



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

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Case #: ZBA # 2012-56
Site: 30 Wallace Street
Date of Decision: December 12, 2012
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 21, 2012

ZBA DECISION

Applicant Name:	Peter Heller
Applicant Address:	30 Wallace Street, Somerville, MA 02144
Property Owner Name:	Peter Heller
Property Owner Address:	30 Wallace Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant and Owner Peter Heller seeks a Special Permit under SZO §4.4.1 to make façade alterations to the existing nonconforming single-family structure and to convert the existing attached garage into living space.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 3, 2012
<u>Date(s) of Public Hearing:</u>	8/1, 8/15, 9/5, 9/19, 10/3, 10/17, 11/7
<u>Date of Decision:</u>	December 12, 2012
<u>Vote:</u>	5-0

Appeal #ZBA 2012-56 was opened before the Zoning Board of Appeals at Somerville City Hall on August 1, 2012. 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.



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DESCRIPTION:

The existing single-family dwelling has an attached cement block garage used for storage. The proposal would demolish the existing garage and add a new addition with a bedroom and bathroom. The exterior of the addition will match the existing structure. The new addition will have one window on the rear side of the bathroom, and two windows on the rear side of the bedroom. The front side of the bedroom will have three windows. The existing garage is 9 feet 9 inches tall, and the addition will increase in height to a peak of 17 feet. By comparison, the roof of the main existing structure is 23 feet and 3 inches. The roof of the addition will have dark asphalt shingles to match the existing roof. The new addition will be rectangular in shape, unlike the existing trapezoid-shaped garage, which is situated closer to left and rear property lines. The existing first floor bathroom and rear porch will be converted into a new family room. The first floor office, kitchen, dining room, living room, and laundry room will remain in the same locations with a few alterations. A new egress with two glass doors and concrete stairs with natural stone treads will be added from the dining room on the left side of the existing structure. Currently there is a single occupant in the existing structure, but after the renovation there will be four members of the family residing in the house. The Applicant is also proposing to renovate the enclosed front porch and decrease its width from 10.9 feet to 9.7 feet. The porch will have white wood trim and infill panels painted to match existing clapboard. Above the porch will be new hardiplank clapboard painted pale yellow to match the primary color of the existing structure. Other changes include a new driveway with rows of permeable pavers which will accommodate two parking spots. The existing curbcut location will remain unchanged. A chain link fence in the front yard will be replaced with new low dry stacked stone garden wall, and a new shrub and perennial garden will be planted in the front yard.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §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."

In considering a Special Permit under §4.4 of the SZO, the Board finds that the façade alterations and bedroom addition would not be substantially more detrimental to the neighborhood than the existing structure. The design of the addition is in harmony with the existing structure, and would be an improvement compared to the existing cement block garage. The new addition will also be located farther away from the rear and left side property lines, which will decrease the nonconformance of the existing structure. Other site plan work to replace a chain link fence with a new, low dry stacked stone garden wall and to plant a new shrub and perennial garden, will beautify the existing property. Therefore, the suite of proposed alterations will enhance the property and the existing building. The property will remain a 1½ story, single-family residential use which is consistent with the surrounding neighborhood.

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; 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 encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels."



The proposal is also 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 neighborhood. The design of the addition is in harmony with the existing structure, and it would be an improvement compared to the existing cement block garage. Therefore, the proposed addition will not only be compatible with the other houses in the surrounding area, but it will also be an enhancement compared to the existing structure. The new addition will also be located farther away from the rear and left side property lines, which will make the addition less obtrusive to abutting neighbors than the existing garage. Additionally, because the new addition is approximately the same size as the existing garage, the proposed project should not greatly impact the amount of sunlight being received by surrounding structures or limit the views from abutting properties. Other site plan work to replace a chain link fence with a new low dry stacked stone garden wall and to plant a new shrub and perennial garden, will beautify the existing property. These additions/changes are compatible with other well-maintained yards in the neighborhood and will enhance the streetscape of the surrounding area.

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 proposal. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the project. The property will remain a 1½ story, single-family residential use which is consistent with the surrounding neighborhood.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 for a Special Permit to alter a nonconforming structure under SZO §4.4.1 to make façade alterations and to convert a garage into living space. 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 3, 2012)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>April 24, 2012 (July 16, 2012)</td> <td>Certified Plot Plan</td> </tr> <tr> <td>July 3, 2012 (July 16, 2012)</td> <td>Site Plan – Existing and Proposed</td> </tr> <tr> <td>July 3, 2012 (July 16, 2012)</td> <td>Floor Plan – Existing and Proposed</td> </tr> <tr> <td>July 2, 2012 (July 16, 2012)</td> <td>Front, Rear, and Side Elevations</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 3, 2012)	Initial application submitted to the City Clerk’s Office	April 24, 2012 (July 16, 2012)	Certified Plot Plan	July 3, 2012 (July 16, 2012)	Site Plan – Existing and Proposed	July 3, 2012 (July 16, 2012)	Floor Plan – Existing and Proposed	July 2, 2012 (July 16, 2012)	Front, Rear, and Side Elevations	BP/CO	ISD/PIng.	
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2	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													
3	A code compliant fire alarm system and carbon monoxide detectors shall be in place.	CO	FP													
4	New siding type and color, trim, and materials of the renovated enclosed front porch and the new bedroom addition shall match that of the existing structure.	CO	PIng.													



5	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	
6	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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino (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 _____

