



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-11

Date: March 28, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 20-22 Greenville Street

Applicant Name: Arthur Choo Jr., AIA, Choo & Company, Inc.

Applicant Address: 1 Billings Rd, Quincy, MA 02171

Property Owner Name: Chun Wah Ng & Tsang Kong Hon

Property Owner Address: 20-22 Greenville St., Somerville MA

Alderman: Thomas Taylor

Legal Notice: Applicant, Arthur Choo Jr., AIA, Choo & Company, Inc., and Owner, Chun Wah Ng & Tsang Kong Hon, seek a Special Permit to legalize a 3-family dwelling under SZO §7.11.2.b and alter a nonconforming structure under SZO §4.4.1 to alter the roof and add dormers.

Zoning District/Ward: RA zone / Ward 3

Zoning Approval Sought: SZO SZO §4.4.1 and §7.11.2.b

Date of Application: February 27, 2013

Dates of Public Hearing: Zoning Board of Appeals April 3, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is a 6,958 square foot lot with a two-family residential dwelling that is currently being used as a three-family. There is a driveway on the side of the building and a paved parking lot in the rear yard. The lot is 68.5 feet along the street and narrows towards the back to 40.83 feet.



2. Proposal: The proposal is to legalize the third unit in the structure and build two gable dormers on the front of the house and a shed dormer in the rear. The interior of the structure will be reconfigured. Unit 1 will be on the first and second floors and have 3 bedrooms, Unit 2 will be on all 3 floors and have 4 bedrooms and Unit 3 will be on the third floor and have 1-bedroom.

There would be six parking spaces on the lot in the back yard. Two new trees and other landscaping will be installed around the house, parking area and rear yard.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including minimum lot size and side yard setback. In accordance with the Somerville Zoning Ordinance §4.4.1, the alteration of a nonconformity three-family structure requires Special Permit approval. Currently, the right side yard setback varies and the deck is just a few feet from the property line. The setbacks are not proposed to change as a result of the renovations.

The proposal also includes a residential conversion from two to three units to legalize the units. Special residential conversions are allowed by Special Permit under SZO section 7.11.2.b. Special residential conversions are permissible within an existing dwelling which increases the number of dwelling units but does not increase the Gross Floor Area of the dwelling. Residential conversions shall not change the footprint of the existing dwelling and shall not extend the dwelling upward or outward. The proposal meets the lot area per dwelling unit requirement of 1500 sf per unit. The lot area per dwelling unit will be 2319 sf.

Six parking spaces are required and six will be provided.



4. Surrounding Neighborhood: The surrounding area is comprised of one-, two-, three- and multi-family homes. The vacant gas station touches the corner of the lot and McGrath Highway is within close proximity.

5. Impacts of Proposal: The property has been functioning as a three-family house and therefore the legalization of the third unit will not be noticed by the neighbors. The dormers were designed appropriately for the house. The front dormer was broken up into two to reduce the visible mass on the roof. The dormers start down from the roof peak and back from the main wall of the house. The shed dormer on the back is not greater than 50% of the length of the slope to which it is attached. It is not highly visible at this location in the rear of the property and it faces a gas station.

6. Green Building Practices: None listed on the application form.

7. Comments:

Fire Prevention: A sprinkler system will be required as well as a central station an updated fire alarm system.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 7.11.2.b):

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. There will be slightly more massing of the building with the proposed dormers; however, the footprint of the building and existing setbacks will not be altered.

The use complies with the definition of a special residential conversion the lot area per dwelling unit complies with the requirement.

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 providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City.

Although the proposal is for a three-family and providing for one- and two-families is the goal in the district, the use is residential and takes the same form as two-family house.

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 property has been functioning as a three-family house and therefore the legalization of the third unit will not be noticed by the neighbors. The dormers were designed appropriately for the house. The front dormer was broken up into two to reduce the visible mass on the roof. The dormers start down from the roof peak and back from the main wall of the house. The shed dormer on the back is not greater than 50% of the length of the slope to which it is attached. It is not highly visible at this location in the rear of the property and faces a gas station.

Having a six car parking lot in the rear of the structure is not preferable but it is an existing condition and there are some landscaped areas in the side and front yards that create usable outdoor space.

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 legalization of the third unit and alteration of the structure to add dormers. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Feb 27, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Mar 25, 2013</td><td>Modified plans submitted to OSPCD (A-1.0 Site Plan)</td></tr><tr><td>Feb 20, 2013 & Mar 26</td><td>Modified plans submitted to OSPCD (A-1.1 – 1.2 floor plans)</td></tr></table>	Date (Stamp Date)	Submission	Feb 27, 2013	Initial application submitted to the City Clerk’s Office	Mar 25, 2013	Modified plans submitted to OSPCD (A-1.0 Site Plan)	Feb 20, 2013 & Mar 26	Modified plans submitted to OSPCD (A-1.1 – 1.2 floor plans)			
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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	The Applicant or Owner shall install a sprinkler system, central station and an updated fire alarm system.	CO	FP	
3	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	
4	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	
5	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.	

