



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

MEMBERS

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RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE FILLIS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA 2009-13
Site: 35 Corinthian Road
Date of Decision: May 20, 2009
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 1, 2009

ZBA DECISION

Applicant Name:	Brandee & Chris Hall
Applicant Address:	35 Corinthian Road, Somerville, MA 02144
Property Owner Name:	Brandee & Chris Hall
Property Owner Address:	35 Corinthian Road, Somerville, MA 02144
Agent Name:	Al Weisz, AIA
Agent Address:	93 Hudson Street, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner Brandee & Chris Hall seek a special permit (§4.4.1) in order to construct a dormer within a non-conforming side yard and to enclose a front porch within a non-conforming front yard. RA zone. Ward 7.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 14, 2009
<u>Date(s) of Public Hearing:</u>	May 20, 2009
<u>Date of Decision:</u>	May 20, 2009
<u>Vote:</u>	5-0

Appeal #ZBA 2009-13 before the Zoning Board of Appeals at Somerville City Hall on May 20, 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 Applicant is proposing to enclose a 9' wide by 6' deep portion of the non-conforming front porch. (In addition, the original notice included special permit review for a dormer within a non-conforming side yard, but upon further review and consultation with Inspectional Services, Staff have determined that this dormer could be constructed by-right as it is not in the required side yard.)

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 Permit.

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 Board finds the design of the enclosed porch to be an appealing addition to the existing structure due to its shape, size and location. The Staff had concern regarding the shift of the doorway off the front façade which would make the building lose its defined front. The applicant was willing to work with Staff to redesign the façade to incorporate an ornate glass window as a focal point to indicate the main entrance and define the front of the house. In addition, a non-historic and unsympathetic bay window would be replaced by two more appropriate double-hung windows on the left side of the porch. These design details combined with the proposed front porch enclosure and new dormer creates a more interesting structure with more character than previously existed.

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 Board finds the addition to be in accordance with with the purposes of the SZO and of the RA district. The Board finds any impacts to the community from this proposal to be negligible.

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 Board finds that the design of the building is consistent with the character of the neighborhood and the architectural qualities of the house.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Scott Darling 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 construction of an approximately 9' by 6' enclosure of a portion of the front porch. 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>(4/14/09)</td><td>Initial application submitted to OSPCD</td></tr><tr><td>4/14/09 (4/23/09)</td><td>Proposed Plans and Elevations (A0.0, A1.1, A3.1, A3.2, A3.4)</td></tr></table>				Date (Stamp Date)	Submission	(4/14/09)	Initial application submitted to OSPCD	4/14/09 (4/23/09)	Proposed Plans and Elevations (A0.0, A1.1, A3.1, A3.2, A3.4)
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4/14/09 (4/23/09)	Proposed Plans and Elevations (A0.0, A1.1, A3.1, A3.2, A3.4)									
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	Additional materials shall be provided to Fire Prevention upon request and applicant shall meet all required prevention measures.	CO	FP							
3	A window shall be installed on the east elevation at the top of the stairs. A clear glass window matching the other porch windows may substitute for the window shown in the plans.	CO	Plng.							
4	Materials and colors shall be consistent with that of the existing structure.	CO	Plng.							
5	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
T.F. Scott Darling, III, Esq.
Danielle Fillis

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 _____