



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

STAFF

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FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2009-05
Date: March 16, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 103 Belmont Street

Applicant Name: Jennifer Evans

Applicant Address: 103 Belmont Street, Somerville MA

Property Owner Name: same

Agent Name: none

Alderman: Taylor

Legal Notice: Applicant & owner Jennifer Evans seeks a special permit (SZO §5.1) to establish an office within a primary residence (§7.11.4.f) and to modify the parking requirements for nonconforming structures for one required parking space (§9.13.a).

Zoning District/Ward: Residence A / Ward 3

Zoning Approval Sought: Special Permit (§5.1)

Date of Application: March 10, 2009

Date(s) of Public Hearing: ZBA: April 15, 2009

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property, an approximately 3900 s.f. lot located in a Residence A (RA) zoning district, contains a two and-a-half story, two-unit residence. The Applicant owns one unit of the condominium and has ownership over the driveway as indicated in the deed. The driveway holds three cars parked in tandem.

Proposal: The Applicant has been operating a home occupation (SZO §7.11.4.e) administering acupuncture services for the past 3 1/2 years, which is allowed by-right in an RA district. She has been an acupuncturist for 17 years and is licensed with the State.

The Applicant would like to have one other professional working in her home on a limited basis. This kind of arrangement is seen in other approved home offices. The two would work different hours such that the space was not in demand by clients of both practitioners. The other professional would be a licensed acupuncturist, licensed herbalist or a licensed massage therapist. The office would be in one room on the second floor that is approximately 139 n.s.f. The tandem parking in the driveway cannot be considered more than one parking space; however, practically speaking the homeowner, the other employee, and a client can park in the driveway.

The hours of operation would be generally six hours per day, anytime from Monday-Friday 7:30am-6pm and Saturday mornings.

The Applicant will be posting a sign that complies with the Somerville Zoning Ordinance requirements. No other alterations are proposed for the building.



*103 Belmont St
(left) and
driveway*

3. Nature of Application: Since home occupations can only be conducted by the residents of the dwelling unit, the Applicant is applying for an office within the residence (SZO §7.11.4.f). A special permit is required for this use in a RA zoning district. Under §9.13 parking requirements may be modified for the one parking space that is required for this use.

4. Surrounding Neighborhood: There are several two- and three-family houses on Belmont Street with driveways. The street has resident permit parking on both sides of the street. The property is located approximately 250 feet from Highland Avenue, along which are a mix of uses and parking that is open to non-residents.

5. Impacts of Proposal: The increased burden of on-street parking is the only foreseen negative impact of the proposal. An abutter sent a letter stating that parking is only tight on this part of Belmont Street overnight but not during the day and evening. The office would only be open during the day and

early evening when parking is not seen as a problem. Also, parking concerns should be alleviated by the driveway; it can only be considered one parking space, although the homeowner, the other employee, and a client will park in the driveway.

The limited office use in this primarily residential neighborhood would not negatively affect the character of the neighborhood because the exterior would not change. The positive impact would be providing health-related services that would be convenient to the neighborhood.

6. Green Building Practices: None.

7. Comments:

Traffic & Parking: "The applicant seeks a special permit to establish an office within a primary residence. The Somerville Zoning Ordinance (SZO) requires one off-street parking space in this scenario. Belmont St is a residential neighborhood with resident permit parking only. The building where the office is to be located has 2 residential units. There is also a driveway associated with the building. Parking associated with the driveway is for the occupants of the building not for individuals utilizing the proposed office. There is a Handicap Parking space in front of the building. Guest placards can not be used for business associates or clients. Individuals pursuing business at this office if not from Somerville would have to illegally park in front of a neighbors house to do business at the proposed office. Traffic and parking does not support this concept. Traffic and parking does not support this application."

Ward Alderman: Alderman Taylor has been informed of the proposal and requested information which staff have provided.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4):

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."

Applicant's proposal complies with the standards of §7.11.4.f, which requires that the office be part of the applicant's primary residence. Staff find that the proposal would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

While we have respectfully considered Traffic and Parking's position, Planning Staff find that the proposed relief is mitigated by the following factors; which are referenced in the conditions:

- residents permit parking protects Somerville residents' parking spaces
- the property is a short walk to Highland Ave parking for out-of-town clients
- the professionals would be working staggered hours and the clients would most likely park in the driveway
- the applicant controls the driveway and can assure how it is used

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. The proposal is consistent with the purpose of the RA district, which is to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts. Finally, as conditioned the proposal is consistent with the purposed of section 9.1, ensuring the availability and safe use of parking areas.

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 office would be conducted entirely within the residence with no offensive externalities.

III. RECOMMENDATION

Special Permit under §7.11.4.f and §9.13.a

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 an office within a primary residence for two professionals licensed in acupuncture, herbal therapy or massage therapy (§7.11.4.f). This approval is based upon the following application materials and the plans submitted by the Applicant:	CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 10, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 28, 2006</td><td>Floor Plans</td></tr></table>				Date (Stamp Date)	Submission	(March 10, 2009)	Initial application submitted to the City Clerk’s Office	July 28, 2006	Floor Plans
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	July 28, 2006				Floor Plans					
Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.										
2	The hours of operation for the office shall not extend beyond the hours of 7:30 a.m. to 6:00 p.m., Monday through Friday and Saturday mornings.	Perpetual	ISD							
3	In order to reduce the effects of this office on the on street parking situation in the area, the owner shall direct the other professional and clients to park in the driveway.	Perpetual	ISD							
4	The two professionals shall not see clients at the same time so that the space is not in demand by clients of both professionals.	Perpetual	ISD							
5	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the certificate of occupancy to ensure the proposal is operating in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							

