



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-26

Date: May 18, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 50 Belmont Street

Applicant Name: Brad Stearns

Applicant Address: CSA Services Corp., 28 Willow Avenue, Somerville, MA 02144

Property Owner Name: Michael Zucca

Property Owner Address: 50 Belmont Street, Somerville, MA 02143

Alderman: Tom Taylor

Legal Notice: Applicant Brad Stearns and owner Michael Zucca, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a one story addition in the rear and an overhang on the north side of a single-family residence. RB zone.

Zoning District/Ward: RB Zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: April 5, 2011

Dates of Public Hearing: Zoning Board of Appeals **5/4/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,757 square foot lot with a single-family residence situated on it near the intersection of Belmont Street and Summer Street. The structure has 1,733 square feet of habitable space and is 1½ stories not including the basement level. In June of 2007, the same property owner for the site was awarded a special permit to build a second floor, rear shed dormer onto the dwelling (ZBA # 2007-39).

2. Proposal: The Applicant is proposing to remove an existing rear enclosed entry to construct a one story, 9 foot by 16 foot addition at the rear of the existing dwelling. As part of this addition, the Applicant will also be removing the window on the first floor of the left elevation (south side) and the windows on this side of the rear enclosed entry. The windows on the rear elevation of the enclosed entry



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will be replaced with a single, double hung window and the window on the far right of the first floor of the rear elevation will be replicated on the addition. Furthermore, the Applicant is proposing to extend the nonconforming side yard setback on the right side (north side) of the structure towards Belmont Street to construct a 4 foot wide by 11 foot long overhang by the driveway. As a result of these exterior changes, the existing bedroom on the first floor would be expanded and additional closet space for that bedroom would be created.

3. Nature of Application: This is a residential property within an RB district. The property is nonconforming with regard to minimum lot size. The structure is currently nonconforming with respect to the minimum right and left side yard setbacks. The existing side yard setback nonconformities require the Applicant to seek a special permit to alter a nonconforming structure under Somerville Zoning Ordinance (SZO) §4.4.1 to construct a one story addition in the rear, an overhang on the north (right) side, and to remove windows on the south (left) side of the single-family residence.

4. Surrounding Neighborhood: This property is located in a RB district. The structures in the surrounding neighborhood are primarily single- and two-family homes between 2 and 3 stories. There are also some 3 story, three-family homes in the immediate vicinity, as well as an institutional use at the corner of Belmont Street and Summer Street.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed rear addition and overhang would not appear to be detrimental to the immediate abutters or the surrounding area. As part of the rear addition, the Applicant will also be removing the window on the first floor of the left elevation (south side) and the windows on this side of the rear enclosed entry. While Staff is not very supportive of these removals, the existing windows are not very visible from the street as can be seen in the photos below. This is due to the existing chimney on the dwelling and the close proximity of the adjacent 2½ story, two-family dwelling to the south. Minimal disruption to the neighborhood or the streetscape due to the construction activities is anticipated as the major construction will be occurring at the rear of the dwelling. A dumpster will be located on site during construction to handle the disposal of solid waste from the project. The character of the house will remain intact as the Applicant is proposing to match all siding type and color, roofing, and materials on the structure on all sides. Furthermore, as the Applicant is only extending the existing nonconforming setback on the right side of the property four feet towards the street, there are no anticipated negative impacts from the proposal. The front (36 feet) and rear (48 feet) setbacks would remain the same.

6. Green Building Practices: None indicated.

7. Comments:

Fire Prevention: Has been notified but has not yet provided comments.

Ward Alderman: Alderman Taylor stated in an email to Planning Staff on April 25, 2011 that he will support the Planning Department's recommendation.



Existing Conditions





Existing Conditions



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."

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 neighborhood than the existing structure.

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 provide for and maintain the uniquely integrated structure of uses in the City; to prevent the overcrowding of land; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to encourage the most appropriate use of land throughout the City; to encourage housing for persons of all income levels; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the district (6.1.2. RB - Residence Districts), 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."

The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to remove an existing rear enclosed entry to construct a one story addition at the rear of the dwelling. As part of this addition the Applicant will also be removing the window on the first floor of the left elevation (south side) and the windows on this side of the rear enclosed entry. Additionally, the Applicant is proposing to extend the nonconforming side yard setback on the right side of the structure four feet towards the street to construct an overhang by the driveway. The property will remain a 1½ story, single-family residential use which is consistent with the surrounding neighborhood.

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.

No adverse environmental impacts are anticipated from this project. The structure will remain a 1½ story, single-family dwelling and will continue to be used for residential purposes. The Applicant is simply extending the existing nonconforming setback on the right side of the property by approximately four feet towards the street. The nonconforming side yard setback on the left side will remain the same, with only the rear enclosed entry increasing to one story. There are no anticipated negative environmental impacts from this proposal.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on 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 alter a nonconforming structure to construct a one story addition in the rear, an overhang on the north side, and to remove windows on the south side of a single-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 5, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>March 15, 2007 (May 10, 2011)</td> <td>Plot Plan and Site Plan</td> </tr> <tr> <td>April 8, 2011 (April 19, 2011)</td> <td>Plans submitted to OSPCD: Existing and Proposed Floor Plans</td> </tr> <tr> <td>May 8, 2011 (May 10, 2011)</td> <td>Plans submitted to OSPCD: Existing and Proposed Elevations</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 5, 2011)	Initial application submitted to the City Clerk's Office	March 15, 2007 (May 10, 2011)	Plot Plan and Site Plan	April 8, 2011 (April 19, 2011)	Plans submitted to OSPCD: Existing and Proposed Floor Plans	May 8, 2011 (May 10, 2011)	Plans submitted to OSPCD: Existing and Proposed Elevations
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Any changes to the approved site plans or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant shall install a hard-wired code compliant fire alarm system.	CO	FP											
3	New siding type and color, roofing, and materials of the additions and those on the existing structure shall all match one another.	CO	Plng.											

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.	During Construction	T&P	
5	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.	



50 Belmont Street