



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-27

Date: May 1, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 85 Bromfield Road

Applicant & Owner Name: Ihsan & Valerie Gurdal

Applicant & Owner Address: 6 Malcolm Street Cambridge, MA 02138

Agent: Andrew Radar

Agent Address: 11 Danbury Ct. Londonderry, NH 03053

Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owners, Ihsan & Valerie Gurdal seek a Special Permit per SZO §4.4.1 to alter a nonconforming 3-family by extending a dormer within a nonconforming sideyard. RA Zone. Ward 7. *

Dates of Public Hearing: Zoning Board of Appeals – May 7, 2014

* This case was advertised at Ward 7, it is actually Ward 6. Re-advertising the case is not necessary.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,491 square foot lot near Tufts University. There is an existing 2 ½ story, 2-family home. This property was subject to a fire in August 2013. As a result, it is newly sided and has a rebuilt front porch. This case is unrelated to that fire.
2. Proposal: The proposal is to expand an existing dormer to allow for a half-bath that has legal head heights according to building code. The existing half bath has been “condemned” by Inspectional Services because of the head height. This problem was discovered because of the permitting over the last several months due to a fire at the property in the summer of 2013.



3. Green Building Practices: None listed on the application.
4. Comments:

Fire Prevention: Fire prevention has been contacted but has no comments at this time.

Ward Alderman: Alderman Gewirtz has been contacted but has no comments at this time.

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."

Per SZO §4.4.1 lawfully existing one- and two-family dwellings which are nonconforming with respect to dimension requirements, may be enlarged, expanded, renovated, or altered by special permit. To lengthen the existing dormer on the nonconforming side requires a 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.

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 provide adequate light and air; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, "To 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."

The surrounding neighborhood is comprised of mostly two- and three-family homes. Many of the lots have similar configurations with nonconforming side yards and rear porches. The property is in close proximity to Tufts University and Medford.

The proposal is compatible with the neighborhood and will not be detrimental. There are a few conditions as part of this report to ensure its' compatibility. First, that the dormer extension will match the existing

siding on the dormer. Second, that the dormer extension will be less than 50% of the length of the roofline. Third, that the added window on the dormer will match the existing dormer windows.

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 a Special Permit per SZO §4.4.1 to alter a nonconforming 3-family by extending a dormer within a nonconforming sideyard. 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>April 3, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 30, 2014)</td> <td>Modified plans submitted to OSPCD (Mortgage Plot Plan, Existing Floor Plan, Proposed Floor Plan, Existing & Proposed Dormer Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 3, 2014	Initial application submitted to the City Clerk's Office	(April 30, 2014)	Modified plans submitted to OSPCD (Mortgage Plot Plan, Existing Floor Plan, Proposed Floor Plan, Existing & Proposed Dormer Elevation)
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Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.							
Construction Impacts										
3	The Applicant shall at his 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							

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	
Design				
5	The dormer extension shall match the material and finish of the existing dormer.	BP	PIng.	
6	The dormer will be less than 50% of the length of the roofline of the home.	BP	PIng.	
7	The added window on the dormer will match the existing dormer windows.	BP	PIng.	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
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	PIng.	

