



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-68

Date: September 14, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 110 Josephine Ave.

Applicant Name: Glen Nuckolls

Applicant Address: 110 Josephine Ave. #2, Somerville, MA 02144

Property Owner Name: Glen Nuckolls and Genevieve Walsh

Property Owner Address: 110 Josephine Ave #2, Somerville, MA 02144

Agent Name: none

Alderman: Rebekah Gewirtz

Legal Notice: Applicant Glen Nuckolls and Owners Glen Nuckolls and Genevieve Walsh seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct an approx 110 sf deck on a garage attached to an existing two-family residence. RA zone. Ward 6.

Zoning District/Ward: RA zone / Ward 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: August 23, 2011

Dates of Public Hearing: Zoning Board of Appeals September 21, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,360 square foot lot with a two-family residence, located on Josephine Avenue between Kidder Avenue and Broadway. The residence is 2½ stories tall and has 3,388 square feet of habitable space. There is a two-story, 16.7' wide by 4.7' deep (78.5 square foot) porch attached to the back of the house. A one-story, 345 square foot garage is attached to the porch in the back left corner of the lot. The rear yard is otherwise open and is approximately 400 square feet.

2. Proposal: The Applicant is proposing to construct an 11' wide by 10' deep deck (110 square feet) on a portion of the garage roof. The deck will connect to the existing second floor porch via a landing and short staircase. The deck will connect to the existing first floor porch via a second staircase,



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which will be located along the side of the garage adjacent to the rear yard. The proposal also includes a short staircase to connect the first floor porch to the existing driveway. The deck and staircases will have 36" high railings, and the decking, stairs, railings, posts, and balusters will be made of wood. The staircase from the deck to the first floor porch will be supported by four 4" by 4" posts and the existing structure.

The proposal also includes replacing the existing garage doors with new doors in a traditional carriage house style, and installing a new rubber roof on the garage. When replacing the roof, the Applicant will make a best effort to either retain the existing parapet or replace it with a new parapet that is similar in character to the current design. The Planning Staff recommends that the parapet be retained or rebuilt, but the Applicant is still in the process of assessing the technical feasibility. If the Applicant finds that retaining or replacing the parapet is cost prohibitive, he may apply for a *de minimus* revision to the Special Permit, which Staff will evaluate at that time.

Two of the new staircases will block existing doors. The stairs from the deck to the first floor porch will come down in front of a full-sized door in the side of the garage. The door currently opens, but it is difficult to use and it does not close well. The new doors on the front of the garage will replace this access point. The stairs from the first floor porch to the driveway will partially block a small door set in the foundation of the house. The door provides access to the basement, but it is also difficult to use. Blocking this access point will not pose a problem because there are three other full-sized doors that lead to the basement.



Existing conditions
Left: Two-story deck, with garage in background
Right: Garage

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot size, lot area per dwelling unit, ground coverage, landscaped area, floor area ratio, and the minimum front, rear, and side yard setbacks. The proposal alters the nonconforming rear yard by constructing the deck and staircase within the rear setback. The proposed

deck is 8' from the rear property line, and the minimum rear setback in the RA district is 15' with the adjustment for the shallow lot depth. (The proposed deck will be outside of the side setback, which is 7' 4" with the adjustment for the narrow lot width; the deck will be 8' from the side property line.) The alteration of an existing nonconforming structure requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

4. Surrounding Neighborhood: The property is located in the RA district. The surrounding area is comprised mostly of two- and three-family houses between 2½ and 3 stories tall. The lot is approximately 300 feet from Broadway and Ball Square, which is zoned NB and contains small-scale retail stores, services, and restaurants.

5. Impacts of Proposal: The proposal is not expected to negatively impact the surrounding properties. There are already two 78.5 square foot porches attached to the house, and the existing garage is located within the rear setback. The proposed deck will be 8' away from the rear property line, but the use of the deck is expected to have minimal impacts on the adjoining property. The deck would not decrease the existing rear setback, because the edge of the garage is 0.6' from the property line. The deck will extend approximately 2½ feet beyond the left side of the house, but since it will be located toward the rear of the property it will have minimal impacts on the Josephine Avenue streetscape. The total structure footprint will be expanded by approximately 56 square feet, the footprint size of the new staircases, which does not significantly increase ground coverage or reduce landscaped area. The historic character of the existing parapet will be retained, and the new doors will enhance the appearance of the front of the garage. The property will remain a 2½ story, two-family residential use, which is consistent with the surrounding neighborhood. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: None indicated in the application.

7. Comments:

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

Ward Alderman: Alderman Gewirtz has been notified but has not provided comments.

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

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, the Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will not decrease the existing rear yard setback. The deck will be located in the rear of the existing structure and will be minimally visible from the Josephine Street right-of-way. The total structure footprint will only be

expanded by approximately 56 square feet. The property will remain a 2½ story, two-family residential use, which is consistent with the surrounding neighborhood.

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, conserving the value of land and buildings, and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the RA 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 project is compatible with the characteristics of the surrounding neighborhood. There are already two 78.5 square foot porches attached to the house, and the existing garage is located within the rear setback. The design is compatible with typical decks in the City. The deck will be constructed within the rear yard setback, but it will be 8’ from the rear property line. It will be minimally visible from the Josephine Avenue right-of-way. The total structure footprint will be expanded by approximately 56 square feet, which does not significantly impact the amount of ground coverage and landscaped area. The historic character of the existing parapet will be retained, and the new doors will enhance the appearance of the front of the garage. The property will remain a 2½ story, two-family residential use, which is consistent with the surrounding neighborhood.

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 the construction of a deck on the roof of a garage attached to an existing residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.		
	Date (Stamp Date)				Submission
	(August 23, 2011)				Initial application submitted to the City Clerk's Office
	July 14, 2011 (August 23, 2011)				Plans submitted to OSPCD (Plot Plan)
	(August 26, 2011)				Plans submitted to OSPCD (Elevations, Framing)
(September 14, 2011)	Modified plans submitted to OSPCD (Elevations)				
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.				
2	The Applicant shall submit the specifications of the new garage door and parapet design to Planning Staff for review and approval.	BP	PIng.		
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	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.		

