



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: 2007-68
Site: 103 Thurston St
Date: January 17, 2008
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: Masha Shoykhet
Applicant Address: 103 Thurston Street, Somerville, MA
Property Owner Name: Masha Shoykhet
Property Owner Address: 103 Thurston Street, Somerville, MA
Agent Name: Mikhail Deychman
Alderman: Walter Pero

Legal Notice: Applicant & Owner Masha Shoykhet (Agent Mikhail Deychman) seek a special permit (SZO §4.4.1) to expand a dimensionally nonconforming deck that will be dimensionally nonconforming in terms of the rear yard setback under SZO §8.5.I.

Zoning District/Ward: Residence A (RA) zone. Ward 4.
Zoning Approval Sought: 8.5.I under SZO § 4.4.1
Date of Application: December 12, 2007
Date(s) of Public Hearing: [Planning Board: 1.17.08 / ZBA: 1.23.08]
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 6,700 square foot lot on which sits a 2 ½ story wood frame multi-family dwelling. The property is located in the Winter Hill neighborhood.
2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to expand an unenclosed deck at the rear of the property that would be seven and one-half feet (7.5') from the side yard property line, a twelve and one-half foot (12.5') violation of SZO §8.5.I. The deck would be 21' x 16.3' and is at a height of one-story.
3. Nature of Application: The existing structure is nonconforming with respect to rear yard setback requirements by 2.3 feet.

This existing nonconformity allows the Applicant to apply for a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states: “lawfully existing nonconforming structures other than one- and two- family dwellings may be enlarged, extended, renovated, or altered by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”



103 Thurston Street - Street View



Location of proposed deck- View from driveway

4. Surrounding Neighborhood: The property is located in a Residence A (RA) zone. The immediate neighborhood is predominantly residential, with a mix of one-, two- and multi-family homes.

5. Impacts on Abutting Properties: The impact on the abutting properties will be a loss of visual open space in the area because the deck would be 8.3 feet high and cover much of the backyard. If the area beneath the deck is used for storage, this would also create a negative visual impact on abutters. Screening below the deck would help to mitigate these effects and would provide a place for the items currently stored in the yard to be put away. A trellis with climbing plants, such as ivy, would be an attractive screening that would also improve the site's landscaping.

6. Landscaping: Landscaping currently consists of several trees in the narrow front and side yards and a few trees and a dirt yard in the backyard. The construction of the deck would not require removal of trees as they are shown on the proposed plot plan. However, the roots of the tree may be affected and if this is the case the deck should be scaled back. Also, the addition of climbing plants, such as ivy, mentioned under item 5 would improve the landscaping on the property.

7. Green Building Practices: None specified.

8. Comments from Fire Prevention Bureau: Pending

9. Comments from Alderman: Alderman Pero has not provided comments.

II. 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 Staff 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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building."

Staff finds that the Applicant's proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The proposal with the attached conditions is not more detrimental in visual effects or privacy concerns. The addition of a trellis with climbing plants, such as ivy, under the deck will provide a place for items on the property to be screened from neighbors and improve the landscaping of the site. Also, the deck should be scaled back if it interferes with the trees in the backyard.

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."

Staff finds that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the Residential A (RA) zoning district in which the property is located, namely "(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."

The extension of the deck will allow the owner use of the backyard near to the kitchen.

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."

Staff finds that the proposal **is compatible** with the site and area. The deck with the attached conditions would not be visually intrusive within the neighborhood.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Staff finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although the Planning Staff is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is for the 21' x 16.3' expansion, or smaller based on condition 2, of an unenclosed deck at the rear of the property that will be nonconforming in terms of rear yard setback under SZO §8.5.I. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>December 21, 2007</td><td>Initial application submitted to the City Clerk's Office</td></tr></table> <p>Any changes to the approved site plan must receive ZBA approval.</p>	Date	Submission	December 21, 2007	Initial application submitted to the City Clerk's Office	Building Permit	Plng.	
Date	Submission							
December 21, 2007	Initial application submitted to the City Clerk's Office							
2	If any trees or tree roots will be adversely impacted by the expansion of the deck, the dimensions of the deck must be scaled back;	Building Permit	Plng.					
3	The area below the deck must be screened with a trellis and climbing plants, such as ivy, to mitigate the visual impact of the deck and block view of items stored under the deck from abutting properties;	Final Building Permit Sign-off	Plng. / ISD					
4	The yard shall not be used for storage;	Perpetual	Plng. / ISD					
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association;	Perpetual	Plng. / 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.	Final Building Permit Sign-off	Plng. / ISD					

103 Thurston Street

