



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-91  
**Date:** September 25, 2014  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 11 Albion Street

**Applicant & Owner Name:** Brian Lavelle  
**Applicant & Owner Address:** 194 Waltham St. Lexington, MA  
**Alderman:** Mark Niedergang

Legal Notice: Applicant and Owner, Brian Lavelle, seek a Special Permit per SZO §4.4.1 to expand a nonconforming FAR by enlarging a dormer to accommodate a bathroom. RA Zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – October 1, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is 2 ½ story 2-family on a 3,500 square foot lot.
2. Proposal: The proposal is to extend the dormer on the left side of the roof to allow enough head height for an addition bathroom in the upper unit. This changes the FAR of the building from .8 to .82.
3. Green Building Practices: None listed on the application.
4. Comments:

*Fire Prevention:* Has been contacted but has not provided comments at this time.

*Ward Alderman:* Alderman Niedergang has been contacted and has no objections to the application.



## 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."*

Per SZO §4.4.1, nonconforming structures require a special permit to be expanded or altered. The RA zoning district allows for a .75 FAR, the current FAR is .8 is nonconforming. To expand a nonconforming FAR to .82 requires a special permit.

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.

### 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 and to provide for and maintain the uniquely integrated structure of uses in 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 surrounding neighborhood is a mix of one-, two-, and three- family homes in a variety of building forms including houses and triple deckers. There is an increase of density along Central Street with apartment buildings.

There are little to no impacts of the proposal. The existing dormer will be slightly expanded in length and will not have an impact on the streetscape.

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

There are no impacts to existing affordable housing.

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.*

<i><u>SomerVision Summary</u></i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2
<i>Affordable Units:</i>	0	0

This project will not further the goals of SomerVision except that it will allow a property owner to make minor alterations to their home.

**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 to expand a nonconforming FAR by enlarging a dormer to accommodate a bathroom. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 28, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(September 23, 2014)</td> <td>Modified plans submitted to OSPCD (Plot Plan, Plan, Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 28, 2014	Initial application submitted to the City Clerk's Office	(September 23, 2014)	Modified plans submitted to OSPCD (Plot Plan, Plan, Elevation)
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Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
<b>Construction Impacts</b>										
2	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							
3	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							
<b>Design</b>										
4	The finish materials on the dormer expansion shall match or be complimentary to the main body of the building.	CO	Plng.							
<b>Miscellaneous</b>										
5	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
<b>Public Safety</b>										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
<b>Final Sign-Off</b>										
7	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.							

