



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-66
Date: August 30, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 31 Franklin Avenue

Applicant and Property Owner Name: Ocean City Development, LLC
Applicant and Property Owner Address: 12 Alfred Street, Suite 300, Woburn, MA 01801
Agent Name: Richard G. Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: William Roche

Legal Notice: Applicant and Owner Ocean City Development, LLC seeks a Special Permit under SZO §4.4.1 to expand a dormer on the left side of the existing nonconforming two-family structure. RB zone. Ward 1.

Zoning District/Ward: RB Zone / Ward 1

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 1, 2012

Date of Public Hearing: Zoning Board of Appeals – **September 5, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a two-family dwelling on a 3,738 square foot lot in East Somerville on Franklin Avenue between Franklin Street and Washington Street. The structure is 2½ stories in height with a gable roof and has 1,936 square feet of living space. There are shed dormers on both the left and right side elevations. The building is located in a Residence B district and abuts similar residential properties on either side. In 1989 Tibor Hangyal applied for zoning relief to construct a new third story, a new deck, and new exterior stairs onto the existing 2½ story building at 31 Franklin Avenue, but the Planning Board and the ZBA voted to deny the Applicant's request for the required Variances.

2. Proposal: The current Applicant, Ocean City Development, LLC, proposes to expand the existing shed dormer on the left side of this two-family dwelling to create a new bathroom. The



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proposed expansion of the existing shed dormer would be of the same shed-style, slightly reduced in size, attached to the left side of the existing dormer. The current dormer is approximately 14 feet wide and extends to the ridgeline of the house. The face of the dormer is 6 feet high and includes two windows. The proposed shed dormer extension would be approximately 6 feet wide and would extend further towards the rear of the existing structure. The face of the proposed shed dormer extension would be approximately five feet high. The new shed dormer will allow space for the construction of a new full bathroom and will include a small window on the face of the dormer. The usable square footage of the property will increase by 32 square feet (from 1,936 square feet to 1,968 square feet) and the Floor Area Ratio (FAR) will increase from 0.52 to 0.53, which is still well below the maximum of 1.0 for an RB district.

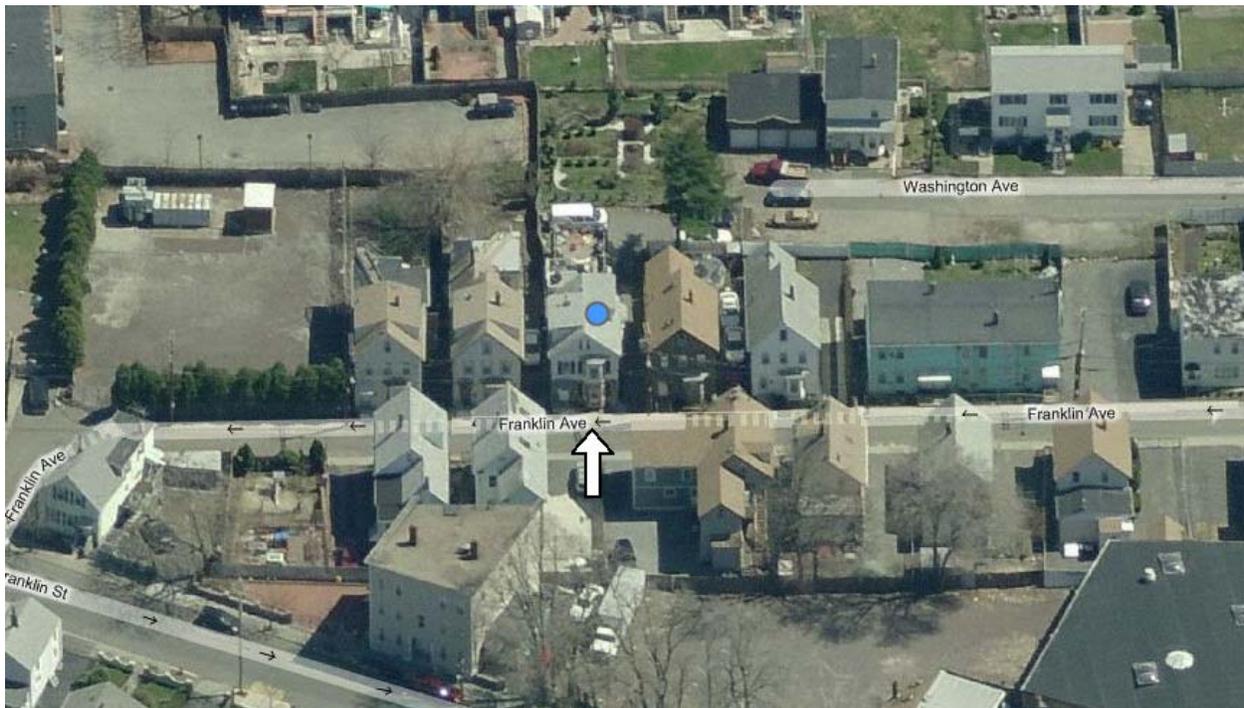


*At Left: Front and Left Side Elevation, Showing Existing Left Side Shed Dormer to be Expanded
At Right: Front and Right Side Elevation*

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the front and left side yard setbacks. Under the Somerville Zoning Ordinance (SZO) §4.4.1, alterations to the nonconforming aspects of a two-family dwelling may only occur via Special Permit approval. Currently, the left side yard setback is approximately 0.8 feet and the minimum required by the SZO for a 2½ story building is a minimum of 8 feet. Although the SZO allows for a reduction in the width of side yard setbacks for lots less than 50 feet wide, the subject parcel does not meet the 5 foot minimum width requirement for side yard setbacks.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential and is comprised of a mixture of mostly single- and two-family dwellings with a few three-family dwellings as well. The majority of this neighborhood is composed of gabled structures that are 2½ stories in height, many of which also have dormers. The visibility of the expanded dormer will be minimal due to the

proximity and height of the buildings and the fact that this smaller dormer expansion will be shielded by the larger existing dormer in front which is closer to the street.



5. Impacts of Proposal: An expansion of the left side dormer would not be detrimental to the existing structure or the surrounding neighborhood. This addition to the existing dormer would have a minimal impact to the abutters and the streetscape as another dormer on the left side of the existing structure already exists and the narrow side yard will reduce visibility of the dormer from the streetscape. Furthermore, the larger existing dormer will shield much of the view of the dormer expansion from Franklin Avenue. The proposal does not alter the character defining features of the building either. The Applicant worked with Planning Staff to create a more appropriate dormer expansion design, and Staff believes that the design of the current proposal is an improvement compared to the original submission. However, Planning Staff believes that the design could be potentially be further improved by scaling back the dormer expansion a bit more by replacing the bathroom tub with a stand up shower, which would have a smaller footprint. This would reduce the dormer expansion so that it could be pulled in further from the left side of the building. Furthermore, if the shower were then pulled back away from the outer wall, this would allow for the opportunity to center the window on the face of the dormer addition, which would then align better with the second floor window directly below the proposed dormer addition.

6. Green Building Practices: The Applicant indicated that no green building practices will be utilized.

7. Comments:

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

Ward Alderman: In an email to Staff on August 22, 2012, Alderman Roche indicated that he would “rely on the Planning Staff’s recommendations but would like to know if any neighbors or abutters send or call with comments.”

Wiring Inspector: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1, §5.1):

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer is not expected to impact the house adjacent to the nonconforming side yard. While Staff does not encourage shed dormers extending from the apex of a roof, Staff finds the design acceptable as the dormer is an extension of an existing dormer. Additionally, the new addition is smaller than the existing dormer, and it will be shielded from the streetscape as it is located behind the larger existing dormer.

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 protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; and to conserve the value of land and buildings."

The proposal is consistent with the purpose of the district (6.1.2 RB– Residence Districts), which is, "[t]o 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 expansion of the dormer has been designed to be compatible with the built and unbuilt surrounding area and land uses. The form of the building would remain consistent with other structures along the street and in the neighborhood. The dormer is not expected to impact the streetscape or the surrounding neighborhood as the dormer addition will be minimally visible shielded behind the larger existing shed dormer, which is located closer to Franklin Avenue. The proposed shed dormer would be of comparable size to other shed dormers on neighboring houses.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the

surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated as part of this proposal. No new glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water, nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The existing structure will remain a two-family residential building in an RA District.

III. RECOMMENDATION

Special Permit under §4.4.1 and §5.1

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 a nonconforming structure under SZO §4.4.1 to expand an existing dormer on the left side of a two-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(August 1, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 26, 2012 (August 22, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>August 21, 2012 (August 22, 2012)</td> <td>Floor Plans, Roof Plan, and Elevations (Sheets 1 & 2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 1, 2012)	Initial application submitted to the City Clerk's Office	July 26, 2012 (August 22, 2012)	Plot Plan	August 21, 2012 (August 22, 2012)	Floor Plans, Roof Plan, and Elevations (Sheets 1 & 2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									

3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
4	New siding type and color, roofing, trim, and materials of the dormer expansion shall match or be complimentary to the rest of the existing structure.	CO	Plng.	
5	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
6	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.	



31 Franklin Avenue