



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
DAN BARTMAN, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2013-04

Date: February 28, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 49 Lowden Avenue

Applicant Name: Frank Rocci

Applicant Address: 19 Oldham Road, Arlington, MA 02474

Property Owner Name: Frank Rocci

Property Owner Address: 19 Oldham Road, Arlington, MA 02474

Alderman: Rebekah Gewirtz

Legal Notice: Owner and Applicant, Frank Rocci, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by extending the length of an existing dormer on the right side facade. RA zone. Ward 6.

Zoning District/Ward: RA Zone / Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: February 5, 2013

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, March 6, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,037 square foot parcel located in a residential neighborhood between Ball Square and Powder House Circle. The building located on this property is a two-family, 2½ story residential structure. The gross floor area is 4,964 square feet and the floor area ratio is .80. A shed dormer currently exists on the right side roof plane that is eight feet in length. The structure is located in an RA zone, surrounded by similar two- and three-family dwellings.

There has been no prior zoning relief.

2. Proposal: Applicant and Owner, Frank Rocci, proposes to alter a nonconforming structure by extending the length of an existing shed dormer on the right side. The existing dormer, located near the center of the roof plane, is currently eight feet in length with one sash window. The Applicant proposes to extend the length of this dormer toward the rear of the structure by twelve feet, for a total dormer length of 20 feet, to create an additional 75 square feet for a new master bathroom. Another window of the same size would be added to the façade of this expansion.



49 Lowden Avenue

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the right side yard setback. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, nonconforming two-family dwellings may only alter a nonconformity through Special Permit approval. As the existing right side yard setback is 2.8', expanding a shed dormer on the right side requires Special Permit approval.

4. Surrounding Neighborhood: The subject property is located within a Residence A district between Ball Square and Powder House Circle. The surrounding neighborhood is composed of similar two- and three-family dwellings.

5. Impacts of Proposal: The proposal to expand an existing shed dormer to accommodate a new master bathroom will not be detrimental to the structure. The dormer extension will incorporate one additional window, located toward the rear of the building. The existing window has views of the projecting bay of the neighboring property. The new window would have a similar view, but would look more directly onto the rear roof plane.

6. Green Building Practices: There are no green building practices that have been indicated.

7. Comments:

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

Ward Alderman: Alderman Gewirtz commented on 2/24 via email to Staff that she has no concerns. She also inquired if the neighbors had been notified. Staff was not aware if the neighbors had been notified, but informed the Applicant of the Alderman's request.

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."

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 proposal to extend the shed dormer by 12 feet, for a total of 20 feet, will create an additional 75 square feet for use as a master bathroom. Since the expansion is located toward the rear of the structure, the additional 12 feet in length would be minimally visible from the streetscape.

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 provide adequate light and air; 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 Residence A district, §6.1.1, which is, "To 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."

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 a Special Permit to alter a nonconforming structure by extending the length of an existing dormer on the right side facade. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(February 5, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 11, 2012 (February 27, 2013)</td><td>Plot plan submitted to OSPCD (page numbers)</td></tr><tr><td>January 18, 2013 (February 27, 2013)</td><td>Existing and proposed plans submitted to OSPCD (A1, A2, A3, A4, &A5)</td></tr></table>				Date (Stamp Date)	Submission	(February 5, 2013)	Initial application submitted to the City Clerk’s Office	December 11, 2012 (February 27, 2013)	Plot plan submitted to OSPCD (page numbers)	January 18, 2013 (February 27, 2013)	Existing and proposed plans submitted to OSPCD (A1, A2, A3, A4, &A5)
	Date (Stamp Date)				Submission							
	(February 5, 2013)				Initial application submitted to the City Clerk’s Office							
	December 11, 2012 (February 27, 2013)				Plot plan submitted to OSPCD (page numbers)							
January 18, 2013 (February 27, 2013)	Existing and proposed plans submitted to OSPCD (A1, A2, A3, A4, &A5)											
Any changes to the approved elevation plans that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	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	New siding type and color, roofing, trim and materials of the dormer expansion shall match or be complimentary to the rest of the existing structure.	CO	PIng									
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	PIng.									

49 Lowden Avenue

