



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2012-55  
**Date:** August 30, 2012  
**Recommendation:** Conditional Approval

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**UPDATED PLANNING STAFF REPORT<sup>1</sup>**

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**Site: 193 School Street**

**Applicant Name:** Micah Silver  
**Applicant Address:** 193 School Street #3  
**Property Owner Name:** Micah Silver  
**Property Owner Address:** 193 School Street #3, Somerville, MA 02143  
**Agent Name:** Mario Sousa  
**Agent Address:** 15 Macarthur Street, Somerville, MA 02145  
**Alderman:** Tony Lafuente

Legal Notice: Applicant and Owner, Micah Silver, seeks a Special Permit under SZO § 4.4.1 to convert an existing garage into living space.

Zoning District/Ward: Residence A / Ward 4

Zoning Approval Sought: Special Permit

Date of Application: July 3, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, September 5, 2012**

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,375 square foot lot with a three-family dwelling and a concrete block garage. This 2½ story structure with a Mansard roof is located in a Residence A district near Medford Street in the Winter Hill neighborhood, which is predominantly residential. The structure has 2,900 square feet of living space and the floor area ratio (FAR) is currently 0.87.

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<sup>1</sup> This is an updated Staff Report from August 9, 2012 due to questions raised at the Zoning Board of Appeals hearing on August 15, 2012 regarding prior conditions, parking, and how the garage is attached to the third floor unit.



The subject parcel was designated historic at the local level in 2011 which requires the Applicant to submit an application to the Somerville Historic Preservation Commission and receive a Certificate before commencement of any work. The parcel is part of a noncontiguous multi-building district known as the Thurston-Walnut Local Historic District. The building was constructed c. 1870 as an income-producing property for major local developers and retains a moderate degree of architectural integrity due to the retention of its form, materials, and detailing.

The garage has been used as a storage space prior to the present owner. An unknown previous owner used cinderblocks to fill in both the left and right bays. A door was added to the left bay, along with glass panel that is not operable, and glass block was added to the top portion of the right bay. Two window openings on the rear elevation have been previously filled with brick.

There has been no prior zoning relief.



*Left: 193 School Street*



*Right: Concrete block garage at 193 School Street*

2. Proposal: Owner and Applicant, Micah Silver, proposes to convert the existing concrete block garage into living space. Alterations to the exterior include replacing the bricks that have been used to fill two window openings on the rear elevation with glass blocks, fresh paint and a security light to the right of the door. The garage is located at the rear of the property, in the right corner adjacent to the property lines, and is legally part of the third floor, owner occupied unit. An emergency egress staircase, supported by the garage, leads from a door within the Mansard roof to the ground below. The current floor area ratio (FAR) is 0.87 and the additional living space would create an FAR of 0.98.

The Applicant went to Inspectional Services and was given a building permit, prior to requesting a Special Permit, to install fire resistant glass blocks in the two rear windows, reframe and install the existing door, stud out the interior, add insulation and sheetrock to walls and ceilings, and install a new electrical unit. However, upon a preliminary inspection, the Inspector determined the Applicant would need to obtain a Special Permit first, as the Applicant was adding habitable space which changes the floor area ratio.

The Applicant proposes to convert this garage into living space for use as storage and small house projects or hobbies. The two windows on the rear façade, currently filled with brick, would be replaced with glass block, and the door would be reframed and reinstalled in the same location. Studs and insulation would be installed to create interior walls and the walls would have ½” sheetrock on ¾” strapping. The concrete floor and steel beam would remain unchanged. Shelving and cabinets would be installed in the right portion of the garage for storage and a new electrical distribution box would be installed to the left of the entry door. An energy efficient ductless heat pump would be used to heat and cool the space and a smoke detector would also be installed. A security light will also be added to the exterior, adjacent the door. Additionally, the Applicant would like to install plumbing for a utility sink.



*193 School Street, emergency egress from third floor unit to garage.*

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including the front, right and rear yard setback as well as minimum lot size and floor area ratio (FAR). The existing nonconforming FAR of 0.87 requires the Applicant to obtain a Special Permit under SZO §4.4.1 to expand this nonconformity to 0.98 upon conversion of the garage into living space.

The width of each garage bay is less than 8.5 feet. As the required width of a parking stall is 9 feet, there is only one legal parking space on the premises; therefore, the conversion of this garage space into living space does not remove any parking from the property.

4. Surrounding Neighborhood: The subject property is located near Medford Street within the Winter Hill neighborhood which is predominantly residential and composed of single, two-, and three-family dwellings. There is a moderate level of density along this portion of School Street due to the number of units per lot.

5. Impacts of Proposal: The proposed conversion, from garage to additional living space, will not be detrimental to the structure.

The exterior design of the garage is not proposed to be altered. The interior space will be minimally altered as sheetrock and storage shelving and cabinets will be installed, but the cement floor and steel support beam will remain unaltered. Additionally, the Applicant will bring this space up to fire and electrical codes as a new electrical distribution box and smoke detector will be installed.

Since the Applicant proposes to convert this space to enable a more reasonable use of the space, there will likely be more time spent by the residents within this space. However, since the garage is composed of concrete block and proposed only to be used for storage and small house projects, there should be minimal, if any additional sound emitted from this space. Additionally, the glass block windows proposed for the rear elevation are not transparent and will help reduce any noise; therefore, this conversion will likely have minimal impact to neighboring properties.

6. Green Building Practices: The Applicant explains that reusing materials will be a priority and intends to obtain materials from Roxbury Building Materials Cooperative and Craigslist. In addition, more insulation than is necessary has been added to the walls to decrease heating and cooling costs. This was installed after the Applicant was given a building permit and prior to an inspector determining that the Applicant would need to obtain a Special Permit to convert the garage into living space.

7. Comments:

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

*Ward Alderman:* Alderman Lafuente has been contacted and has not yet submitted comments, but explained through email to Staff, dated 6/4/12, that he would like to meet with the owner of the property. Staff responded that the Applicant is traveling abroad and will not be available until an unknown date after the hearing.

*Historic Preservation:* The subject property is a local historic district; however, modifications to the interior and rear façade of the garage will not impact the historic Mansard dwelling. The Applicant will need to obtain a Certificate of Non-Applicability from the Historic Commission prior to painting the exterior and adding an exterior security light to the right of the door.

*Lights and Lines:* Has been contacted but has not yet submitted comments.

*Wiring:* Has been contacted and would like a condition to specify that this space will not be habitable as a bedroom or a similar space that represents a bedroom.

## **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 use proposed would not be substantially more detrimental to the neighborhood than the existing use. The new use does not substantially modify the way the space is currently used; however, upon altering the space, it will likely be used more often and for the specific purpose of storage and small house projects. As the exterior design of the building is not proposed to be modified, other than paint and a small security light, and the

new use is not substantially different from the current use as storage space, the proposal is not more detrimental to the neighborhood.

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 protect health; 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 (RA) district, SZO, §6.1.1, 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 change in use of the garage, from a garage space to a space for storage and small house projects or hobbies, is compatible with the built and unbuilt surrounding area. Altering the use of this space enables the resident of the third floor unit, which is currently the owner of the property, to expand the usable square footage of the property and utilizes an area that currently is not functional.

5. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians, which would result from the use, will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

Currently, the garage is technically understood as a garage; however, the structure is not able to legally house a vehicle as the space is less than 9 feet in width. Additionally, a double door composed of glass is located in the left bay, which has only one operable door, and the right bay has been infilled with glass block and concrete. Presently, cars park tandem in the driveway in front of the right garage bay.

### 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 convert an existing garage into living space. 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>(July 3, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 4, 2010 (August 7, 2012)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>(August 28, 2012)</td><td><u>Existing plan at Time of Building Permit Approval submitted to OSPCD</u></td></tr><tr><td>(August 28, 2012)</td><td><u>Proposed floor plan for garage structure</u></td></tr></table>				Date (Stamp Date)	Submission	(July 3, 2012)	Initial application submitted to the City Clerk’s Office	June 4, 2010 (August 7, 2012)	Plot plan submitted to OSPCD	(August 28, 2012)	<u>Existing plan at Time of Building Permit Approval submitted to OSPCD</u>	(August 28, 2012)	<u>Proposed floor plan for garage structure</u>
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Any changes to the approved site plan or use that is not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall not use this converted garage to living space as a bedroom or similar room type. <u>This converted space shall only be used as storage space or for small house projects or hobbies.</u>	CO	FP											
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
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.											

## 193 School Street

