



## CITY OF SOMERVILLE, MASSACHUSETTS

### PLANNING BOARD

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**Case #:** ZBA 2008-13

**Site:** 37 Stone Avenue

**Date:** April 16, 2008

**Recommendation:** Conditional Approval

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### PLANNING BOARD REPORT

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**Applicant Name:** Dianne Hass

**Applicant Address:** 152 Pearl Street #4, Cambridge MA 02139

**Property Owner Name:** 37 Stone Ave LLC

**Property Owner Address:** 152 Pearl Street #4, Cambridge MA 02139

**Alderman:** Taylor

Legal Notice: The applicant seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to increase the existing F.A.R. non-conformity by finishing the existing basement.

Zoning District/Ward: RA / 3

Zoning Approval Sought: Special Permit under SZO§4.4.1

Date of Application: March 10, 2008

Date(s) of Meeting/Public Hearing: [Planning Board: April 3, 2008 / ZBA: April 16, 2008]

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on April 3, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 5-0, with Kevin Prior 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 subject property is a 3314 s.f. lot with a 3479 net s.f. two-unit residential structure. The structure is a wood framed, two and a half story home. The basement of the building has previously been finished by a prior owner, but did not receive permits for the work.

2. Proposal: The Applicant is proposing to legalize the existing finished basement and increase the existing net square feet of the building by 833 s.f. No alterations are proposed for the exterior of the building. The additional finished space would be used as living space for the applicant/owner of unit one.

3. Nature of Application: The Applicant is requesting a special permit under SZO §4.4.1 to allow the alteration of a nonconforming two-family residential structure. The Applicant is proposing to expand their living space by legalizing the existing finished basement. The building is non-conforming in regards to lot area (10,000 s.f. required / 3314 s.f. existing), lot area per dwelling unit (2250 s.f. required / 1657 s.f. existing), FAR (.75 allowed / 1.05 existing), front yard setback (15' required / 2.87' existing), side yard setback (8' required / 1.43 existing)(17' total / 12.92' total existing), street frontage (50' required / 40' existing) and parking spaces (4 required / 3 existing). The alteration to the building will increase the existing FAR nonconformity of the building from 1.05 to 1.30.

4. Surrounding Neighborhood: The property is located in an RA district and is within 500' of the Union Square CBD. The surrounding neighborhood is comprised of commercial development in the Union Square area and a variety of residential uses from single- to multi-family in the direct vicinity of the subject property.

5. Impacts on Abutting Properties: No exterior work is proposed and interior work was completed without permits prior to applicant purchasing the property.

6. Green Building Practices: None, because no construction will be involved.

7. Parking: Additional parking spaces would not be required. The increase the net floor area of the building would not affect parking requirements for this use.

8. Comments:

Fire Prevention: "Our records show that this is a two (2) family dwelling that was inspected and passed for compliance with the requirement of smoke detectors and carbon monoxide detectors on June 29, 2007.

This building is in compliance. Some added fire detection work might have to be performed based on what the proposed finished basement will be comprised of. Once I receive detailed plans regarding the work to be done to finish off the basement I can give a definitive answer.

Ward Alderman: Alderman Taylor has not provided comments.

## **II. FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1, 7.11.1.c):**

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 must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building ... the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

Of those standards set forth under §4.4.1 of the SZO, the Planning Board finds that the change would not be substantially more detrimental to the neighborhood. There would be no visual impact on the neighborhood since the alteration is on the interior of the existing building. The Board supports the applicants' desire to legalize alterations that were done prior to the applicant's ownership of the property.

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 project is located in a Residence A (RA) zoning district. The RA district seeks to 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.

The Board finds that this alteration is consistent with the general purpose of the RA district as no additional units or bedrooms are sought in this proposal. The Board finds that any illegal conversion to add a third unit would be made difficult by the limited access to the basement which is provided through either a bulkhead or through a stairway in the kitchen of the first floor unit. (see conditions)

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 Planning Board finds the design of this proposal to be compatible with the characteristics of the neighborhood since alterations are strictly to the interior of the building.

### **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.

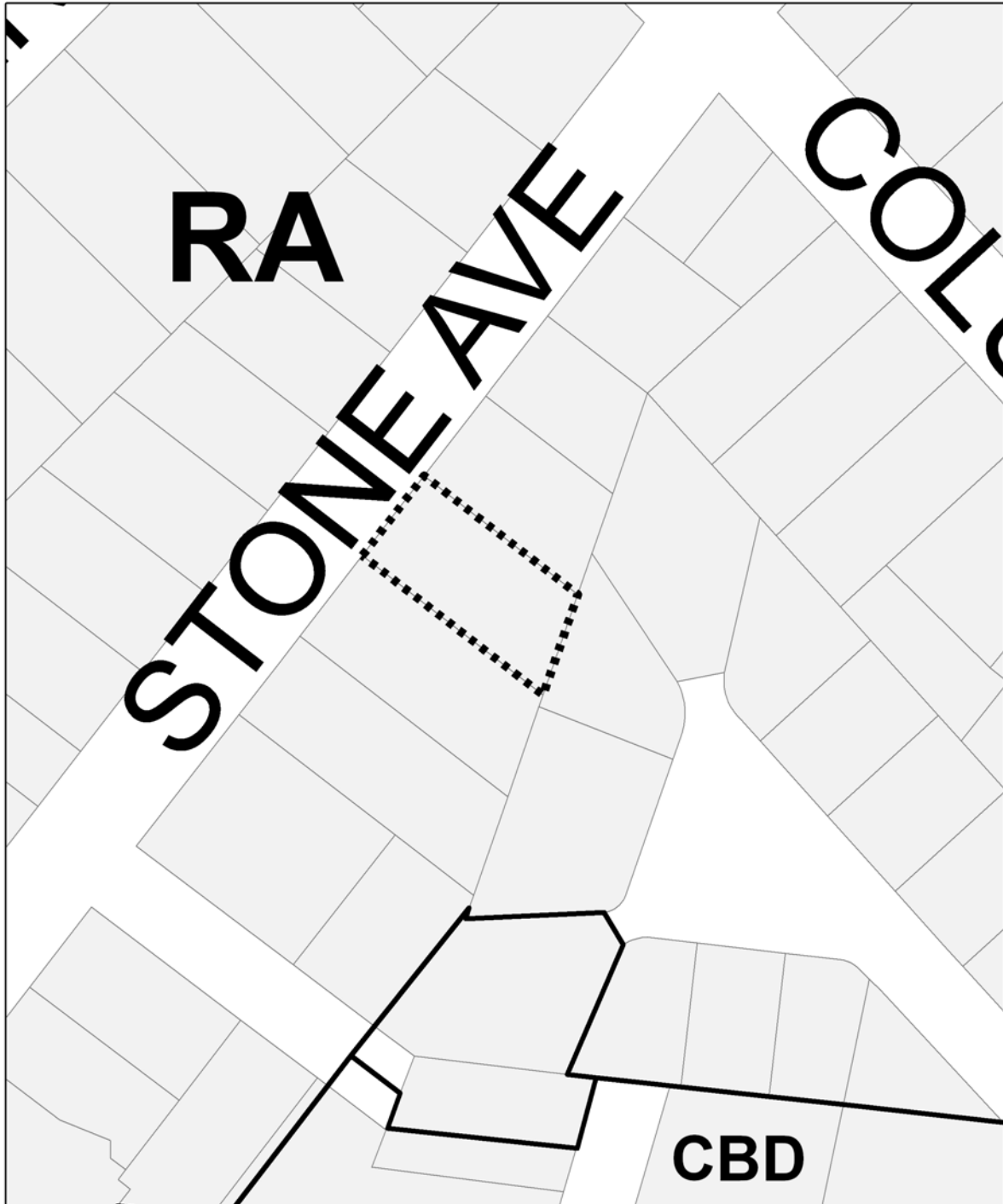
**Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:**

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	<p>Approval is for the alteration of a nonconforming two-family structure to allow the conversion of a basement space into livable space under SZO §4.4.1. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>March 24, 2007</td><td>Initial application and plans submitted to the City Clerk's Office</td></tr></table> <p>Any changes to the approved plans must receive ZBA approval.</p>	Date	Submission	March 24, 2007	Initial application and plans submitted to the City Clerk's Office	Building Permit	Plng.	
Date	Submission							
March 24, 2007	Initial application and plans submitted to the City Clerk's Office							
2	No additional units shall be added to this two-unit building;	Cont.	Plng. / ISD					
3	No additional access/egress will be provided to the basement;	Cont.	Plng. / ISD					
4	The Applicant must contact the 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					

Sincerely,

Elizabeth Moroney  
Acting Chairman

Cc: Applicant: Diane Haas  
Owner: 37 Stone Ave LLC



37 Stone Avenue