



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-58
Date: June 6, 2018
Recommendation: Denial

PLANNING STAFF REPORT

Site: 19 Wesley Park

Applicant / Owner Name: Francisco and Vivaldo Meneses
Applicant / Owner Address: 19 Wesley Park, Somerville, MA 02143
Alderman: Ben Ewen-Campen

Legal Notice: Applicants / Owners, Francisco and Vivaldo Meneses, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a roof deck and a second story deck atop an existing front porch. RB Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – June 6, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property contains of one parcel of 2,079 square feet and consists of a two-family triple-decker style structure. It has frontage on Wesley Park and on Hillside Park. The roof has an existing penthouse on the roof. There is a side porch on the right of the structure that overhangs the property line.
2. Proposal: The proposal is to construct a roof deck on top of the triple-decker that will be offset two feet from the edge of the roof. The proposal also includes added a second level to the existing porch fronting on Hillside Park.
3. Green Building Practices: None listed on the Application form.



4. Comments:

Ward Alderman: Alderman Ewen-Campen has been informed of this proposal and supports Planning Staff's position to recommend denial of the requested petition.

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, lot area per dwelling unit, ground coverage, landscaped area, pervious area, front, rear, left, and right yard setbacks, and street frontage.

The proposal of constructing a roof deck and second story front porch on Hillside will impact the following nonconforming use/dimensions:

	<i>Required</i>	<i>Existing</i>	<i>Setback of proposed roof deck</i>	<i>Setback of proposed second story porch</i>
Front yard setback	15 feet	12.7 feet	14.7 feet	n/a
Rear yard setback	20	0 feet	22.5 feet	16 feet
Left side yard setback	10 feet	1.2 feet	4.7 feet	2.6 feet
Right side yard setback	10 feet	Over property line	6.3 feet	3.8 feet

These alteration 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 does not find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The site is currently severely nonconforming due to the small size of the lot and the size of the building. Staff finds that constructing additional nonconforming aspects to the existing building with the proposed roof deck will be more detrimental to the neighborhood than the existing structure because of its close proximity to surrounding structures.

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 purpose of the RB district, which is, “to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” Staff finds that the proposed roof deck would not be compatible with and convenient to the residents of the surrounding neighborhood.

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.”*

Surrounding Neighborhood: Wesley Park is a cul-de-sac off of Bow Street just outside of Union Square. The surrounding neighborhood is residential in nature and structures on this particular stretch of Wesley Park are built very close together. The residential structures on Wesley Street are 2.5 story structures with the exception of the subject property and the property adjacent to the left. The proposal would result in a large roof deck atop a triple-decker that would be looking down upon the skylights in neighboring properties.

Impacts of Proposal (Design and Compatibility): The existing structure is not designed to be compatible to the surrounding neighborhood and the proposed roof deck would exacerbate the incompatibility of the existing structure.

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

8. SomerVision Plan: The proposal would not comply 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 because the proposal will worsen the structure’s incompatibility to the surrounding neighborhood.

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 **DENIAL** 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.