



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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

**Case #: ZBA # 2010-83**  
**Site: 9 Porter Avenue**  
**Date of Decision: February 16, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: February 24, 2011**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Susan Evans & Joseph X. Sullivan
<b>Applicant Address:</b>	9 Porter Avenue, Somerville, MA 02143
<b>Property Owner Name:</b>	Susan Evans & Joseph X. Sullivan
<b>Property Owner Address:</b>	9 Porter Avenue, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant Susan Evans and Owners Susan Evans & Joseph X. Sullivan seek a special permit to alter a non-conforming structure under SZO §4.4.1 to construct a second story addition and adjust window locations in the side and rear yards of an existing single-family residence.
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<u>Zoning District/Ward:</u>	RA zone/Ward 5
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 28, 2010
<u>Date(s) of Public Hearing:</u>	2/2/11 & 2/16/11
<u>Date of Decision:</u>	February 16, 2011
<u>Vote:</u>	5-0

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Appeal #ZBA 2010-83 was opened before the Zoning Board of Appeals at Somerville City Hall on February 2, 2011. 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 construct a two-story addition on the west side of the house and a second story above the existing one-story section on the north side. The proposal also includes enlarging the existing front porch to wrap around the west (left) side of the house, adding an entry porch at the rear of the house to allow the renovation of the interior to enlarge the dining room, bedroom and kitchen. The use of the single-family house and the number of bedrooms (2) will not change. Historically appropriate siding and windows will replace the vinyl siding and character-defining features such as water tables, belt courses and decorative shingles will be installed. The purpose of the project is to restore the historic character to the original Victorian cottage, modify the interior to better accommodate the owners' changing needs and to increase the building's environmental performance.

## **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 proposal will increase the mass of the structure in the rear; however, the rear yard setback will remain conforming and the side yard will not be reduced further. No windows are proposed on the second story. On the first story, one window will be eliminated and another window will be shifted towards the back of the house, which is greater than 3 feet from the property line. The house adjacent to the subject property ends before the location of the addition to the rear of the house so the change in window location is not anticipated to be impactful.

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. It is consistent with the purpose of the RA district, by preserving and enhancing 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 is designed in a manner that is compatible with the built and unbuilt surrounding area. The additions and renovations to the siding and detailing of the house will improve its overall appearance and restore its historic character as a Victorian cottage.



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**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino with Herbert Foster absent. Upon making the above findings, Richard Rossetti 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 to construct a second story addition in the side and rear yards of an existing nonconforming single-family residence. 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 28, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Dec 28, 2010</td><td>Plans submitted to OSPCD (Site plan, (1) existing floor plan, (2) existing elevations, (3) proposed floor plan, (4) proposed elevations, (5) proposed renderings)</td></tr></table>				Date (Stamp Date)	Submission	Dec 28, 2010	Initial application submitted to the City Clerk's Office	Dec 28, 2010	Plans submitted to OSPCD (Site plan, (1) existing floor plan, (2) existing elevations, (3) proposed floor plan, (4) proposed elevations, (5) proposed renderings)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
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.							



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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*  
Richard Rossetti, *Acting Clerk*  
T.F. Scott Darling, III, Esq.  
Danielle Evans  
Elaine Severino (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 \_\_\_\_\_



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