



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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JOSH SAFDIE (ALT.)

Case #: ZBA 2010-18
Site: 46 Spring Street
Date of Decision: May 19, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 24, 2010

ZBA DECISION

Applicant Name:	Michelle Apigian & John Dimodica
Applicant Address:	46 Spring Street, Somerville, MA 02143
Property Owner Name:	Michelle Apigian & John Dimodica
Property Owner Address:	46 Spring Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Michelle Apigian and John Dimodica, seek a Special Permit under SZO §4.4.1 to increase the height and slope of the roof and construct a 22 foot dormer within the required right side yard and to install three windows within the required left side yard.
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<u>Zoning District/Ward:</u>	RA zone/Ward
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 13, 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 2010-18 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 includes the reconstruction of the roof to a 12:12 slope, which will extend the height of the apex of the roof from approximately 31 ft to 36.5 ft. A 22 ft shed dormer at a 4:12 slope is proposed for the right side of the building and is situated approximately 10 ft from the front façade of the building. Three windows are proposed for beneath the gable roof on the sunroom façade on the left side of the house. Also the applicant is proposing a smaller dormer in the rear left side of the house that meets all zoning requirements. The dormer and roof reconstruction would facilitate the creation of an additional 766 sf of livable space and enable the owner to construct a bathroom and three bedrooms within the half story.

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer is not expected to impact the house adjacent to the nonconforming side yard as there is a series of mature evergreen trees that visually screen the structure. Also, there is approximately 40 ft between the houses.

The additional height of the structure is acceptable to the Board and the increased slope is visually appealing. The additional windows on the sunroom are not expected to affect the privacy of the neighbors as the windows are situated above the existing windows and above typical viewing level. Overall, the Board finds the design of the proposed structure to be acceptable.

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 and purpose of the RA district in altering this two-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."

Since there is no predominant style of building in the area, the house would not become inconsistent with other structures on the street. The shed dormer, while not a form typically recommended by the Board, does adhere to many of the dormer design guidelines that historically make for a visually appealing dormer, including a steep roof slope, setbacks from the apex, the sidewall and the front building façade. The increase in the roof height makes the dormer design feasible and the overall project more in proportion and balanced.



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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 construction of an approximately 22 ft shed dormer in the right side yard, the reconstruction of the roof to an apex of approximately 36.5 ft and the installation of three windows in the left side yard. 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>(4/13/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>4/12/2010 (5/4/2010)</td><td>Plans and elevations submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(4/13/2010)	Initial application submitted to the City Clerk's Office	4/12/2010 (5/4/2010)	Plans and elevations submitted to OSPCD
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	(4/13/2010)				Initial application submitted to the City Clerk's Office					
4/12/2010 (5/4/2010)	Plans and elevations submitted to OSPCD									
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	Specific details regarding the windows, doors, siding, trim and cornice details shall be submitted to and approved by Planning and Historic Staff prior to issuance of a building permit.	BP	Plng.							
3	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.							



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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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