



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *PLANNING DIRECTOR*
CHRISTOPHER DI IORIO, *SENIOR PLANNER*
LORI MASSA, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2010-14
Date: May 20, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 55 SARGENT AVENUE

Applicant Name: Girma Beka
Applicant Address: 55 Sargent Ave, Somerville, MA 02145
Property Owner Name: same
Property Owner Address: same
Alderman: Pero

Legal Notice: Applicant and Owner, Girma Beka, seek a Special Permit under SZO §4.4.1 to convert an existing basement into living space within a three-family dwelling.

Zoning District/Ward: RB/4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: 5/6/2010

Date(s) of Public Meeting/Hearing: PB 5/6/10 - ZBA 5/19/10

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a three-family dwelling on a 2,897 sf lot. The structure is 3 stories with a mansard roof and contains 3,246 nsf of living space.

The property is listed in the Assessors database as a four-family dwelling and was purchased as a four-family dwelling by the applicant in September 2004. The building is owner occupied and, until recently, the remaining three units in the building were rented. In March 2010 Inspectional Services (ISD) received a complaint that there was an illegal unit in the basement. ISD research concluded a record of legal use as a three-family and required the basement unit to be vacated.



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



2. Proposal: The applicant is proposing to legalize the existing 764 nsf finished basement space and incorporate the square footage into the first floor unit. The space would be used as a family/play room and have a small office/study space. In the process the applicant will remove the existing kitchen facilities in the basement space.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including FAR, which is currently at 1.12 in an RB zone which allows 1.0.

Legalizing the finished basement would increase the living space by 764 nsf, which increases the existing FAR nonconformity from 1.12 to 1.38 at 4010 nsf.

4. Surrounding Neighborhood: The structures in the surrounding neighborhood represent a variety of architectural styles with a variety of roof types including mansard, gable and gambrel. Homes are typically 2 ½ and 3 story structures of wooden construction. Lot sizes are typically in the vicinity of 3000 sf.

5. Green Building Practices: None.

6. Comments:

Fire Prevention: The applicant will need an updated code compliant fire alarm system.

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 than the existing structure since the finished space currently exists. No work is being proposed for the exterior of the structure but Staff will condition that much of the existing yard that is currently paved would be removed and landscaped. The additional green space would be beneficial to the neighborhood visually and ease pressures on the municipal storm drainage system.

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 RB district in altering this dwelling. That applicant purchased what he thought was a 4 unit structure and is proposing to remove that unit to come into compliance with the allowable units under the SZO. As the basement is finished the applicant would like to continue to use the space as living space for the first floor unit. Staff finds this to be acceptable if in conjunction with increased landscaping.

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."

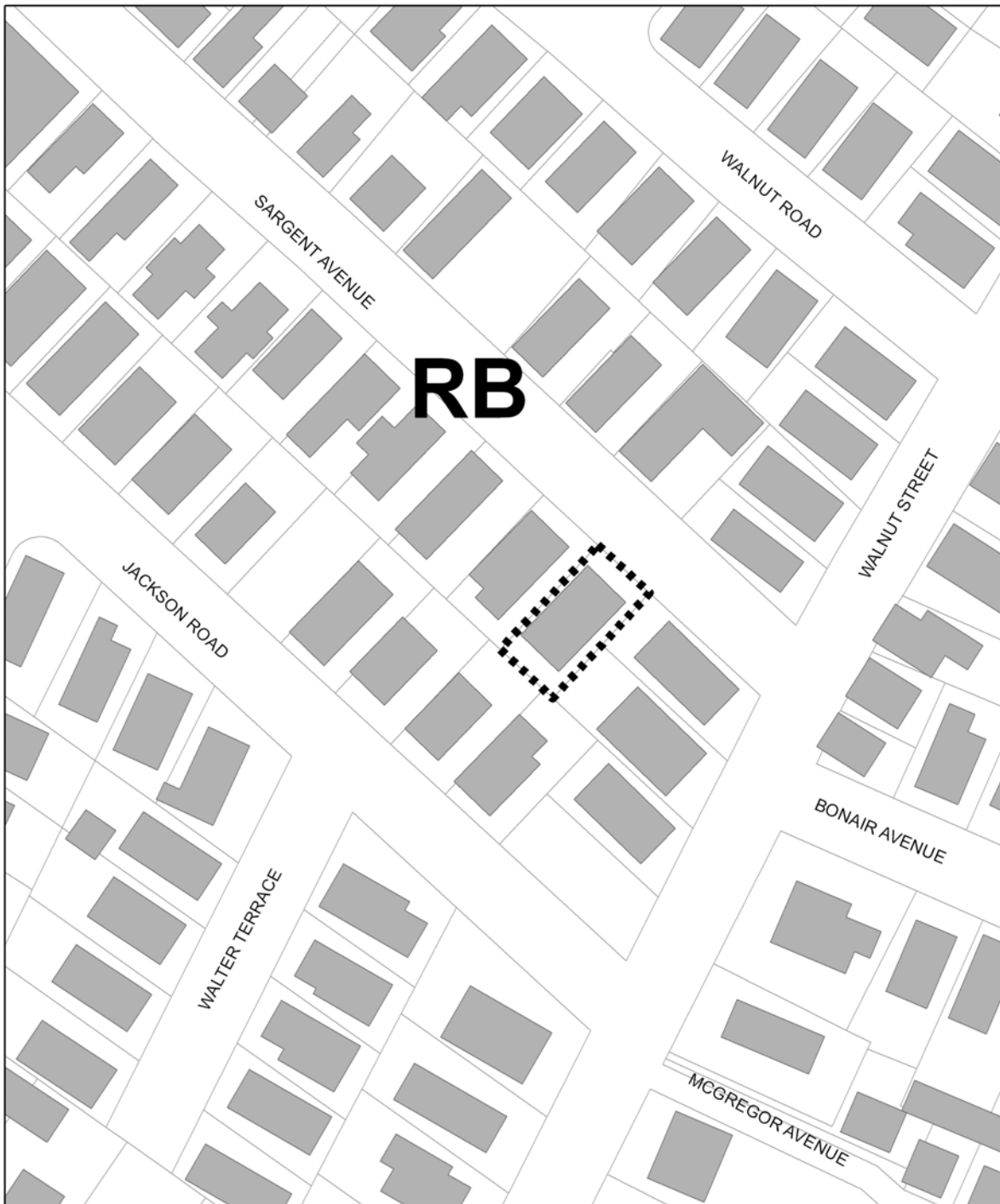
With the removal of the illegal unit the structure will become more compatible with the unit counts within surrounding structures. The increase in legal living space would not have an affect on the site or the area as no exterior alterations are proposed and the basement space is currently finished.

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 legalize an existing finished basement space of 764 nsf. 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>(4/2/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(5/18/10)</td><td>Plans and elevations submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(4/2/2010)	Initial application submitted to the City Clerk's Office	(5/18/10)	Plans and elevations submitted to OSPCD
	Date (Stamp Date)				Submission					
	(4/2/2010)				Initial application submitted to the City Clerk's Office					
	(5/18/10)				Plans and elevations submitted to OSPCD					
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	There shall be no more than three units within the structure and no kitchen facilities in the building area below grade.	CO	ISD.							
3	The applicant shall submit a landscaping proposal to Staff for approval and shall install landscaping according to the approved plans.	CO	Plng.							
4	The applicant shall install an updated code compliant fire alarm system.	CO	Fire							
5	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.							



55 SARGENT AVE