



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-71

Date: October 13, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 58 Murdock St.

Applicant Name: Christopher Clark

Applicant Address: 58 Murdock St. Apt. 2, Somerville, MA 02145

Property Owner Name: Same

Property Owner Address: Same

Agent Name: None

Alderman: Sean O'Donovan

Legal Notice: Applicant and Owner Christopher Clark seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to change the windows on an enclosed porch in order to expand an existing bathroom on the second floor of a two-family residential property. RB Zone. Ward 5.

Zoning District/Ward: RB zone / Ward 5

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: September 16, 2011

Date of Public Hearing: Zoning Board of Appeals – **October 19, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,280 square foot lot containing a two-family residence, located on Murdock Street between Cedar Street and Clyde Street. The residence is two stories tall with a gable roof and has 1,854 square feet of habitable space. There is a two-story, 21' wide by 4.4' deep (92 square foot) porch attached to the front of the house. The porch is open on the first floor and enclosed on the second floor. The enclosed porch includes six, ~46" wide by x 46" tall sliding windows: four windows across the front façade and one window on each side.

2. Proposal: The Applicant is proposing to change the windows on the enclosed porch in order to expand an existing bathroom. Three windows will be removed, including one on the right



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side of the porch and two on the right half of the front façade. The removed windows will be replaced with one 24" wide by 36" tall window on the front façade. The replacement window will be located ~3.5' from the right edge of the building and ~5.25' from the remaining existing windows. The remainder of the front façade and the entire right side façade will be enclosed and covered with siding.

The project proposal will allow the Applicant to expand an existing bathroom into the enclosed porch area. Existing interior walls will be demolished and relocated, and the bathroom will be expanded from ~5.3' wide by 5.7' deep to ~7.7' wide by 10.8' deep. The layout of the bathroom will be reconfigured and new furnishings will be installed, including a full-size tub and stackable washer and dryer. The project also includes an extensive remodel of the existing kitchen.



Existing Conditions: front façade (at left) and front and right side façades (at right)

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements, including lot size, minimum front and side yard setbacks, and street frontage. The proposal to change the existing porch windows will affect the nonconforming front yard setback. The structure is 5 feet from the front property line, and the minimum front setback in the RB district is 15 feet. 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 RB district. The surrounding area is comprised mostly of single-, two-, and three-family houses between two and three stories tall. The rear of the lot is adjacent to the Maxwell's Green project site.

5. Impacts of Proposal: As proposed, the changes to the existing windows in Proposal A (the Applicant's original proposal) would significantly impact the character of the enclosed porch. Porches provide a separation between the public space of the sidewalk and front yard, and the private space inside of houses. Porches are typically open or are enclosed, but if enclosed they provide a significant amount of windows so that the space is transparent. Converting the three-season porch to a bathroom closes off what is now quasi-public space and replaces it with private space. This private space would be located within the public realm, since the structure is set back only five feet from Murdock Street. The design of the enclosed porch will therefore have a significant impact on the Murdock Street streetscape. As proposed, the bathroom would have only one window on the front façade, which accentuates the change in use from quasi-public to entirely private space. The size and location of the new window would make the front façade look heavy and unbalanced. The proposed design is therefore not consistent with typical enclosed porches throughout the city.

While the Applicant applied to replace three existing porch windows with one 24" by 36" window and would prefer that this design be approved, Planning Staff prefers two alternative proposed designs. Proposal B would install three 24" by 36" windows in the new bathroom: two on the front façade and one on the right side façade. Adding additional windows to the new bathroom would make it more similar in character to the existing porch. Additional windows would decrease the amount of siding on the front façade, making it feel less heavy than under Proposal A. The additional windows would also make the front façade feel more balanced, though it would not be symmetrical. Proposal B would allow the new bathroom wall to be constructed in its proposed location. However, the Applicant is concerned that it is infeasible to place two additional windows in the bathroom given the proposed layout, which places the bathtub in the front right corner.

Proposal C would replace all of the existing porch windows with six new 24" by 36" windows: four across the front façade and one on each side. This would further enclose the left half of the porch, but the front façade would feel less heavy, given the additional window on the right side, and more balanced (although the placement of the windows may not be symmetrical, given the proposed location of the new bathroom wall). Proposal C would also allow the new bathroom wall to be constructed in its proposed location. The Applicant, however, expressed two concerns with this proposal: first, that it is infeasible to place an additional window on the side wall of the bathroom given the proposed location of the bathtub, and second, that it is cost prohibitive to enclose and purchase new windows for the left half of the porch.

6. Green Building Practices: The Applicant stated that removing the three existing porch windows, replacing them with a new window, and insulating the outside walls, ceiling, and floor will make the bathroom more energy efficient.

7. Comments:

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

Ward Alderman: Alderman O'Donovan supports the Applicant's original proposal (Proposal A).

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, as conditioned, would not be substantially more detrimental to the neighborhood than the existing structure. The design of Proposal B or C would preserve some of the openness and balance of the existing porch and mitigate the impact of converting quasi-public space into private space. Changes to the façade will not decrease the existing front setback, and the property will remain a two story, two-family residential use.

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.”

One purpose of the Ordinance is to preserve the historical and architectural resources of the city; this particularly applies to this proposal. This house is not designated as a Local Historic District, but it contributes to the architectural fabric of the city. The purpose of the RB district 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.” Proposal A would be consistent with the purpose of the district as an alteration to a two-family dwelling. However, replacing three existing sliding windows with one 24” by 36” window is discouraged because it significantly changes the appearance of the three-season porch and does not respect the architectural character of the original structure. Porches provide a separation between the public space of the sidewalk and front yard, and the private space inside of houses. Porches are typically open or are enclosed, but if enclosed they provide a significant amount of windows so that the space is transparent. Planning Staff would prefer to see one of the alternative window designs illustrated in Proposal B or C. Either of these proposals would be more consistent with the typical design of front façades and enclosed porches throughout the city.

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.”

Proposal A is not consistent with typical façade and enclosed porch design in the surrounding neighborhood. Converting the three-season porch to a bathroom with only one window closes off what is now quasi-public space and replaces it with private space. This private space would be located within the public realm, since the structure is set back only 5 feet from Murdock Street. The design of the enclosed porch will therefore have a significant impact on the Murdock Street streetscape.

Planning Staff has included conditions attached to the special permit that would dictate whether approval will be granted for Proposal A (Condition # 2), Proposal B (Condition # 3), or Proposal C (Condition # 4). Planning Staff has left the decision as to which porch enclosure design should be implemented to the Zoning Board of Appeals. As stated above, Staff would prefer to see Proposal B or C implemented instead of Proposal A.

If the Board chooses to accept the Applicant’s original proposal and desires Proposal A, the Board should eliminate Condition # 3 and Condition # 4 as part of the decision. If the Board chooses to accept Staff’s recommendation and desires Proposal B, the Board should eliminate Condition # 2 and Condition # 4 as part of

the decision. If the Board desires Proposal C, Condition # 2 and Condition # 3 should be eliminated as part of the decision.

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 to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing three-family residence. 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>(September 16, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 4, 2011 (September 22, 2011)</td> <td>Mortgage Inspection Plan</td> </tr> <tr> <td>August 26, 2011 (September 22, 2011)</td> <td>Existing Floor Plan</td> </tr> <tr> <td>September 28, 2011 (September 28, 2011)</td> <td>Proposed Floor Plan, Existing Front Elevation, Existing Right Side Elevation, and drawings for Proposal A, B, and C</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(September 16, 2011)	Initial application submitted to the City Clerk's Office	April 4, 2011 (September 22, 2011)	Mortgage Inspection Plan	August 26, 2011 (September 22, 2011)	Existing Floor Plan	September 28, 2011 (September 28, 2011)	Proposed Floor Plan, Existing Front Elevation, Existing Right Side Elevation, and drawings for Proposal A, B, and C
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	The Applicant and Owner shall use the drawings entitled "Proposal A Front Elevation" and "Proposal A Right Side Elevation" (both stamped by OSPCD on September 28, 2011) for the design of the second floor enclosed porch.	Zoning Board of Appeals Hearing	Plng.											

3	The Applicant and Owner shall use the drawing entitled "Proposal B Front Elevation" (stamped by OSPCD on September 28, 2011) for the design of the second floor enclosed porch and shall also include one (1) 24" x 36" window on the right side façade of the porch, while retaining the existing window on the left side façade of the porch.	Zoning Board of Appeals Hearing	PIng.	
4	The Applicant and Owner shall use the drawing entitled "Proposal C Front Elevation" (stamped by OSPCD on September 28, 2011) for the design of the second floor enclosed porch and shall also include one (1) 24" x 36" window on both the right and left side façades of the porch.	Zoning Board of Appeals Hearing	PIng.	
5	The Applicant or Owner shall submit window and trim detail samples to Planning Staff for review and approval.	BP	PIng.	
6	The siding and trim on the subject porch enclosure shall match that of the existing structure.	Final Sign Off	PIng.	
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
8	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.	

