July 15, 2011)</td> <td>Existing and Proposed Site Plans – L0.0 and L0.1</td> </tr> <tr> <td>July 15, 2011 (July 15, 2011)</td> <td>Floor Plans and Elevations – A1.1, A2.1, and A2.2</td> </tr> <tr> <td>July 15, 2011 (July 15, 2011)</td> <td>Perspectives and Elevations (Color)</td> </tr> </tbody> </table> <p>Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(July 5, 2011)	Initial application submitted to the City Clerk’s Office	August 2, 2011 (July 15, 2011)	Plot Plan – Existing Conditions	July 14, 2011 (July 15, 2011)	Plot Plan – Proposed	July 15, 2011 (July 15, 2011)	Existing and Proposed Site Plans – L0.0 and L0.1	July 15, 2011 (July 15, 2011)	Floor Plans and Elevations – A1.1, A2.1, and A2.2	July 15, 2011 (July 15, 2011)	Perspectives and Elevations (Color)	BP/CO	ISD/PIng.	
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July 15, 2011 (July 15, 2011)	Perspectives and Elevations (Color)																	
2	The Applicant shall meet the Fire Prevention Bureau’s requirements.	CO	FP															
3	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															
4	The pavers for the parking area shall be pervious.	CO	PIng.															



5	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.	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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