



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-26

Date: May 1, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 14 Kidder Avenue

Applicant Name: Richard Burck

Applicant Address: 3 Forest Street, Lexington, MA 02421

Property Owner Name: Richard Burck

Property Owner Address: 3 Forest Street, Lexington, MA 02421

Alderman: Rebekah Gewirtz

Legal Notice: Applicant and Owner, Richard Burck, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure to create a closet on the left side of a single-family dwelling. RB zone. Ward 6.

Dates of Public Hearing: **Wednesday, May 7, 2014**

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 4,832 square feet and comprised of a 2 ½ story, single-family dwelling. The parcel is located in a residential neighborhood of similar type structures, between Davis Square and Powder House Circle. The surrounding buildings are single, two-, three, and multi-family dwellings. There has been no prior zoning relief. RB zone.

2. Proposal: As part of other interior renovations, the Applicant proposes to remove a window to create a bedroom closet by projecting an exterior wall to cantilever above an existing bulkhead. This projection is located on the left, or north side of the structure, facing the rear of the parcel. The closet addition will not be visible from the streetscape and would measure 5'-4" in width, 2'-6" in depth and approximately 8' in height. Staff has confirmed that the bulkhead will comply with the building code in regard to headroom.





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3. Green Building Practices: There are none indicated on the application.

4. Comments:

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

Ward Alderman: Has been contacted and does not have concerns regarding 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 §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."

Under SZO §4.4.1, an existing single or two-family dwelling may alter a nonconformity through the granting of a Special Permit. Therefore, due to the existing nonconforming left side yard setback, the proposed closet, which is to cantilever within the side yard setback, above the existing bulkhead, requires a Special Permit.

In considering a special permit under §4.4 of the SZO, Staff find that the alteration proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed alteration will not impact abutters, nor be visible from the street. This proposal does not add bedrooms or change the parking requirement. This proposal does allow the occupants to better utilize the interior space. The existing floor area ratio (FAR) is 0.59 and as this is a proposed closet, this would not increase the FAR. The ground coverage (34%), landscape (66%) and pervious area (57%) are all in compliance.

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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to encourage the most appropriate use of land throughout the City."

The proposal is consistent with the purpose of the RB district, §6.1.2, which is, "To 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."

The proposal to cantilever a closet over a bulkhead allows the occupants to better utilize the interior plan of this structure. The small addition is compliant with building code, does not impact abutters and is not visible from the street.

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 in a residential neighborhood of similar type structures, between Davis Square and Powder House Circle, near College Avenue. The surrounding buildings are single, two-, three-, and multi-family dwellings.

The proposal to cantilever a closet over a bulkhead allows the occupants to better utilize the interior plan of this structure. The small addition is compliant with building code, does not impact abutters and is not visible from the street.

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
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1	Approval is for a Special Permit to alter a nonconforming structure to create a closet on the left side of a single-family dwelling. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 21, 2014)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>March 20, 2014 (April 25, 2014)</td><td>Plans submitted to OSPCD (First Floor Plan, Second & Third Floor Plans, Closet Addition, & Existing Conditions)</td></tr></table>				Date (Stamp Date)	Submission	(March 21, 2014)	Initial application submitted to the City Clerk's Office	March 20, 2014 (April 25, 2014)	Plans submitted to OSPCD (First Floor Plan, Second & Third Floor Plans, Closet Addition, & Existing Conditions)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Design										
2	The new siding and trim detail shall match or be complimentary to the existing in size, color, and detail.	CO	Plng.							
Public Safety										
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Final Sign-Off										
4	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.							

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