



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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Case #: ZBA 2012-20
Date: MAY 24, 2012
Recommendation: Special Permit §4.4.1 – Conditional Approval
Variance §8.5.I – Unable to Recommend
Variance §9.5 – Conditional Approval

PLANNING STAFF REPORT

Site: 25 Clyde St.

Applicant Name: Ryan Guthrie
Applicant Address: 80 Flanders Road, Westborough, MA 01581
Property Owner Name: Stateside Realty Group LLC
Property Owner Address: 80 Flanders Road, Westborough, MA 01581
Agent Name: n/a
Agent Address: n/a
Alderman: Sean T. O'Donovan

Legal Notice: Applicant Ryan Guthrie and Owner Stateside Realty Group LLC, seeks a Special Permit under SZO §4.4.1, a Variance under SZO §8.5.I, and a Variance under SZO §9.5 for a comprehensive renovation of an existing two and one-half story 1850's cottage at the front of the property, removal of a metal garage at the rear of the property, and construction of a new two story two unit addition extending from the rear of the cottage. RB zone. Ward 5.

Zoning District/Ward: RB, Ward 5
Zoning Approval Sought: Special Permit SZO §4.4.1, Variance SZO §8.5.I, Variance SZO §9.5
Date of Application: May 18, 2012
Dates of Public Hearing: Zoning Board of Appeals June 6, 2012



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I. PROJECT DESCRIPTION

1. Subject Property:

The subject property is a 5206 sq. ft. parcel fronting onto Clyde Street. There is a two and one half story, 1806 sq. ft. workers cottage at the front of the lot and a detached, corrugated metal garage at the rear. The perimeter of the property is lined with chain link fencing, and a high percent of the lot is paved with asphalt.

The property is on the State Register as a Local Historic District as of 3/11/1985 and in the National Register of Historic Places both individually and as part of the Somerville National Register Multiple Resource Area as of 9/18/1989.

There has been no prior relief given to the subject property.

2. Proposal:

The proposed plans call for a comprehensive renovation of the existing two and one half story 1850's workers cottage located at the front of the lot, removal of the metal garage at the rear, and construction of a new two-story, two-unit addition to the cottage that extends from the rear of the existing building. Site improvements include removal of asphalt paving, replacement of chain link fencing with wood fencing, and extensive landscaping.

3. Nature of Application:

The lot is currently nonconforming with respect to minimum lot size. The principal structure, the workers cottage, is nonconforming with respect to front and side yard setbacks. The accessory garage is nonconforming with respect to rear yard setback.

The proposed renovation, floor plan alteration, and 2 unit addition to the cottage requires a Special Permit under §4.4.1 for any alteration, reconstruction, extension, or structural change to a lawfully existing nonconforming structure that increases the Gross Floor Area of the structure by more than 25% and/or increases the nonconforming nature of the structure. The proposal includes both.

The Applicant is asking for a Variance (SZO §5.5) from Section 8.5.I. of the SZO for the rear addition to extend within the twenty (20) foot rear yard setback area to 8' - 2.5" from the rear property line.

Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit. The proposal for three (3) total dwelling units would require five (5) parking spaces. The Applicant is asking for a Variance (SZO §5.5) from Section 9.5 of the SZO to provide only three of the required five on-site parking spaces.

4. Surrounding Neighborhood:

The property is located in the RB zoning district. The surrounding area is comprised mostly of single-, two-, and three-unit houses between two and three stories tall. The property is in close proximity to the Maxwell's Green project site.

5. Impacts of Proposal:

The Applicant is proposing to establish a total of three dwelling units on the site, one in the rehabilitated workers cottage and two side by side units in an addition built onto the rear. The proposed number of dwelling units per lot is common throughout the immediate neighborhood and permitted in the RB zoning district. Therefore, the addition of the proposed dwelling units would not be an overcrowding of land or undue concentration of population on the site.

Based on the proposal, the character of the original workers cottage will remain intact and the Applicant is proposing to install new cedar clapboard siding on the original workers cottage and the new rear addition. Similarly, the replacement of windows and roof on the workers cottage will mirror the installation of new windows and roof for the rear addition and will contribute, along with extensive landscaping and parking improvements, to a noticeable aesthetic enhancement of the site and its buildings in general.

There shall be minimal impact to the surrounding neighborhood from the proposed addition. Although the Applicant is requesting a Variance for the rear setback requirement for the proposed rear addition to the workers cottage, the project would actually restore 8.2 feet of rear yard and patio space to the parcel where a dilapidated garage exists today. Therefore, the proposed addition would not appear to be detrimental to the immediate abutters or the surrounding area despite its apparent violation of zoning requirements.

The proposal will allow for the preservation and restoration of a recognized historic structure. The project also includes the demolition of a dilapidated and unsightly garage at the rear of the property and removal of a large amount of asphalt paving and installation of landscaping and permeable paving. The Applicant has made an effort to tailor the proposal to preserve the historical and architectural resources of the City and adequately protect the natural environment by addressing the historic nature of the existing workers cottage while remaining conscious of site planning strategies to decrease storm water run off.

The Applicant submitted a parking memorandum that evaluated the parking needs and parking availability for the proposed rehabilitation of the workers cottage and construction of a rear addition at 25 Clyde. Design Consultants, Inc. performed a parking availability survey of on-street parking along Clyde St. from 12-1pm and 4-7pm on a weekday and on Clyde St., Warwick St., and Murdock, St. on Saturday from 7-8am and 1-4pm. There was an average of 12 available parking spaces on Clyde St. from 12-1pm and 8 spaces from 4-7pm on a typical weekday. An average of 4 spaces on Clyde St. and an average of 55 total spaces in the neighborhood on Saturday morning from 7-8am and 8 available parking spaces on Clyde on Saturday at 1-4pm. According to the parking memorandum, "The parking survey clearly indicates the 25 Clyde St. redevelopment project will have a minimal impact on available parking in the neighborhood". Therefore, the proposed project would not cause undo congestion of the streets by providing only 3 off-street parking spaces instead of the required five.

6. Green Building Practices:

The applicant is proposing to include a high-efficiency heating system, on-demand water heaters, and energy star rated appliances and lighting fixtures.

7. Comments:*Fire Prevention:*

William Hallinan, Deputy Chief of Fire Prevention, has supplied feedback concerning the positioning of on-site parking spaces and the impact the location of parked cars would have on ladder accessibility to the proposed rear units. Plans representing these concerns and design solutions to address them were provided in collaboration between Staff, Deputy Chief Hallinan, and the Applicant and are referenced in the attached conditions.

Ward Alderman:

Alderman O'Donovan is a direct abutter and has recused himself from this case.

Historic Preservation:

Kristi Chase, Preservation Planner, and Brandon Wilson, Executive Director of Historic Preservation, have supplied a recommendation to the Historic Commission to approve a Certificate of Appropriateness for the proposal.

Traffic & Parking:

The Applicant seeks a variance from the off-street parking requirement of five spaces to instead provide only three, one per unit. The Applicant submitted a parking memorandum drafted by Design Consultants, Inc. following analysis conducted to determine the impact of providing the three parking spaces instead of five on the parking supply of shared on-street parking spaces in the immediate neighborhood. Following a parking utilization study conducted in the neighborhood of the proposed development, Design Consultants' Senior Transportation Engineer determined that the proposed project would have little to no impact on the parking in the neighborhood. Traffic and Parking supports this assertion.

Lights and Lines:

Has been contacted but has not provided comments.

Engineering:

Has been contacted but has not provided comments.

Design Review Committee:

The DRC asked about the following aspects of the project and the Agent/Architect provided the following responses:

- Is the existing height of the worker's cottage the original height of the building? – (r) Yes, we believe that is correct.
- How old is the historic structure? – (r) It was built in the mid-1800s, sometime in the 1850s.
- What material is being proposed for the paved area? – (r) Concrete, possibly a stamped concrete. The parking spaces will be an aggregate material or a pervious paver to cut down on the amount of concrete at the site. There will be no asphalt on the property.
- What is going on at the rear of the property behind the proposed addition? – (r) That is a patio area and some green space with some flower beds and shrubbery. Across the front of the property we will do whatever we can to work in some landscaping.
- Will you be recladding the existing historic structure? – (r) Yes, we will be recladding the existing building with wood cedar. A cedar clap will be used for the addition in the back.

- Will there be any condensers or other mechanical equipment on the roof? – (r) No, all of the condensers or mechanical equipment will be contained or be at grade level

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 or 4.5 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 “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.”

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.”

The proposal is designed to be compatible with the characteristics of the surrounding area and is consistent with the Design Guidelines for Residence Zones as laid out in SZO §5.1.5.B. as follows:

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood.*

The proposed addition has been designed as a two-story structure with a pitched roof in keeping with the character of the surrounding neighborhood and preventing the new addition from dominating the existing historic workers cottage.

- 2. Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

The applicant proposes to re-clad the existing workers cottage with wood cedar clapboard siding. The same cedar clapboard siding will be used for the addition in the back as well.

- 3. Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*

The proposed addition has been designed to compliment the existing historic workers cottage following rehabilitation of the original building as planned. Windows, siding, color, and roof materials will be of unified style throughout the finished building.

- 4. Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).*

Following guidance from the Somerville Historic Preservation Commission, the new addition has been designed to compliment the design of the existing historic workers cottage following rehabilitation of the original building as planned.

- 5. Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*

Entryways for the new dwelling units that will be part of the rear addition have been oriented toward the front of the property in similar fashion to the principal entrance of the existing historic workers cottage.

- 6. Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*

The 14 foot wide driveway has been designed to remain unobstructed and provide access for fire fighting and rescue concerns according to requirements of the Deputy Chief of Fire Prevention.

7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*

Air conditioning units have been located within the narrow side setback areas between the building and the side lot lines and will be further obscured from view by a 6' wooden fence and landscaping on both sides of the building. (see West and East elevations, page A4 of the Site Elevations)

8. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

There are no design guidelines or requirements for the RB Zone established in Article 6 of the Somerville Zoning Ordinance.

III. FINDINGS FOR VARIANCE (SZO §8.5.I):

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO. The Applicant is asking for a Variance (SZO §5.5) from Section 8.5.I. of the SZO for the rear addition to extend within the twenty (20) foot rear yard setback area to 8' - 2.5" from the rear property line.

1. *"There are special circumstances relating to soil conditions, shape, or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

The subject property, 25 Clyde St., is on the State Register as a Local Historic District as of 3/11/1985, and in the National Register of Historic Places both individually and as part of the Somerville National Register Multiple Resource Area as of 9/18/1989.

The Applicant asserts hardship has been created due to the historic status of both the workers cottage and lot located within the Clyde-Murdock Historic Area, requiring preservation of the existing cottage, and subsequent requirement for unobstructed access to the proposed rear units by the Somerville Fire Department.

Planning Staff supports a finding that special circumstances relating to the existing structure but not affecting generally the zoning district in which it is located causes a substantial hardship, financial or otherwise, for this property.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

The Applicant indicated that a Variance to reduce the required rear setback from twenty to 8.2 feet is required to maintain the location and footprint of the existing original historic workers cottage with subsequent 19th century additions while providing three off-street parking spaces and a 14 foot wide means of access as deemed necessary by the Somerville Fire Department.

Planning Staff is unable to support a finding that the Variance requested is the minimum Variance needed to grant reasonable relief to the owner and/or is necessary for a reasonable use of the building or land. Any encroachment by the proposed rear addition into the required twenty foot setback is, at least partially, due to the square footage and number of units deemed to be necessary by the Applicant for a financial return on investment. Staff is unaware as to the extent of any financial limitations caused by a hardship determined to exist due to the Historic nature of the property.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

The Applicant indicated the following response to this question in their application: The required rear yard setback is twenty feet, the current rear yard setback is 2.0 feet, and the proposed rear yard setback is 8.2 feet. The proposed rear yard setback of 8.2 feet will allow for the creation of three off-street parking spaces on the lot and a 14’ wide fire lane for access to the proposed additional units.

The proposal provides one parking space per unit and a parking study drafted by Design Consultants, Inc. and submitted by the Applicant determined that the project would have little to no impact on the parking in the neighborhood.

Planning Staff supports a finding that this requested Variance would be in harmony with the general purpose and intent of this ordinance and would not be injurious to the neighborhood or detrimental to the public welfare.

IV. FINDINGS FOR VARIANCE (SZO §9.5):

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO. Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit. The proposal for three (3) total dwelling units would require five (5) parking spaces. The Applicant is asking for a Variance (SZO §5.5) from Section 9.5 of the SZO to provide only three of the required five on-site parking spaces.

1. *“There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

The subject property, 25 Clyde St., is on the State Register as a Local Historic District as of 3/11/1985, and in the National Register of Historic Places both individually and as part of the Somerville National Register Multiple Resource Area as of 9/18/1989.

The Applicant asserts hardship has been created due to the historic status of both the workers cottage and lot located within the Clyde-Murdock Historic Area, requiring preservation of the existing cottage, and subsequent requirement for unobstructed access to the proposed rear units by the Somerville Fire Department.

Planning Staff supports a finding that special circumstances relating to the existing structure but not affecting generally the zoning district in which it is located causes a substantial hardship, financial or otherwise, for this property.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

The Applicant indicated that a Variance to reduce the number of required parking spaces from five to three is required to maintain the location and footprint of the existing original historic workers cottage with subsequent 19th century additions and provide three off-street parking spaces and a 14 foot wide means of access as deemed necessary by the Somerville Fire Department.

Three residential units and one dedicated parking space for each unit is a reasonable use and number of parking spaces for this type of development in this area of the City. Although Section 9.5 of the SZO requires that one and two bedroom dwelling units provide 1.5 on-site parking spaces per unit, Planning Staff supports a finding that the Variance requested is the minimum Variance needed to grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

The Applicant indicated the following response to this question in their application: The required rear yard setback is twenty feet, the current rear yard setback is 2.0 feet, and the proposed rear yard setback is 8.2 feet. The proposed rear yard setback of 8.2 feet will allow for the creation of three off-street parking spaces on the lot and a 14’ wide fire lane for access to the proposed additional units.

The proposal provides one parking space per unit and a parking study drafted by Design Consultants, Inc. and submitted by the Applicant determined that the project would have little to no impact on the parking in the neighborhood.

Planning Staff supports a finding that this requested Variance would be in harmony with the general purpose and intent of this ordinance and would not be injurious to the neighborhood or detrimental to the public welfare.

V. RECOMMENDATION

Special Permit SZO §4.4.1, Variance SZO §8.5.I, Variance SZO §9.5

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 **§4.4.1 SPECIAL PERMIT** and **§9.5 VARIANCE**, but is **UNABLE TO RECOMMEND** approval of the requested **§8.5.I VARIANCE**.

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 comprehensive renovation of the existing two and one half story 1850's workers cottage located at the front of the lot, removal of the metal garage at the rear, and construction of a new two-story, two-unit addition to the cottage that extends from the rear of the building.. This approval is based upon the following application materials and the plans identified below:</p> <table border="1" data-bbox="248 615 885 1325"> <thead> <tr> <th data-bbox="248 615 500 684">Date (Stamp Date)</th> <th data-bbox="500 615 885 684">Submission</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 684 500 783">March 6, 2012</td> <td data-bbox="500 684 885 783">Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 783 500 884">May 18, 2012</td> <td data-bbox="500 783 885 884">Revised application submitted to the City Clerk's Office</td> </tr> <tr> <td data-bbox="248 884 500 1220">May 16, 2012 (May 18, 2012)</td> <td data-bbox="500 884 885 1220">Existing Site Plan (L1) Proposed Site Plan (L2) Landscape Plan (L3) Site Photos (A1) Proposed 3D Views (A2-3) Site Elevations (A4) Cottage Floor Plans (A5-6) Cottage Elevations (A7) Addition Floor Plans (A9-11) Addition Elevations (A12-15)</td> </tr> <tr> <td data-bbox="248 1220 500 1325">May 24, 2012</td> <td data-bbox="500 1220 885 1325">Fire Prevention – Parking Site Plan (1-3)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	March 6, 2012	Initial application submitted to the City Clerk's Office	May 18, 2012	Revised application submitted to the City Clerk's Office	May 16, 2012 (May 18, 2012)	Existing Site Plan (L1) Proposed Site Plan (L2) Landscape Plan (L3) Site Photos (A1) Proposed 3D Views (A2-3) Site Elevations (A4) Cottage Floor Plans (A5-6) Cottage Elevations (A7) Addition Floor Plans (A9-11) Addition Elevations (A12-15)	May 24, 2012	Fire Prevention – Parking Site Plan (1-3)	BP/CO	ISD/Plng.	
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2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP											
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	
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.	

