



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

**STAFF**

CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*  
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*  
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** ZBA 2009-23  
**Date:** June 10, 2009  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 5-7 Spencer Avenue

**Applicant Name:** Marc Tanner

**Applicant Address:** 7 Spencer Ave, Somerville MA 02144

**Property Owner Name:** same

**Agent Name:** none

**Alderman:** O'Donovan

Legal Notice: Applicant & Owner Marc Tanner seeks a special permit (§5.1) to construct a dormer on a nonconforming dwelling (§4.4.1).

Zoning District/Ward: Residence A / 5

Zoning Approval Sought: Special Permit (SZO §5.1 and §4.4.1)

Date of Application: June 2, 2009

Date(s) of Public Meeting/Hearing: Planning Board: June 25, 2009 / ZBA: July 15, 2009

Date of Decision: N/A

Vote: N/A

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a two-family dwelling on a 3612 square foot lot. The structure is 2 ½ stories and there is a bay on the right side of the house with a shed dormer above it. The building is clad in shingles.

2. Proposal: The proposal is to construct a shed dormer on the left side of the house to create headroom for the construction of a closet, bathroom and laundry room. The length of the dormer would be 20' 2", just less than fifty percent of the roof's length. The dormer would be roughly centered within the length of the roof. The Applicant has reconfigured the windows on the dormer so that they are all the same size and account for a significant portion of the dormer's front wall face. The pitch of the dormer

would be steep and match that of the dormer on the right side of the house. The siding of the dormer would be singles to match the house.



5-7 Spencer Ave.: (L) Front/Right Side of House, (R) Left Side of House – proposed location of dormer

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, floor area ratio (FAR), building height, side yard setback, and street frontage.

The proposed dormer would affect the following nonconforming aspects of the structure. The nonconforming side yard is 3.17 feet deep and the minimum is 7.67 feet. The height of the structure is 37.4 feet and the maximum is 35 feet. The nonconforming FAR is 0.81 and the proposed FAR would be 0.85; the maximum is 0.75. These existing nonconformities requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding area is comprised of two- and three-family homes. Many of these houses have shed dormers on one or both sides.

5. Impacts of Proposal: The addition of the dormer does not significantly alter the roofline of the house as described in the findings. The existing shed dormer is already constructed to the ridge of the house and to the exterior wall. The proposed dormer would match this design and the pitch of the existing dormer. The siding would match the siding on the house. The Applicant has reconfigured the windows on the dormer so that they are all the same size and account for a significant portion of the dormer's front wall face.

The dormer would be opposite an existing dormer at 9-11 Spencer Avenue; however, Staff do not anticipate privacy concerns because the Architect stated that there would be 14.25 feet between the dormers.

6. Green Building Practices: None.

7. Comments:

*Fire Prevention:* "The addition of a dormer to this location will require that smoke detectors and carbon monoxide detector protection be added to the new dormer. Our records show that the last Certificate of

Compliance issued for this property was on 9-2-03. Since 2006 carbon monoxide detectors are also required throughout the structure. They will have to install carbon monoxide detectors as required.”

*Ward Alderman*: Has been contacted but 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 find 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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer would be opposite an existing dormer at 9-11 Spencer Avenue; however, Staff do not anticipate privacy concerns because the Architect stated that there would be 14.25 feet between the dormers. The house would continue to be considered a 2 ½ story structure because the dormer would be less than fifty percent of the roof's length.

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 maintaining the uniquely integrated structure of uses in the City, and the purpose of the district which is, "[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."

Typically staff does not recommend shed dormers because they alter the character of the traditional 2 ½ story housing stock in the City. In this case, the proposed shed dormer would balance the existing shed dormer on the other side of the house. The dormers would have the same design, slope, and siding. On the proposed dormer, the window area accounts for a large portion of the dormer wall area, which improves the look of dormers. Also, several houses on this street have shed roofs on both sides. The proposed dormer is compatible with the built surrounding area.

### III. RECOMMENDATION

#### Special Permit under §4.4.1

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a 20' 2" shed dormer on a nonconforming dwelling. 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>June 2, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>April 15, 2008 (June 15, 2009)</td><td>Plans submitted to OSPCD (plot plan)</td></tr><tr><td>June 2, 2009 (June 15, 2009)</td><td>Modified plans submitted to OSPCD (elevations, 3<sup>rd</sup> floor plan, site/roof plan)</td></tr></table>				Date (Stamp Date)	Submission	June 2, 2009	Initial application submitted to the City Clerk's Office	April 15, 2008 (June 15, 2009)	Plans submitted to OSPCD (plot plan)	June 2, 2009 (June 15, 2009)	Modified plans submitted to OSPCD (elevations, 3 <sup>rd</sup> floor plan, site/roof plan)
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Any changes to the approved plan 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.									

