



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 2015-102
Site: 19 Spring Hill Terrace
Date of Decision: December 9, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 17, 2015

ZBA DECISION

Applicant Name:	Jeffrey W. Johannes & Cassandra Johannes
Applicant Address:	19 Spring Hill Terrace, Somerville, MA 02143
Property Owner Name:	Jeffrey W. Johannes & Cassandra Johannes
Property Owner Address:	19 Spring Hill Terrace, Somerville, MA 02143
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144
<u>Legal Notice:</u>	Applicants & Owners, Jeffery W. Johannes & Cassandra Johannes, seek a Special Permit under SZO §4.4.1 to alter a nonconforming single-family house to add living space in the basement*.
<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 5, 2015
<u>Date(s) of Public Hearing:</u>	December 9, 2015
<u>Date of Decision:</u>	December 9, 2015
<u>Vote:</u>	4-0

*The additional living space is proposed to be in the attic, not in the basement.

Appeal #ZBA 2015-102 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on December 9, 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 approximately 300 square feet of living space in the attic. The attic will be used as a home office. No exterior changes are proposed.

FINDINGS FOR SPECIAL PERMIT (SZO §):

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, front and side yard setbacks, and street frontage.

The proposal will impact the nonconforming floor area ratio. The current dimension is 0.807, the proposal is 0.943, 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).

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 additional floor area will be in the existing attic space and the exterior of the building will not change. The house will remain a single-family house. The number of bedrooms will not change. If the proposed office space on the third floor was used as a bedroom to make a five bedroom house, the parking requirement would not change from the current two parking space requirement.

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 single-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 proposal has been designed to not require exterior alterations to the house. Adding approximately square feet of additional living space to a 1,713 square foot single-family house is compatible with the neighborhood.



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

The increase in living space of the house will make it more expensive; however, the house is not restricted as an affordable unit. The additional living space will make the house 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 conserved in the SomerVision map. A single-family house is a building type that fits in with the conservation goal and also the policy of allowing neighborhood properties to adapt and change to meet the needs of residents, while respecting the character of the neighborhood.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Dwelling Units:</u>	1	1



DECISION:

Present and sitting were Members Orsola Susan Fontano, Elaine Severino, Josh Safdie and Anne Brockelman with Richard Rossetti and Danielle Evans absent. Upon making the above findings, Elaine Severino 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 addition of approximately 300 sf of living space in the attic. 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>November 5, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>November 5, 2015</td><td>Plans submitted to OSPCD (A101 Existing floor plans, A102 Proposed floor plans,)</td></tr><tr><td>June 30, 2015</td><td>Plans submitted to OSPCD (mortgage inspection plan)</td></tr></table>				Date (Stamp Date)	Submission	November 5, 2015	Initial application submitted to the City Clerk's Office	November 5, 2015	Plans submitted to OSPCD (A101 Existing floor plans, A102 Proposed floor plans,)	June 30, 2015	Plans submitted to OSPCD (mortgage inspection plan)
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June 30, 2015	Plans submitted to OSPCD (mortgage inspection plan)											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
Final Sign-Off												
2	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*
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 _____

