



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-59

Date: August 29, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 86 Lowden Avenue

Applicant Name: Stephen and Virginia Post

Applicant Address: 86 Lowden Ave. Somerville, MA 02144

Property Owner Name: Same

Alderman: Rebekah Gewirtz

Legal Notice: Applicants and Owners, Stephen and Virginia Post, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by extending the second story of a rear deck.

Zoning District/Ward: RA Zone / Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 6, 2013

Dates of Public Hearing: Zoning Board of Appeals – **September 4, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of a two-family dwelling on an approximately 4,410 square foot lot near the Brown School. The property is in a Residential A district and is a 2 ½ story structure with a gable roof. The footprint of the structure is approximately 1,179 square feet and the property has a floor area ratio of .74.

2. Proposal: The Applicants and Owners, Stephen and Virginia Post, propose to alter this two-family dwelling by expanding the second story of an existing rear deck to enable better use of this outside space. The existing second story deck is 9.5 feet long and 4 feet wide and the proposed second story deck



will be 9.5 feet long and 8 feet wide. The proposal to extend the deck will increase the area of the deck by approximately 38 square feet. The first floor of the rear deck will not be altered while the second story of the deck will become aligned with the rear façade of the structure.



86 Lowden Avenue

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the left side yard setback. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a nonconforming two-family dwelling may increase a nonconforming dimension through Special Permit approval. The required left side yard setback for a 2 ½ story structure in a Residence A district is at least 10 feet. Since the current left side yard is 3.5 feet, altering a structure within the left side yard is an alteration that requires Special Permit approval.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of two- and three-family dwellings and 2 ½ story structures. The subject property is also in close proximity to the Brown Elementary School.

5. Impacts of Proposal: There are very few impacts of this proposal. The proposed alteration to the rear of the structure would not appear to be detrimental to the building or the surrounding neighborhood. The alterations to the rear of the dwelling will not greatly impact the Lowden Avenue streetscape. The overall height of the building will remain the same and the footprint of the structure will not encroach any farther into the conforming rear yard setback or the already nonconforming left side yard setback.

6. Green Building Practices: The application does not list any green building practices.

7. Comments:

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

Ward Alderman: Has been contacted but has not yet provided comments.

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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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

The proposal is consistent with the purpose of the district, 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."

The proposed alterations will be compatible with the built and unbuilt surroundings. The proposal to alter the second story deck will not enlarge the footprint of the building and will maintain the use of the dwelling as a two-family, which is similar to land uses in the surrounding area.

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 an alteration to a nonconforming structure by extending the second story of a rear 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>(August 6, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 25, 1995 (August 7, 2013)</td><td>Mortgage inspection plan submitted to OSPCD</td></tr><tr><td>(August 7, 2013)</td><td>Proposed plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(August 6, 2013)	Initial application submitted to the City Clerk’s Office	March 25, 1995 (August 7, 2013)	Mortgage inspection plan submitted to OSPCD	(August 7, 2013)	Proposed plans submitted to OSPCD
	Date (Stamp Date)				Submission							
	(August 6, 2013)				Initial application submitted to the City Clerk’s Office							
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(August 7, 2013)	Proposed plans submitted to OSPCD											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground)	Final sign off	Wiring Inspector									
3	New siding type and color, trim and other materials necessary to replace as a result of the proposal shall match the existing siding, trim, and other materials;	CO	Plng									
Public Safety												
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
Final Sign-Off												
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	Plng.									

