



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-62
Date: November 18, 2015

Recommendation: Denial

PLANNING STAFF REPORT

Site: 14 Oak Street

Applicant Name: Jennifer Spinosa (c/o Dan Spinosa)
Applicant Address: 14 Oak Street, Somerville, MA 02143
Owner Name: Jennifer Spinosa
Owner Address: 14 Oak Street, Somerville, MA 02143
Alderman: Maryann M. Heuston

Legal Notice: Applicant, Dan Spinosa, seeks a Special Permit per SZO §4.4.1 to construct decks on the second and third stories within the rear yard setback. RB zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – November 18, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is an existing 3-story, two-family residence on a 3,920 square foot lot in the RB district.
2. Proposal: The proposal is to construct decks on the second and third stories of the building within the rear yard setback. Revised plans show that the addition of the decks would also fall into the left side yard setback.
3. Green Building Practices: None specified.



4. Comments:

Fire Prevention: Does not support the proposal as it will impede their ability to access the rear of the property.

Ward Alderman: Maryann Heuston has been informed of this project

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 §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

- Staff finds that the information provided by the Applicant conforms to the requirements of §4.4.1 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."*

- The structure is currently non-conforming with respect to rear yard setback. In this zone, a 20-foot setback is required. The Applicant has a 1.03-foot setback and proposes to reduce that setback to 0.64 feet. Updated plans also show that the structure is non-conforming with respect to the left side yard setback; this setback is currently 8.6 feet but would be reduced to 1.87 feet with the addition of the decks. The requirement for a three-story structure is 10 feet.

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

- In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed to this legal 3-family conversion would be substantially more detrimental to the neighborhood than those currently existing. The proposed changes prevent access to the rear of the property making both maintenance and, more importantly, fire prevention access extremely difficult. Moreover, the proposed project would nearly eliminate the rear and left side setbacks, something that the Planning Department is not in favor of approving.

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."*

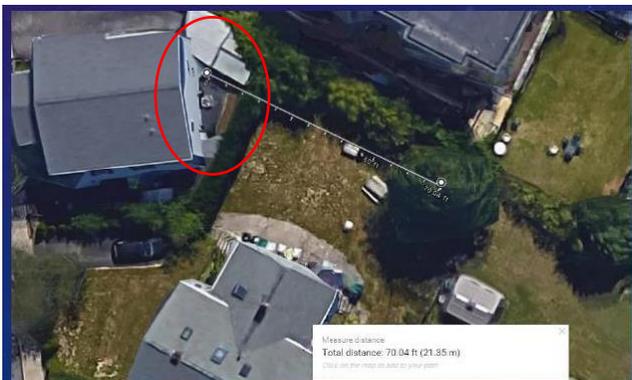
- The proposal is not consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other

dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.

- The proposal is not consistent with the purpose of the district.

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 surrounding neighborhood is a mix of residential uses including single, 2-family, 3-family, 2-family conversions, 3-family conversions, apartments and townhouses.
- Impacts of the proposal include severely compromising fire department access to the rear of the 2-family property and nearly eliminating the rear and left side yard setbacks making maintenance and movement around the property difficult.



Circled area indicates proposed location of decks.



14 Oak is identified in the upper left portion of the photo. Aerial view provided to give neighborhood context.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

- The proposal will not impact the existing stock of affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

- The proposal will not contribute to the metrics of SomerVision but allow the property owner to make some modifications to their home.

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 **DENIAL** 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.

