



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-22

Date: June 4, 2015

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 263 Highland Ave #4

Applicant Name: Christopher and Abbey Lewis

Applicant Address: 263 Highland Ave, Unit 4, Somerville MA 02143

Owner Name: Christopher and Abbey Lewis

Owner Address: 263 Highland Ave, Unit 4, Somerville MA 02143

Alderman: Robert McWatters

Legal Notice: Applicants and Owners, Christopher and Abbey Lewis, seek a Special Permit to construct an approx. 180sf roof deck and access stairs on a nonconforming structure. RC zone. Ward 3.

Dates of Public Hearing: June 10, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The property is an eight-unit brick/masonry building with three stories and a flat roof. It is on an approximately 3000 square foot parcel which is mostly covered by the building except for a 12 by 85 foot rear yard. In 2008 unit #1 in this building received a special permit to construct an approximately 200 square foot roof deck on the eastern portion of the building. Units 1 and 4 have exclusive rights to use the roof.

2. Proposal: The proposal is to construct an approximately 180 square foot roof deck on the western side of the building. There is an existing penthouse with stairs to the roof that would be used to access the roof deck. The deck would provide outdoor space to be used exclusively by this unit. The unit currently does not have outdoor space. No barbeques or open flames would be allowed.



*Rooftop of 263 Highland Ave –
looking east at existing deck (top left),
looking west at location of proposed
deck (bottom left)*



3. Green Building Practices: None.

4. Comments:

Fire Prevention: None provided at this time.

Wiring Inspection: An electrical receptacle is required for the deck.

Ward Alderman: Alderman McWatters is aware of the proposal and will be in touch with staff if issues arise.

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."*

The structure is currently nonconforming with respect to several dimensional requirements including front yard setback, rear yard setback, and side yard setbacks. The proposed deck is with the nonconforming side and rear yard. The deck is approximately 6 feet from the side lot line, the building is 3.6 feet and the minimum in this district is 10 feet. The deck is approximately 14 feet to the rear lot line, the building is 11 feet and the minimum in this district is 20 feet. These existing nonconformities require the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5."

To the extent possible for a nonconforming structure, the proposal complies with the standards of the zoning ordinance. The deck is designed to only affect the side and rear yard setback, which is minimally impactful along this busy street.

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 purposes of the ordinance, including, "[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district." The roof deck will provide outdoor space for a unit that does not otherwise have outdoor space.

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 parcel is located next to fire station and on a busy street. Residences of single family to multiple unit dwellings surround the property.

There are no anticipated impacts on surrounding properties. The abutting building to the left is the fire station which is setback from the street and the deck would not be adjacent to a window. The other properties abutting this lot are either lower in height or at a distance making the impact of the deck negligible. The Noise Control Ordinance would address concerns regarding noise.

The deck is designed to be compatible with the surrounding area. It will be minimally visible from the street and should not impact the surrounding neighbors.

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

The roof deck will have a minimal impact on the affordability of the unit, which is owner occupied and not restricted as an affordable unit.

8. 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 enhances the Highland Avenue corridor by providing a residential unit with 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 construction of an approx. 180sf roof deck. 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>April 30, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>July 22, 2005 (April 30, 2015)</td><td>Modified plans submitted to OSPCD (roof plan)</td></tr><tr><td>April 24, 2015 (April 30, 2015)</td><td>Modified plans submitted to OSPCD (A-100 Framing plan, A-101-102 roof deck, A-103 Sections, A-104 specs)</td></tr></table>				Date (Stamp Date)	Submission	April 30, 2015	Initial application submitted to the City Clerk's Office	July 22, 2005 (April 30, 2015)	Modified plans submitted to OSPCD (roof plan)	April 24, 2015 (April 30, 2015)	Modified plans submitted to OSPCD (A-100 Framing plan, A-101-102 roof deck, A-103 Sections, A-104 specs)
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Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior electrical receptacle is required for the deck.	Final sign off	Wiring Inspector									
Final Sign-Off												
3	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.									

