



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

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: ZBA 2009-17
Date: May 8, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 57-59 Winslow Ave.

Applicant Name: Christa and Thomas Cornell

Applicant Address: 619 Mere Pt. Rd., Brunswick, ME 04011

Property Owner Name: same

Agent Name: none

Alderman: Gewirtz

Legal Notice: The Applicants seek a special permit for a residential conversion from 2 to 3 dwelling units (SZO §7.11.2.b) and for an alteration to a nonconforming structure in order to construct an egress stairs and landings (SZO §4.4.1).

Zoning District/Ward: RA/6

Zoning Approval Sought: Special Permit (§

Date of Application: April 23, 2009

Date(s) of Public Hearing: ZBA: June 3, 2009

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of a wood-framed, 2 ½ story dwelling on a 3,877 s.f. lot. The legal use of the property is a two-family; however, it is currently used as a three-family.

The Applicant submitted the following description of the existing conditions:

57-59 Winslow Avenue has been used for an unknown time as a 3-family residential dwelling, although it is legally a 2-family dwelling. It is now clear that the previous owner made changes without permits. [We] purchased the building July 18, 2008, thinking it was a 3-family. The owner was living on the third floor and there were apartments on floors one and two. The purchase price indicates we thought it was a 3-family. I properly filed with the assessor's office to pay taxes on a 3-family. I got insurance from the building as a 3-family.

It was only when I received notice from the Inspector's Office in January of this year that I began to understand that our building is in code violation...

Two of the units have two bedrooms and the third has one bedroom.

There is a driveway to the left of the property that leads to 4 dimensionally conforming parking spaces. There is a 5th parking space shown on the plot plan that is partially on an abutter's property; however, it is not required so its location is not part of this review.



2. Proposal: The proposal is to convert the dwelling from a two-family into a three-family. The Applicant would construct egress stairs and landings in the rear that are 8' 2" by 12' 8". The stairs would connect from an existing deck on the third floor to an existing landing and stairs on the first floor.

3. Nature of Application: A residential conversion from 2 to 3 dwelling units requires the Applicant to apply for a Special Permit under §7.11.2.b of the Somerville Zoning Ordinance (SZO).

The structure is currently nonconforming with several dimensional requirements, including minimum lot size, lot area per dwelling unit, side

yard setback, landscaped area, and street frontage. The proposal would affect the lot area per dwelling unit and the side yard setback. The lot area per dwelling unit dimension would decrease from 1939 square feet to 1292 square feet; the minimum in the district is 2250 square feet. The proposed stairway would line-up with the house and have the same nonconforming side yard of 2.5 feet; the minimum side yard setback in this district is 7.2 feet. These existing nonconformities require the Applicant to obtain a special permit under §4.4.1 of the SZO.

The four parking spaces are sufficient for a residential conversion under SZO §9.5.2.a.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of single-, two-, and three-family houses. The Somerville Community Path is located behind this property. Davis Square is within close proximity to the house.

5. Impacts of Proposal: The impacts of the proposed egress staircase are anticipated to be minimal. It would only partially be visible from the street and the immediate abutter's house is setback from the proposed location of the stairs. The impacts of the additional dwelling unit are also expected to be minimal. Additional travel to the property may be by public transportation considering its close proximity to the Davis Square MBTA station. Also, the required parking would be provided on the lot. The appearance of the house would remain the same except for the addition of egress stairs.

6. Green Building Practices: None.

7. Comments:

Fire Prevention: Has been contacted but has not provided comments.
Ward Alderman: Staff have provided information to Alderman Gewirtz but have not received comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 and 7.11.2.b):

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 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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The staircase and landings would only partially be visible from the street and the immediate abutter's house is setback from the proposed location of the stairs.

The residential conversion complies with the definition – it is within the existing dwelling, but does not increase the gross floor area of the dwelling, change the footprint of the building nor extend the dwelling upward or outward. The required forth parking space would be provided for the third dwelling, which complies with the parking requirements.

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 maintain the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the district as a residential use.

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 only change to the appearance of the house would be the staircase and landings; which are only partially visible from the street. The stairs would not have a negative impact to the appearance of the house from the bike path. The required parking is in the rear yard. The impervious coverage would not increase as the yard is already paved.

III. RECOMMENDATION

Special Permit under §4.4.1 and 7.11.2.b

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 a residential conversion from 2 to 3 dwelling units (SZO §7.11.2.b) and for the construction of egress stairs and landings. This approval is based upon the following application materials and the plans submitted by the Applicant: | CO/BP | Plng. | | | | | | | |
| | <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(April 23, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 12, 2009 (May 19, 2009)</td><td>Modified plans submitted to OSPCD (plot plan, site plan, floor plans: A1.0, X1.0, X2.0, X2.1, X2.2, elevations: A2.0, A2.1, A2.2,)</td></tr></table> | | | | Date (Stamp Date) | Submission | (April 23, 2009) | Initial application submitted to the City Clerk’s Office | May 12, 2009 (May 19, 2009) | Modified plans submitted to OSPCD (plot plan, site plan, floor plans: A1.0, X1.0, X2.0, X2.1, X2.2, elevations: A2.0, A2.1, A2.2,) |
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| Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval. | | | | | | | | | | |
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| 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. | | | | | | | |

