



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2009-10

Date: May 29, 2009

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 28 Billingham Street

Applicant Name: Denis Stacke and Denise Bethel-Stacke

Applicant Address: 28 Billingham Street, Somerville, MA 02143

Property Owner Name: Same

Alderman: Gewirtz

Legal Notice: The Applicant seeks a special permit under §4.4.1 in order to construct a two story addition within a non-conforming side yard.

Zoning District/Ward: Residence A / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: March 24, 2009

Date(s) of Meetings/Public Hearing: PB: April 16, 2009 / ZBA: May 6, 2009

Dear ZBA members:

At its regular meeting on April 16, 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 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 4,500 sf (50' wide by 90' deep) parcel. There is an existing 2.5 story wood frame dwelling on the property with a concrete walkway/patio around the perimeter of the structure.

2. Proposal: The applicant is proposing to construct a two-story addition in the right side yard. The first story would be approximately 9.2' wide by 10.1' deep. The second story would be approximately 9.2' wide by 3.9' deep with a small gable roof. The applicant is proposing to remove an existing 3.9' by 6.0' wide first floor porch in the area where the new addition is proposed. The remainder of the addition would be built in the area above the existing concrete patio. The total floor area proposed would equal approximately 110 n.s.f.

3. Nature of Application: Under §4.4.1 of the Somerville Zoning Ordinance (SZO) this alteration would require a Special Permit because the proposed addition would be located in the required side yard. The required side yard is 8'. The existing side yard is 4.5', which creates a 3.5' side yard non-conformity. The proposed addition wouldn't be extending further into the side yard, but extending the existing non-conforming side façade towards the rear of the lot by 10'.

4. Surrounding Neighborhood: This property is located in a Residence A district near Powder House Circle, which features a mix of residential and non-conforming commercial uses. Residential uses are a mix of single- and two-family homes of 2.5 stories. The commercial area is located along Broadway and College Avenue and is predominantly composed of small local businesses. Residential lots in the area are generally between 3000-4000 sf in area and almost all the lots are developed with homes.

5. Green Building Practices: Some renewable materials will be used.

6. Comments:

Alderman: Alderman Gewirtz has been contacted and has inquired about potential community opposition, but has not yet provided comments.

Fire Prevention: Deputy Chief Keenan stated that the new building code mandates that additions must comply with the requirements for new construction. At a minimum a code compliant fire alarm system would be required.

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 Permit.

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 structure is appealing and complimentary to the existing structure due to its shape, size, façade materials and gable roof that mimics the orientation and angles of the existing roof. Furthermore, the proposed addition will be located behind the front of the building effectively screening the addition from the public

way. The addition will not reduce the landscaping percentages on the property as it proposed in an area that is currently a concrete patio.

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 Board finds the addition to be in accordance with with the purposes of the SZO and of the RA district. The Board finds any impacts to the community from this proposal to be negligible.

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 Board finds that the design of the building is consistent with the character of the neighborhood and the historical qualities of the house.

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**.

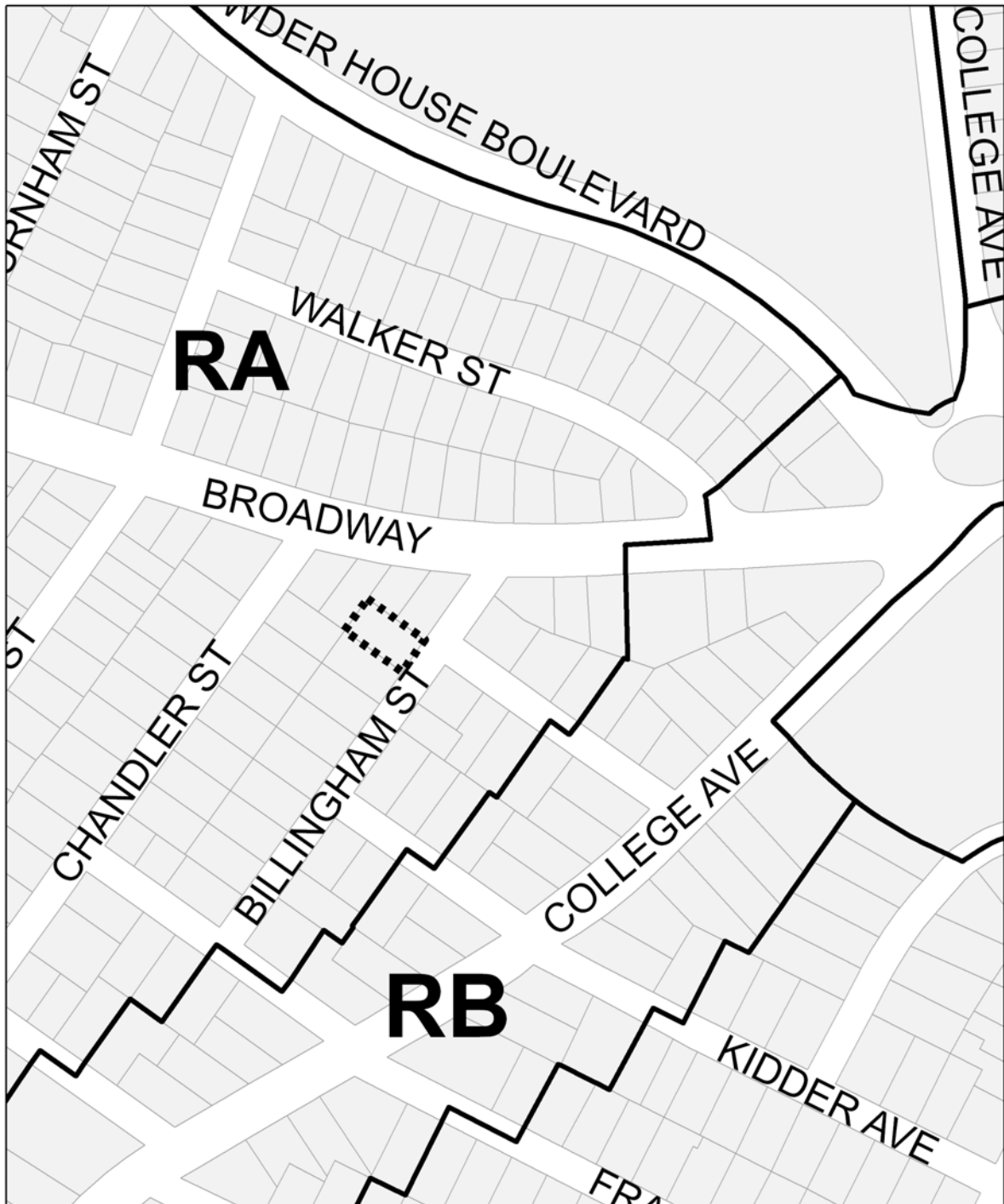
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of an approximately 10' by 10' first addition and 4' by 10' second floor addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(3/24/09)</td><td>Initial application submitted to OSPCD</td></tr><tr><td>12/15/08(4/14/09)</td><td>Proposed Site Plan and Elevations (A2, A3, A8, A9)</td></tr></table>				Date (Stamp Date)	Submission	(3/24/09)	Initial application submitted to OSPCD	12/15/08(4/14/09)	Proposed Site Plan and Elevations (A2, A3, A8, A9)
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12/15/08(4/14/09)	Proposed Site Plan and Elevations (A2, A3, A8, A9)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	A code compliant fire alarm system shall be installed.	CO	FP							

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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Sincerely,



Elizabeth Moroney
Acting Chair



28 BILLINGHAM ST