



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-21

**Date:** May 1, 2014

**Recommendation:** Denial

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**PLANNING STAFF REPORT**

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**Site:** 19 Cambria Street

**Applicant Name:** Willard D. Cunningham

**Applicant Address:** 19 Cambria Street, Somerville MA 02143

**Property Owner Name:** Willard D. Cunningham

**Property Owner Address:** 19 Cambria Street, Somerville MA 02143

**Alderman:** Robert McWatters

Revised Legal Notice: Applicant and Owner, Willard D. Cunningham, seeks a Variance under SZO §5.5, to increase the number of stories of the two-family structure from 2 ½ to 3 stories, and a Special Permit under §4.4.1 to alter the nonconforming structure by adding an approx 180sf addition and a rear deck. RA / Ward 3

Dates of Public Hearing: Zoning Board of Appeals May 7, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The existing property is a 2 ½ story, two-family dwelling on a 3,244 square foot lot. There is a two-story flat roof addition that was added onto the house at some point in time. There is no record of prior Zoning Board files for this address.

2. Proposal: The proposal is to build an addition on the rear of the structure making the house three-stories tall for a portion of the rear. Also, dormers will be constructed on the roof that make up more than 50% of the roof making the gable portion of the house also three-stories. There would be a deck on the roof portion that would remain two stories. The third floor would be used for two bedrooms and a bathroom.

3. Green Building Practices: The third floor would have high efficiency ductless hvac system, or similar, for heating and cooling. The new southeast facing dormer is designed to accommodate 15-18 solar panels. Insulation will be a combination of stray foam and blown in insulation. Other green products will be considered for plumbing, siding and roofing materials.

4. Comments:

*Fire Prevention:* Did not have objections to the application.

*Ward Alderman:* Alderman McWatters has been contacted but has not provided comments.

## II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

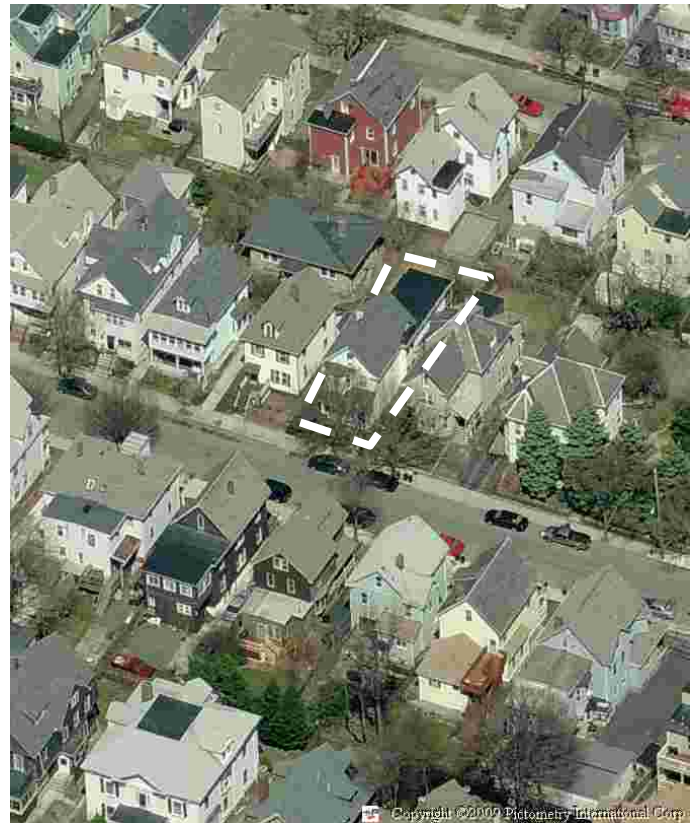
In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

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 for the roof deck and 180 square foot addition, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

The floor area ratio (FAR) is currently nonconforming at 0.78 and the maximum required is 0.75. The addition would increase the FAR to 0.82; however, the addition is not increasing the footprint of the house and could fit within the half story definition to keep the overall form of the house the same. The deck in the rear on the 2<sup>nd</sup> story roof would only slightly impact the nonconforming side yard and would not be greatly impactful.



The proposal would also require a variance because a three-story structure is not allowed in a Residence A zoning district. The addition in the rear is three stories and a dormer that is more than 50% of the length of the roof also makes it a three story structure per SZO §2.2.155. The variance findings are below in Section 3 of this report.

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 for the 180 sf addition and rear deck is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district as alterations to a two-family in an RA district.

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."*

Keeping the additional 180 square feet in the half story under the sloping roof or under a dormer that is less than 50% of the side of the house would be designed in a manner that is compatible with the surrounding area. The majority of the houses in the neighborhood are made up of 2 ½ story structures, which conform in this dimension to the zoning regulations.

### **III. FINDINGS FOR VARIANCE (SZO §5.5) THIRD FLOOR:**

In order to grant a variance for dimensional requirements (§8.5) the SPGA must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

There are no special circumstances related to soil, shape, or topography affecting the land or structures at 19 Cambria Street. The site is flat and rectangular and similar in configuration to the parcels on the block.

*The Applicant stated:* The current roof structure of my house on the southeast side is not conducive to an efficient rooftop solar installation. Changes to the roof line are necessary. I have designed a shed dormer for the southeast (right side facing 17 Cambria) of the house that will achieve the following: 1.) raise the roof clearance at the top of the third floor stairway where there is perhaps five feet clearance at the top of the stairs; 2.) remove the current window dormer on the southeast side of the roof in the room at the back of the house; 3.) install a shed dormer that stretches from the third floor stairway and stretches to the end of the house whose purpose is to create a uniform space for the installation of 15-16 solar panels. The design of the shed dormer on the southeast side of the house is crucial to a successful solar panel installation that will give the desired amount of solar electric energy to make my two-level living unit "net zero" in electric usage.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

The property is currently a two-family house that conforms to the 2 ½ story height requirement. The sloping roof could be extended to the rear of the property and dormers added that are less than 50% of the roof length that would achieve the Applicant's desire for more space in the second unit without requiring a variance. Planning Staff supports the use of solar panels and finds that many other homeowners have been able to install them without altering their house in a way that requires a variance.

*The Applicant stated:* This variance will allow for the best and most efficient use of the third floor space with the addition of the master bathroom, a walk in closet, the clearance at the top of the third floor stairway, and most importantly, on the southeast side of the property, solar panels will be placed on top of the shed dormer which is an important aspect to the solar system's installation. The solar rooftop side of the house faces southeast and there is an existing window dormer that previously created space for one window in one of the upstairs rooms. The goal of the solar system installation is to add a minimum of 15-16 solar panels on this southeast facing side of the house and the window dormer needs to be incorporated into a new shed dormer design to make this solar installation a success. It is estimated that 15-16 solar panels will be sufficient to make my unit "net zero" in electricity usage and cost and this is a very important green goal for me. I have hired Boston Solar to lead the solar installation. The southeast facing part of the roof faces abnormal challenges and creates hardship when doing renovations that include the addition of shed dormers with solar panels. For example, the roof currently has an A-shaped window dormer that is not efficient for a solar installation and the roof space of this dormer is not usable for a solar installation. That dormer is the first challenge. The second challenge and reason why I am designing a long shed dormer for the southeast side of the roof for the solar installation's success, is due to the lack of clearance at the top of the third floor stairs where one's head meets the current roof. The solution to this is to create a long shed dormer that gives relief for the clearance to the third floor and also replaces the existing window dormer. The solar panels will fit well on the new shed dormer. There is also an addition to be created on the back of the current roof which will have a flat roof. This roof is necessary to give the proper headroom for the full master bathroom, walk in closet, and head room for the addition. The combination of these two challenges are the reason I am requesting a variance to achieve these objectives that make for the best use of the space, make the property less carbon intensive through the installation of the rooftop solar system, create greater economic value and enjoyment, and that are a great enhancement rather than a detriment to the neighborhood and existing structures around the property.

3. *"The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."*

The definition of half story is in place to preserve the architectural fabric of the City that is comprised of a great deal of 2 ½ story houses. Constructing a dormer that is greater than 50% of the roof length makes the roof become over powered by the dormer and detracts from the original form and balance of the massing of the house. The proposal also has a third story addition attached to the rear of the house that creates an odd roof form and creates an imposing structure for the abutting residential neighbors.

*The Applicant stated:* Residential Zone A has numerous examples of properties that have up to 2.8 stories, according to the assessor's database. There are also examples of properties similar to mine that look like they have more than 50% of their roof taken up by dormers. This would make these properties 3-stories according to current zoning. The dormer design for my project at 19 Cambria will look aesthetically pleasing from street view. The design created for the third floor renovation will not adversely impact the privacy, health, or public welfare of neighbors, and is necessary to make the renovation successful and to

give adequate head space for the third floor master bedroom, new master bathroom, walk-in closet, and, most importantly, the shed dormer on the southeast side is highly suitable for a successful rooftop solar panel installation that will allow me to achieve my goal of zero net electricity usage for my unit. The third floor space of my property is the only area on this property where I can create a master bedroom and master bathroom as our homes were built for different purposes over 100 years ago. Current zoning rules and laws were also created for a different time and purpose. 19 Cambria Street originally was created as a single family and was converted over the years as times and needs changed in Somerville and across the country. Now, it is a two-family with two units and I am proud to make modern renovations that meet today's living standards. I hope you will allow me to attain my green goals with the solar installation as well as the creation of a master bedroom, master bathroom, and deck on the third floor off the master bedroom. I believe this renovation will be aesthetically pleasing and will help boost property values for all abutters.

#### **IV. RECOMMENDATION**

##### **Special Permit under §4.4.1 and Variance under §5.5**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **DENIAL** of the **VARIANCE** and because the variance is required for the items proposed by special permit as designed, Planning Staff recommends **DENIAL** 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.