



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

PLANNING DIVISION

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JAMES KIRYLO
DANA LEWINTER, ALT.

Case #: ZBA 2009-49

Date: December 3, 2009

Recommendation: Conditional Approval
of revised special permit

PLANNING BOARD RECOMMENDATION

Site: 38 Gorham Street

Applicant Name: Daniel O'Rourke

Applicant Address: 38 Gorham Street

Property Owner Name: same

Alderman: Robert Trane

Legal Notice: The Applicant proposes to convert a two-family into a three-family dwelling and seeks a variance (SZO §5.5) for lot area per dwelling unit. The Applicant also seeks a special permit (§4.4.1 & 5.1) for the alteration of a non-conforming structure in order to construct a dormer and deck within the required side yard. *The proposal has been revised.*

Zoning District/Ward: Residence B / Ward 7

Zoning Approval Sought: Special Permit SZO §5.1 & 4.4.1

Date of Application: November 9, 2009

Dates of Public Meeting • Hearing: Planning Board 11/19/09 & 12/3/09 • Zoning Board of Appeals 12/2/09 & 12/16/09

Dear ZBA members:

At its regular meeting on November 19 and December 3, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0 with Joseph Favaloro and Michael Capuano 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 subject property consists of a wood-framed, 2 ½ story structure on a 3530 s.f. lot. The use of the property is a two-family dwelling. One unit has two bedrooms and the other has four bedrooms. There is no parking onsite. There are two shed dormers on the house – one is 7.5 feet long providing headroom for the stairs and the other is 14.5 feet long providing headroom for a bedroom.

2. Proposal: The original proposal was to convert the structure from a two-family dwelling into a three-family dwelling; however, after the Planning Board meeting on November 19, the applicant revised the proposal. The house will remain a two family – the half-story of the house would not contain cooking facilities and would therefore not constitute a separate dwelling unit. The addition of a parking space on the property has been withdrawn. The revised proposal involves constructing an eight foot shed dormer for a bathroom and a two-story, approximately 9.5x18.5 foot deck in the rear of the property.



38 Gorham Street –
(l) Aerial of property
(r) Location of proposed driveway



3. Nature of Application: The Applicant would no longer require a variance because the dwelling would remain a two-family.

The structure is currently nonconforming with a few dimensional requirements, including minimum lot size, side yard setbacks, and street frontage. The proposed deck and dormer would affect the side yard setback. The proposed deck would line-up with the house and would have the same nonconforming side yard of 3.4 feet; the minimum side yard setback in this district is 7.2 feet. The proposed dormer would be

constructed along the same side of the property as the deck. These existing nonconformities require the Applicant to obtain a special permit under §4.4.1 of the SZO.

Six bedrooms are indicated on the existing floor plans and five bedrooms are indicated on the proposed floor plans. Since the number of bedrooms is not increasing, no additional parking is required.

With the additional floor area, the floor area ratio would reach its maximum allowed in the district.

4. Surrounding Neighborhood: The surrounding neighborhood is residential with one-, two-, and three-family houses.

5. Impacts of Proposal: The revised proposal will not cut the house up into smaller units but it will provide additional living space for family members. There are no anticipated negative impacts from the proposed deck and dormer. The deck would not increase the encroachment into the side yard and only extend a few feet further into the rear yard than an existing porch, which was recently removed. The proposed dormer is fairly small at 8 feet wide. It would start below the ridge of the house where an existing dormer on the opposite side of the house starts. The slope of the new dormer would be almost identical to the existing dormer.

6. Green Building Practices: None.

7. Comments:

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

Traffic & Parking: Is not supportive of a parking space in the proposed location because it blocks the access to the back of the house and it is not the required dimensions. The proposed parking space has been removed from the proposal.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4 and 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."

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 deck would not increase the encroachment into the side yard and only extend a few feet further into the rear yard than an existing porch that has been removed. The proposed dormer is fairly small at 8 feet wide. It would start below the ridge of the house where an existing dormer on the opposite side of the house starts. The slope of the dormer would be almost identical to this dormer.

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 conserving the value of land and buildings. The proposal of alterations to a residential structure is also consistent with the purpose of the Residence B district.

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 deck and the dormer are designed to be compatible with the built surrounding area as discussed in finding two. Also, the first story of the deck would have attractive decorative posts and planters.

IV. RECOMMENDATION**Special Permit under §5.1.4 and 4.4.1**

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 an 8'± dormer and a two-story, 9.5x18.5'± deck. Approval is <u>not</u> for a third dwelling unit or the addition of a parking space. 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>Nov 9, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 21, 2009 (Nov 17, 2009)</td><td>Plans submitted to OSPCD (Site Plan)</td></tr><tr><td>(Nov 17, 2009)</td><td>Plans submitted to OSPCD (Existing Conditions: A-101A, A-101B, A-102, A-103, Floor Plans: A-200A, A-200B, A-201, Elevations: A-400, Section: A-401)</td></tr><tr><td>(Nov 30, 2009)</td><td>Revised plans submitted to OSPCD (Third floor plan: A-202)</td></tr></table>				Date (Stamp Date)	Submission	Nov 9, 2009	Initial application submitted to the City Clerk's Office	Oct 21, 2009 (Nov 17, 2009)	Plans submitted to OSPCD (Site Plan)	(Nov 17, 2009)	Plans submitted to OSPCD (Existing Conditions: A-101A, A-101B, A-102, A-103, Floor Plans: A-200A, A-200B, A-201, Elevations: A-400, Section: A-401)	(Nov 30, 2009)	Revised plans submitted to OSPCD (Third floor plan: A-202)
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Any changes to the approved site plan or elevations 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 or Owner shall not install cooking facilities in the half-story.	Perpetual	ISD											
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.											

Sincerely,

Kevin Prior
Chairman

Cc: Applicant/Owner: Daniel O'Rourke

