



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE, MAYOR

MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
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ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA 2008-72
Site: 29 Ames Street
Date of Decision: January 21, 2009
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 23, 2009

ZBA DECISION

Applicant Name:	Nancy Roach
Applicant Address:	29 Ames Street, Somerville, MA 02145
Property Owner Name:	Bill Sullivan
Property Owner Address:	29 Ames Street, Somerville, MA 02145
Agent Name:	Edrick vanBeuzekom, EvB Design
Agent Address:	35 Medford Street, #211, Somerville, MA 02143

Legal Notice: Applicant & Owner: Nancy Roche seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by adding a third story dormer. RA zone. Ward 5.

<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 10, 2008
<u>Date(s) of Public Hearing:</u>	1/21/09
<u>Date of Decision:</u>	January 21, 2009
<u>Vote:</u>	4-0

Appeal #2008-72 was opened before the Zoning Board of Appeals at Somerville City Hall on January 21, 2009. 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.

DESCRIPTION:

The proposal is to construct a gable dormer on the left side of the structure, adjacent to the existing shed dormer, to allow for the addition of a bathroom and closet in the half story. The proposed dormer would be 14'3" in length and combined with the shed dormer would be less than 50% of the length of the sloping roof. It would be set back approximately 20' from the front edge of the house and located to the rear of the existing dormer.

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."

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 Applicant has worked with Staff and agreed to change the style of the dormer from a shed with a shallow slope to a gable. Though the gable and shed combination dormer is not a typical design, the Board finds the contrasting styles of the combined dormer visually appealing in an unconventional way which serves to add to the character of the Queen Anne style house and neighborhood. In general, the Board finds the gable dormer to be a more preferred architectural style than the shed dormer and to be more in character with the architecture of the City. The design of the proposed dormer would maintain the predominant ridge height, and the roof shingles covering the dormer would cause it to better blend in with the structure.

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 dormer proposed is consistent with the purpose of the Ordinance to preserve the historical and architectural resources of the City. The Board finds that the proposed dormer adds to the character of the traditional 2 ½ story gable structure.

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 dormer is designed in a manner that is compatible with the built surrounding area as outlined in finding two, compliance with standards.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti and Josh Safdie. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Richard Rossetti 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 construction of a 14' ± gable dormer on the left side of the dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(12/10/08)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>1/12/09(1/13/09)</td><td>A2.0, A2.2 Elevations A1.3 Third Floor Plan</td></tr></table>				Date (Stamp Date)	Submission	(12/10/08)	Initial application submitted to the City Clerk's Office	1/12/09(1/13/09)	A2.0, A2.2 Elevations A1.3 Third Floor Plan
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1/12/09(1/13/09)	A2.0, A2.2 Elevations A1.3 Third Floor Plan									
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The siding materials and colors used shall match the existing structure.	CO	Plng.							
3	Fire alarm system protection shall be added to the proposed dormer and the entire building shall be brought up to current fire code.	CO	FP							
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Josh Safdie (Alt.)

Attest, by the Zoning Board of Appeals 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 _____