



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-08
Date: March 1, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 67 Lexington Avenue

Applicant Name: Ronald Rego

Applicant Address: 67 Lexington Ave, Somerville, MA 02144

Property Owner Name: same

Property Owner Address: same

Alderman: Gewirtz

Legal Notice: Applicant and Owner, Ronald Rego, seeks a Special Permit under SZO §4.4.1 in order to extend an existing dormer within the non-conforming side yard.

Zoning District/Ward: Residence A / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: January 28, 2010

Date(s) of Public Meeting/Hearing: PB 3/4/10 - ZBA 3/17/10

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property has a two-family dwelling on a 3600 sf lot and borders the community path along the rear lot line. The structure is 2 ½ stories with a gable roof. There is an existing shed dormer on the left side of the house and an existing 12.5 ft shed dormer that protrudes 1.5 ft beyond the left side façade of the house.

2. Proposal: The proposal is to extend the left side shed dormer by 7.5 ft towards the front of the house. The dormer would match the style, slope and overhang of the existing dormer. The completed



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dormer would be 20 ft long and would enable the owner to construct a bathroom within the half story.

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

The proposed dormer would affect the nonconforming left side yard, which is 2.7 ft. The minimum required by the Somerville Zoning Ordinance (SZO) is 7.2 ft for a 2 ½ story structure (reduced from 8 ft 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 (20 ft dormer / 43.2 ft structure length).

4. Surrounding Neighborhood: The structures in the surrounding neighborhood are predominantly of a similar architectural style with gable roof styles and a variety of dormer types including shed. Homes are typically 2 ½ story structures of wooden construction.

5. Green Building Practices: None.

6. Comments:

Fire Prevention: Deputy Chief William Lee reviewed the proposal and had the following comments: "Regarding the proposed extension to the existing dormer at 67 Lexington Ave., if it involves any addition or alteration to a bedroom, section 9 of the Mass. State Building code requires that the fire alarm system in the entire building be brought up to code."

Ward Alderman: Alderman Gewirtz has been contacted but 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 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. The proposed dormer would face the rooftop of the adjacent structure and the use of the proposed area as a bathroom would encourage the applicant to provide for privacy. While Staff would normally would not encourage shed dormers extending from the roof apex and a 1.5 ft overhang, Staff finds the design to be acceptable as it is an extension of the existing form. The house would remain a 2 ½ story because the dormers would be less than 50% of the length of the roof.

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.

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. The shed dormer extending from the roof apex is a design characteristic that is common in this neighborhood. While this design is a form that would not typically be recommended by Staff, the existence of this type of dormer on the existing structure and neighboring homes makes it acceptable to Staff. In addition, the impact on the structure's appearance from community path would be negligible, since the dormer would extend away from the path towards the front façade and the close proximity of the adjacent building would effectively act as screen.

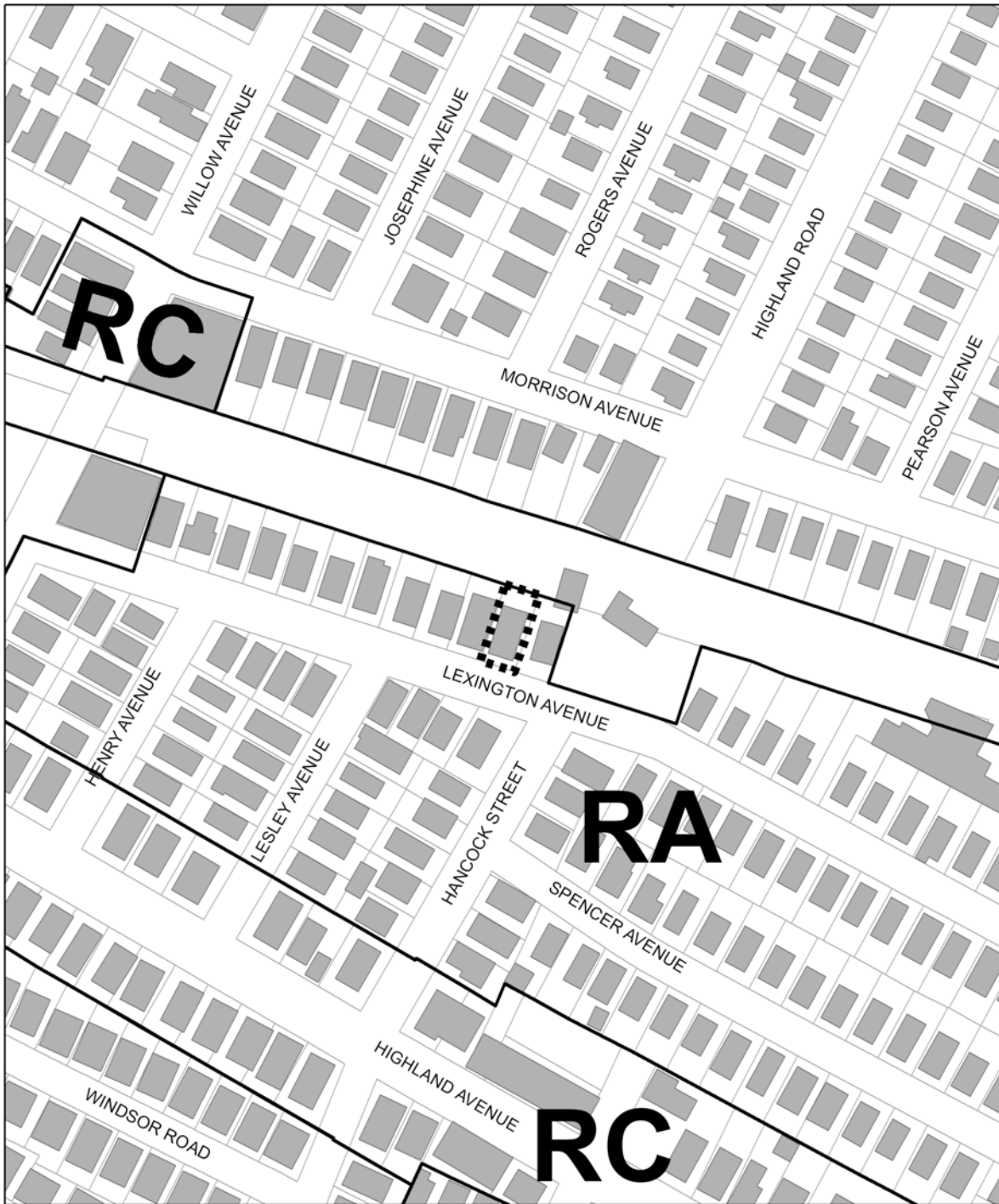
III. RECOMMENDATION

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 for the construction of an approximately 7.5 ft shed dormer extension. 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>(1/28/10)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>1/20/10</td><td>Plans and elevations submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(1/28/10)	Initial application submitted to the City Clerk's Office	1/20/10	Plans and elevations submitted to OSPCD
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	1/20/10				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	The siding and color shall match that of the existing dormer.	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.	Final sign off	Plng.	
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67 LEXINGTON AVE