



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2018-101  
**Date:** October 3, 2018  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 11 Bay State Avenue

**Applicant Name:** Derek Snare  
**Applicant Address:** 158 Central Street, Somerville, MA 02145  
**Owner Name:** Mirza Yasser  
**Owner Address:** 11 Bay State Avenue, Somerville, MA 02144  
**Alderman:** Lance Davis



**Legal Notice:** Applicant, Derick Snare, and Owner, Mirza Yasser, seek Special Permits under §4.4.1 of the SZO to increase the non-conforming FAR, and for the linear extension of the non-conforming right side yard setback by constructing a two-story\* rear addition and adding a rear deck.\*\*

**Dates of Public Hearing:** Zoning Board of Appeals – October 3, 2018

\*One-story rear addition.  
\*\*RA zone. Ward 6.

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**I. PROJECT DESCRIPTION**

- 1. Subject Property:** The locus presents a non-conforming 2 ½ -story, two-family residential structure in the RA zone. The structure is sited on a 3,610 square-foot lot and presents 2,909 square feet of usable space.
- 2. Proposal:** The Applicant proposes a 4' x 8' one-story rear addition within the right side yard setback and a 10' x 16' rear deck, also within the right side yard setback. The trigger for the special permit is as follows:

Right side yard setback:

In the RA zone, the minimum required right side yard setback is eight (8) feet. The existing right side yard setback at the rear of the structure is 1.7 feet. The proposed rear addition would be flush with the right rear façade of the existing structure. The proposed rear deck will be stepped in from the right rear façade of the existing structure by one foot, making that setback 2.7 feet from the property line

3. **Green Building Practices:** There is no information contained in the application regarding green building practices.

4. **Comments:** Alderman Davis is aware of this project.

## **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." Further, Section 4.4.1 of the SZO 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 in question that triggers the need for a special permit for this project is the right side yard setback. The proposed rear, one-story addition would terminate flush with the right rear façade of the existing structure. The proposed deck would terminate one foot in from the right rear façade, making the setback 2.7 feet in the deck location.

In considering a special permit under §4.4.1 of the SZO, Staff generally finds that the one-story addition and rear deck will not be any more detrimental to the site than current conditions on the property and will provide some outdoor living space for the residents of the structure. The rear addition will not extend into the rear yard any further than an existing one-story bump-out with which it will merge.

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:* Bay State Avenue contains numerous similarly-styled residential structures containing one or more units along with gambrel-roofed residential structures. Most properties have elevated open or covered rear porches. One other structure contains an open rear deck.

*Impacts of Proposal (Design and Compatibility):* The property most impacted by the proposal is the right side abutter. The deck and addition will also be visible from the rear abutting property located on Liberty Avenue.

**7. Housing Impact:** Will not create affordable housing units.

### **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 construct a single-story rear addition and a 10' x 16'-foot rear deck.  | BP/CO               | ISD/Plng.   |  |  |            |               |  |             |                                  |                    |                                  |
|---|--|---------------------|-------------|--|--|------------|---------------|--|-------------|----------------------------------|--------------------|----------------------------------|
|   | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>July 30, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 2018</td> <td>Updated plans submitted to OSPCD</td> </tr> <tr> <td>September 24, 2018</td> <td>Revised plans submitted to OSPCD</td> </tr> </tbody> </table> |                     |             |  | Date (Stamp Date)  | Submission | July 30, 2018 | Initial application submitted to the City Clerk's Office | August 2018 | Updated plans submitted to OSPCD | September 24, 2018 | Revised plans submitted to OSPCD |
|   | Date (Stamp Date)  |                     |             |  | Submission   |            |               |  |             |                                  |                    |                                  |
|   | July 30, 2018  |                     |             |  | Initial application submitted to the City Clerk's Office |            |               |  |             |                                  |                    |                                  |
| August 2018   | Updated plans submitted to OSPCD   |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| September 24, 2018  | Revised plans submitted to OSPCD   |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval. |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| <b>Construction Impacts</b>   |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| 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 on Bay State Avenue.  | During Construction | ISD         |  |  |            |               |  |             |                                  |                    |                                  |
| 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         |  |  |            |               |  |             |                                  |                    |                                  |
| 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         |  |  |            |               |  |             |                                  |                    |                                  |
| <b>Design</b>   |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| 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. The building shall be re-sided and vinyl siding will not be permitted.   | BP                  | Plng./ISD   |  |  |            |               |  |             |                                  |                    |                                  |
| <b>Miscellaneous</b>  |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| 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. |  |  |            |               |  |             |                                  |                    |                                  |
| <b>Public Safety</b>  |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| 7   | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.   | CO                  | FP          |  |  |            |               |  |             |                                  |                    |                                  |
| 8   | Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches. The same shall not be permitted in the sunroom.   | Perpetual           | FP/ISD      |  |  |            |               |  |             |                                  |                    |                                  |
| <b>Final Sign-Off</b>   |  |                     |             |  |  |            |               |  |             |                                  |                    |                                  |
| 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.       |  |  |            |               |  |             |                                  |                    |                                  |