



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

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Case #: ZBA 2016-84
Site: 19 Granite Street
Date of Decision: August 17, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: August 25, 2016

ZBA DECISION

Applicant Name:	David Adamczyk
Applicant Address:	19 Granite Street, Apt. R, Somerville, MA 02143
Property Owner Name:	David Adamczyk
Property Owner Address:	19 Granite Street, Apt. R, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and owner David Adamczyk seeks to alter a nonconforming structure under 4.4.1 to increase FAR, add a half story over a flat roof and dormers within side yard setback.
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<u>Zoning District/Ward:</u>	RB zone/Ward 2
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	July 13, 2016
<u>Date(s) of Public Hearing:</u>	August 17, 2016
<u>Date of Decision:</u>	August 17, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2016-84 was opened before the Zoning Board of Appeals at Somerville City Hall on August 17, 2016. 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 a total renovation of the upstairs unit (#2) including two dormers, extending the roof pitch to the rear of the structure, adding a bedroom and bath in the addition. The FAR will go from 1.02 to 1.1.

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 proposed project will increase the nonconformity of the structures FAR and left side setbacks. The FAR will go from 1.02 to 1.11 currently the structures left side yard is 1'7" and will remain thus. A new dormer on the left side will be within the left yard setback. Additionally a second means of egress will be added to the front of the building for better access to stairways.

3. Consistency with Purposes: The proposed project conforms with the RB purpose 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. While the lot is currently nonconforming regarding the unit count, more housing is not being proposed, only structural changes to allow for more living space for a growing family.

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 neighborhood consists mainly of two and three family structures with pitched or flat roofs. The proposed design is harmonious with the surrounding context

5. Adverse environmental impacts: *None*

6. Vehicular and pedestrian circulation: *None*

6. Fast food establishments: *N/A*

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

8. 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.

N/A

9. Impact on Affordable Housing: N/A

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie and Anne Brockelman voting 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								
	<p>Approval is for the extension of the main roof and dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>7-18-2016</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>7-18-2016</td><td>Modified plans submitted to OSPCD (page numbers)</td></tr><tr><td></td><td>Modified plans submitted to OSPCD (page numbers)</td></tr></table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	7-18-2016	Initial application submitted to the City Clerk's Office	7-18-2016	Modified plans submitted to OSPCD (page numbers)		Modified plans submitted to OSPCD (page numbers)	BP/CO	ISD/Plng.	
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Misc												
1	Final materials shall be approved by staff	BP	PLNG									
2	Applicants shall make best efforts to improve lot permeability and landscaping	Cont.	PLNG									
3	New addition shall conform to building code prior to issuance of a building permit	BP	ISD									

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 _____

