



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

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Case #: ZBA 2010-53
Date: October 7, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 39 JAY STREET

Applicant Name: Witold Potempa
Applicant Address: 276 Clifton Street, Belmont, Massachusetts 02478
Property Owner Name: Witold Potempa & Wendy Coleman
Property Owner Address: same
Alderman: Robert Trane

Legal Notice: Applicants and Owners, Witold Potempa & Wendy Coleman, seek a Special Permit under SZO §4.4.1; §8.5.G; §8.5.H to erect a second and third story porch, in addition to renovating the existing main level porch.

Zoning District/Ward: RB/ Ward 7
Zoning Approval Sought: Special Permit under SZO §4.4.1
Date of Application: 9/14/2010
Date(s) of Public Meeting/Hearing: PB 10/7/10 - ZBA 10/6/2010
Date of Decision: N/A
Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 3341 sf lot. The structure is 3 stories and contains 3737 nsf of living space.

The property is listed in the Assessors database as a three-family dwelling. The structure has an existing open porch of 78 sf. The applicant seeks special permit to erect two new stores in addition to renovation the existing porch.



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2. Proposal: The applicant is proposing to renovate the existing porch and plans to keep the same dimensions as the previous porch, in addition to adding two new stories.
3. Nature of Application: The structure is currently nonconforming with respect to setbacks. The porch that is being reconstructed was non-conforming with respect to side and front lot lines. The site is also non-conforming with regard to other setbacks and lot-lines but is not significantly different than any other structure in the neighborhood.
4. Surrounding Neighborhood: The existing structure matches the other structures in the neighborhood, which is primarily two-three unit dwellings, with similar lot sizes.
5. Green Building Practices: None.
6. Comments:

Ward Alderman: Has been contacted but has not provided comments.

Historic Preservation Staff: Noted the following:

39 Jay Street is a triple-decker owned in 1895 by Silas L Cummings. It does not appear on earlier maps. A triple-decker is a three-story apartment building, typically of light-framed, wood construction, where each floor usually consists of a single apartment; although two apartments per floor is not uncommon. They often had porches for each level. The third floor porch may or may not have a roof.

During the late 19th and early 20th centuries, tens of thousands of triple-deckers were constructed, mostly in New England as an economical means of housing the thousands of newly arrived immigrant workers who filled the factories of the area. The economics of the triple-decker are simple: the cost of the land, basement and roof are spread amongst three (or six) apartments, which typically have identical floor plans. The triple-decker apartment house was seen as an alternative to more tightly congested row-housing.

The second floor fenestration indicates that a door was removed and replaced by a window at some unknown date. Therefore the porch was removed. It is also probable that the third floor unit also had access to a porch since it was atypical to have only 2 levels of porch.

HPC Staff **recommends** granting a **Special Permit** because the proposed alterations are in keeping with the spirit of HPC Guidelines. The building is not a listed structure and is not required to match exactly a known and documented appearance. It is known that the building originally had more than a ground floor entry porch. The return of the porches, themselves will give the building more of the presence the developers of the triple-decker intended. The simple generic rail, post and baluster style indicates that these elements are not original to the building but that they are replacing what should have been there.



Generic triple-decker houses

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 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 since the Staff knows of no concerns about the current existing deck or stairs. Although the original porch has no permit history, there is no record of any complaints about the structure that had been in the same location for many years. No additional work is being proposed for the exterior of the structure.

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 purpose of the RB district in altering this dwelling. The applicants purchased a dwelling with an existing porch, and proposed to renovate the porch, keeping same size dimensions, in addition to adding two stories. Staff finds this to be acceptable as an initial building permit was prior to zoning changes, delineating the existing first level structure non-conforming. Further, the two new proposed stories, will not hinder the nature of the built character in the district, but will contribute to the existing 2-3 story porch spaces aligning the neighborhood street.

Many of the homes in this neighborhood have similar porches that have second and sometimes third stories. The window configuration on the second story of the building indicates that this home probably was built with a second story porch, although probably did not have a third story porch. Historic preservation staff indicated that this design is consistent with the historic nature of homes in the area.

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 increase in legal porch size would not have an effect on the site or the area as the existing porch was the same size. An additional two story porch is being proposed, and aesthetically it is consistent with the streetscape character. Historic preservation staff indicated that this design gives the triple-decker the impact on the streetscape that was intended when it was originally developed.

III. RECOMMENDATION

Special Permit under §4.4.1

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	<p>Approval is to replace existing porch and add an additional two-story outdoor gallery space, while maintaining an existing 121 sf. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(9/13/2010)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(9/13/2010)</td><td>Existing and proposed plans submitted to OSPCD</td></tr></table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval.</p>	Date (Stamp Date)	Submission	(9/13/2010)	Initial application submitted to the City Clerk's Office	(9/13/2010)	Existing and proposed plans submitted to OSPCD	BP/CO	Png.	
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2	The porch shall be constructed at the dimensions indicated on the plans.	CO	ISD							
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	Png.							



