



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-79

Date: October 11, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 252 Summer Street

Applicant Name: Manuel Perez

Applicant Address: 252 Summer Street, Unit 2, Somerville, MA 02143

Property Owner Name: Manuel Perez

Property Owner Address: 252 Summer Street, Unit 2, Somerville, MA 02143

Alderman: Sean O'Donovan / 5

Legal Notice: Applicant and Owner, Manuel Perez, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming two-family dwelling by modifying an existing second-story deck on the rear façade, which includes a staircase and railings.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit §4.4.1

Date of Application: September 18, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, October 17, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,194 square foot lot with a two-family dwelling in the larger Porter Square neighborhood near Cedar Street. The structure is a 2½ story gable-end dwelling with a third floor addition that houses two condominium units. The first story composes Unit 1 while the second and third floors compose Unit 2. The net floor area of the structure is 3,055 square feet; therefore, the floor area ratio is .7. The structure is located in a Residence B district and directly abuts a two- and three-family on either side.

There has been no prior zoning relief for the subject property.



2. Proposal: Applicant and Owner, Manuel Perez, proposes to alter this two-family dwelling by modifying an existing second-story deck on the rear façade, which includes a staircase and railings. The dimensions of the existing deck are not proposed to change, however the staircase leading from the deck to the ground below will be reconfigured, a wood pergola will be added at the rear of the deck, and railings for the first floor rear entry will be altered to match the new proposed railings. Currently, the staircase wraps around the right rear corner of the deck and the majority of the rise in height of the staircase is perpendicular to the building. The staircase will be altered so the majority of the rise in height is parallel to the width of the deck and house, instead of perpendicular, to allow for more deck area. While the dimensions of the deck will not change, the usable area of the deck will change from approximately 30 square feet to 42 square feet. The dimensions of the pergola will be seven feet in length, by three feet in width, by eight feet in height. The pergola will be located at the rear of the deck and slightly overhang both the staircase and the left edge of the deck. The first floor rear entry will be reconstructed with the same footprint; however, the railings will be modified to match the new railings proposed for the second story deck. All railings, the staircase and pergola will be composed of stained wood.



252 Summer Street

Left: Front and right side façades

Right: Right side façade and view of rear deck

3. Nature of Application: The structure is nonconforming due to dimensional requirements such as minimum lot size and right side yard setback. Alterations to the first and second story deck, staircase and railings fall within the two foot right side yard setback. In accordance with the Somerville Zoning Ordinance §4.4.1, a nonconformity may only be altered by Special Permit; therefore, the proposed alterations require a Special Permit.

4. Surrounding Neighborhood: The surrounding Spring Hill neighborhood is predominantly a Residence A or Residence B district composed of single, two- and three-family dwellings. The Somerville Hospital is located nearby along Highland Avenue, and Porter and Wilson squares are located south, noting the southwestern edge of the City.

5. Impacts of Proposal: The proposed modifications to the first and second-story rear deck, railings and staircase will not be detrimental to the structure or the surrounding residential neighborhood. The design does not alter the footprint of the deck, but modifies the staircase so there is more deck area and the rise in height of the staircase is predominantly parallel to the width of the building. The pergola will

add an architectural element to the rear deck as well as shade, and will not negatively impact neighbors or other abutters.

6. Green Building Practices: There are no green building practices identified on the application.

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: Has been contacted and requests an electrical receptacle and exterior light be installed for each means of egress.

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 find 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 gain about 12 square feet in area, but will retain the same footprint as only the staircase is proposed to change. Additionally, the first floor rear entry will be reconstructed with the same footprint and new railings will be consistent to those of the second story deck.

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 secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence B district, SZO §6.1.2, which is, "[t]o 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 proposal to alter the first and second story rear deck of this two-family dwelling is compatible with the built and unbuilt surrounding area. As the neighborhood is predominantly residential, this proposal is compatible with the Spring Hill neighborhood because the decks will retain their existing footprints. While the second story deck staircase will be modified slightly to enlarge the usable space of the deck, the staircase does not negatively affect the neighboring properties or other abutters. The addition of a pergola will enhance the deck by adding shade and an architectural element, as well as help to more clearly define this outdoor space.

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 a Special Permit to alter a nonconforming structure under SZO §4.4.1 to modify an existing second-story deck on the rear façade, which includes a staircase and railings. 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>September 18, 2012</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>February 13, 2007 (October 1, 2012)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>September 18, 2012 (October 1, 2012)</td> <td>Site plans submitted to OSPCD (T1.0, A1.0, A2.0, & A2.1)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | September 18, 2012 | Initial application submitted to the City Clerk's Office | February 13, 2007 (October 1, 2012) | Plot plan submitted to OSPCD | September 18, 2012 (October 1, 2012) | Site plans submitted to OSPCD (T1.0, A1.0, A2.0, & A2.1) |
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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 or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | | | | | | | | | |
| 3 | The Applicant shall install one exterior light fixture, and one electrical receptacle for each means of egress from the first and second story rear decks. | CO | Wiring | | | | | | | | | |

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|---|---|----------------|-------|--|
| 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. | |
|---|---|----------------|-------|--|

252 Summer Street

