



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: ZBA 2008-44

Date: October 2, 2008

Recommendation:

Conditional Approval for Special Permit
Variance Withdrawn

PLANNING BOARD REPORT

Site: 23 Whitman Street

Applicant Name: Kevin Roy

Applicant Address: 161 Arnold Street, Revere MA 02151

Property Owner Name: Michael Bavaro

Property Owner Address: 23 Whitman Street, Somerville MA

Agent Name: Peter Sandonse

Agent Address: 9 Foster Street, Wakefield MA

Alderman: Trane

Legal Notice: The Applicant seeks a variance under §5.5 for number of stories §8.5.f and a special permit §4.4.1 to add a third story to the dwelling and a two-story deck.

(The Applicant has changed the plans and withdrew the variance request.)

Zoning District/Ward: Residence A / 7

Zoning Approval Sought: Special Permit under §4.4.1

Date of Application: August 26, 2008

Date(s) of Public Hearing: ZBA: September 17, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on October 2, 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 two-family dwelling on a 3,223 square foot lot. The lot is rectangular and slopes upward from the street to the rear of the property. The structure is 2 ½ stories; however, due to the slope it appears to be 3 ½ stories from the street. There is an enclosed porch on the front of the building. The rear yard is covered with grass and other vegetation along the rear retaining wall.



23 Whitman Street: Front of structure (left), rear yard (right)

2. Proposal: The revised proposal is to add a gable dormer to the left side of the dwelling that mimics the dormer on the right side. The dormer would be 16.5' in length. The Applicant is also proposing to add a two story deck into the rear yard.

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

The Applicant redesigned the dormer from the first Planning Board meeting so that it would be less than 50% of the length of the sloping roof and not require a variance for number of stories. The roofline on the right side of the house would not change. The proposed dormer would increase the structure's encroachment on the nonconforming side yard, which is 3.5 feet; the minimum side yard setback in this district is 8 feet. The proposed deck also increases the structure's encroachment on this nonconforming side yard.

These 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 surrounding neighborhood is comprised of one-, two-, and three-family homes that are typically 2 ½ stories. Several houses have gambrel dormers that are similar in nature to the proposed dormer.

5. Green Building Practices: None.

6. Comments:

Fire Prevention/Ward Alderman: Have been contacted but have 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."

In considering a special permit under §4.4 of the SZO, the Board finds that the deck alterations and dormer proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed deck would not be directly adjacent to the house next door. The proposed dormer would be above the adjacent house which is 1 ½ stories.

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 deck and dormer proposal is consistent with the general purposes of the Ordinance and with the purpose of the RA 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.”

The deck would be compatible with the site. It would not be visible from the front of the structure and the site would conform to the rear yard setback and landscaping requirements. The dormer would have the same design as the dormer on the right side of the house. It would be ten feet back from the front of the enclosed deck. The roof line and character of the house would not be changing dramatically. The window configuration on the proposed dormer would ideally mimic the existing dormer. A condition below would allow for this change to the window configuration with staff review and approval.

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 for the construction of a 9' x 12', 2-story deck in the rear and a 16.5' gable dormer on the left side of the dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP / CO	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>August 26, 2008</td><td>Initial application submitted to the City Clerk's Office and/or OSPCD (1: proposed basement & first floor, 7: existing elevations & floor plans)</td></tr><tr><td>September 30, 2008</td><td>OSPCD Stamp (2: 2nd & 3rd floor plans, 3: right & front elevation, 4: left & rear elevation)</td></tr></table>	Date	Submission	August 26, 2008	Initial application submitted to the City Clerk's Office and/or OSPCD (1: proposed basement & first floor, 7: existing elevations & floor plans)	September 30, 2008	OSPCD Stamp (2: 2 nd & 3 rd floor plans, 3: right & front elevation, 4: left & rear elevation)			
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	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.									
2	The window configuration on the proposed dormer may be revised to match that of the existing dormer (2, one-over-one windows spaced proportionally) without requiring additional approval.	BP	Plng.							

3	A code compliant fire alarm system shall be installed.	CO	FP	
4	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: Kevin Roy
Owner: Michael Bavaro
Agent: Peter Sandonse

