



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-63
Date: January 4, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 864 Broadway

Applicant Name: Herberson Dosantos

Applicant Address: 42 Rosewood Ave., Billerica, MA 01821

Property Owner Name: Charles Kostopoulos

Property Owner Address: 4055 Losillias Dr., Sarasota, FL 34238

Agent Name: none

Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Herberson Dosantos, & Owner, Charles Kostopoulos seek a Special Permit under SZO §4.5.1 to change the use from an approximately 500sf real estate office to a used furniture store (§7.11.9.7).

Zoning District/Ward: Residence B / 6

Zoning Approval Sought: Special Permit under SZO §4.5.1

Date of Application: December 7, 2009

Dates of Public Meeting • Hearing: Planning Board 1/7/10 • Zoning Board of Appeals 1/20/10

I. PROJECT DESCRIPTION

1. Subject Property: The property is a one-story commercial structure on a 12,000 square foot lot that runs along the corner of Broadway and College Avenue at the Powderhouse Rotary. The building has several storefronts and the subject space is approximately 500 s.f. This site was previously used as a real estate office. There were four to five employees working in the office. Other uses within the building include restaurants, a frozen yogurt shop, a convenience store, and a laundromat.



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2. Proposal: The proposal is to change the use to a used furniture store. The anticipated hours of operation are 11 a.m. to 7 p.m. during the weekdays and 11 a.m. to 5 p.m. on the weekends. Loading would occur during business hours. There would be one or two employees. The Applicant and Owner are not proposing any changes to the façade except for adding the name of the business above the door. The awning from the previous business was removed and the façade would be more in-line with the Owner's signage design plan for the building that was part of the Storefront Improvement Program in the past.



864 Broadway



3. Nature of Application: This is a commercial property within an RB district. The applicant is seeking a special permit under §4.5.1 of the Somerville Zoning Ordinance (SZO) for a change of non-conforming use from a real estate office to a store selling furniture, home furnishings, carpets, or home appliances and equipment, including audio, computer, and video equipment (§7.11.9.7).

No parking spaces are available on the lot. The proposed use requires 0.1 more parking spaces than the prior use. Under §9.4.1, nonconformity with respect to parking requirements, no additional parking spaces are required if the new use requires one or less spaces.

4. Surrounding Neighborhood: The property is located in Powder House Circle and is comprised of a variety of retail shops. There is a funeral parlor and two- and three-family houses in the immediate area and Tufts University nearby.

5. Impacts of Proposal: There are no anticipated negative impacts from the change in use. The customers are expected to be college students and residents in the area. There are a lot of pedestrians in the area and this business should contribute to its vibrancy.

6. Green Building Practices: None.

7. Comments:

Fire Prevention: Has been contacted but has not provided comments.

Ward Alderman: Has been contacted but has not provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.1 & 5.1):

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 § 4.5 of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. A used furniture store is an appropriate use for the area with college students and residences. Powder House Circle functions as a commercial area even though it is zoned residential. The store is relatively small so it would not be out of scale with the retail in the area. The store would fill a vacant storefront and provide a few jobs. There is metered parking along the street for people to park and pick up furniture. The existing structure has a strong commercial presence in the area and Staff find it appropriate to continuing to support commercial uses here.

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 use of a furniture store is not an allowed use; however, it is consistent with the purpose of the Residence B district, which is, "[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". A small furniture store is a convenient use for the residents in the area.

The proposal is also consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "conserve the value of land and buildings," and to "provide for and maintain the uniquely integrated structure of uses in the City".

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."

Staff find this use to be consistent with the existing context of the area. Staff do not anticipate negative impacts to the community from this use. There will be no change to the exterior of the building except for the change in signage that will be more compatible with the design of the other signage on the building and the style of the building.

III. RECOMMENDATION**Special Permit under §4.5.1 and §5.1**

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 use of a store selling furniture, home furnishings, carpets, or home appliances and equipment, including audio, computer, and video equipment (§7.11.9.7). 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>(Dec 7, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(January 4, 2010)</td><td>Plans submitted to OSPCD (elevation, floor plan)</td></tr></table>				Date (Stamp Date)	Submission	(Dec 7, 2009)	Initial application submitted to the City Clerk’s Office	(January 4, 2010)	Plans submitted to OSPCD (elevation, floor plan)
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Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.										
2	Final design of the signage shall be approved by Planning Staff.	BP	Plng.							
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.							

