



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-25

Date: April 25, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 57 Dane Street

Applicant & Property Owner Name: Tanis Teich
Applicant & Property Owner Address: 57 Dane Street Somerville, MA 02143
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway Somerville, MA 02145
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner, Tanis Teich, seeks a Special Permit under SZO §4.4.1 to alter a non-conforming structure to enclose a rear porch at an existing two-family dwelling. RB zone. Ward 2.

Zoning District/Ward: RB/Ward 2
Zoning Approval Sought: Special Permit
Date of Application: April 2, 2013
Dates of Public Hearing: Zoning Board of Appeals – May 1, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,000 square foot parcel located in a residential neighborhood on the edge of Duck Village. The building located on this property is a two-family, 2 ½ story residential structure significantly renovated in 2012. The gross floor area is 4,732 square feet and the floor area ratio is .46. The structure is located in an RB zone, surrounded by similar one-, two-, and three-family homes.



There was an application for zoning relief that was denied for this property in 2009 to construct a roughly 1,740 square foot addition to a non-conforming dwelling under §4.4.1 of the SZO.

2. Proposal: Applicant and Owner, Tanis Teich, proposed to alter a nonconforming structure by enclosing the existing 135 square foot back porch on the first floor. The porch is 7'-6" by 16'-0". The rest of the deck will remain. The rear yard setback will remain conforming and change from 45' to 37.5'. The door and windows used to enclose the porch will match the existing windows.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the minimum lot size (7,500 square feet required and 5,000 square feet existing) and side yard setback (8 feet sideyard, 17' total, and 1 foot existing). Since the site is currently nonconforming and previously a by-right addition of just under 25% of the gross square feet of the original structure was added to the house, the new square footage would make the total square footage of additions to the structure greater than 25% of the gross square feet of the original structure, which requires a Special Permit under Somerville Zoning Ordinance §4.4.1. The addition will be conforming to required setbacks and the structure will be just under the allowable floor area ratio.

4. Surrounding Neighborhood: The subject property is located within a Residence B district on the edge of Duck Village. The surrounding neighborhood is composed of similar one-, two-, and three-family dwellings. Three of the four properties that are part of the Dane Street Local Historic District are across the street, the last property at 65 Dane street is two lots over.

5. Impacts of Proposal: The proposal to close the existing porch to expand the dining and living room will not be detrimental to the structure. The expansion will match the existing construction.

6. Green Building Practices: None identified.

7. Comments:

Fire Prevention: Has been contacted and has not provided comments.

Ward Alderman: Has been contacted and 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, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The enclosed portion of the deck will conform to the required setbacks and the structure will be just under the allowable floor area ratio.

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 district, 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 proposal to close the existing porch to expand the dining and living room will not be detrimental to the structure. The expansion will match the existing construction. The door and windows used to enclose the porch will match the existing windows.

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 for the Special Permit under SZO §4.4.1 to alter a non-conforming structure to enclose a rear porch at an existing two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 25, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 6, 2011 (April 24, 2013)</td> <td>Modified plans submitted to OSPCD (C-02 Existing First Floor Plan, C-03 Existing Second Floor Plan, C-06 Existing Elevations)</td> </tr> <tr> <td>August 4, 2012 (April 24, 2013)</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>August 1, 2012 (April 24, 2013)</td> <td>Modified plans submitted to OSPCD (Site-01 Site/Parking Plan, Z-01 Basement Plan, Z-02 First Floor Plan, Z-03 Second Floor Plan, Z-04 Third Floor Plan, Z-05 Elevations, Z-06 Elevation, Z-07 Elevation, Z-08 Section, Z-09 Isometric)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 25, 2013	Initial application submitted to the City Clerk's Office	June 6, 2011 (April 24, 2013)	Modified plans submitted to OSPCD (C-02 Existing First Floor Plan, C-03 Existing Second Floor Plan, C-06 Existing Elevations)	August 4, 2012 (April 24, 2013)	Modified plans submitted to OSPCD (Plot Plan)	August 1, 2012 (April 24, 2013)	Modified plans submitted to OSPCD (Site-01 Site/Parking Plan, Z-01 Basement Plan, Z-02 First Floor Plan, Z-03 Second Floor Plan, Z-04 Third Floor Plan, Z-05 Elevations, Z-06 Elevation, Z-07 Elevation, Z-08 Section, Z-09 Isometric)
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Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector											
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
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.											

