



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-25
Date: May 4, 2011
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 59 Avon St

Applicant Name: Randall Faulkner
Applicant Address: 59 Avon St, Somerville MA 02143
Property Owner Name: same
Agent Name: none
Alderman: Thomas Taylor

Legal Notice: Applicant/Owner Randall Faulkner seeks a special permit to convert a two-family into a three-family dwelling (SZO §7.11.2.b), to convert approx 350 sf of attic space into livable space in a nonconforming structure (§4.4.1, §8.5.b), and to waive the requirement to provide one (1) additional parking space (§9.5.2.a).

Zoning District/Ward: RA / 3

Zoning Approval Sought: Special Permit §7.11.2.b, §4.4.1, §8.5.b, §9.5.2.a, §9.13

Date of Application: April 4, 2011

Dates of Public Hearing: Zoning Board of Appeals May 4, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of a wood-framed, 2 ½ story dwelling on a 3506 sf lot. The dwelling contains two units. The first floor unit has six rooms including two bedrooms and one bathroom. The second and third floor unit has nine rooms including three bedrooms, and two bathrooms. There was a small addition to the second floor at one point in time that does not appear on the floor plans. The third floor currently contains a bathroom, a bedroom and a living room. There is a driveway on the property that is large enough to fit one car.



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The owners have recently done some work on the house and continue to do so. The front steps, the wall and the porch have been rebuilt in the last two years. This past year they have installed new windows, trim, roof and gutters, replaced the cellar entrance and added new shingles to the right side of the house. Because of this, the siding is three different colors. The owners plan to paint the house this spring.



2. Proposal: The proposal is to convert the house from a two-family into a three-family by making the third floor into a third unit. Approximately 350 sf of attic space would be made into livable space. The two bedrooms and the bathroom that were part of the second floor unit would become part of the third floor unit and a kitchen/dining area and living room would be built in the remaining portion of the ½ story. There is a small loft space above this floor that is not proposed to change. Two skylights will be added for additional natural light. There are two existing internal staircases so an external fire escape is not proposed as part of this conversion.

3. Nature of Application: A residential conversion from a two- to a three- family requires the Applicant to obtain a Special Permit under §7.11.2.b of the Somerville Zoning Ordinance.

The structure is currently nonconforming with several dimensional requirements including the lot area, lot area per dwelling unit, front yard setback, side yard setback and street frontage. The proposal would affect the lot area per dwelling unit, which would decrease from 1,753 to 1,167 sf. The minimum in the district is 2250 sf. The increase in this nonconformity requires the Applicant to obtain a Special Permit

under §4.4.1. The increased net square feet of the house would remain conforming in terms of the floor area ratio (0.71).

A residential conversion, including conversion of gross floor area to livable space, requires one additional parking space under SZO §9.5.2.a. Since there is no opportunity to add an additional parking space the Applicant is seeking a Special Permit to waive this parking requirement. The existing lot is nonconforming because there is only one parking space for the two-family house. The Applicant is requesting a special permit under SZO Section 9.13 in which the SPGA may grant a special permit modifying the parking requirement if the lot is nonconforming in terms of parking requirements and the number of parking spaces required is six or fewer.

4. Surrounding Neighborhood: The surrounding area is comprised of one-, two- and three-family houses as well as Somerville Home, a private, nonprofit organization that provides services for and houses the elderly and disabled individuals. The back of the building is located across the street from the subject property.

5. Impacts of Proposal: The impacts of the additional dwelling unit are anticipated to be minimal. The conversion of a family-sized unit in this building into 2 two-bedroom units is unfortunate; however, the house will still supply space for families as the purpose of the proposal is for the owner's son's family to move into the house. The structure and appearance of the house will not be altered by the conversion. The supply of on street parking near the subject property does not appear to be an issue. The back of the Somerville Home building is across the street from the property creating 250 feet of space available for on-street parking with no curb cuts.

6. Green Building Practices: None listed on the application form.

7. Comments:

Ward Alderman: Alderman Taylor is in favor of the proposal as it provides additional space for a family.
Fire Prevention: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.2.b, §4.4.1, §8.5.b, §9.5.2.a, §9.13):

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."

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The additional net square footage will be within the existing structure and no exterior alterations would be required.

The residential conversion complies with the definition – it is within the existing dwelling, but does not increase the gross floor area of the dwelling, change the footprint of the building nor extend the dwelling upward or outward.

In considering a special permit under §9.13 of the SZO for relief from providing one parking space, the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The residential conversion without adding an additional onsite parking spaces will not cause detriment through the above criteria. There appear to be a sufficient number of on-street parking spaces near the subject property. The back of the Somerville Home building is across the street from the property creating 250 feet of space available for on-street parking with no curb cuts.

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 providing for and maintaining the uniquely integrated structure of uses in the City and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purpose of the district as a residential use.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in § 9.1, the purpose of the Off-street Parking and Loading Article. Using an on-street parking space that appears to be available instead of paving more of the site is consistent with the purposes of Section 9.1. Additional paving on the site would create more impervious surface and create an expansive parking area that would not be necessary since on-street parking is available.

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 exterior of the structure will not change as a result of the proposal. There is a mix of one-, two-, and three-family structures in the neighborhood so a conversion to a three-family is not an unusual use for this area.

III. RECOMMENDATION

Special Permit under §7.11.2.b, §4.4.1, §8.5.b, §9.5.2.a, §9.13

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	<p>Approval is for the residential conversion from a two-family to a three-family dwelling (SZO §7.11.2.b) without providing an additional parking space. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Apr 4, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 3, 2007</td> <td>Plans submitted to OSPCD (plot plan)</td> </tr> <tr> <td>Dec 17, 2005 (Apr 26, 2011)</td> <td>Plans submitted to OSPCD (existing and proposed 3rd floor plans & sections)</td> </tr> </tbody> </table> <p>Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Apr 4, 2011	Initial application submitted to the City Clerk's Office	May 3, 2007	Plans submitted to OSPCD (plot plan)	Dec 17, 2005 (Apr 26, 2011)	Plans submitted to OSPCD (existing and proposed 3 rd floor plans & sections)	BP/CO	Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	The Applicant shall paint the exterior of the house so that it has a uniform color scheme.	CO	Plng.									
4	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.									

