



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-57

Date: June 19, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 44 Hall Ave #1

Applicant Name: Anthony W. Case

Applicant Address: 44 Hall Ave #1, Somerville, MA 02144

Property Owner Name: Anthony W. Case and Susanna C. Finn

Property Owner Address: 44 Hall Ave #1, Somerville, MA 02144

Alderman: Rebekah L. Gewirtz

Legal Notice: Applicant & Owner Anthony W. Case seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by extending the rear porch. RA zone. Ward 6.

Dates of Public Hearing: July 16, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is a 5,081 square foot residential lot with a two-family dwelling.
2. Proposal: The proposal is to extend the rear porch 5 feet north to the edge of the existing stairs and 4 feet east toward the basement entry, creating a total deck area of 9'x20' (including stairs). The proposal maintains the existing nonconformity in proximity to the side property line.
3. Green Building Practices: None listed on the application form.
4. Comments:



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



44 Hall Ave: Front



44 Hall Ave: Existing rear porch

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."*

Lawfully existing two-family dwellings, 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. The structure is nonconforming in terms of lot size (5,081 square feet existing versus 10,000 square feet required), building height (2.8/3 existing stories versus 2.5 stories allowed), and side yard setback (approximately 5.5 feet versus 10 feet required).

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.

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 maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is consistent with the purpose of the RA district as it is being done as part of a renovation to a residential property.

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 proposal is compatible with the surrounding Residential A neighborhood, made up of one, two and three-family dwellings, as many of them have large porches and decks. The proposed porch expansion is a minimal change, and will not negatively impact the character of the neighborhood. As the proposed porch would use the same materials and general dimensional parameters as the existing deck, simply filling additional deck area around the stairs, it is compatible with the existing contextual conditions.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

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						
	<p>Approval is for the expansion of the rear porch. 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>6/12/14</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>(6/18/14)</td><td>Plans submitted to OSPCD (Site plans showing existing and proposed porches, proposed structure perspectives.)</td></tr></table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	6/12/14	Initial application submitted to the City Clerk's Office	(6/18/14)	Plans submitted to OSPCD (Site plans showing existing and proposed porches, proposed structure perspectives.)	BP/CO	ISD/Plng.	
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Final Sign-Off										
	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.							

