



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)

**Case #: ZBA 2015-77**  
**Site: 11 George Street**  
**Date of Decision: December 9, 2015**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: December 17, 2015**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Elio LoRusso
<b>Applicant Address:</b>	11 George Street, Somerville, MA 02145
<b>Property Owner Name:</b>	LoRusso Family Irrevocable Trust
<b>Property Owner Address:</b>	11 George Street, Somerville, MA 02145
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Elio LoRusso, and Owner, LoRusso Family Irrevocable Trust, seeks a Special Permit to alter a nonconforming 2-family under SZO §4.4.1 to add an approx. 230 sf side addition and 120 sf side porch and enclose the second floor of a rear porch.
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<u>Zoning District/Ward:</u>	RB zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 16, 2015
<u>Date(s) of Public Hearing:</u>	11/4, 11/18 & 12/9/15
<u>Date of Decision:</u>	December 9, 2015
<u>Vote:</u>	5-0

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Appeal #ZBA 2015-77 was opened before the Zoning Board of Appeals at Somerville City Hall on November 4, 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.



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**DESCRIPTION:**

The proposal is to construct an addition on the second floor of the house over the side driveway. The addition would add 230 square feet of living space and a 120 square foot open deck. The proposal also includes enclosing the second floor rear porch that is 184 square feet. The purpose of the proposal is to add living space for the second floor unit.

**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: lot area, landscaped area, pervious area, front yard setback, and left side yard setback. The use of the rear building is nonconforming as an iron works shop in a Residence B district.

The proposal will impact the following nonconforming dimensions: front yard setback and left side yard setback. The current front yard setback is seven feet and the proposed second floor addition will be nine feet from the front lot line. The requirement is 15 feet with a reduction allowed if nearby structures have shallow front yards; however, the reduction does not allow structures to be closer than 10 feet to the front property line. The rear porch is setback 4 feet from the left side property line. The required side yard setback is 8 feet. The proposal includes extending the second floor of the rear porch to be eight feet deep and enclosing it. These alterations 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 to the side of the structure would not be substantially more detrimental to the neighborhood than the existing structure. This is an unusual condition for a house in the city to have an addition with no structure below it; however, the project would be by right if it was moved back two feet. The details incorporated into the revised plans improve the appearance and may not be executed if the project is by-right. The details and alterations to the plan include the following: The side addition will be setback two feet from the front of the house, which will make it a secondary mass on the house and less prominent. A double glass door with a Juliet balcony was added to the front of the addition to add visual interest to this portion of the building. The support columns were increased in size and will be made out of brick to balance the scale of massing that they are supporting. Decorative brackets and a gate for the driveway below add detailing to the addition to make it appear less boxy and more connected to the proposed columns and garden fence. In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed to enclose the second floor of the rear porch would not be substantially more detrimental to the neighborhood than the existing structure. The Zoning Board of Appeals usually does not recommend enclosure of porches as they provide a



transitional space between the public outdoor space and interior space, however, this proposal will not be visible from the street and the enclosure is not close to another house.

With the proposed alterations the floor area ratio will reach 1.0, which is the maximum floor area ratio allowed.

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 a two-family house is consistent with the purpose of the 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 surrounding area is mostly residential with varying number of units from single to multifamily homes. Many of the structures cover a large portion of the lots on which they sit.

The Board finds that the design of the side addition is compatible with the characteristics of the surrounding area as detailed in finding 2.

The Board finds that the design of the rear porch enclosure is compatible with the surrounding area. Enclosing rear porches is not uncommon and the enclosure will not be visible from the street.

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

The second floor unit will be more expensive with a renovation; however, the units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

6. 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 in altering a two-family house. The form of the side addition; however, is not found to preserve the character of the neighborhoods as described in finding 2.

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



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockelman with Danielle Evans absent. 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 the enclosure of the 2 <sup>nd</sup> story of the rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>September 16, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(Oct 22, 2015)</td><td>Modified plans submitted to OSPCD Proposed Plot Plan Rear)</td></tr><tr><td>(Dec 2, 2015)</td><td>Modified plans submitted to OSPCD (Sheet 1 front &amp; side elevations &amp; floor plan, Sheet 2 front ortho view, Sheet 3 rear ortho view)</td></tr></table>				Date (Stamp Date)	Submission	September 16, 2015	Initial application submitted to the City Clerk's Office	(Oct 22, 2015)	Modified plans submitted to OSPCD Proposed Plot Plan Rear)	(Dec 2, 2015)	Modified plans submitted to OSPCD (Sheet 1 front & side elevations & floor plan, Sheet 2 front ortho view, Sheet 3 rear ortho view)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The siding on the side and rear porch enclosure shall match in material and color or be a complimentary color to the color of the main house.	Final sign off	Plng.									
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*  
Richard Rossetti, *Clerk*  
Elaine Severino  
Josh Safdie  
Anne Brockelman, (Alt.)

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies 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 \_\_\_\_\_

