



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
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MICHAEL A. CAPUANO, ESQ. (ALT.)

Case #: ZBA 2008-58

Date: November 20, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 13 Rush Street

Applicant Name: Joseph Yengo

Applicant Address: 13 Rush Street, Somerville MA

Property Owner Name: same

Alderman: Roche

Legal Notice: Applicant & owner Joseph Yengo seeks a special permit (SZO §4.4.1) to add a story above the existing garage and add a two-story, 275± sf addition to the rear of the nonconforming dwelling.

Zoning District/Ward: RB / 1

Zoning Approval Sought: Special Permit (SZO §4.4.1)

Date of Application: October 23, 2008

Date(s) of Public Hearing: ZBA: December 3, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

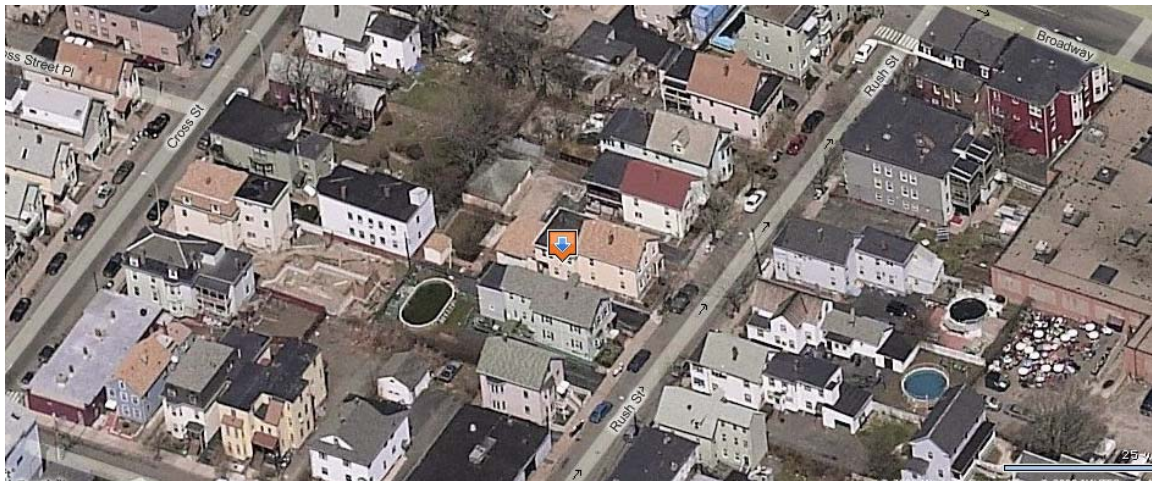
At its regular meeting on November 20, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0 with Kevin Prior and James Kirylo absent), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:

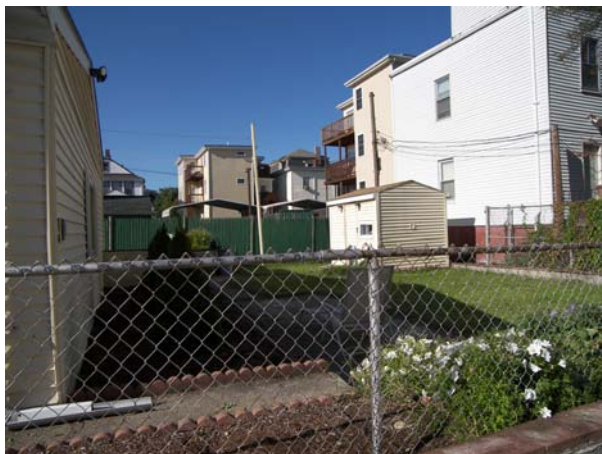
I. PROJECT DESCRIPTION

1. Subject Property: The property is a 5310 square foot rectangular lot containing a two-family dwelling. The existing house has 2 ½ stories in the front section with a gable roof, 2 stories in the middle portion with a flat roof, and one story in the rear with a shallow-pitched gable roof.

2. Proposal: The Applicant is proposing to construct a story above the existing garage and add a two-story, 275± square foot addition to the rear of the structure. The addition would expand a one-car garage into a two-car garage, add a living room above the garage, and alter an existing living room. The rear portion of the structure would have a gable roof that matched the pitch of the front portion. The middle portion of the structure would be flat with a railing at its edge. The siding of the addition would match existing siding. The shed in the rear yard would be removed and replaced with landscaping to retain the required amount of landscaping on the property.



Above: Birds eye view of 13 Rush Street (with arrow); Below: Rear yard



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot area, front and side yard setback, and street frontage. The proposal increases the structure's encroachment on the nonconforming side yard setback, which is 2.9 feet; the minimum side yard setback is 7.6 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 features homes of similar scale and design; many of which have additions in the rear.

5. Impacts of Proposal: The proposal would cover 384 square feet of the nicely landscaped back yard with the addition and expanded asphalt driveway. The Applicant would remove the shed and replace it with landscaping to retain the minimum landscaping required. The mass of the structure would increase in the rear of the property beyond that which exists in the neighboring properties; however, the rear yard setback would remain conforming and there is a wide driveway next to the nonconforming side yard. The Board has received seven letters from neighbors who are in support of the proposal.

6. Green Building Practices: None.

7. Comments:

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

Ward Alderman: Alderman Roche fully supports this project.

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.”

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 not create any new nonconforming dimensions nor encroach further into the nonconforming side setback.

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 Residence B district as a two-family dwelling.

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 project is designed to be compatible with the existing house and surrounding area. The rear portion of the structure would have a gable roof that would match the pitch of the front portion of the structure. The middle portion of the structure would remain flat and a railing on the edge would be an interesting element that would tie the front and rear sections of the building together.

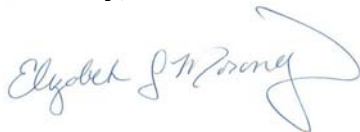
III. RECOMMENDATION

Special Permit under §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 to construct a story above the existing garage and add a two-story, 275± sf addition to the rear of the nonconforming dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO/Building Permit	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>October 23, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>October 29, 2008</td><td>Modified plans submitted to OSPCD (site plan A-1, floor plans A-2, elevations A-3, sections A-4)</td></tr></table>				Date	Submission	October 23, 2008	Initial application submitted to the City Clerk’s Office	October 29, 2008	Modified plans submitted to OSPCD (site plan A-1, floor plans A-2, elevations A-3, sections A-4)
	Date				Submission					
	October 23, 2008				Initial application submitted to the City Clerk’s Office					
October 29, 2008	Modified plans submitted to OSPCD (site plan A-1, floor plans A-2, elevations A-3, sections A-4)									
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The Applicant shall remove the shed and landscape the area.	CO	Plng.							
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,



Elizabeth Moroney
Acting Chair

Cc: Applicant/Owner: Joseph Yengo

