CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-73
Date: September 13, 2012
Recommendation: Unable to Recommend Approval

PLANNING STAFF REPORT

Site: 13 Elmwood Street

Applicant Name: Franziska Amacher
Applicant Address: Amacher and Associates, 237 Mt. Auburn St, Cambridge, MA 02138
Property Owner Name: Chunga Cha
Property Owner Address: 13 Elmwood St, Somerville, MA 02114
Agent Name: Franziska Amacher
Agent Address: Amacher and Associates, 237 Mt. Auburn St, Cambridge, MA 02138
Alderman: Robert Trane

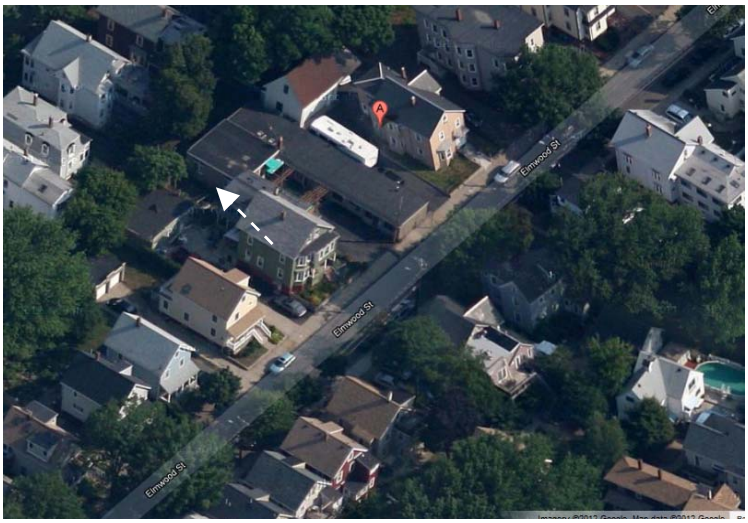
Legal Notice: Applicant, Franziska Amacher, and Owner, Chunga Cha, seek a Variance (SZO §5.5) in order to build a 1.5 foot extension of the first story of a porch into the front yard setback.

Zoning District/Ward: RB / 7
Zoning Approval Sought: Variance SZO §5.5
Date of Application: August 21, 2012
Dates of Public Hearing: Zoning Board of Appeals 9/19/12

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5000 sf lot on which sits a 2-family dwelling. The house is being renovated.

2. Proposal: The proposal is to allow for a portion of a newly constructed front porch to extend just over 1 foot (1' 1 ¼") into the required front yard setback. The projection would be on the first floor of the porch between columns and would serve the purpose of keeping 3 feet of access on the porch to be able to walk around the bay window.



3. Nature of Application: The front yard requirement in a Residence B zoning district is 15 feet per Somerville Zoning Ordinance §8.5.G except that footnote 5a allows unenclosed porches to project into front yards so long as a ten foot setback is provided from the front lot line. The majority of the front porch will be compliant with a 10 foot setback to the front property line except that a small portion will be 8.9 feet from front property line. A variance from the front yard setback requirement is required to construct the porch as proposed (§5.5).

4. Surrounding Neighborhood: The surrounding area is comprised of a residential neighborhood with many 2 ½ story structures with front porches.

5. Impacts of Proposal: The proposal is not anticipated to have negative impacts. Front porches add character to homes and allow for interaction of residents as they spend time in this transitional space between private homes and the public sidewalks. The 1 foot extension into the front yard will allow the porch to be functional to get around the existing bay window and the projection will not appear odd because it is small and will project between columns.

6. Green Building Practices: The renovations to the property include making it a net zero house with solar panels and a super-insulated envelop.

7. Comments:
Ward Alderman: Alderman Trane does not have issues with this application.
Wiring Inspector: Exterior lights and receptacles are required for each floor of the porch.

II. FINDINGS FOR VARIANCE (SZO §5.5):

In order to grant a variance the Board must find that all of the following conditions apply 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."

The Applicant stated, "In order to fit with the porches on adjacent house fronts, we are installing a deck. At the existing bay window the depth of the deck is only 2'-0". We propose to extend the deck only around the first floor bay window by one foot into the 10'-0"setback. Everywhere else the setback will be conforming to the 10'-0" required. Note that adjacent houses have setbacks ranging from zero, 7'-2", 9'-8" to 9'-9"."

Staff find that there are special circumstances related to the shape of the site and the placement of the house with a bay window that establishes a hardship of not being able to install a functional front porch. This condition does not affect generally the zoning district. Many houses in the zoning district were built with or added on front porches but this property would need a variance to have a functional porch that provided enough room to walk around the bay window. Porches are typical elements on 2 ½ story houses in the City and denying this would deprive the owners of installing a feature that provides benefit to the owners and to the neighborhood.

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 Applicant stated, "Front porches are important elements in the surrounding houses. With the proposed 1'-0" extension, it becomes possible to use our deck. These semi-private spaces are important elements in the public to private continuum from sidewalk to house. They also encourage people to sit outside, observe neighbors passing by, and interact if desired. This promotes a stronger sense of community."

Staff find that this condition is not met. The porch is not necessary for the reasonable use of the building and land, which is a two-family dwelling and could continue to function as such. On the other hand, the request to have a small portion of the first story porch project a little over one foot into the required setback is a minimal amount to allow the porch to be functional. Still, the request does not rise to the level of being required to grant relief related to the reasonable use of the building.

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 Applicant stated, "This small 1'-0" projection into the setback will be only at the first floor, and it will fit behind the average setback of adjoining houses."

Staff find granting the variance would be in harmony with the general purpose and intent of the Ordinance. The Ordinance allows unenclosed porches to project farther into the front yard setback than other structures and allows setbacks to be based on neighboring properties setbacks. In this case the projection is just slightly over what the exception for front porches allows and the neighboring properties have what would be similar setbacks if the variance is granted.

The addition of a front porch would not be injurious to the neighborhood or detrimental to the public welfare. In fact it would add character to the house and would allow for interaction of residents as they spend time in this transition space between the private home and the public sidewalk. The porch projection will not appear odd as designed. It would project a small amount between columns and the porch would otherwise look like a typical 2-story front porch.

III. RECOMMENDATION

Variance under §5.5 and 8.5.G

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is unable to recommend approval of the requested VARIANCE**.**

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.

If the Board decides to grant the Variance, the following conditions should be attached.

<table>
<tr><th>#</th><th>Condition</th><th>Timeframe for Compliance</th><th>Verified (initial)</th><th>Notes</th></tr>
<tr><td>1</td><td>Approval is for the approx 1.5 foot extension of a front porch into the required front yard setback. This approval is based upon the following application materials and the plans submitted by the Applicant:
<table>
<tr><th>Date (Stamp Date)</th><th>Submission</th></tr>
<tr><td>Aug 21, 2012</td><td>Initial application submitted to the City Clerk’s Office</td></tr>
<tr><td>Aug 8, 2012</td><td>Plans submitted to OSPCD (A-V plan and axonometric view)</td></tr>
<tr><td>Aug 21, 2012</td><td>Plans submitted to OSPCD (A-3 elevations)</td></tr>
</table>
Any changes to the approved elevations that are not de minimis must receive SPGA approval.</td><td>BP/CO</td><td>ISD/Plng.</td><td></td></tr>
<tr><td>2</td><td>An exterior light and receptacle are required for each level of the deck.</td><td>Final sign off</td><td>Wiring Inspector</td><td></td></tr>
<tr><td>3</td><td>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.</td><td>Final sign off</td><td>Plng.</td><td></td></tr>
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