



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

MEMBERS

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ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA 2008-70
Site: 68-70 Glenwood Road
Date of Decision: January 21, 2009
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 22, 2009

ZBA DECISION

Applicant Name:	Don Schuerman
Applicant Address:	70 Glenwood Road, Somerville, MA 02145
Property Owner Name:	Don Schuerman
Property Owner Address:	70 Glenwood Road, Somerville, MA 02145
Agent Name:	Alan G. Factor
Agent Address:	4 Cobb Lane, Foxboro, MA 02035

Legal Notice: Applicant & Owner Don Schuerman seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by adding a dormer to the right side. RB zone. Ward 5.

<u>Zoning District/Ward:</u>	RB zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 22, 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 #2008-70 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(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to construct a small shed dormer on the right side of the house to add headroom for an existing staircase. The dormer would be eight feet in length and set back eight feet from the front of the house. The pitch of the dormer would be steep and setback approximately 3 feet from the roof ridge. Two windows on the dormer would extend down through the eave. The siding of the dormer would be wood clapboard and painted to match the house.

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. Removing the eave at the dormer location and having the front wall of the dormer flush with the main wall underneath is not ideal; however, the design of the shed dormer does not significantly alter the roofline of the house because it is setback approximately 3 feet from the roof ridge, it is small and it has a steep pitch. Additionally the window area accounts for a large portion of the dormer wall area, which improves the look of dormers. The dormer windows would face a staircase and therefore no privacy issues are anticipated.

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 adequate light and air and the purpose of the district, which is, "[t]o establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 design of the dormer is compatible with the built surrounding area. Details are in Finding 2.

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 8' shed dormer with wood clapboard siding. 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>Dec 22, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 16, 2008 (Dec 23, 2008)</td><td>Plans submitted to OSPCD (Roof/ Site Plan, Floor Plan, Section "B")</td></tr><tr><td>July 16, 2008 (Jan 6, 2008)</td><td>Plans submitted to OSPCD (front elevation)</td></tr></table>				Date (Stamp Date)	Submission	Dec 22, 2008	Initial application submitted to the City Clerk's Office	July 16, 2008 (Dec 23, 2008)	Plans submitted to OSPCD (Roof/ Site Plan, Floor Plan, Section "B")	July 16, 2008 (Jan 6, 2008)	Plans submitted to OSPCD (front elevation)
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July 16, 2008 (Jan 6, 2008)	Plans submitted to OSPCD (front elevation)											
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.												
2	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 _____