



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

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RICHARD ROSSETTI
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2013-01
Site: 5-7 Wilson Avenue
Date of Decision: February 20, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 27, 2013

ZBA DECISION

Applicant Name:	Christopher Antonelli
Applicant Address:	7 Wilson Avenue, Somerville, MA 02145
Property Owner Name:	Christopher Antonelli
Property Owner Address:	7 Wilson Avenue, Somerville, MA 02145
Agent Name:	Scott Evans
Agent Address:	15 Edmands Street, Somerville, MA 02145

Legal Notice: Applicant and Owner, Christopher Antonelli, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to modify an existing rear addition which includes heightening the rear gable and constructing a shed dormer on the left side of an existing two-family residence.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	January 8, 2013
<u>Date(s) of Public Hearing:</u>	February 20, 2013
<u>Date of Decision:</u>	February 20, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-01 was opened before the Zoning Board of Appeals at Somerville City Hall on February 20, 2013. 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:

Applicant and Owner, Christopher Antonelli, seeks a Special Permit to alter a nonconforming structure to modify an existing rear addition which includes heightening the rear gable and constructing a shed dormer on the left side of an existing two-family residence.

The subject building has several additions located on the left side and at the rear of the structure as well as first and second story rear decks. A 2½ story gable addition is located directly behind the main massing, and has a two story enclosure on the left side. There is also a two story projecting bay addition located on the left side elevation.

The Applicant proposes to raise the rear gable to be consistent in height with the main gable roof and to construct a shed dormer on the left side rear roof plane. The dormer would be 13'-6" in length and would be located almost two feet from the gable edge with two small 2' wide windows. Heightening the gable and creating a dormer will enlarge the net floor area of the half-story by approximately 100 square feet. The additional interior space will create room for a bathroom and enlarge the rear bedroom. Staff has requested for the Applicant to move the dormer toward the center of the roof to create three feet between the rear gable edge and the dormer, which maintains a bedroom width of 7'; however, the Applicant prefers the proposed dormer location in order to make best use of the additional habitable space.

Modifications to the rear addition also include demolishing the existing first and second story rear decks which would be replaced by an exterior staircase with access to the first and second stories. The existing first story deck extends 6" beyond the rear property line; however, the proposed exterior stair would be less detrimental to the adjoining property as there would be 1'-10.5" between the property line and the proposed staircase. Additionally, a door, centrally located on the rear façade, will be relocated to the left corner, where the proposed exterior stair will have access to the first floor.

3. **Nature of Application:** The structure is currently nonconforming with respect to several dimensional requirements including minimum lot size, right side yard setback and rear yard setback. In accordance with the Somerville Zoning Ordinance §4.4.1, the alteration of a nonconformity requires Special Permit approval. Currently, the right side yard setback varies from 1.8' to 4.4' at the rear of the lot. There is currently no rear yard setback as the existing first story deck extends 6" beyond the property line, abutting the adjacent commercial building. Therefore, the proposal to modify the existing rear addition requires Special Permit approval.

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. The design to modify the rear gable addition would result in a more cohesive and visually appealing structure since the expansion of the rear half-story will integrate some of additions under one continuous roofline. There are no character defining features located at the rear of the building; however, moving the dormer to create three feet between the gable edge and the dormer will more appropriately retain the original gable. Additionally, demolishing the existing rear decks and constructing an



exterior stair will be less detrimental to the adjacent structure since there will be 1'-10.5" between the staircase and the property line, and the existing first story deck extends six inches beyond the property line.

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 protect health; 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; and to encourage housing for persons of all income levels."

The proposal is consistent with the purpose of the Residence B district, §6.1.2, which is, "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 proposal to modify an existing rear addition, which includes heightening the rear gable and constructing a shed dormer on the left side, has been designed to be compatible with the built and unbuilt surrounding area. While moving the dormer slightly will better retain the rear gable edge of the roof, the design to modify the rear gable addition would result in a more cohesive and visually appealing structure since the expansion of the rear half-story will integrate some of additions under one continuous roofline.

Additionally, the proposed modifications to the rear gable addition are part of a larger renovation. The Applicant will be altering the interior floor plan as well as updating the heating system. New siding and a new roof will also be installed, simultaneous to the proposed project. The visual impact of the combined alterations will enhance the Wilson Avenue streetscape and help revitalize the neighborhood.



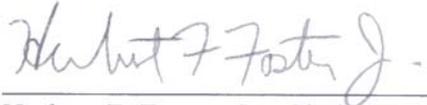
DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. 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:

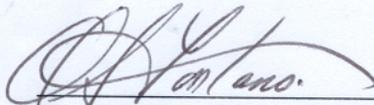
#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	<p>Approval is for a Special Permit to alter a nonconforming structure under SZO §4.4.1 to modify an existing rear addition which includes heightening the rear gable and constructing a shed dormer on the left side of an existing two-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>January 8, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 28, 2012 (February 13, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>November 20, 2012 (February 13, 2013)</td> <td>Plans submitted to OSPCD (A-1.0, D-1.1, A-1.1, A-1.2 & A-1.3)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	January 8, 2013	Initial application submitted to the City Clerk's Office	March 28, 2012 (February 13, 2013)	Plot plan submitted to OSPCD	November 20, 2012 (February 13, 2013)	Plans submitted to OSPCD (A-1.0, D-1.1, A-1.1, A-1.2 & A-1.3)	BP/CO	ISD/PIng.	
Date (Stamp Date)	Submission											
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2	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground);	Final sign off	Wiring Inspector									
3	The proposed dormer shall be moved to create three feet between the gable edge and the dormer;	Final sign off	PIng.									
4	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure;	Final sign off	PIng									
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
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	PIng.									



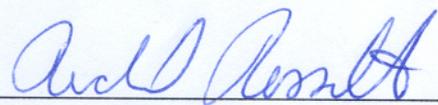
Attest, by the Zoning Board of Appeals:



Herbert F. Foster, Jr., Chairman



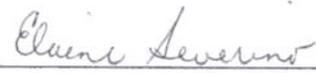
Orsola Susan Fontano, Clerk



Richard Rossetti



Danielle Evans



Elaine Severino, (Alt.)

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 _____

