



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-14

Site: 14 Oakland Ave.

Date: May 7, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Holly and John Simone

Applicant Address: 14 Oakland Avenue, Somerville, MA 02145

Property Owner Name: same

Property Owner Address: same

Alderman: Pero

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 to alter a non-conforming structure in order to construct a wheelchair accessible two (2) story rear addition.

Zoning District/Ward: RA / 4

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: March 24, 2008

Date(s) of Public Hearing: [Planning Board: April 17, 2008 / ZBA: May 7, 2008]

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on April 17, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (6-0), to recommend **conditional approval** of the requested **Special Permit**.-

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 4400 s.f. lot on which sits a two and one-half story, single-family, wood structure.

2. Proposal: The Applicant is proposing to remove an existing 15' by 15' kitchen in the rear of the house and construct a first floor 31' deep by 21.8' wide addition with a handicapped accessible bedroom, bathroom, eat-in kitchen and side yard deck. On the second floor of the addition the applicant is proposing to construct a 20' by 21' master bedroom and bathroom. The applicant is proposing to relocate the handicapped chair lift from the front yard to the rear of the structure.

3. Nature of Application: The structure is currently nonconforming with respect to lot area (10,000 s.f. required / 4,400 existing), front yard setback (15' required / 3' existing) and side yard setback (8' each / 6.6' right side existing). 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."

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

5. Impacts on Abutting Properties: The proposed addition would add bulk to the rear of the structure but would still remain within the dimensional requirements for the rear yard. The nonconformity into the right side yard would be extended an additional 31' into the rear yard. Impacts on abutting properties would be visual due to the increase in size of the building.

6. Green Building Practices: None.

7. Parking: Due to the nature of the proposal additional parking spaces would not be required. The increase in bedrooms would not require additional spaces above what exists on the site.

8. Comments

Fire Prevention Bureau: "I have received a copy of the site plan concerning this location. This doesn't show me what the interior layout of the building addition will look like and be comprised of. I can state that fire detection protection would have to be extended into the proposed addition. Once a building permit is issued and I receive a copy of the plans I can be specific in what we will require in the addition"

Comments from Ward Alderman: Alderman Pero 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 much find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The Board 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. The Board finds that since the addition is in the rear of the structure and a full story lower than the existing structure visual impacts will be limited. In addition, the existing kitchen in the rear of the building has a shape and style that is mimicked in the design of the proposed addition. The Board finds that this handicapped accessible addition is necessary in order to accommodate the applicants daughter and create a safer environment for her in the home.

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 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 RA 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."

The Board finds that the proposed addition is compatible with the site and area. The additional floor area and ground coverage created by this addition are still far within the dimensional requirements under the SZO. In addition, the extended structure when finished will still be compatible with many of the other properties in the area that also feature larger homes. Adding to site compatibility, the exterior of the proposed addition will be made to look like it was a part of the original construction by using similar style materials and paints.

III. RECOMMENDATION

Special Permit under §4.4.1

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

The 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	Approval is to construct a two-story, handicapped accessible addition in the rear yard. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent: <table><tr><th>Date</th><th>Submission</th></tr><tr><td>March 24, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 28, 2008</td><td>Site plan submitted to OSPCD</td></tr><tr><td>April 15, 2008</td><td>Building elevations submitted to OSPCD</td></tr></table> Any changes to the approved site plan and elevations must receive ZBA approval.	Date	Submission	March 24, 2008	Initial application submitted to the City Clerk’s Office	March 28, 2008	Site plan submitted to OSPCD	April 15, 2008	Building elevations submitted to OSPCD	Building Permit	Plng.	
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2	Fire detection protection shall be extended into the proposed addition.	CO	FP									
3	Exterior materials and paints should be used to make the addition match the existing structure.	CO	Plng.									
4	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed of concrete subject to DPW approval.	CO	DPW									
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									
6	Any trees removed shall be documented and every effort should be made to replace the trees according to National Nurseryman’s Standards, and in accordance with SZO §10.2.2 and §10.6.2.	CO	Plng.									
7	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	Final Building Permit	Plng. / ISD									

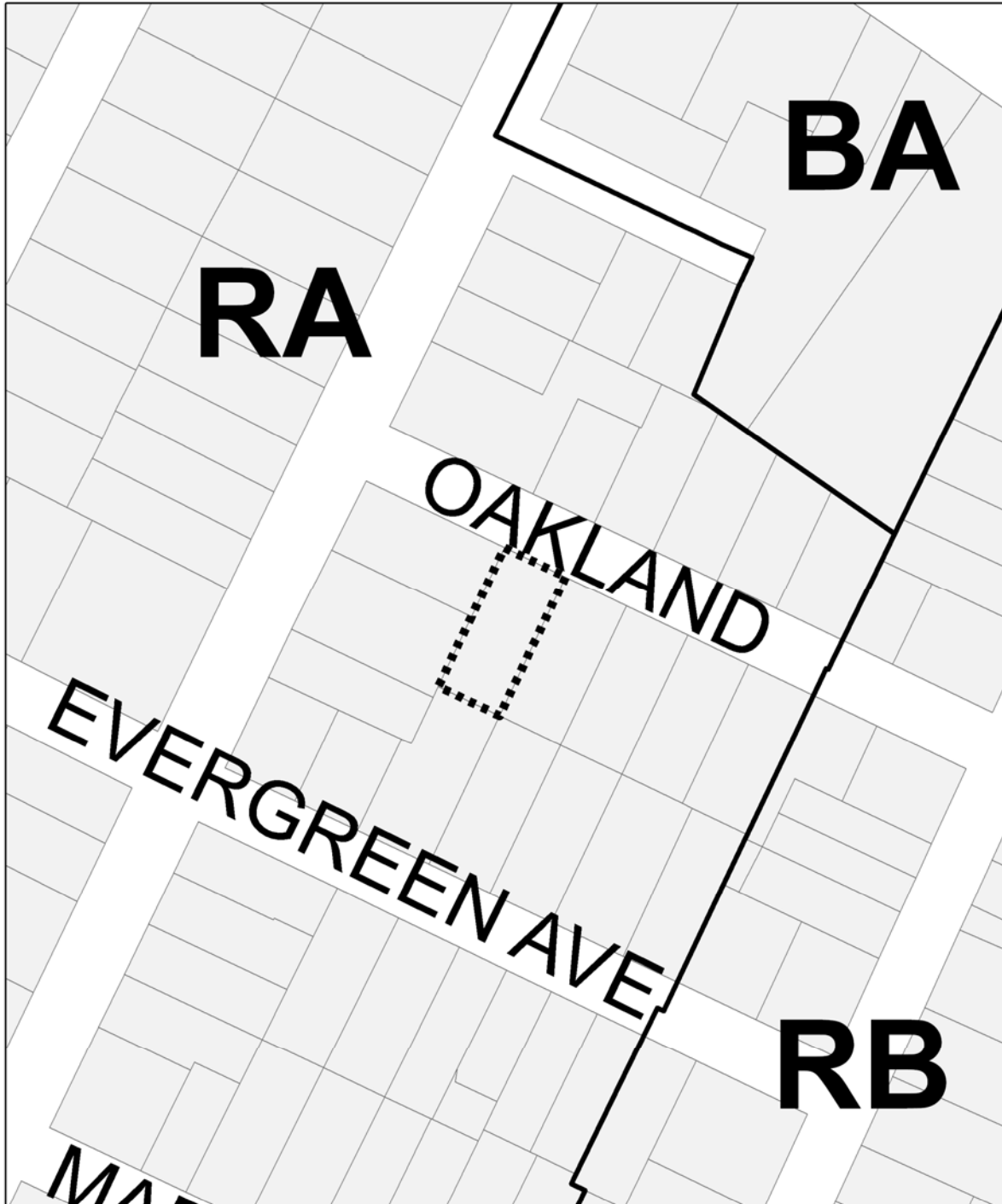
	constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Signoff		
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Sincerely,



Kevin Prior
Chairman

Cc: Applicant and Owner: Holly and John Simone



14 Oakland Avenue