



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

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Case #: ZBA 2015-57
Site: 87 Bay State Avenue
Date of Decision: September 2, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: September 14, 2015

ZBA DECISION

Applicant Name:	Patrick Cooleybeck
Applicant Address:	87 Bay State Avenue, Somerville, MA 02144
Property Owner Name:	Patrick & Sarah Cooleybeck
Property Owner Address:	87 Bay State Avenue, Somerville, MA 02144
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant, Patrick Cooleybeck, & Owners, Sarah & Patrick Cooleybeck, seek a Special Permit under SZO §4.4.1 to enlarge a rear porch.
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<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 30, 2015
<u>Date(s) of Public Hearing:</u>	September 2, 2015
<u>Date of Decision:</u>	September 2, 2015
<u>Vote:</u>	4-0

Appeal #ZBA 2015-57 was opened before the Zoning Board of Appeals at Somerville City Hall on September 2, 2015. 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:

The proposal is to rebuild the porch with a slightly larger footprint and a third floor. The first two floors of the porch would be the same width and would be two feet deeper (17 feet 8 inches by 8 feet). There is a 3.5 projection at the first level to provide stairs to the ground. The third floor would have a slightly smaller size so that the railings do not project beyond the roofline of the house.

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 dimensional requirements, including right side yard setback. The proposed porch will be slightly larger than the existing porch which is in the side yard setback. The existing porch is 4 feet to the side property line and 24 feet to the rear property line. The proposed porch is 4 feet to the side property line and 22 feet to the rear property line. The required setbacks are 7 feet 2 inches for the side yard and 18 feet 9 inches for the rear yard with the reductions allowed for the lot being narrow and shallow. 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. There is an existing two-story porch at this property and the proposed porch will only be slightly larger. The rear yard will continue to be conforming.

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 maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the district, which is, "[t]o 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." The porch expansion will improve the usability of it and retain a compliant rear yard.

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."*



Many of the houses in the neighborhood have two- and three-story rear porches. The proposed porch will not be out of character with traditional rear porches. The third floor was also designed to be smaller than the floors below so that the railings do not project beyond the roofline of the house.

The improvements to the two-family dwelling will not significantly impact the affordability of it.

5. **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.*

This property is marked as an area to conserve and the proposal meets this goal.

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

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie and Anne Brockelman with Richard Rossetti and Elaine Severino absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Josh Safdie seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>July 30, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 30, 2015</td><td>Plans submitted to OSPCD (floor plan, rear/west elevation, north elevation, south elevation)</td></tr><tr><td>March 17, 2003</td><td>Plans submitted to OSPCD (Plot plan)</td></tr></table>				Date (Stamp Date)	Submission	July 30, 2015	Initial application submitted to the City Clerk's Office	July 30, 2015	Plans submitted to OSPCD (floor plan, rear/west elevation, north elevation, south elevation)	March 17, 2003	Plans submitted to OSPCD (Plot plan)
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March 17, 2003	Plans submitted to OSPCD (Plot plan)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												



2	An exterior light and electrical receptacle is required for the first level of the porch and electrical receptacles are required for the upper levels of the porch.	Final sign off	Wiring Inspector	
Final Sign-Off				
3	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*
Danielle Evans
Josh Safdie
Anne Brockelman, (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.
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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 _____

