



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
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Case #: 2007-67
Site: 64 Berkeley St
Date: January 17, 2008
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Applicant Name: Joan Lawson
Applicant Address: 64 Berkeley Street, Somerville, MA
Property Owner Name: Joan Lawson
Property Owner Address: 64 Berkeley Street, Somerville, MA
Agent Name: Scott Vaughn, Vaughn Associates
Alderman: Thomas Taylor

Legal Notice: Applicant & Owner Joan Lawson (Agent Scott Vaughn) seek a special permit (SZO §4.4.1) to construct a deck that will be dimensionally nonconforming in terms of the side yard setback under SZO §8.5.H.

Zoning District/Ward: Residence A (RA) zone. Ward 3.
Zoning Approval Sought: 8.5.H under SZO § 4.4.1
Date of Application: December 13, 2007
Date(s) of Public Hearing: [Planning Board: 1.17.08 / ZBA: 1.23.08]
Date of Decision: N/A
Vote: N/A

Dear ZBA members:

At its regular meeting on January 17, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 3-0, to recommend **conditional approval** of the requested **Special Permit**.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an approximately 5,000 square foot lot on which sits a 2 ½ story wood frame single-family dwelling. The property is located in the Spring Hill neighborhood.

2. Proposal: The Applicant is seeking a special permit under SZO §4.4.1 to add an unenclosed deck at the rear of the property that would be three feet from the side yard property line, a five foot violation of

SZO §8.5.H. The deck would be 9' 2" x 11' 9-1/2" and would align with the house that is currently nonconforming with a 3 foot side yard setback.

3. Nature of Application: The existing structure is nonconforming with respect to side yard setback requirements.

These existing nonconformity allows the Applicant to apply for a special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states: "lawfully existing one- and two- family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five percent. 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."



64 Berkeley Street - Street View



Location of proposed deck from abutting driveway (over fence)

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

5. Impacts on Abutting Properties: There should be minimal impact on the abutting property. The house is currently 3 feet from abutting property and the addition of the deck would only add 9' 2" to the nonconformity. Also, there is an approximately 6 foot wooden fence and a neighbor's driveway between the proposed deck and the adjacent house.

5. Green Building Practices: None specified.

6. Comments from Fire Prevention Bureau: Deputy Chief Steve Keenan had no comments or questions on this matter.

7. Comments from Alderman: Alderman Taylor 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 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."

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.

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."

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 Residential A (RA) zoning district in which the property is located, namely "(t)o 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."

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."

Board finds that the proposal **is compatible** with the site and area. The deck would not be visually intrusive within the neighborhood.

III. RECOMMENDATION

Special Permit under §4.4.1

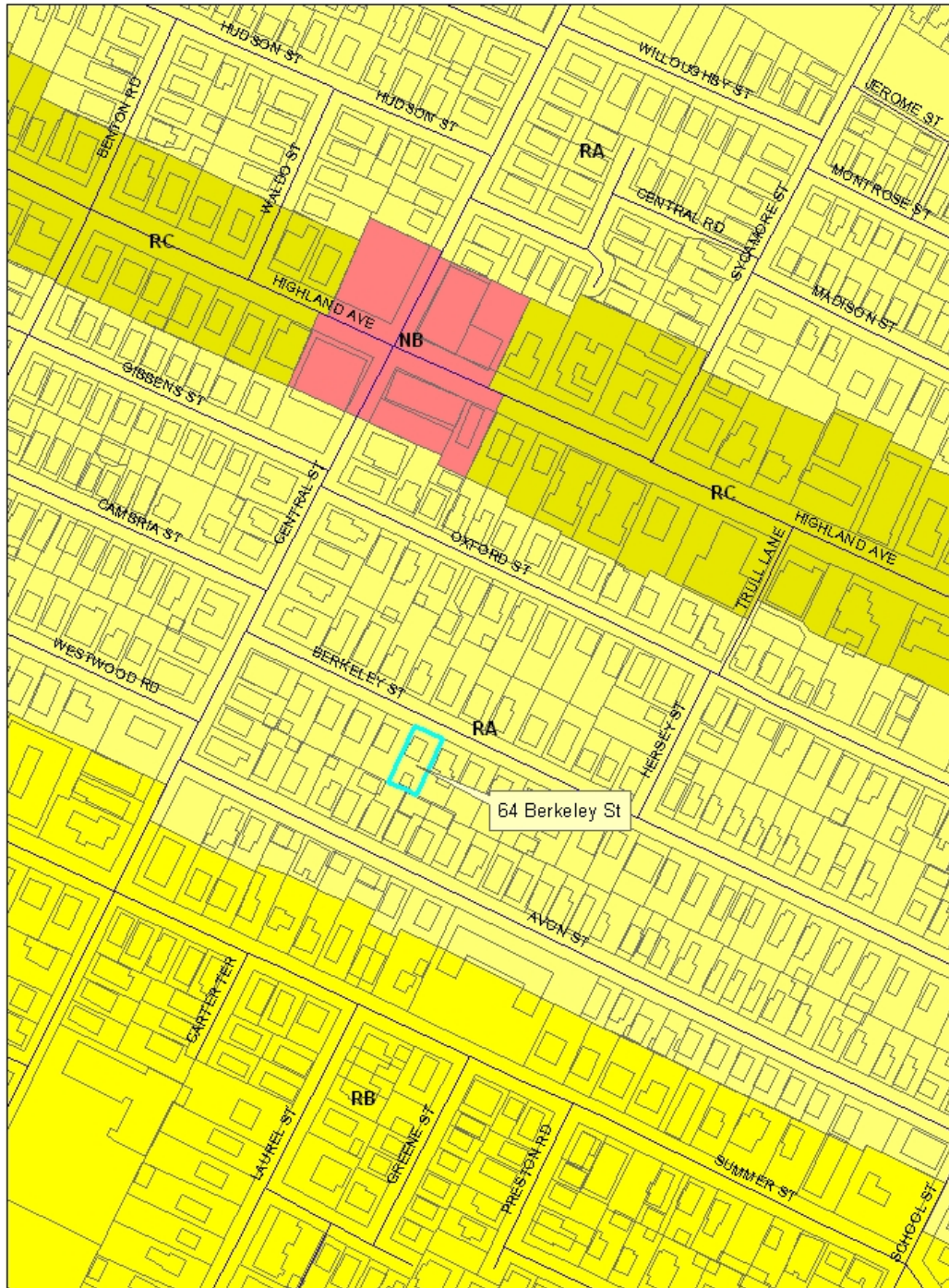
Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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	<p>Approval is for the construction of a 9'2"x11'9-1/2" uncovered deck that will be dimensionally nonconforming in terms of the side yard setback under SZO §8.5.H. This approval is based upon the following application materials and the plans submitted by the Applicant and/or the Agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>December 21, 2007</td><td>Initial application submitted to the City Clerk's Office</td></tr></table> <p>Any changes to the approved site plan must receive ZBA approval.</p>	Date	Submission	December 21, 2007	Initial application submitted to the City Clerk's Office	Building Permit	Plng.	
Date	Submission							
December 21, 2007	Initial application submitted to the City Clerk's Office							
2	<p>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.</p>	Final Building Permit Sign-off	Plng. / ISD					

Map of 64 Berkeley Street



Sincerely,

Elizabeth Moroney
Acting Chair

Cc: Applicant: Joan Lawson
 Owner: Joan Lawson
 Agent: Scott Vaughan