



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-134
Date: December 1, 2016
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 741 Somerville Avenue

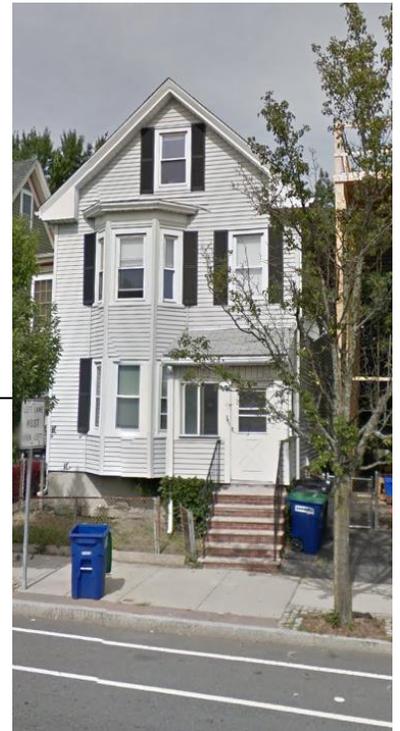
Applicant Name: Fatima Abouzid and EL Mahjoub Karmoussi
Applicant Address: 741 Somerville Avenue, Somerville, MA 02143
Owner Name: Fatima Abouzid and EL Mahjoub Karmoussi
Owner Address: 741 Somerville Avenue, Somerville, MA 02143
Agent Name: Benjamin Lee
Agent Address: 121 Blair Lane, Westwood, MA 02090
Alderman: Mark Niedergang

Legal Notice: Applicants and Owners, Fatima Abouzid and EL Mahjoub Karmoussi, seek a Special Permit under SZO §4.4.1 to construct dormers, remove and create new windows, and construct a deck within the required side yards of a nonconforming structure. RB zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – December 7, 2016

I. PROJECT DESCRIPTION

1. Subject Property: The locus consists of a 2,381 square foot parcel that contains a two-family dwelling. The dwelling is a 2.5 story gable roof structure with approximately 1,866 square feet of living area. Unit #1 contains two bedrooms and is located on the first floor. Unit #2 also contains two bedrooms and is located on the second and third floor. The basement is currently used for general household storage and mechanical equipment.



2. Proposal: The proposal is to renovate the interior and exterior of the structure by modifying the floor plan of the first, second, and third floors, constructing two shed dormers, constructing a rear deck, removing windows, and creating new window openings. Unit #1 will be renovated and remain a two-bedroom unit whereas Unit #2 will be renovated and become a three-bedroom unit. A shed dormer on either side of the structure is also proposed which will add approximately 410 square feet of living area on the third floor to Unit #2.

3. Green Building Practices: The project proposes to use local materials and minimize construction waste by reusing salvageable building materials.

4. Comments:

Ward Alderman: Alderman Niedergang has been informed of this proposal and has not yet commented.

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 "Lawfully existing one- and two-family dwellings which are used only as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, expanded, renovated, or altered by special permit granted by the SPGA in accordance with the procedures of Article 5, when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure or the Gross Floor Area of the dwelling is increased by more than twenty-five percent (25%). For the purposes of this definition all percentages of increase shall be cumulative and calculated from square footages existing on the effective date of this ordinance. The SPGA, as a condition of granting a special permit under this Section must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming structure."

The structure is nonconforming with respect to off-street parking, front, left, and right yard setbacks, frontage, lot size, landscaped area, and FAR. The proposal involves making alterations within the required left and right side yards, which are one foot and 3.5 feet respectively, increasing the amount of landscaped area from 10% to 25%, and increasing the FAR from 0.78 to 0.96 by adding approximately 508 square feet of living area in the attic. This alteration to a nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

In considering a special permit under §4.4 or 4.5 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed renovations of the structure will allow for the structure to be renovated with minimal impact on the surrounding neighborhood. The dormer on the left of the structure will not contain any operable

windows as it is within three feet from the property line; therefore two blind windows are proposed. The proposal has been designed to not increase the nonconforming nature of the setbacks and to increase the amount of landscaped area to become conforming to the requirements of the SZO.

The existing lot does not have sufficient parking spaces to meet the requirements of Article 9. The locus is currently nonconforming with respect to the minimum number of off-street parking spaces. There are currently no parking spaces on the lot. Three parking spaces are currently required and as a result of this proposal four parking spaces will be required. Pursuant to SZO §9.4.1 if a nonconforming lot in respect to parking is changed to a different type of use for which a different number of parking spaces is required the following shall apply: if the new use is calculated to require one (1) more parking space or less than the existing (or previous) use, then no additional parking shall be required.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide adequate light and air; and to adequately protect the natural environment.

The proposal is consistent with the purpose of the 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."

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: The locus is located in a residential section of Somerville Avenue on the northern block between Adelaide Road and Elm Street. Adjacent land uses include single- and two-family dwellings and a multi-unit condominium.

Impacts of Proposal (Design and Compatibility): The proposal to construct two shed dormers on a gable roof are designed at an appropriate scale and positioned on the roof in a manner that is compatible with the surrounding area.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

Impacts of Proposal (Environmental): The proposed renovations will not have an adverse environmental impact.

6. 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 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.

Staff finds that this proposal allows a modest addition to the structure in a respectful form that preserves the character of the neighborhood. It also allows for the renovation of the structure along an important link of a well-traveled corridor.

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 for the construction of two dormers, a deck, and the removal/creation of new windows. 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>October 28, 2016</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>October 27, 2016 (November 17, 2016)</td> <td>Modified plans submitted to OSPCD (EX1.0, EX2.0, A1.0, A2.0, and L1.0)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | October 28, 2016 | Initial application submitted to the City Clerk’s Office | October 27, 2016 (November 17, 2016) | Modified plans submitted to OSPCD (EX1.0, EX2.0, A1.0, A2.0, and L1.0) |
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| Any changes to the approved site plan or 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 | 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 | | | | | | | |

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|-----------------------|---|---------------------|--------------------------|--|
| 4 | 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. Construction equipment shall NOT be stored on City property. | During Construction | T&P | |
| Design | | | | |
| 5 | Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction. | BP | Plng. | |
| Site | | | | |
| 6 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards; | Perpetual | Plng. / ISD | |
| 7 | Any new lighting installed for this deck shall be downcast and shall not cast light onto abutting properties. | Perpetual | Plng. / ISD | |
| 8 | As per Somerville Fire Prevention regulations, grills and similar items shall not be used or stored on the deck, stairs or landing. | Perpetual | Plng/ISD/Fire Prevention | |
| Public Safety | | | | |
| 9 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | |
| Final Sign-Off | | | | |
| 10 | 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. | |

