



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-92
Date: November 12, 2015
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 103 Kidder Avenue

Applicant Name: KTA Construction, LLC
Applicant Address: 7 Gemma Dr, Peabody, MA 01960
Owner Name: KTA Construction, LLC
Owner Address: 7 Gemma Dr, Peabody, MA 01960
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Rebekah Gewirtz

Legal Notice: Applicant & Owner, KTA Construction, LLC, seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family to add dormers and inc the floor area ratio. RA zone. Ward 6.

Dates of Public Hearing: November 4, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,500 square foot lot on which sits a 2 ½ story, two-family house. One unit has two bedrooms and an office and the other unit has three bedrooms and an office.
2. Proposal: The proposal is to add a dormer to the right side of the house. The dormer will allow for the addition of a bathroom and expansion of a bedroom on the third floor. The proposal also includes expanding the living space into the basement to add a family room and bathroom. The number of bedrooms in each unit, two and three, are not changing.



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

4. Comments:

Fire Prevention: Fire Prevention has reviewed the application and does not have comments at this time.

Ward Alderman: Alderman Gewirtz has been contacted regarding this proposal.

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 the following dimensional requirements: lot area, floor area ratio (FAR), front yard setback, and right side yard setback.

The proposal will impact the following nonconforming dimensions: right side yard setback and floor area ratio. The current side yard setback is 5 feet and the dormer will be 5.3 feet to the property line. The requirement in the district is 8 feet. The floor area ratio is currently just over the maximum FAR at 0.76. The proposal is to increase the FAR to 0.87. The maximum allowed in the district is 0.75. These alterations to a nonconforming structure requires 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 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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The dormer will be located behind an existing shed dormer where it will be less visible than it was located in different location. The dormer length will be less than 50% of the length of the roof keeping the third floor to a half story. Conditions of approval will require the dormer to be sympathetic to the main structure. The additional living space in the basement to add a living space and bathroom for a unit will not require any exterior alterations and will likely not be impactful to neighbors.

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 providing for and maintain the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal to alter a two-family house is consistent with the purpose of the district, which is, “[t]o establish and preserve quiet neighborhoods of one- and two-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 basement living space will not require any exterior alterations. The dormer will be setback behind an existing shed dormer where it will be less visible than it would be in another location. A condition of approval addresses the following elements to ensure that the dormer matches the character of the house. The condition states that the new portion of the dormer have two windows that are spaced evenly along the main wall of the dormer. These windows must match in size and style to the window on the existing dormer. The dormer siding must also match that on the existing dormer. Finally, the eave of the house cannot be disrupted for the dormer installation.

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

The units will be more expensive with a renovation and addition. The units are not restricted as affordable units and even without the expansion of the building the owner could increase the cost of the units.

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.*

A small alteration to a two-family house in an area of the City that is to be conserved is not counter to the goals of SomerVision.

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2

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 addition of a dormer and livable space in the basement. 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>Jun 3, 2015</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Aug 28, 2015</td><td>Plans submitted to OSPCD (plan of land, plan of land with dormer)</td></tr><tr><td>(Nov 12, 2015)</td><td>Modified plans submitted to OSPCD (Existing Elevations, Proposed Elevations, Existing floor plans, Proposed floor plans, Existing NSF, Proposed NSF)</td></tr></table>				Date (Stamp Date)	Submission	Jun 3, 2015	Initial application submitted to the City Clerk's Office	Aug 28, 2015	Plans submitted to OSPCD (plan of land, plan of land with dormer)	(Nov 12, 2015)	Modified plans submitted to OSPCD (Existing Elevations, Proposed Elevations, Existing floor plans, Proposed floor plans, Existing NSF, Proposed NSF)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The new portion of the dormer shall have 2 windows that are spaced evenly along the main wall of the dormer. These windows must match in size and style to the window on the existing dormer. The dormer siding must also match that on the existing dormer. The eave of the house cannot be disrupted for the dormer installation.	BP	Plng.									
3	The Applicant shall at their 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 or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
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.	

