



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

PLANNING BOARD

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Case #: ZBA 2009-34
Date: September 2, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 56 Church Street

Applicant Name: Michael Loranger

Applicant Address: 27 Kilmarnock St. Wilmington, MA 01887

Property Owner Name: Mark Dunn

Alderman: Taylor

Legal Notice: The Applicant seeks a special permit under §4.4.1 in order to enclose an approximately 130 sf first floor porch in the required side yard setback.

Zoning District/Ward: Residence B / 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

Dear ZBA members:

At its regular meeting on August 20, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0) with James Kirylo 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 an approximately 3,200sf lot on which sits a two and a half story wood frame two-family dwelling. In the rear yard there is a two story porch. The second floor is enclosed and the first floor is open on a concrete slab foundation. The foundation is 14.6ft wide by 8.8ft deep and extends 2.7ft further into the rear yard than the second floor porch. The end of the foundation is 10.4ft from the rear lot line.

2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to enclose the first floor porch in order to add a second bedroom to the first floor dwelling unit. Windows on the proposed rear façade would match those on the existing second floor enclosure. A pitched aluminum roof and an 8 inch soffit would cover the addition area that extends beyond the second floor deck into the rear yard, which would match the second floor design.



3. Nature of Application: The existing structure is nonconforming with respect to side yard and rear yard setback requirements. Under SZO §4.4.1 single and two-family dwellings which are non-conforming with respect to dimensional requirements may be enlarged and expanded by Special Permit.

The property is a "narrow lot" with a 40ft width. Under the SZO §8.6.13 the required side yard would be 7.2ft. The structure lies 2.3ft from the side yard property line, a 4.9ft violation of SZO §8.5.H.

The property is a "shallow lot" with an 80ft depth. Under the SZO §8.6.13 the required rear yard would be 15ft. The existing foundation violates the requirement by extending 4.6ft into the rear yard setback requirement.

4. Surrounding Neighborhood: The property is located in a Residence B (RB) zone. The immediate neighborhood is predominantly residential, with a mix of one-, two- and three-family homes.

5. Green Building Practices: None specified.

6. Comments:

Fire Prevention: Deputy Chief Steven Keenan has been contacted and has not yet provided comments.

Alderman: Alderman Taylor has been contacted and 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."

The Applicant requires a special permit under §4.4.1 of the SZO. Under §4.4.1, "the SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board finds that the Applicant's proposal **would not be substantially more detrimental** to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. The proposal is not more detrimental in visual effects or privacy concerns. The Board finds that the addition would be an improvement to the appearance of the structure and rear yard as the existing porch has a plywood wall and the second floor porch is supported by only two 4 inch by 4 inch columns. The new addition would match the windows placement/alignment on the second floor and with siding materials.

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 that the proposal **is consistent** with the purposes set forth in Article 1 of the Zoning Ordinance, and with, to the extent possible for a lawful pre-existing nonconforming structure, those purposes established for the Residence B (RB) zoning district in which the property is located, namely "(t)o establish and preserve medium density neighborhoods of one-, two- and three-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 Board finds that the proposal **is compatible** with the site and area. The addition would not be visually intrusive within the neighborhood since it is on the first floor and screened with a cedar fence around the perimeter of the property.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of an approximately 8.8ft deep by 14.6ft wide enclosure of a rear porch. This approval is based upon the following application materials and the plans submitted by the Applicant:	Building Permit	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 Clerks Office</td></tr><tr><td>(8/17/09)</td><td>Proposed Plans and Elevations</td></tr></table>				Date (Stamp Date)	Submission	(7/14/09)	Initial application submitted to the City Clerks Office	(8/17/09)	Proposed Plans and Elevations
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	(8/17/09)				Proposed Plans and Elevations					
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The materials, windows and color of the addition shall match that of the house.	CO	Plng.							
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.	CO	Plng. / ISD							

Sincerely,



Kevin Prior
Chairman



RB

56 CHURCH STREET