



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

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LORI MASSA, *SENIOR PLANNER*

DAN BARTMAN, *SENIOR PLANNER*

ADAM DUCHESNEAU, *PLANNER*

DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2012-43

Date: JUNE 4, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 17 Vinal Ave.

Applicant Name: Patrycja Missiuro

Applicant Address: 17 Vinal Ave. #2, Somerville, MA 02143

Property Owner Name: Patrycja Missiuro

Property Owner Address: 17 Vinal Ave. #2, Somerville, MA 02143

Agent Name: N/A

Agent Address: N/A

Alderman: Thomas F. Taylor

Legal Notice: Applicant and Owner Patrycja Missiuro, seeks a Special Permit under SZO §4.4.1 to expand a nonconforming three-family residential structure by constructing a 3-story rear deck with stairs and installing a door to provide access to the new rear deck for each of the 2nd and 3rd stories of the structure. RB zone. Ward 3.

Zoning District/Ward: RB, Ward 3

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: May 18, 2012

Dates of Public Hearing: Zoning Board of Appeals June 20, 2012

I. PROJECT DESCRIPTION

1. Subject Property:

The subject property is an approximately 3,858 sq.ft. lot with a 2 ½ story, 3 unit detached house. Vinal Avenue is a one-way street with on-street parking on both sides. There is no history of prior zoning relief for this property.



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2. Proposal:

The Applicant is proposing to construct a 13' deep x 14' wide, three story rear deck with stairs. A doorway will be installed for each of the second and third stories of the structure to permit egress onto the new decks. An integrated stair case will permit access from the ground level to each deck. The third story deck will be open to the sky. An ornamental door canopy and transom windows will be removed from over the existing ground floor rear doorway.

The new stairs are being constructed between each level of the proposed deck to mitigate complications caused by existing and extremely narrow front and rear staircases within the structure.

3. Nature of Application:

The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, lot area per dwelling unit, landscaped area, rear and side yard setbacks, and street frontage.

The existing nonconformities require the Applicant to obtain a special permit under §4.4.1 of the SZO to alter the three-family structure.

4. Surrounding Neighborhood:

The property is located in the RB zoning district. The surrounding neighborhood is comprised of one-, two-, and multiple-family homes. Nunziato Field is located on the western side of Vinal Ave and is direct across from the 17 Vinal Ave. property.

5. Impacts of Proposal:

There will be minimal impacts to any surrounding properties from the addition of the proposed rear decks. A privacy fence and large mature trees along the property lines shared with 19 Vinal Ave. (to the north) and Wesley Park (to the rear/east) will act as buffers between the proposed decks and the nearby properties. The new decks will be hidden from view from the Vinal Ave right of way except for a fleeting moment as one passes by and can see at an angle into the property. Currently the property has 37.1 feet of rear yard space, so the new decks will only reduce the actual setback of any structure from the rear property line to 24.1 feet – still within the required 20 foot minimum rear setback.

6. Green Building Practices:

The proposed 3 story rear deck with stairs is to be built out of natural materials, including pressure treated lumber.

7. Comments:

<i>Fire Prevention:</i>	Has been contacted but has not provided comments.
<i>Ward Alderman:</i>	Alderman Taylor has expressed his support for the Staff recommendation.
<i>Historic Preservation:</i>	Has been contacted but has not provided comments.
<i>Traffic & Parking:</i>	Has been contacted but has not provided comments.
<i>Lights and Lines:</i>	Has been contacted but has not provided comments.
<i>Engineering:</i>	Has been contacted but has not provided comments.

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 or 4.5 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed rear decks would be built within the side and rear setbacks established for the lot. Electrical code requires there to be one exterior light fixture and one electrical outlet for all decks, and Staff has included that requirement as condition #2.

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 "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to conserve the value of land and buildings; and to encourage housing for persons of all income levels."

The proposal is consistent with the purpose of the district, which is, "To establish and preserve medium density neighborhoods of one-, two- and three-family homes".

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 on the surrounding neighborhood. The structure will remain a 2.5 story, 3 unit residential land use. Rear decks are common extensions of structures in the area and throughout Somerville.

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.

(Updated Recommendations for 06/20/2012 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is to alter a nonconforming structure under SZO 4.4.1 to construct a 3-story rear deck with stairs at the rear of an existing three-unit structure. 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>Stamp Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 18, 2012</td> <td>Initial application and plans submitted to the City Clerk's Office</td> </tr> <tr> <td>June 11, 2012</td> <td>Modified plans submitted to OSPCD</td> </tr> </tbody> </table>				Stamp Date	Submission	May 18, 2012	Initial application and plans submitted to the City Clerk's Office	June 11, 2012	Modified plans submitted to OSPCD
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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 install a new exterior light fixture and a new exterior electrical receptacle for each of the new outdoor decks in compliance with the National Electrical Code 2011.	Final sign off	Wiring Inspector							
3	To every extent possible, exterior lighting shall be confined to the subject property and shall not intrude, interfere, or spill onto neighboring properties. Light fixtures that direct light downward are recommended.	Final sign off	PIng.							
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	PIng.							



