



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-55

Date: July 28, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 11 Sargent Avenue

Applicant and Property Owner Name: Guy Mirisola

Applicant and Property Owner Address: 200 L Street, South Boston, MA 02127

Agent Name: Tim Johnson

Agent Address: 720 E. Eighth Street, Unit 1, Boston, MA 02127

Alderman: Walter Pero

Legal Notice: Applicant and Owner, Guy Mirisola, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct rear egress stairways from the first and second floors on the rear side of an existing two-family residence. RB zone. Ward 4.

Zoning District/Ward: RB Zone / Ward 4

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: July 5, 2011

Dates of Public Hearing: Zoning Board of Appeals **8/3/11**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,826 square foot lot with a two-family residence situated on it near the intersection of Sargent Avenue and Broadway. The structure currently has 1,868 square feet of habitable space. The structure is 2½ stories high, not including the basement level, with a gable roof. The subject dwelling is part of a larger four unit structure that spans two lots, 9 and 11 Sargent Avenue.

2. Proposal: The Applicant is currently renovating the structure at 11 Sargent Avenue. As part of this renovation, the Applicant installed rear egress doors for the first and second floor units that are situated on the right, rear side of the structure. The addition of these rear egress doors requires the Applicant to install two rear egress stairways and associated landings from the first and second floor dwellings to the ground. The rear egress staircase from the first floor unit would have a



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3'1" long by 3'3" wide landing and 5 steps that are 3'3" wide extending 4'2" along the side of the structure to the ground. The stairway from the second floor unit would also have a 3'1" long by 3'3" wide landing but then would have 10 steps leading down to a second landing that is 3' long by 3'3" wide. From this second landing another 9 steps would lead down to the ground. Both of the stairways would run along the side of the structure and lead to the back yard. The subject structure is connected to the structure at 9 Sargent Avenue and the two buildings form a larger u-shaped structure that spans the lots at 9 and 11 Sargent Avenue. The stairways, as part of this proposal, would be situated on the inside of the u-shaped building and would not be visible from the streetscape or either side of the property.

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 and right side yard setbacks. After applying the relief for a narrow lot and factoring in relief for a staircase, the proposed stairways are still situated within the required right side yard setback. This existing right side yard setback nonconformity requires the Applicant to obtain a special permit under Somerville Zoning Ordinance (SZO) §4.4.1 to alter the nonconforming structure to construct the rear egress stairways from the first and second floors on the right rear side of the existing two-family residence.

4. Surrounding Neighborhood: This is a residential property located in an RB district. The surrounding area is comprised of a mixture of two-, three-, and multi-family homes between 2 and 3 stories. There are also some mixed-use buildings and commercial uses located along Broadway.

5. Impacts of Proposal: There shall be minimal impacts to the surrounding neighborhood as the proposed new rear egress staircases would not appear to be detrimental to the immediate abutters or the surrounding area. The staircases would not be visible from the streetscape or either side of the property. The stairways would only be visible by the dwelling at the rear of the property on Marshall Street and the two units located in the attached portion of the structure on 9 Sargent Avenue. While the staircases would only be 3'11" from the property line of 9 Sargent Avenue, a substantial portion of the subject dwelling already shares a wall with the structure at 9 Sargent Avenue. It should be noted that the stairway down from the second story unit would block a portion of a window in the first floor unit. This can be seen in the elevation submitted by the Applicant. While this is not ideal, this window looks out of a hallway on the first floor, not a room, and the proposed design keeps the last step of the staircase even with the rear of the structure, which is preferable to the stairway extending past the end of the structure. The installation of these staircases would create a safe, secondary means of egress from the first and second floor units at the subject property. The proposed design is preferable to having an as-of-right design that reduces the existing substantial rear yard setback (41') and consumes more landscaping in the backyard. 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.

7. Comments:

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

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



Existing Conditions



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 finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The staircases would not be visible from the streetscape or either side of the property. The stairways would only be visible by the dwelling at the rear of the property on Marshall Street and the two units located in the attached portion of the structure on 9 Sargent Avenue. While the staircases would only be 3'11" from the property line of 9 Sargent Avenue, a substantial portion of the subject dwelling already shares a wall with the structure at 9 Sargent Avenue. It should be noted that the stairway down from the second story unit would block a portion of a window in the first floor unit. While this is not ideal, this window looks out of a hallway on the first floor, not a room, and the proposed design keeps the last step of the staircase even with the rear of the structure, which is preferable to the stairway extending past the end of the structure. Furthermore, the structure has a substantial rear yard setback of approximately 41 feet and this proposed design would preserve this setback. This is preferable to having a rear egress stairway design that reduces this setback and consumes more green space in the backyard. The installation of these staircases would create a safe, secondary means of egress from the first and second floor units at the subject property. 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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; and to conserve the value of land and buildings."

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 staircases would not be visible from the streetscape or either side of the property. The stairways would only be visible by the dwelling at the rear of the property on Marshall Street and the two units located in the attached portion

of the structure on 9 Sargent Avenue. While the staircases would only be 3'11" from the property line of 9 Sargent Avenue, a substantial portion of the subject dwelling already shares a wall with the structure at 9 Sargent Avenue. The proposed design maximizes the small space between the structures of 9 and 11 Sargent Avenue, while at the same time preserving the green space in the rear of the property.

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. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. 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, 5.1

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	Approval is to alter a nonconforming structure under SZO §4.4.1 to construct rear egress stairways from the first and second floors on the rear side of an existing two-family residence. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(July 5, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>January 14, 2011 (July 18, 2011)</td> <td>Plot Plan</td> </tr> <tr> <td>July 14, 2011 (July 18, 2011)</td> <td>Site Plan – C01</td> </tr> <tr> <td>July 14, 2011 (July 18, 2011)</td> <td>Partial North Elevation – SK-2</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(July 5, 2011)	Initial application submitted to the City Clerk's Office	January 14, 2011 (July 18, 2011)	Plot Plan	July 14, 2011 (July 18, 2011)	Site Plan – C01	July 14, 2011 (July 18, 2011)	Partial North Elevation – SK-2
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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 meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP											
3	The Applicant shall install an exterior light next to the first and second floor rear egress doors in compliance with the National Electrical Code 2011.	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	Plng.											



11 Sargent Avenue