

DRAFT

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Case #: 2008-02
Site: 26 Henderson Street
Date: February 21, 2008
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Patev Haase
Applicant Address: 26 Henderson Street, Somerville MA
Property Owner Name: Patev Haase
Property Owner Address: 26 Henderson Street, Somerville MA
Agent Name: none
Alderman: Sean O'Donovan

Legal Notice: Applicant & Owner Patev Haase seeks a special permit (SZO §4.4.1) to construct a dormer that will be dimensionally nonconforming in terms of the front yard setback under SZO §8.5.G.

Zoning District/Ward: Residence B (RB) zone. Ward 5.
Zoning Approval Sought: Special Permit under SZO §4.4.1, 8.5.G
Date of Application: January 14, 2008
Date Public Hearing: ZBA: February 20, 2008
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 1797 sf lot on which sits a two and one-half story, two dwelling unit, wood structure. There was recently a fire in the building.

2. Proposal: The Applicant is proposing to construct a shed dormer to add head room to the existing stairs and new bathroom. The dimensions of the dormer in the plans dated January 14, 2008 are 6'8" in height and 11'6" wide. The dormer's siding and shingles would match the existing vinyl siding and shingles. The Applicant is also proposing to add a canopy roof over an existing landing in the nonconforming front yard that will not extend beyond the landing.

3. Nature of Application: The structure is currently nonconforming with respect to front yard setbacks and other dimensional requirements. The required front yard setback is 15'. The landing is currently setback 3'. The porch would also be setback 3'. The dormer would have a setback of approximately 9' from the lot line and approximately 2'6" from the edge of the roofline. The existing

nonconformity requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that “[l]awfully 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.”

View of structure from Henderson Street



4. Surrounding Neighborhood: The subject property is located in an RB district. Reflective of the underlying RB zoning, the immediate neighborhood is predominantly residential, with a mix of one- and two-family homes. The property is in the Magoun Square neighborhood.

5. Impacts on Abutting Properties: The originally proposed dormer would add bulk to the structure, make it appear asymmetrical and be inconsistent with the gable roof style. The redesign

of the dormer mitigates these impacts. The porch would be an improvement to the façade of the structure.

5. Green Building Practices: None.

6. Comments from Fire Prevention Bureau: “The additions proposed to this property would have to conform to current fire codes, including a smoke detector in the hall between the bedrooms if it currently does not exist.”

9. Comments from Ward Alderman: Alderman O’Donovan 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 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."

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 much find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure.”

Staff finds that the proposal would not be substantially more detrimental to the surrounding neighborhood than the existing structure, as required under §4.4.1 of the SZO. Staff had concerns regarding the dormer's bulk, setback, shed style, asymmetry of the structure, and the fact that it is flush with the exterior wall; however, the redesign of the dormer addressed these concerns. The Applicant redesigned the dormer after the February 7, 2008 Planning Board meeting and submitted two schemes. Scheme B greatly reduces the bulk of the dormer, reduces the appearance of the front setback, and gives some design detail to the side elevation. The style of this redesign dormer is in line with the style of the house and the existing windows.

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."

Staff 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 RB district in which the property is located, namely, "[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 the 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."

Staff finds that the proposed porch and redesigned dormer are compatible with the site and area with the attached conditions.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT** for the proposed porch.

Staff finds that this application for the porch addition and dormer 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 Staff is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

(Updated conditions for 02/21/2008 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to construct a canopy roof over an existing landing that will be dimensionally nonconforming in terms of the front yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>January 14, 2008</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>February 14, 2008</td><td>Modified plans submitted to OSPCD (Scheme "B" front and side elevation)</td></tr></table>				Date	Submission	January 14, 2008	Initial application submitted to the City Clerk's Office	February 14, 2008	Modified plans submitted to OSPCD (Scheme "B" front and side elevation)
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	January 14, 2008				Initial application submitted to the City Clerk's Office					
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Any changes to the approved site plan and elevations must receive ZBA approval.										
2	If approved, the additions proposed to this property would have to conform to current fire codes, including a smoke detector in the hall between the bedrooms if it currently does not exist.	Building Permit	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 Building Permit Signoff	Plng. / ISD							

26 Henderson Street

