



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-78

Date: October 27, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 143 Summer St.

Applicant Name: Jill and Enrique Guardia

Applicant Address: 143 Summer St., Somerville, MA

Property Owner Name: Same

Property Owner Address: Same

Agent Name: None

Alderman: Thomas Taylor

Legal Notice: Applicants and Owners Jill and Enrique Guardia seek a special permit to alter a nonconforming structure under SZO §4.4.1 to expand an existing rear deck by approx 146 sf. RB zone. Ward 3.

Zoning District/Ward: RB zone / Ward 3

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: October 4, 2011

Date of Public Hearing: Zoning Board of Appeals, November 2, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a single-family, 2 ½ story dwelling on a 5,000 sf lot. There is an existing single story 12.1 foot by 11.9 foot wood deck in the rear of the property with stairs along the house that lead to the backyard. The remainder of the approximately 1900 sf yard is open and planted with grass.



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143 Summer St: Front (above), Existing deck (right)

2. Proposal: The proposal is to extend the deck by 7.6 feet into the rear yard and 3.5 feet into the conforming side yard. The deck will be 19.8 feet by 15.4 feet. A 7 foot square hot tub will be recessed into the corner of the deck that is closest to the middle of the yard. The posts of the deck will be wrapped with PVC and the railings, balustrades and lattice under the deck will be mahogany.

3. Nature of Application: The structure is currently nonconforming with respect to the following dimensional requirements: lot area and left side yard setback. The proposal alters the nonconforming side yard with the extension of the deck. The nonconforming side yard from the existing and proposed deck is 2.3 feet and the minimum in this district is 8 feet. The alteration to the existing nonconformities requires the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).



The rear and right sides of the deck will be conforming. The rear yard will be 15 feet, which is allow as decks can project $\frac{1}{4}$ the required setback but not less than 10 feet. The right side yard is conforming at 30.4 feet.

4. Surrounding Neighborhood: This is a residential property located within an RB district. The surrounding area is comprised mostly of single-, two-, and three-family dwellings and some larger 3 to 4 story apartment buildings. The neighbor to the northwest has a large yard and the neighbor to the southeast has a long addition to the structure that projects almost to the rear property line.

5. Impacts of Proposal: The proposal is not anticipated to negatively impact the surrounding properties. The existing deck is 3.2 feet from the property line and the expansion of the deck will retain this setback. The remaining open space and landscaping on the site will remain conforming in terms of the dimensional requirements and will continue to provide a relatively large yard. The quality of the materials of the deck will improve from pressure treated wood to mahogany. Lattice is proposed to screen the area under the deck that could be used for storage. Therefore, there are no anticipated negative impacts from the proposal.

6. Green Building Practices: The contractor uses Forest Stewardship Council certified lumber.

7. Comments:

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

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

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

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 find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The deck will not project further into the nonconforming side yard. The neighboring property that is adjacent to the subject property on the nonconforming side does not have a deck or structure that will be closely abutting the deck. The subject property will contain a relatively large yard even with the deck expansion.

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 and the purpose of the RB district by making an alteration to a residential structure.

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 deck has been designed to be compatible with the built and unbuilt surrounding area. The quality of the materials of the deck will improve from pressure treated wood to mahogany. The railing of the existing and proposed deck will be continuous so that the two portions of the deck appear seamless. Lattice is proposed to screen the area under the deck that could be used for storage.

III. RECOMMENDATION

Special Permit under §4.4.1 & 5.1

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 expansion of an existing rear deck that will be approximately 16 x 20 feet. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 4, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 6, 2011 (Oct 7, 2011)</td> <td>Plans submitted to OSPCD (SK -1 elevations and deck plan)</td> </tr> <tr> <td>Oct 4, 2011 (Oct 7, 2011)</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 4, 2011	Initial application submitted to the City Clerk's Office	Oct 6, 2011 (Oct 7, 2011)	Plans submitted to OSPCD (SK -1 elevations and deck plan)	Oct 4, 2011 (Oct 7, 2011)	Plans submitted to OSPCD (Plot Plan)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.												
2	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									
3	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.									

