



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-96
Date: August 22, 2018
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 12 Avon Street

Applicant / Owner Name: Donal Waide
Applicant / Owner Address: 12 Avon Street,
Somerville, MA 02143
Agent Name: n/a
Agent Address: n/a
Alderman: Ben Ewen-Campen



Legal Notice: Applicant and Owner, Donal Waide, seeks a special Permit under §4.4.1 of the SZO to add a dormer within the non-conforming right side yard setback as part of a project to finish the attic. RA zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – August 22, 2018

I. PROJECT DESCRIPTION

1. **Subject Property:** The locus presents a 2 ½-story residential structure on a lot containing 3,476 square feet of land. This two-family structure presents 2,182 square feet of living space. RA zone.
2. **Proposal:** The proposal is to finish the attic such that one bedroom and one bath are added to this second-to-third-story unit. Two dormers are proposed, one each on the right and left elevations. Proposed dormer length will not be longer than 50% of the roof plane to which they will be attached.

The trigger for the special permit is the location of the right elevation dormer. The right façade of the house rests 2.4 feet from the property line in a zone where the minimum required side yard setback is 8 feet.

3. **Green Building Practices:** The application states the following: *“thermal upgrades to existing roof, including continuous air barrier and closed cell foam insulation; energy-efficient windows.”*

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." 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.”*

Section 4.4.1 of the SZO allows for legally-existing, non-conforming one- and two-family residences to be enlarged by Special Permit as long as the proposed changes do not create a situation that is more detrimental to the site or surrounding neighborhood than current conditions.

The non-conformity impacted by the Applicant’s proposal is the right side yard setback. The RA zone in which 12 Avon Street is located requires minimum side yard setbacks of eight (8) feet. The Applicant proposes a dormer on right side roof plan of the front gable. As proposed, the bottom edge of the dormer will be flush with the right façade of the house. The existing eave will remain. The proposal retains the non-conforming 2.5-foot right side yard setback but the dormer adds more massing to this portion of the building.

In considering a special permit under §4.4.1 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the site or neighborhood than the existing structure. The proposal is a reasonable request in order to allow the residents of the second/third floor unit to modestly increase their living space.

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.”*

Staff finds that the proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to adequately protect the natural environment; to

encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

Staff also finds that the proposal is consistent with the purpose of the RA district, 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."

Surrounding Neighborhood: Avon Street is replete with 2 ½-story residential structures with the main gable fronting on the public way. Only a handful of these structures present dormers. That said, throughout the 19th and 20th centuries, the construction of a modest, shed-style dormer has been a consistent method of gaining additional top-floor living space on pitched, gabled roofs such as the one found at 12 Avon.

Impacts of Proposal (Design and Compatibility): Staff finds that the proposed right elevation dormer is designed to be well-proportioned relative to the massing and style of the existing house. The proposed dormer is 50% or less of the length of the roof plane to which it is being attached.

5. Housing Impact: Will not add to the City’s stock of affordable housing.

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
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1	Approval is to construct a dormer on the right elevation of the property within the right side yard setback.	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 19, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 15, 2018</td> <td>Revised plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 19, 2018	Initial application submitted to the City Clerk's Office	August 15, 2018	Revised plan set submitted to OSPCD
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	All construction materials, construction equipment and construction-related shall 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. Permits must be obtained for all dumpsters.	During Construction	T&P							
4	Construction shall occur from 7:30am – 5:00pm Monday-Friday <u>ONLY</u> . There shall be no construction or construction-related work allowed on the weekends or holidays.	During Construction	ISD							
Design										
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit. Vinyl siding, decking, and railings shall not be permitted	BP	Plng./ISD							
Miscellaneous										
6	Granting of the applied for use or alteration does <u>not</u> include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Perpetual	ISD / Plng.							
Public Safety										
7	The Fire Prevention Bureau's requirements shall be met.	CO	FP							
8	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD							
Final Sign-Off										
9	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.							