



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-34

Date: May 18, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 1 Howe Street

Applicant and Property Owner Name: Joanna Koustomiris

Applicant and Property Owner Address: 1 Howe Street, Somerville, MA 02145

Agent Name: Angelica Cortez

Agent Address: 170 School Street, Somerville, MA 02145

Alderman: Walter Pero

Legal Notice: Applicant and Owner, Joanna Koustomiris, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a deck over an existing one story structure in the rear of an existing two-family residence. RB zone.

Zoning District/Ward: RB Zone / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: April 19, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals **5/18/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,591 square foot lot with a two-family residence situated on it near the intersection of Howe Street and Marshall Street. The structure currently has 2,582 square feet of habitable space. The residence is 2½ stories high, not including the basement level, with a mansard roof. The rear portion of the structure however, is only 2 stories with an attached one story volume.

2. Proposal: The proposal is to construct a 10 foot by 16 foot deck on top of the existing one story volume in the rear of the two-family residence. A 4 foot by 10 foot section of the deck would overhang the one story structure on the Marshall Street side of the property. This overhang would be supported by a 4 inch by 4 inch post that would sit on top of a 12” wide by 4 foot deep concrete footing. The deck would have 3.5 foot high railings with 1” by 1” square balusters set 3” apart on center. A trellis



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would also be constructed in the northwest corner of the deck. The trellis would have a vegetative cover and be 8 feet high by 4 feet long and 4 feet wide. The deck would only be accessible via a proposed new 30" by 80" doorway from the second story of the existing structure. The Applicant is also proposing to add one new light fixture to illuminate the deck as part of the project.

3. Nature of Application: This is a residential property within an RB district. The structure is currently nonconforming with respect to the minimum front yard, left side yard, right side yard, and rear yard setbacks. The existing side and rear yard setback nonconformities require the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to construct the deck over the existing one story volume in the rear of the two-family residence.

4. Surrounding Neighborhood: This property is located in an RB district. The surrounding area is comprised of one-, two-, three-, and multi-family homes between 2½ and 3 stories.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed deck in the rear of the dwelling would not appear to be detrimental to the immediate abutters or the surrounding area. The deck would only be visible from Marshall Street and would be mostly constructed on top of the existing one story volume at the rear of the structure. A 4 foot by 10 foot section of the deck would overhang the existing basement entry and be supported by a new 4 inch by 4 inch support post. An 8 foot high trellis with vegetative covering would also be constructed in the northwest corner of the deck. The proposed deck would not be any deeper into the lot or closer to the Marshall Street property line than the existing elements of the structure. Nor would the proposed trellis be higher than the second story of the existing structure. Second floor residents of the structure will now have their own private outdoor space on the property. Therefore, as the Applicant is only extending the width of the existing nonconforming rear setback by four feet on the north side of the property, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: None indicated.

7. Comments:

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

Ward Alderman: Alderman Pero has been notified but has not yet provided comments.



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 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will mostly be located on top of an existing one story volume in the rear of the structure and will only minimally increase the width of the existing rear setback nonconformity.

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

The proposal is also 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 neighborhood. The Applicant is proposing to alter a nonconforming structure to construct a deck over an existing one story volume in the rear of an existing two-family residence. There are decks on other structures in the surrounding area that are similar to this proposal. The property will remain a 2½ story, two-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 Applicant is only proposing to add one new light fixture as part of the proposed new deck project. The structure will remain a 2½ story, two-family dwelling and will continue to be used for residential purposes.

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	<p>Approval is to alter a nonconforming structure under SZO §4.4.1 to construct a deck over an existing one story structure in the rear of an existing two-family residence. 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>(April 19, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 4, 2010 (May 2, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>(May 2, 2011)</td> <td>Plans submitted to OSPCD (#1 – #6)</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	(April 19, 2011)	Initial application submitted to the City Clerk's Office	October 4, 2010 (May 2, 2011)	Plot Plan	(May 2, 2011)	Plans submitted to OSPCD (#1 – #6)	BP/CO	Plng.	
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2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP									
3	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									
4	To the extent possible, all new exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	Final Sign Off	Plng.									
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.									



1 Howe Street