



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-52

Date: August 1, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 28R Elmwood Street

Applicant Name: Gwen Simpkins, Delaporte Development, Inc.

Applicant Address: 50 Longwood Ave. Suite 1012, Brookline, MA, 02446

Property Owner Name: Same

Alderman: Robert Trane

Legal Notice: Applicant and Owner, Gwen Simpkins, Delaporte Development, Inc., seek a Special Permit under SZO §4.4.1 to alter an existing two-family, nonconforming, dwelling by constructing an approximately 129 square foot second story addition over an existing roof within the existing non-conforming rear yard setback. RB Zone. Ward 7.

Zoning District/Ward: RB Zone / Ward 7

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: July 9, 2013

Dates of Public Hearing: Zoning Board of Appeals – **August 7, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is approximately 6,940 square feet and consists of two structures; both are two-family dwellings. There is 1,735 square feet of lot area per dwelling unit. The two-family dwelling seeking relief is in the rear of the parcel and has a net floor area of 1,578 square feet. The floor area ratio for the whole parcel is .50, the gross floor area of both building footprints is 1,665 square feet (24% ground coverage), and the landscaped and pervious area is 51%. The first floor of the rear structure is a one bedroom unit (Unit 1) and the second and third floor serve as a four bedroom unit (Unit 2).



2. Proposal: Applicant and Owner, Gwen Simpkins, Delaporte Development, Inc., proposes to construct a second story addition above an existing roof in the rear of the dwelling. The new addition will increase the net floor area of the dwelling by approximately 129 square feet. The proposed new net floor area of the subject dwelling is 1,707 square feet and the net floor area will be 3,598 square feet for the two structures combined.

The second story addition will be used as a kitchen for Unit 2. The proposal also includes the movement of a staircase to the right side of the structure in Unit 2 and interior modifications to all three floors. Unit 1 will remain a one bedroom unit with a kitchen and mudroom in the rear, a bathroom, and a living room. Unit 2 will decrease from four bedrooms to three bedrooms and will consist of a kitchen in the rear, a living room, a dining room, a bath room, and a bedroom on the second floor. The construction of an as-of-right dormer on the right side of the dwelling will allow for the third floor to include a bathroom and two bedrooms. Although the proposed room in the front of the structure on the third floor is labeled as a bedroom, it does not include a door. The Applicant has chosen to identify this space as a bedroom in an effort to identify the most likely potential use of the space; however, even if this room is not used as a bedroom, the parking calculation would not change as there are 4 bedrooms existing and 3 proposed. The proposed dormer is as-of-right because it is 23.8 feet from the right lot line therefore it is conforming to the side setback requirement of 8 feet.

Lowering the bedroom count in Unit 2 of the rear structure will cause the property to become more conforming to parking requirements. However, if the current or future owner would like to add another bedroom on the site in the future they would have to seek parking relief.



28R Elmwood Street

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including minimum lot size and rear yard setbacks. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a nonconforming two-family dwelling may increase a nonconforming dimension through Special Permit approval.

The required rear yard setback is 20 feet. Since the current rear yard setback is 12.4 feet, constructing an addition on the rear of the structure is an alteration that requires Special Permit approval. The rear

addition will continue to be nonconforming at 12.4 feet, as the proposal will not change the footprint of the structure.

4. Surrounding Neighborhood: The subject property is located within an RB District. The surrounding area is comprised of a mixture of single-, two-, and three-family homes with a few multi-family dwellings as well, between 2½ and 3 stories. The project site is approximately 1,300 feet from the heart of Teele Square and 1,800 feet from the Davis Square Red Line stop.

5. Impacts of Proposal: The proposed modification to the existing rear structure would not appear to be detrimental to the building or the surrounding neighborhood. The alterations to the rear of the dwelling will not greatly impact the Elmwood Street streetscape. The overall height of the building will remain the same. Additionally, while the dormer on the right side would be as-of-right, the length of this dormer is less than 50% of the roof line which will keep the building a 2½ story structure.

6. Green Building Practices: The Applicant/Owner has indicated she will be in compliance with Stretch Code.

7. Comments:

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

Ward Alderman: Alderman Trane is concerned with the expansions on Elmwood Street at the current time. He is also interested in going on his own site visit and hearing more about the proposal. Planning Staff gave Alderman Trane the Applicant's/Owner's contact information to set up a meeting between the two parties.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.1.1):

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: 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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to construct an approximately 129 square foot second story addition in the rear of the property will allow the homeowner to expand the kitchen and modify the layout of the dwelling without a great deal of impact on neighbors. While the dormer on the right side would be as-of-right, the length of this dormer is less than 50% of the roof line which will keep the building a 2½ story structure. The overall height of the building will remain the same.

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 promoting “the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the City.”

The proposal is also consistent with the purpose of the district in which the residential building is located, (6.1.2. RB - Residence Districts), which is, “To establish and preserve medium density neighborhoods of one-, two- and three-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 proposed alterations will be compatible with the built and unbuilt surroundings. The proposal to construct a second story addition over an existing roof will not enlarge the foot print of the building. Additionally, while the dormer on the right side would be as-of-right, the length of this dormer is less than 50% of the roof line which will keep the building a 2½ story structure, which is the height of many buildings in the surrounding area.

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

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes												
1	Approval is to alter an existing two-family, nonconforming, dwelling by constructing an approximately 129 square foot second story addition over an existing roof within the existing non-conforming rear yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.													
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(July 9, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 5, 2013 (July 29, 2013)</td><td>Project Description, Zoning Narrative (A00)</td></tr><tr><td>July 5, 2013 (July 29, 2013)</td><td>Floor plans, elevations, and site plan submitted to OSPCD (A01, A02, A05, A06, A07, X09, X01, X02, X03, X04, X05, and X07)</td></tr><tr><td>July 15, 2013 (July 29, 2013)</td><td>Modified floor plans and elevations submitted to OSPCD (A03, X06)</td></tr><tr><td>May 2, 2013 (July 25, 2013)</td><td>Certified Plot Plan</td></tr></table>				Date (Stamp Date)	Submission	(July 9, 2013)	Initial application submitted to the City Clerk’s Office	July 5, 2013 (July 29, 2013)	Project Description, Zoning Narrative (A00)	July 5, 2013 (July 29, 2013)	Floor plans, elevations, and site plan submitted to OSPCD (A01, A02, A05, A06, A07, X09, X01, X02, X03, X04, X05, and X07)	July 15, 2013 (July 29, 2013)	Modified floor plans and elevations submitted to OSPCD (A03, X06)	May 2, 2013 (July 25, 2013)	Certified Plot Plan
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.																
Design																
2	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.													
Public Safety																
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP													
Final Sign-Off																

4	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.	
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