



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

**PLANNING DIVISION**

**STAFF**

GEORGE PROAKIS, *PLANNING DIRECTOR*

VACANT, *SENIOR PLANNER*

LORI MASSA, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2010-51

**Date:** October 7, 2010

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 34 IRVING STREET

**Applicant Name:** Monica Luke

**Applicant Address:** 74 South Street, Bedford, MA

**Property Owner Name:** same

**Property Owner Address:** same

**Alderman:** Rebekah Gewirtz

Legal Notice: Applicant & Owner Monica Luke seeks a special permit under SZO §4.4.1 to remove 7 windows and add 8 windows in a non-conforming side yard setback. RA zone. Ward 6.

Zoning District/Ward: RA/ Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: 9/14/2010

Date(s) of Public Meeting/Hearing: PB 10/7/10 - ZBA 10/20/2010

Date of Decision: N/A

Vote: N/A

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family dwelling on a 4500 sf lot. The structure is 2.5 stories and contains 2526 nsf of living space.
2. Proposal: The applicant seeks special permit to remove seven windows and add eight windows on a non-conforming side-yard setback.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

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3. Nature of Application: The structure is currently nonconforming with respect to setbacks. The windows are being reconstructed on a non-conforming side yard setback. The site is also non-conforming with regard to other setbacks and lot-lines but is not significantly different than any other structure in the neighborhood.

4. Surrounding Neighborhood: The existing structure matches the other structures in the neighborhood, which is primarily two unit dwellings, with similar lot sizes.

5. Green Building Practices: None.

6. Comments:

*Ward Alderman:* Has 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 with the changes in windows in this location.

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 as well.

The change in windows will allow for the renovation of this home and the improvement of the interior of the building.

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 new design will add a more symmetrical window pattern on the first floor, and replace the large enclosed porch windows with smaller windows on the second floor. It will also add a diamond-shaped window on the first floor. All of these window types are compatible with windows on other homes in the area. This building has deteriorating siding, and is undergoing other construction. This application is a part of a larger renovation project on this building. The original vinyl has been removed since the original application photos were taken, and the siding underneath has been damaged, but shows signs of its original character that was not visible when covered by vinyl. Staff recommends wood or fiber-cement siding for this building when it is complete, but is willing to work with the applicant on any siding option to ensure that the building retains its character when finished.

**III. RECOMMENDATION****Special Permit 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 PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to replace existing porch and add an additional two-story outdoor gallery space, while maintaining an existing 121 sf. 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>(9/14/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>9/8/2010</td><td>Existing and proposed plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(9/14/2010)	Initial application submitted to the City Clerk's Office	9/8/2010	Existing and proposed plans submitted to OSPCD
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9/8/2010	Existing and proposed plans submitted to OSPCD									
Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.										
2	The applicant shall repair or replace siding on the entire building and siding around the new windows shall match the remainder of the structure. The applicant shall submit siding color and material samples to Planning Staff for review and approval prior to installation.	BP	Plng							
3.	The applicant shall not pave any additional yard area on the lot for additional parking.	Perpetual	ISD							
4.	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.							



**34 Irving Avenue**