



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-76
Date: November 4, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 5 Hersey Street

Applicant Name: Slava & Rhiannon Menn
Applicant Address: 745 Atlantic Ave., Boston, MA 02111
Owner Name: Nordau Ventures, LLC; Slava Menn, Manager
Owner Address: 745 Atlantic Ave., Boston, MA 02111
Alderman: Robert J. McWatters

Legal Notice: Applicants, Slava & Rhiannon Menn and Owner, Nordau Ventures, LLC with Slava Menn as Manager, seek Special Permits per SZO §4.4.1 to finish a basement which increases the FAR and to construct a second floor balcony within the front yard setback. RA zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – November 4, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2.3 story single-family residential with 1,204 sq. feet of living space on a 1,307 sq. foot lot in the RA district.
2. Proposal: The proposal is to finish a portion of the basement, increasing the FAR and construct a second floor balcony within the front yard setback, both of which trigger special permits. The square footage will increase by 297 sq. feet, within the 25% increase allowed under special permit. The second



5 Hersey Street, existing conditions

floor balcony protrudes into the front yard setback, requiring a special permit. The dormer to be added to the second floor above the current front entry facing Hersey Street, but it is beyond the front yard setback requirement, and thus does not trigger special relief.

3. Green Building Practices: Space to be fully-insulated per code.

4. Comments:

Fire Prevention: All smoke alarms must be hard-wired

Ward Alderman: Alderman Robert J. McWatters has been informed of this project.

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

- The structure is currently non-conforming with respect to FAR, setbacks on all sides, lot coverage and landscaped area.
- The proposal will change the floor area ratio (FAR) from .92 to 1.15. The FAR allowed in the RA zone is 0.75. Intensifying this existing non-conformity requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). Staff finds that this request to increase the FAR is a reasonable one to provide the Applicants with a small amount of additional square footage. This lot is particularly challenging and severely limits the ability of the applicants to add additional space to a relatively small house.
- The addition of the second floor balcony will extend this upper portion of the structure into the front yard setback. Given that the enclosed front entryway already extends into the front yard setback and the new balcony would extend over these same dimensions, the balcony addition will not adversely impact abutting properties.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

- In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed to this legal single-family would not be substantially more detrimental to the

neighborhood than those contained within the existing structure. Finishing/upgrading a basement is a way of creating more livable space to a home without any impact on abutting properties since there is no change to the setbacks of the home.

- In considering a special permit under §4.4 of the SZO with respect to the second floor balcony, Staff finds that this proposed alteration would not be substantially more detrimental to the neighborhood as it does not further penetrate the front yard setback any more than the existing enclosed front entryway.

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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the 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."*

- The surrounding neighborhood is a mix of residential uses including single-family, 2-family and 2-family conversions. The surrounding neighborhood contains numerous structures of 2 ½ and 2 ¾ stories with similar massing.
- There are few to no impacts from the proposal. The most significant modifications are to the interior of the structure. The proposed changes to the exterior of the residence will help improve the street presence of the property while providing the homeowners with a small amount of outdoor space on a lot with limited area for outdoor enjoyment.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

- The proposal will not impact the existing stock of affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

- The proposal will not contribute to the metrics of SomerVision but allow the property owner to make some modifications to their home.

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 to finish the basement, increase the FAR and add a second floor balcony within the front yard setback.. 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>September 17, 2015</td><td>Initial application submitted to Planning Office</td></tr><tr><td>October 2, 2015</td><td>Modified plans submitted OSPCD (Site Plan, Existing and Proposed Basement, First, Second floor plans, updated zoning data sheet and exterior changes.)</td></tr></table>				Date (Stamp Date)	Submission	September 17, 2015	Initial application submitted to Planning Office	October 2, 2015	Modified plans submitted OSPCD (Site Plan, Existing and Proposed Basement, First, Second floor plans, updated zoning data sheet and exterior changes.)
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<u>Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.</u>										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	The basement shall not be converted into additional bedroom space nor used as an additional unit.	CO	ISD							
Final Sign-Off										
4	<u>The Applicant shall contact Planning Staff at least five (5) working days in advance of a request for a final inspection</u> 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	ISD/Plng.							