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November 15, 2007

~~Zoning Board of Appeals~~
~~City Hall, 93 Highland Avenue~~
~~Somerville, MA 02143~~

RE: **47 Whitman Street:** (Applicant & Owner: Irina Suconick; Agent: Richard diGirolamo). The Applicant seeks Special Permit approval (SZO §4.4.1) to alter a nonconforming structure by creating an exterior garage door in the front of the structure to access a one-car garage proposed for a portion of the basement. Residence A (RA) zone.

Dear ZBA Members,

~~At its regular meeting on November 15, 2007, the Planning Board heard the above-referenced case. Based on materials submitted by the Applicant, public comments, and the Staff recommendations, the Board voted (X-X), to **recommend XXXXXXXXX** of the requested **Special Permit**.~~

In conducting its analysis, the Planning Staff found:

1) The Subject Property: The subject property is an approximately 3,547 square foot lot on which sits a three-story, wood frame structure consisting of two condominiums. The proposed alterations are for the ground floor condominium unit.

2) Proposal: The Applicant proposes to alter a nonconforming structure by creating an exterior garage door (measuring eight feet tall and eight feet wide) in the front of the structure to access a one-car garage proposed for a portion of the basement. The proposed garage door would be directly on the front lot line.

3) Nature of Application: The existing structure is a two-family dwelling that is nonconforming with respect to front yard and side yard setbacks, frontage, and minimum lot size. These nonconformities require the applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) which states that " "[l]awfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of

the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five percent (25%). For the purposes of this definition all percentages of increase shall be cumulative and calculated from square footages existing on the effective date of this ordinance. The SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

3) Surrounding Neighborhood: The neighborhood, just outside of Teele Square, is primarily residential and consists mostly of single- and two-family homes. Whitman Street is a one-way residential street with on street parking on both sides of the street. The subject property is located in an RA zone.

3) Impacts on Abutting Properties: This application would likely pose negative impacts on the abutting properties. The proposed garage would not be consistent with the existing neighborhood character as there are no curb cuts on this side of Whitman Street or any garages. A garage door as the prominent feature of the home (or any home) does not reflect good urban design particularly in a pedestrian-friendly area. In addition to negative aesthetic impacts, this proposal poses a safety concern because the opening of the garage would be directly on the front lot line. A car backing out of the garage could be dangerous for pedestrians traveling on the sidewalk, as there is no buffer between the garage door and the sidewalk and lines of sight would be severely limited.

View of Front of Structure

View of Abutting Properties

4) Comments from Ward Alderman: Ward Alderman Robert Trane has expressed concerns regarding this proposal and has commented that he "wouldn't be displeased if Planning Staff recommended denial [of this application]."

5) Comments from Fire Prevention Bureau: "A code compliant Fire door will be required."

6) Comments from Traffic and Parking: "In regards to parking this is a zero sum proposal. A single on street parking space will be eliminated and a single off street parking space will be created. A site review was conducted by Traffic and Parking. A potential safety concern is the location of the proposed garage door. The front stairs of the abutting house will be in close proximity to the curb cut for the garage door.

"Providing that all safety aspects associated with the front stairs of the neighbor's house and the curb cut/garage door can be resolved, Traffic and Parking has no objections to this application." "The Applicant has submitted a report from Traffic Solutions traffic engineers, which explains that similar garages in the area have not been shown to cause accidents. This report further explains and illustrates how entering and exiting vehicles would have adequate clearance to make the required turn into the garage."

MassHighway crash data (which is a standard practice of analysis) includes pedestrian and bicycle accident data as well as vehicle accident data. Since Traffic Solutions report indicates that there was only one accident that occurred (during a snow event) in the MassHighway crash data

review of similar sites, this indicates that there was only one potential pedestrian incident as well. A review of the specific accident is required to determine if this was solely a vehicle accident or an accident that also involved pedestrians.

FINDINGS AND DETERMINATIONS FOR SPECIAL PERMIT UNDER SZO §4.4.1

In order to grant a special permit the Zoning Board of Appeals 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 more detail.

1. Information Supplied: The Staff 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 permit.

2. Compliance with Standards: "In judging detriment, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, type of traffic, change in traffic patterns and access to the site, adequacy of municipal water supply and sewer capacity, noise, odor, glare, scale, on-street parking, shading, visual effects and neighborhood character."

The Staff finds that the Applicant's proposal would be substantially more detrimental than the existing structure. As there is virtually no front yard setback, the proposed garage door opening would immediately adjoin the sidewalk, resulting in a significant negative impact to the structure's appearance and to the pedestrian character of the area.

While the Applicant has submitted a traffic report analyzing similar situations, staff find that some of the comparable sites did feature larger setbacks than the proposed site can do, compromising sight lines and presenting a potential hazard for pedestrians on the adjoining sidewalk and vehicles on the street.

Finally, staff find that the preservation of a single on-street space is preferable to the creation of a new private space. There will be no net gain of parking in the area as a result of the added garage and the community will suffer the loss of an on-street space.

3. Consistency with Purposes: The Staff finds that the proposal to construct a garage door on the front lot line to access a proposed garage in the basement is potentially hazardous to traffic and pedestrians and not consistent with the purposes of the Ordinance, as set forth in §1.2 of the SZO which is "to promote the health, safety, and welfare of the inhabitants of the City of Somerville."

4. Site and Area Compatibility: The Staff finds that the proposal is not compatible with the site or area. The design of the garage is not compatible with other residences in the neighborhood or throughout the City, would be visually intrusive within the neighborhood, and would be significantly more detrimental than the existing structure.

RECOMMENDATION

Special Permit to alter an existing non-conforming structure (SZO §4.4.1)

Based on the above findings, the information submitted, comments from City Departments, and a Staff site visit, the Staff recommends **Denial** of the requested Special Permit.

Sincerely,

~~Kevin Prior~~
~~Chair~~

Cc: Irina Suconick, Applicant
Richard DiGirolamo, Agent

47 Whitman Street