



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

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ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2015-92
Site: 103 Kidder Avenue
Date of Decision: January 20, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 3, 2016

ZBA DECISION

Applicant Name:	KTA Construction, LLC
Applicant Address:	7 Gemma Drive, Peabody, MA 01960
Property Owner Name:	KTA Construction, LLC
Property Owner Address:	7 Gemma Drive, Peabody, MA 01960
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant & Owner, KTA Construction, LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family to add dormers and inc the floor area ratio.
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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>	October 5, 2015
<u>Date(s) of Public Hearing:</u>	January 20, 2016
<u>Date of Decision:</u>	January 20, 2016
<u>Vote:</u>	5-0

Appeal #ZBA 2015-92 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 one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to add a dormer to the right side of the house. The dormer will allow for the addition of a bathroom and expansion of a bedroom on the third floor. The proposal also includes expanding the living space into the basement to add a family room and bathroom. The number of bedrooms in each unit, two and three, are not changing.

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, floor area ratio (FAR), front yard setback, and right side yard setback.

The proposal will impact the following nonconforming dimensions: right side yard setback and floor area ratio. The current side yard setback is 5 feet and the dormer will be 5.3 feet to the property line. The requirement in the district is 8 feet. The floor area ratio is currently just over the maximum FAR at 0.82 (a change in architect resulted in a slightly different floor area number). The proposal is to increase the FAR to 0.94. The maximum allowed in the district is 0.75. 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 would not be substantially more detrimental to the neighborhood than the existing structure. The dormer will be located behind an existing shed dormer where it will be less visible than it was located in different location. The dormer length will be less than 50% of the length of the roof keeping the third floor to a half story. is sympathetic to the main structure. The siding will match that on the house and windows are proposed that match the style of the windows on the main body of the house. The windows are evenly spaced along the dormer so that there is not a blank wall. The additional living space in the basement to add a living space and bathroom for a unit will not require any exterior alterations and will likely not be impactful to neighbors.

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 I, 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 maintain the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal to alter a two-family house 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.”

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 basement living space will not require any exterior alterations. The dormer will be setback behind an existing shed dormer where it will be less visible than it would be in another location. The proposal includes two windows that are spaced evenly along the main wall of the dormer. These windows match in size and style to the window on the existing dormer. The dormer siding must also match that on the existing dormer. Finally, the eave of the house cannot be disrupted for the dormer installation.

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

The units will be more expensive with a renovation and addition. 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.

7. 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.*

A small alteration to a two-family house in an area of the City that is to be conserved is not counter to the goals of SomerVision.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	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 addition of a dormer and livable space in the basement. 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>Jun 3, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Aug 28, 2015</td><td>Plans submitted to OSPCD (plan of land)</td></tr><tr><td>Jan 6, 2016</td><td>Modified plans submitted to OSPCD (A-020 Site Plan, A-021 FAR floor plans, EX-100 existing floor plans, EX-101 existing elevations, A-100 basement & 1st floor plans, A-101 2nd & 3rd floor/roof plans, A-300 exterior elevations, A-910 Partition Types, AV-1 Axonometrics)</td></tr></table>				Date (Stamp Date)	Submission	Jun 3, 2015	Initial application submitted to the City Clerk's Office	Aug 28, 2015	Plans submitted to OSPCD (plan of land)	Jan 6, 2016	Modified plans submitted to OSPCD (A-020 Site Plan, A-021 FAR floor plans, EX-100 existing floor plans, EX-101 existing elevations, A-100 basement & 1 st floor plans, A-101 2 nd & 3 rd floor/roof plans, A-300 exterior elevations, A-910 Partition Types, AV-1 Axonometrics)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The dormer siding must also match that on the existing dormer. The eave of the house cannot be disrupted for the dormer installation.	BP	Plng.									
3	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									

4	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	
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
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.

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 _____

