



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-56
Date: December 3, 2009
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 3-5 Vinal Avenue

Applicant Name: 3-5 Vinal Avenue LLC

Applicant Address: 661 Main Street, Malden, MA

Property Owner Name: same

Agent Name: Richard G. DiGirolamo, Esq.

Agent Address: 424 Broadway, Somerville MA

Alderman: Thomas Taylor

Legal Notice: The Applicants/Owners seek a special permit under SZO §4.4.1 to expand a nonconforming three-family residential structure by constructing a shed dormer on a gable roof.

Zoning District/Ward: Residence B / 3

Zoning Approval Sought: Special Permit §4.4.1 & 5.1

Date of Application: November 9, 2009

Dates of Public Meeting • Hearing: Planning Board 12/3/09 • Zoning Board of Appeals 12/16/09

Dear ZBA members:

At its regular meeting on December 3, 2009 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 Michael Capuano and Joseph Favaloro absent), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a three-family dwelling on a 3209 square foot lot. The interior of the structure has been gutted for renovations. The structure appears to be 3 ½ stories; however, technically it is only 2 ½ stories because the first floor ceiling height is 4.3 feet above finished grade. If the ceiling height was five feet or more above the finished grade, the basement would be considered another story. The house has a gable roof.

2. Proposal: The proposal is to add a shed dormer on the right side of the house to make headroom for reconstructed stairs and access to a bedroom and bathroom. The shed dormer would be 13.5 feet in length and centered in the middle of the roof. The dormer would start 8 inches below the ridge and 2.4 feet in from the side wall. Internally, the three units are being reconfigured so that one bedroom would be eliminated in the house and an additional bathroom would be added to each unit.



3-5 Vinal Ave: front (l), right side from Summer St (r)



3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, landscaped area, rear and side yard setbacks, and street frontage.

The existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the SZO to alter the three-family structure.

The house would continue to be considered a 2 ½ story structure because the dormer's length is less than 50 percent of the length of the structure. The number of bedrooms is decreasing by one, not increasing, so no additional parking is required. The floor area ratio would reach, but not exceed the maximum allowable in an RB zone.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of one-, two-, and multiple-family homes. Nunziato Field is located across Vinal Ave.

5. Impacts of Proposal: The proposed dormer is on the side of the property that has a 9.6 foot side yard and abuts a neighboring large yard so privacy is not a concern. The dormer would be on a prominent corner so its proportions are important. The current design would not have a negative impact on the appearance of the house. It is centered on the roof, starts below the ridge and back from the side wall, and it has windows that relate to the windows on the rest of the house.

6. Green Building Practices: None.

7. Comments:

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

Ward Alderman: Inquired about the proposal but did not provide comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1):

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. As detailed in finding four below, the dormer is designed in an appropriate manner. The house would continue to be considered a 2 ½ story structure because the dormer's length is less than 50 percent of the length of the structure and the floor area ratio would not be greater than the allowable size.

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 conserving the value of land and buildings and the purpose of the district as an alteration to a three-family home.

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 dormer would be designed to be compatible with the built and unbuilt surrounding area. The dormer is on the side of the house with a 9.6 foot side yard and abuts a neighboring large yard so privacy is not a concern. The current design would not have a negative impact on the appearance of the house. It is centered on the roof, starts below the ridge and back from the side wall so that it appears as a fairly small dormer and not as an extension of the third story. The dormer has 2 windows that relate to the windows on the rest of the house.

III. RECOMMENDATION**Special Permit under §4.4.1 & 5.1**

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 for the construction of a 13.5' shed dormer. 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>Nov 9, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Sept 30, 2009</td><td>Plans submitted to OSPCD (Plot Plan)</td></tr><tr><td>Nov 20, 2009</td><td>Modified plans submitted to OSPCD (X1-X2: existing floor plans, A-1: proposed 1st & 2nd floor plans, front & rear elevations)</td></tr><tr><td>Nov 27, 2009 (Nov 30, 2009)</td><td>Modified plans submitted to OSPCD (A-2: proposed 3rd & 4th floor plans, A-3 section/side elevation)</td></tr></table>				Date (Stamp Date)	Submission	Nov 9, 2009	Initial application submitted to the City Clerk's Office	Sept 30, 2009	Plans submitted to OSPCD (Plot Plan)	Nov 20, 2009	Modified plans submitted to OSPCD (X1-X2: existing floor plans, A-1: proposed 1 st & 2 nd floor plans, front & rear elevations)	Nov 27, 2009 (Nov 30, 2009)	Modified plans submitted to OSPCD (A-2: proposed 3 rd & 4 th floor plans, A-3 section/side elevation)
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Any changes to the approved elevations 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 inspection by Inspectional Services 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,

Kevin Prior
Chairman

Cc: Applicant/Owner: 3-5 Vinal Ave, LLC - Agent: Richard DiGirolamo

