



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-38
Date: August 20, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 18 Fellsway West #2

Applicant Name: Ginhee Sohn and Peter Unger

Applicant Address: 18 Fellsway West #2, Somerville, MA 02115

Property Owner Name: same

Agent Name: Chiong Lin

Agent Address: 38 Bigelow St, Apt B, Cambridge, MA 02139

Alderman: Pero

Legal Notice: The Applicant & Owner Ginhee Sohn & Peter Unger seek a special permit under §4.4.1 to expand a nonconforming two-family residential structure by constructing a 222± sf addition and roof deck to the rear of the house within the required side yard setback.

Zoning District/Ward: Residence B / 4

Zoning Approval Sought: Special Permit under §4.4.1 and §5.1

Date of Application: July 28, 2009

Date(s) of Public Meeting/Hearing: Planning Board: 8/20/09 / ZBA: 9/3/09

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:



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I. PROJECT DESCRIPTION

1. Subject Property: The existing two-family row house is approximately 3175 square feet, and was constructed circa 1885. The house is 2 ½-stories and there is a one-story portion in the back with a roof deck above it. The house is located on 3,664 square foot parcel.
2. Proposal: The proposal is to construct a second story over the existing one-story portion of the house for a 195 net square foot family room. The proposal also includes a deck over the second story. An existing dormer with a window would be converted to a door to access the roof deck. The deck railing would wrap around the addition to the dormer; it would not affect the slate roof.



18 Fellsway West – (left) front, (right/below) location of proposed addition



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot area, landscaped area, side yard setback, and street frontage. The proposal affects the nonconforming side yard setback, which is 5 feet along the rear portion of the building; the minimum side yard setback is 6.9 feet. This existing nonconformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).
4. Surrounding Neighborhood: The surrounding neighborhood consists predominately of one-, two-, and multi-family homes. Foss Park is located across the street.
5. Impacts of Proposal: The proposal would increase the mass of the structure in the rear; however, the rear yard setback would remain conforming and the side yard would not be reduced further. There is a one-story structure abutting the property along the nonconforming side yard. The addition would not have any windows on this side and is not expected to further impact shadows on the neighboring structure.



6. Green Building Practices: The Applicant would install energy efficient windows and use low or no volatile organic compounds (VOCs) paints and stains.

7. Comments:

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

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and §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 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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal would increase the mass of the structure in the rear; however, the rear yard setback would remain conforming and the side yard would not be reduced further. There appears to be minimal impact to the abutting property. The addition would not have any windows facing the neighboring structure and it is not expected to further impact shadows on this structure.

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 also consistent with the purpose of the 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."

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 proposal is designed in a manner that is compatible with the built and unbuilt surrounding area. The placement of the windows and the siding would add character to the rear portion of the house. The deck railing would not destroy the slate roof. A branch of a tree in the yard may have to be cut; however, the health of the tree should not be damaged.



III. RECOMMENDATION**Special Permit under §4.4.1 and §5.1**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is for the construction of a 222± sf addition and roof deck to the rear of the house. 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>(July 28, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 9, 2009</td><td>Plans submitted to OSPCD (plot plan)</td></tr><tr><td>June 9, 2009 (Aug 17, 2009)</td><td>Plans submitted to OSPCD (E1: existing floor plans, E2: existing elevations,</td></tr><tr><td>July 28, 2009 (Aug 17, 2009)</td><td>Plans submitted to OSPCD (A2-3 proposed elevations)</td></tr><tr><td>August 15, 2009 (Aug 17, 2009)</td><td>Plans submitted to OSPCD (A1: proposed floor plans)</td></tr></table>				Date (Stamp Date)	Submission	(July 28, 2009)	Initial application submitted to the City Clerk’s Office	June 9, 2009	Plans submitted to OSPCD (plot plan)	June 9, 2009 (Aug 17, 2009)	Plans submitted to OSPCD (E1: existing floor plans, E2: existing elevations,	July 28, 2009 (Aug 17, 2009)	Plans submitted to OSPCD (A2-3 proposed elevations)	August 15, 2009 (Aug 17, 2009)	Plans submitted to OSPCD (A1: proposed floor plans)
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Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.																
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP													
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.													

Sincerely,

Kevin Prior
Chairman

Cc: Applicant/Owner: Ginhee Sohn and Peter Unger
Agent: Chiong Lin



