



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

MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE FILLIS
ELAINE SEVERINO (ALT.)

Case #: ZBA 2008-11
Site: 81 School Street
Date of Decision: April 16, 2008
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 30, 2008

ZBA DECISION

| | |
|--------------------------------|--|
| Applicant Name: | Jose & Olga Jorge |
| Applicant Address: | 81 School Street, Somerville, MA 02143 |
| Property Owner Name: | Jose & Olga Jorge |
| Property Owner Address: | 81 School Street, Somerville, MA 02143 |
| Agent Name: | Bob Walsh |
| Agent Address: | 32 Harris Road, Medford, MA 02155 |

| | |
|----------------------|--|
| <u>Legal Notice:</u> | Applicant & Owner Jose and Olga Jorge seek a special permit §4.4.1 to reconstruct an existing porch and build a room above the porch. RA zone. Ward 3. |
|----------------------|--|

| | |
|-----------------------------------|-----------------|
| <u>Zoning District/Ward:</u> | RA zone/Ward 3. |
| <u>Zoning Approval Sought:</u> | §4.4.1 |
| <u>Date of Application:</u> | March 10, 2008 |
| <u>Date(s) of Public Hearing:</u> | April 16, 2008 |
| <u>Date of Decision:</u> | April 16, 2008 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2008-11 was opened before the Zoning Board of Appeals at Somerville City Hall on April 16, 2008. 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 (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to tear down the existing front porch and replace it with a two-story porch, with the top enclosed for a sunroom. The new porch would measure 7.7' deep by 18.8' wide, extending two feet beyond the current porch into the front 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 Permits.

The Applicant has provided the required information.

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."

To the extent possible for a nonconforming structure, the proposal complies with the standards of the SZO and does not increase any nonconformity.

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."

As shown in the plans, the proposal is consistent with the purposes of the Ordinance, including "to conserve the value of land and structures", and would not change the use of the structure, which is consistent with the purposes of the RA district.

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 shown in the plans, the design is reasonably compatible with the remainder of the structure and the surrounding neighborhood. However, this finding is heavily dependent on a number of details shown in the plans, which must be adhered to in order for the design to be compatible with the existing and nearby unaltered structures.

Planning Staff typically do not recommend enclosure of porches, particularly those that are located above unenclosed porches. Careful attention must be paid to visual proportions of first floor members; materials and fenestration of the enclosed porch should lighten its appearance and make it appear as a special feature of the home, rather than a disproportionate extension of living space. The materials of fiberglass and PVC listed for the posts, columns, and railings should be changed to achieve this affect. If executed faithfully according to the submitted plans, the proposed porch would provide a model for other desired porch enclosures in the City.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Acting Chairperson, Richard Rossetti, Acting Clerk, Danielle Fillis, Scott Darling and Elaine Severino. Upon making the above findings, Richard Rossetti made a

motion to approve the request for a special permit. Elaine Severino 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 replacement of a one-story open porch with a two-story porch, with the upstairs enclosed. This approval is based upon the following application materials and the plans submitted by the Applicant and/or contractor: | BP/CO | ISD/Plng | | | | | | | |
| | <table><tr><th>Date</th><th>Submission</th></tr><tr><td>March 10, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 11, 2008</td><td>Plans submitted to OSPCD</td></tr></table> | | | | Date | Submission | March 10, 2008 | Initial application submitted to the City Clerk's Office | March 11, 2008 | Plans submitted to OSPCD |
| | Date | | | | Submission | | | | | |
| | March 10, 2008 | | | | Initial application submitted to the City Clerk's Office | | | | | |
| March 11, 2008 | Plans submitted to OSPCD | | | | | | | | | |
| Any changes to the approved elevations must receive prior ZBA approval. | | | | | | | | | | |
| | | | | | | | | | | |
| 2 | Approval is contingent on faithful execution of the submitted plans, including proportions of window trim, dimensions of first floor supporting members, and details of porch trim. | BP/CO | PLNG | | | | | | | |
| 3 | As specified by the applicant, the materials listed on the plans for the elements below shall be altered as follows: Posts/Columns – white painted wood or wood composite with integral white finish, Railings - wood composite with integral white finish, Walls (siding) – natural cedar clapboards or wood composite siding with an integral color that is complimentary to the house. | BP/CO | PLNG | | | | | | | |
| 4 | A smoke detector shall be installed inside and outside of the sunroom and a carbon monoxide detector shall be installed within ten (10) feet of the sunroom. | CO | FP | | | | | | | |
| 5 | The applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites. | Demolition Permitting | ISD | | | | | | | |
| 6 | 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. | Prior to Final Sign Off | PLNG | | | | | | | |
| 7 | The Applicant shall use evergreen and permanent greenery for the landscaping as shown on the drawing rendition. | Prior to Final Sign Off | PLNG | | | | | | | |

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*
Richard Rossetti, *Acting Clerk*
Danielle Fillis
T.F. Scott Darling, III, Esq.
Elaine Severino, (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 _____