



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

PLANNING DIVISION

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JOSH SAFDIE (ALT.)

Case #: ZBA 2010-15
Site: 30 Garrison Avenue
Date of Decision: May 19, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 26, 2010

ZBA DECISION

Applicant Name:	Jeremy Seeger
Applicant Address:	148 Oakley Road, Belmont, MA 02478
Property Owner Name:	Jeremy Seeger
Property Owner Address:	148 Oakley Road, Belmont, MA 02478
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant & Owner, Jeremy Seeger, seek a Special Permit (SZO §5.1) under §4.4.1 in order to enclose a first story rear porch within the non-conforming side yard (§8.5.H). RB Zone. Ward 7.
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<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§5.1, 4.4.1 & §8.5.H
<u>Date of Application:</u>	April 14, 2010
<u>Date(s) of Public Hearing:</u>	May 19, 2010
<u>Date of Decision:</u>	May 19, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-15 was opened before the Zoning Board of Appeals at Somerville City Hall on May 19, 2010. 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 enclose the first story porch in a similar manner to the second and third stories. The space would be used as a study, bathroom and closet. The new floor area would be 210 net square feet. The existing steps and concrete landing in the rear yard would be removed and there would be a door with stairs on the right side of the house. The Applicant plans to clad the newly enclosed porch area with vinyl siding and infill the areas around the windows on the second and third floors with vinyl and paint the vinyl and aluminum siding the same color. The Applicant stated that the missing window in the front of the house will be replaced.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §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 as conditioned. Enclosing the porch will not increase any of the nonconformities of the lot or 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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and the purpose of the district, as an addition to a three-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."

As conditioned, the project will be designed in a manner that will be compatible with the built and unbuilt surrounding area. The additional visual bulk of the building caused by enclosing the first story porch will be minimal because the second and third stories above it are already enclosed and one wall of the porch is currently solid. The treatment of the siding for the first floor and filling in the areas around the windows must be carefully considered in order for the siding in the back of the building to not appear as patchwork. A condition is added to this recommendation in order to address this concern.



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DECISION:

Present and sitting were members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans 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 enclosure of a 210± nsf first story rear 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>Apr 14, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Mar 22, 2010</td><td>Plans submitted to OSPCD (first floor existing & proposed)</td></tr><tr><td>Apr 12, 2010</td><td>Plans submitted to OSPCD (elevations)</td></tr></table>				Date (Stamp Date)	Submission	Apr 14, 2010	Initial application submitted to the City Clerk's Office	Mar 22, 2010	Plans submitted to OSPCD (first floor existing & proposed)	Apr 12, 2010	Plans submitted to OSPCD (elevations)
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Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The owner shall meet with Planning Staff and provide material samples to assess the proposed siding materials. Staff shall determine if the new siding will match the existing siding on the structure. If the siding does not match, the owner shall reside the entire rear enclosed porch in a color that matches the rest of the structure.	BP/CO	Plng.									
4	The owner shall replace the missing front window.	BP/CO	Plng.									
5	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:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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