



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2015-75
Site: 32 Lexington Avenue
Date of Decision: November 4, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 13, 2015

ZBA DECISION

Applicant Name:	Fariba Abbasi & Michael Lagasse
Applicant Address:	14 Chamberlain Road, Newton, MA 02458
Property Owner Name:	Fariba Abbasi & Michael Lagasse
Property Owner Address:	14 Chamberlain Road, Newton, MA 02458
Agent Name:	N/A
 <u>Legal Notice:</u>	 Applicant/Owners, Fariba Abbasi & Michael Lagasse, seek a Special Permit under SZO §4.4.1 to alter a nonconforming 2-family to add living space in the basement.
 <u>Zoning District/Ward:</u>	 RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	September 17, 2015
<u>Date(s) of Public Hearing:</u>	10/21 & 11/4/15
<u>Date of Decision:</u>	November 4, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2015-75 was opened before the Zoning Board of Appeals at Somerville City Hall on October 21, 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
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal is to finish 830 square feet of the basement to add a bedroom, bathroom and family room to the first floor unit. The finished ceiling height will be 7 feet 6 inches. Existing basement windows will be enlarged.

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, lot area per dwelling unit, side yard setback, and floor area ratio.

The proposal will impact the nonconforming floor area ratio. The current dimension is 0.93, the proposal is 1.16, and the requirement in the district is 0.75. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). The basement window alterations will be on the portion of the house that complies with setbacks.

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 alterations will be minimally impactful to the appearance of the building as change in height of some of the basement windows will be the only exterior alterations. The previous parking requirement was 3.5 which rounds up to 4 and the current proposal has a parking requirement of 4; therefore, no additional parking is required.

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 maintain the uniquely integrated structure of uses in the City and purpose of the RA district in altering this two-family home

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 proposed window alteration in the front of the house will be visible from the street; however, the window will fit within the basement foundation and not create an unusual condition in the front of the house.

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



The increase in living space of one of the units will make it a more expensive unit; 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. The additional bedroom in one of the units will make it more viable for a family to live here, which is another housing type desired in the city.

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.*

The property is in an area that is to be preserved in the SomerVision map. A two-family house is a building type that fits in with the preservation goal.

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



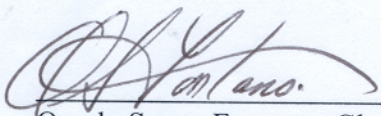
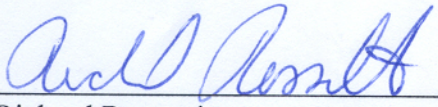

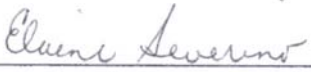
DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans , Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie 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 to increase the net floor area by 830 sf in the basement and for window alterations 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>Sept 17, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 10, 2015</td><td>Modified plans submitted to OSPCD (A1.1-1.3 floor plans)</td></tr><tr><td>Oct 26, 2015</td><td>Modified plans submitted to OSPCD (A1.0 existing and proposed basement plan, SKA-1 front bay and driveway elevations)</td></tr><tr><td>Oct 20, 2015</td><td>Plan submitted to OSPCD (Plot Plan)</td></tr></table>				Date (Stamp Date)	Submission	Sept 17, 2015	Initial application submitted to the City Clerk's Office	July 10, 2015	Modified plans submitted to OSPCD (A1.1-1.3 floor plans)	Oct 26, 2015	Modified plans submitted to OSPCD (A1.0 existing and proposed basement plan, SKA-1 front bay and driveway elevations)	Oct 20, 2015	Plan submitted to OSPCD (Plot Plan)
	Date (Stamp Date)				Submission									
	Sept 17, 2015				Initial application submitted to the City Clerk's Office									
	July 10, 2015				Modified plans submitted to OSPCD (A1.1-1.3 floor plans)									
	Oct 26, 2015				Modified plans submitted to OSPCD (A1.0 existing and proposed basement plan, SKA-1 front bay and driveway elevations)									
Oct 20, 2015	Plan submitted to OSPCD (Plot Plan)													
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.														
2	The smoke detectors in the entire residential unit must be hardwired.	Final sign off	FP											
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*
Danielle Evans
Elaine Severino
Josh Safdie


Orsola Susan Fontano, Clerk
Richard Rossetti
Danielle Evans
Elaine Severino, (Alt.)
Josh Safdie (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 _____

