



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING BOARD

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Case #: ZBA 2009-35
Date: August 19, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 16 Avon Street

Applicant Name: IPL Realty Trust, David Levy Trustee

Applicant Address: PO Box 421, Arlington, MA 00476

Property Owner Name: Same

Alderman: Tom Taylor

Legal Notice: The Applicant seeks a special permit under §4.4.1 in order to construct a 12.5 ft wide dormer in the required side yard setback.

Zoning District/Ward: Residence A / 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: July 14, 2009

Date(s) of Meetings/Public Hearing: PB: August 6, 2009 / ZBA: August 19, 2009

Date of Decision: N/A

Vote: N/A

ZBA members:

At its regular meeting on August 6, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0), with Kevin Prior and Dana LeWinter absent, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a vinyl sided two-family dwelling on a 3242 sf lot. The structure is 2 ½ stories with an existing shed dormer on the left side of the structure. The right side of the house is approximately ten feet away from the house adjacent to it.
2. Proposal: The proposal is to construct a 12.5 ft shed dormer on the right side of the house to add a closet and bathroom on the half story. The dormer would be set back eight feet from the front of the house. The pitch of the dormer would be 12/3 and intersect the roof approximately two feet from the roof ridge. Two windows are proposed for the dormer. The siding of the dormer would match the existing color and materials of the existing structure.
3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, front, side and rear yard setback, and street frontage.

The proposed dormer would affect the nonconforming side yard of the structure. The nonconforming side yard is 3 ft 6 inches deep and the minimum requirement for this property is 7 ft 7 inches. The dormer is proposed to extend within the required side yard to a depth of 4ft 1 inch. The existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).
4. Surrounding Neighborhood: The surrounding neighborhood is comprised of one-, two-, and three-family homes. Most of the neighborhood is comprised of 2.5 story, gable roofed structures.
5. Green Building Practices: None.
6. Comments:

Ward Alderman: Alderman Taylor has been contacted but has not yet 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 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 design of the shed dormer does not significantly alter the roofline of the house because it is set off approximately 2 ft from the roof ridge; it is also set back 8 ft from the front of the structure. The shape of the dormer is consistent with the shed dormer on the left side of the building in regards to roof pitch and height, which provides symmetry to the building that the Board favors. There are no dormers on the adjacent 2.5 story structure and therefore no increased 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. There are many other structures in the nearby area of comparable size and design with similar shed dormers.

III. RECOMMENDATION

Special Permit under §4.4.1

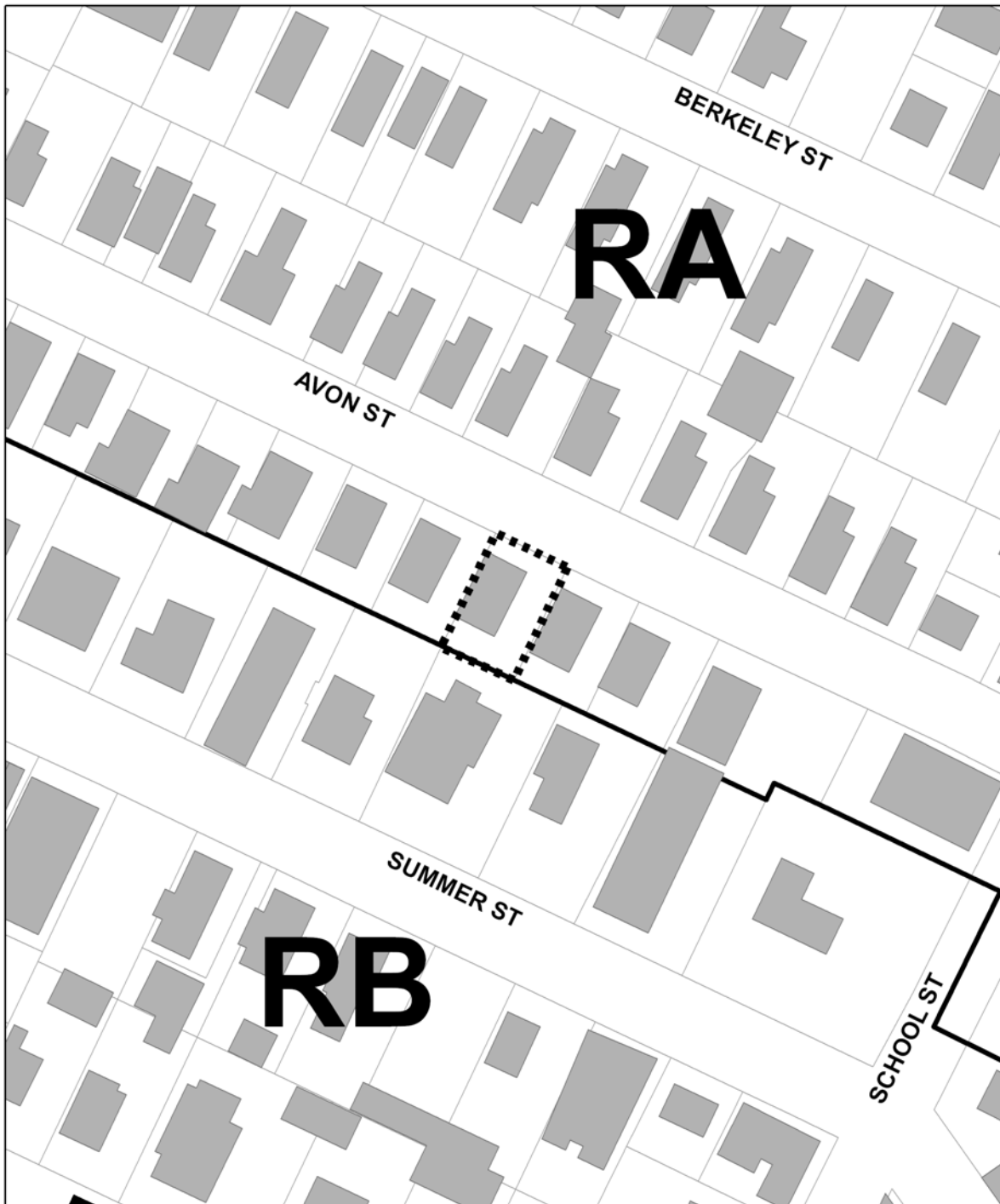
Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

CONDITIONS OF REVIEW OF THE REQUESTED SPECIAL EXEMPT

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of an approximately 12.5ft shed dormer. 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>(7/14/09)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>7/10/09 (7/30/09)</td><td>Plans and elevations submitted to OSPCD (A103, A300, A301)</td></tr></table>				Date (Stamp Date)	Submission	(7/14/09)	Initial application submitted to the City Clerk's Office	7/10/09 (7/30/09)	Plans and elevations submitted to OSPCD (A103, A300, A301)
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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.							



Elizabeth Maroney
Acting Chairman



16 AVON STREET