



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-88

Date: Dec 1, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 21 Edmands St

Applicant Name: Jodi Mace

Applicant Address: 21 Edmands St #2, Somerville MA 02145

Property Owner Name: same

Agent Name: none

Alderman: William Roche

Legal Notice: Applicant and Owner Jodi Mace seeks a special permit to alter a nonconforming structure under SZO §4.4.1 by expanding an existing rear deck by approx 15 sf and adding a 2nd story.

Zoning District/Ward: RB / 1

Zoning Approval Sought: Special Permit §4.4.1

Date of Application: Nov 7, 2011

Dates of Public Hearing: Zoning Board of Appeals Dec 7, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a three-family dwelling on a 2942 sf lot. There is a single-story porch in the rear of the property that provides access from the backyard to the first story. The porch is 10.5 feet by 5 feet. The rear yard is approximately 13 by 34 feet and is comprised of brick pavers.



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*21 Edmands St: Streetview (top left),
Existing rear porch (bottom left),
Aerial view (bottom right)*



2. Proposal: The proposal is to add a second level to the existing first floor rear porch. The second level will be the same depth as the porch below but will be three feet longer than it. The dimensions will be 5 feet by 13.5 feet. The deck would be made of composite wood. A door would replace a window on the second level to access the deck.

The legal notice states that the first story deck will be expanded; however, that is not part of the proposal.

The owner of Unit 2 asked the Unit 1 owner if he would like to expand his deck and if the Unit 3 owner would like to add a deck but neither was interested in doing so at this time.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot area, lot area per dwelling unit, landscaped area, floor area ratio front, right and left side, and rear yard setbacks. The second story deck will project the same distance into

the rear yard as the first floor deck, which is 8.2 feet from the rear property line. The rear yard requirement is 10 feet. The second story deck will project 3 feet closer to the left side yard than the existing deck. The second story side yard setback will be 3.5 feet and the requirement is 9.4 feet with the reduction allow for narrow lots. The house is even closer to the side yard with just a 0.84 foot setback. The existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The surrounding area is comprised mostly of two-, three-, and multi-family homes of varying forms. McGrath Highway is parallel to Edmands Street and the subject property overlooks both streets.

5. Impacts of Proposal: It is typical to have a two story deck on the rear of a house in the City. The first and second stories of decks typically align; however, in this case the first floor owner is not interested in expanding the first floor deck to match the length of the proposed second floor deck and the second floor resident is seeking a deck with sufficient space to enjoy a private outdoor area. The appearance is not ideal although because the doors leading to the decks on the first and second stories will align with each other and the second floor deck construction will not impact landscaping the visual appearance of the proposal is not negatively impactful.

Neighbors on Bonair Street submitted a letter stating noise complaints from the subject property in the past and are concerned that the addition of a deck on the second story will exacerbate the problem.

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

7. Comments:

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

Wiring Inspector: The Applicant shall install a new exterior light fixture and a new exterior electrical receptacle for each of the levels of the new outdoor deck space in compliance with the National Electrical Code 2011.

Ward Alderman: I have visited the location and concur that if permitted this will create a negative impact on the quality of life for residents at 55-57 Bonair St as well as the residents of 51-53 Bonair St. I do not see this as a necessary addition for the applicant as the application is an absentee landlord. I recommend denial of granting the Special Permit.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 5.1):

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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will not project further into the nonconforming rear yard and only three additional feet into the nonconforming side yard than the existing first floor deck. The second floor deck will not increase the nonconforming side yard setback as the house is even closer to the side property line than the deck will be. The neighboring property that is adjacent to the subject property on the nonconforming side does not have a deck or structure that will be closely abutting the deck.

The noise complaints that the neighbor raised are of concern and the City's noise control ordinance and compliance with it should be the means to address the problem. The proposed deck is a typical feature on a residential structure. The deck would not be increasing the structures nonconformities nor closely abutting neighboring structures and therefore staff find that it is not more detrimental 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 providing for and maintaining the uniquely integrated structure of uses in the City and the purpose of the RB district by making an alteration to a residential structure.

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."

Since the backyard is made up of brick pavers the small footprint of the second floor deck that is greater than the first floor deck will not reduce the amount of landscaping on the site. The deck will create more usable open space for the second floor residents. It is typical to have a two story deck on the rear of a house in the City. The first and second stories of decks usually align; however, in this case the first floor owner is not interested in expanding the first floor deck to match the length of the proposed second floor deck. The second floor resident would like a deck with sufficient space to enjoy a private outdoor area. The appearance is not ideal although because the doors leading to the decks on the first and second stories will align with each other and the second floor deck construction will not impact landscaping, the visual appearance of the proposal is not negatively impactful.

III. RECOMMENDATION

Special Permit under §4.4.1 & 5.1

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 a second floor rear porch. 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>11/7/2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>6/30/2011 (12/1/11)</td> <td>Plans submitted to OSPCD (Plot/Site Plan)</td> </tr> <tr> <td>(12/1/11)</td> <td>Plans submitted to OSPCD (Perspective – existing and proposed, Elevation – left and right, Framing)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	11/7/2011	Initial application submitted to the City Clerk's Office	6/30/2011 (12/1/11)	Plans submitted to OSPCD (Plot/Site Plan)	(12/1/11)	Plans submitted to OSPCD (Perspective – existing and proposed, Elevation – left and right, Framing)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant shall install one new exterior light fixture and one new exterior electrical receptacle for the new outdoor deck space.	Final Sign Off	Wiring Inspector									
3	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.									

