



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-104
Date: February 17, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 21 Magnus Avenue

Applicant Name: David Stefanelli
Applicant Address: 21 Magnus Avenue, Somerville,
MA
Owner Name: David Stefanelli
Owner Address: 21 Magnus Avenue, Somerville, MA
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner, David Stefanelli, seeks a Special Permit per SZO §4.4.1 to alter a non-conforming structure by re-constructing a front porch within the front and left side yard setbacks at 21 Magnus Avenue. RB zone. Ward 2.



Dates of Public Hearing: Zoning Board of Appeals – February 17, 2106

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a triple-decker on an approximately 2,600 square foot lot in the RB zone.
2. Proposal: The proposal is to remove the enclosed front porches on all three stories and rebuild a covered first-story front porch within the left and front yard setbacks.
3. Green Building Practices: None listed.
4. Comments: *Ward Alderman:* Maryann Heuston has been notified 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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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 property has several non-conformities, but the two non-conformities triggering the Special Permit are the front and left side yard setbacks.
- The current left side yard setback is 1.0 foot at its closest point and 7.8 feet to the edge of the main portion of the house. The applicant proposes extending the new first floor front porch to the 7.8' depth from the left side yard. Even with the relief provided for a lot whose frontage is less than 50 feet, no side yard can be less than 5 feet in any location.
- The required front yard setback in the RB zone is 15 feet. The front porches rest on the front lot line, triggering the need for relief.

Section 4.4.1 states that Lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of [Article 5](#). The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.

- In considering a Special Permit under §4.4.1 of the SZO, Staff finds that the alterations proposed to structure would not be substantially more detrimental to the neighborhood than those present on the existing structure. Many of the other structures in the immediate surrounding area present front porches, both open and enclosed. Moreover, the proposed changes to the property will improve it substantially by removing two stories of front porches that are in poor condition.

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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the RB district which is “[t]o 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.”

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 mixture of two and three-family structures with front porches or decks.
- There are few to no impacts from the proposal. The proposed changes are compatible with the use, form, and massing of the residential structures in the immediate area. The proposed changes are reasonable accommodations to make in order to allow for the property owner to make reasonable modifications to their home.

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

- The proposal will not add to the existing stock of affordable housing.

7. 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.*

- The proposal will not contribute to the metrics of SomerVision but will allow the property owner to make some modifications 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 construct a dormer within the left side yard setback.	BP/CO	ISD/ Plng.															
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<p><u>Any changes to the approved plan that are not determined to be <i>de minimis</i> by Planning Staff must receive ZBA approval. Planning Staff will determine whether or not the changes shall be considered <i>de minimis</i>.</u></p>																		
Pre-Construction																		
	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD															
Construction Impacts																		

2	The Applicant shall, at their 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	
4	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./ISD	
Design				
5	The size, form, massing and design of the front porch shall match exactly the plans that are included with this report and that are in the case file for this project. Any changes to these plans must be reviewed and approved by the Planning Staff before they are executed.	ISD	ISD/Plng	
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign-off	Wiring inspector	
Miscellaneous				
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and property.	Cont.	ISD	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
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.	