



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-60
Date: January 7, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 28 Josephine Avenue

Applicant Name: Cindy Siyuan He

Applicant Address: 36 Oxford Ave, Belmont, MA 02478

Property Owner Name: same

Property Owner Address: same

Alderman: Gewirtz

Legal Notice: Applicant & Owner, Cindy Siyuan He, seeks a Special Permit under SZO §4.4.1 to construct a dormer within the required side yard setback (8.5.H) and to expand the non-conforming floor area ratio from approximately .78 to 1.1 (8.5.E) by finishing the existing basement space into living area.

Zoning District/Ward: RA / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: 12/15/09

Date(s) of Public Meeting • Hearing: PB 1/7/09 • ZBA 1/20/10

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 3400 sf lot. The structure is 2 ½ stories with a gable roof. There is an existing gable dormer on the left side of the house. The existing building has been abandoned for the past several years and the structure has been damaged by water.



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2. Proposal: The applicant is proposing to construct an approximately 12 ft gable roof dormer on the right side of the house that would match the style and length of the existing dormer. The dormer would enable the owner to construct a second bathroom within the half story. The applicant is also proposing to excavate approximately 19 in from the basement floor and then construct a finished basement to include a family room, bathroom and additional bedroom. The applicant would also construct a two story rear deck, replace the existing vinyl siding with cedar wood siding, install new windows and add window trims to restore some of the original style and detail. The applicant is also proposing to alter the driveway to provide for an additional parking space.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including: FAR, minimum lot size, lot area per dwelling unit, front and side yard setbacks, and street frontage.

The proposed dormer would affect the nonconforming right side yard, which is 3 ft 6 in. The minimum required by the Somerville Zoning Ordinance (SZO) is 7 ft 6 in for a 2 ½ story structure (reduced from 8 feet because it is a narrow lot). The existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the SZO. The house would continue to be considered a 2 ½ story structure because the combined length of the dormers is less than 50 percent of the length of the structure.

The existing structure has an FAR of .82, which exceeds the .75 allowed in an RA district. The proposal to finish the basement would add 922 nsf to the living area of the structure and increase the FAR to 1.1. The existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the SZO to increase the FAR.

4. Surrounding Neighborhood: The area is predominantly residential with homes that are typically 2 ½ story structures of wooden construction. The structures in the surrounding neighborhood are predominantly of a similar architectural style with gable roofs and a gabled dormers. Many homes in the area have two dormers of a similar style to the dormers in this proposal.

5. Green Building Practices: The structure would incorporate low-E high-efficiency windows, high-efficiency heating systems, and high-efficiency water heaters. It will be completely insulated from basement floor to wall to ceiling.

6. Comments:

Fire Prevention: Has been contacted but has not provided comments.

Ward Alderman: Alderman Gewirtz been contacted but 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."

In considering a special permit under §4.4 of the SZO, Staff 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. There is approximately 25 ft between the houses and smaller sized bathroom windows are being proposed for the dormer. Staff finds the design to be visually appealing and meets many of the Staff's internal guidelines for dormers including the gable roof and setbacks from the building edges. The house would remain a 2 ½ story because the dormers would be less than 50% of the length of the roof.

Staff finds that the increase in FAR from .82 to 1.1 would also not be substantially more detrimental to the neighborhood than the existing structure since the increase would be undetectable from the outside of the structure. The additional bedroom requires an additional parking space that the applicant has provided for in the site plan. Landscaping would be reduced to 958 sf, which continues to exceed the 25% required by the SZO. Staff has been assured by the applicant that the finished basement would not become an additional illegal unit and Staff will condition that the structure remains a two family.

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. The structure would remain a two family home and therefore preserve the "quiet neighborhoods" associated with 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."

The style of the house would remain consistent with other structures on the street and with the alterations would be more compatible with the area as the historical detail of the home is restored. The gable dormer is a design characteristic that is predominant in this neighborhood. Staff finds that the increase in floor area would allow for larger units that would be appropriate for families, which the City wants to maintain and promote.

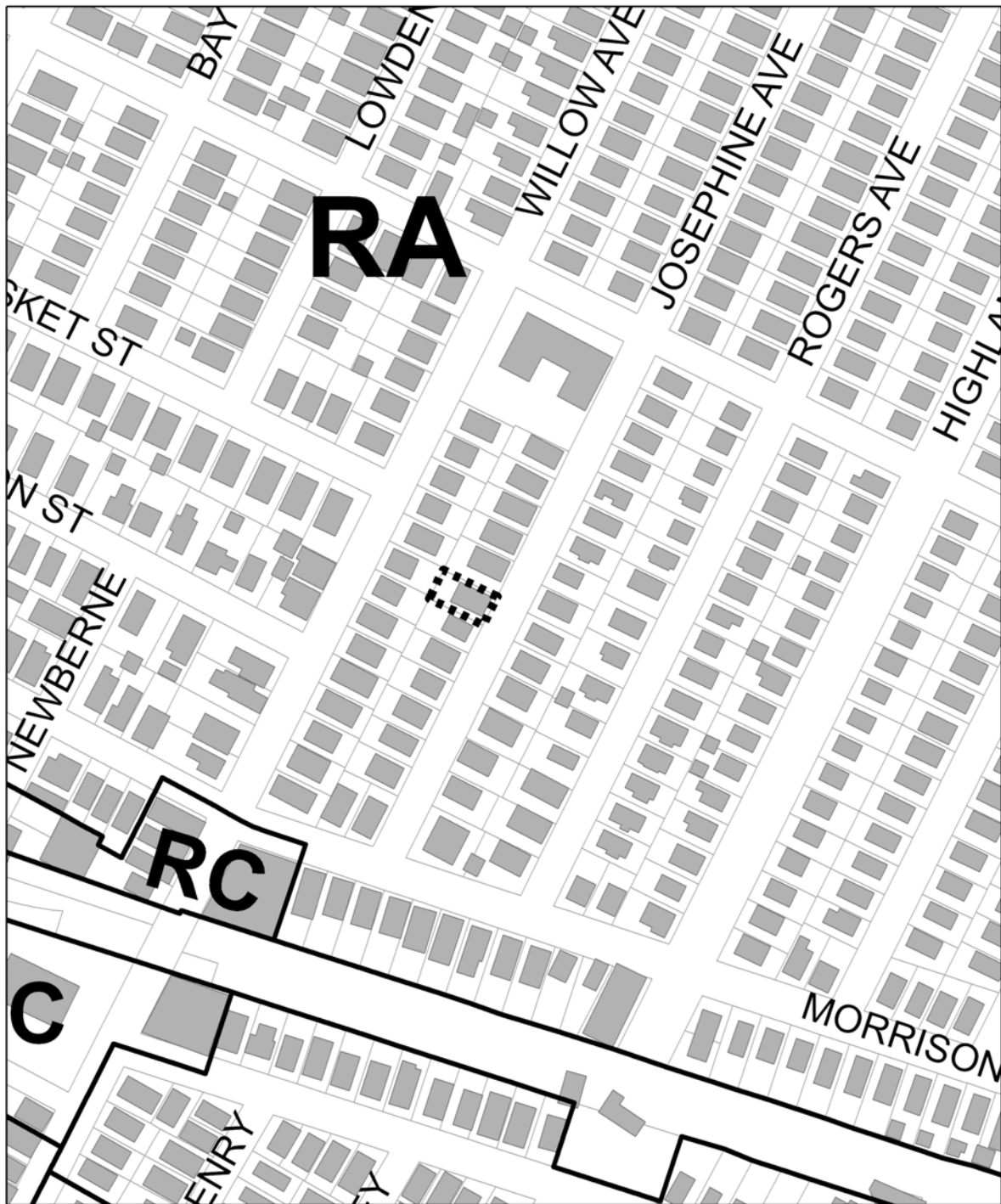
III. RECOMMENDATION

Special Permits under §4.4.1

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construction of an approximately 12 ft gable roof dormer and the establishment of 922 nsf of living space in the basement. 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>(12/15/2009)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>11/19/09</td><td>Plans (A7,A10, A11)</td></tr><tr><td>12/14/09</td><td>Elevation (A12)</td></tr><tr><td>12/21/09</td><td>Site Plan</td></tr><tr><td>12/1/09</td><td>Proposed Deck and Dormer</td></tr></table>				Date (Stamp Date)	Submission	(12/15/2009)	Initial application submitted to the City Clerk's Office	11/19/09	Plans (A7,A10, A11)	12/14/09	Elevation (A12)	12/21/09	Site Plan	12/1/09	Proposed Deck and Dormer
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12/1/09	Proposed Deck and Dormer															
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.																
2	The structure shall not be converted into a three-family dwelling.															
3	The siding and color of the dormer shall match that of the existing house.	CO	Plng.													
4	The applicant shall submit a landscaping plan that depicts the location of existing trees with 6" caliper or greater to be approved by Planning Staff.	Building Permit	Plng./ ISD													
5	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association.															
6	All construction materials, dumpsters and equipment shall be stored onsite.	During construction	ISD													
7	The applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity.	CO	DPW/ ISD													
8	All new sidewalks shall be installed by the applicant in accordance with the specifications of the Highway Superintendent. Specifically, all driveway aprons shall be concrete subject to DPW approval	CO	DPW/ ISD													

9	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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28 JOSEPHINE STREET