



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-66

Date: July 31, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 24 Wesley Park

Applicant Name: Heidi Meyer
Applicant Address: 24 Wesley Park, #2
Property Owner Name: Heidi Meyer
Property Owner Address: 1626 24 Wesley Park, #2

Alderman: Robert McWatters

Legal Notice: Applicant and Owner, Heidi Meyer, seek a Special Permit under SZO §4.4.1, to alter a nonconforming three-family by installing an egress stair in the rear of the property. RB zone. Ward 3.

Dates of Public Hearing: Zoning Board August 6, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2 ½ story dwelling on a 3,080 square foot lot at the end of cul de sac of Wesley Park. The house has been used as a three-family dwelling at least prior to the current owners buying the property in 1998. A certificate of occupancy has not been obtained for the property, which is not unusual for one-, two- and three-family houses that were built many years ago. The file at Inspectional Services shows conflicting information on the legal use of the property. A Certificate of Occupancy should be obtained to get the final determination and will be a condition of approval.

The following is the information gathered about the use of the property:

- The file at Inspectional Services includes a letter from a Building Inspector dated August 31, 2013 stating that the metal ladders from the second and third floors to the ground are not a legal



means of egress, are unsafe and should be removed. The letter also states that the building has legal status as a two-family.

- The Owner stated that after this letter was issued, she worked with Inspectional Services to take steps to legalize the three-family including installing emergency lighting in the house although there is no record of this in the file.
- There is a record in the file from the Inspector of Wires from June 28, 1989 that states that there were three meters and three panels in the house. Current codes require a third panel for common space in a two-unit condominium building but that requirement would not have been in existence in 1989 pointing to its use as a three-family at that time.
- Fire Prevention had on record that the smoke detectors are hard-wired. There was a campaign to ensure that all three-family houses in approximately the 1980's had hard-wired smoke detectors.
- The Owners have been paying property taxes for a three-family.



24 Wesley Park – rear yard (left), rear façade/location of new proposed stairs (right)



Existing deck that will be replaced indicated within white dashed box

2. Proposal: The proposal is to rebuild the rear deck that sits on the 2-story portion of the house and construct a set of stairs from the deck to the ground. The stairs would extend over an existing deck on the ground floor and follow the rear property line to the driveway. The door on the third floor that provides access to the deck and stairs would be shifted to the left of its current location and made bigger (32" by 78") to create a proper egress door.

3. Green Building Practices: None listed on the application.

4. Comments:

Fire Prevention: Has been contacted but has not yet provided comments beyond the information about the hard wired smoke detectors.

Wiring Inspection: An exterior light and electrical receptacle is required for all levels of the porch.

Ward Alderman: Has been contacted but has not yet 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 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The existing house and ground floor rear deck are built to the right side and rear property lines. The third floor deck will be reconstructed in the same area and the stairs to the ground will be over an existing deck and only extend the nonconforming rear yard by a few feet to touch the ground.

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 and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the Residence B district, 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 large size of the stairs and change to the door location will be minimally impactful to the neighbors due to the location of the house at the end of a cul de sac with a grade change at the back of the property. The abutting houses to the rear are located at a higher elevation than the subject property and therefore the stairs will not be intrusive to the view from their houses. The abutter to the right side will be most impacted but the jog in the stair situates the largest portion of the stair away from their view. The shift in the third floor door location will require that the door cuts through the eave on the gable end of the house. This is not ideal; however, because of its location on the third floor and the grade change behind the property, it will be difficult to see from the ground of the subject property or from surrounding properties.

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

This proposal does not impact the stock of affordable housing.

6. 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 allows for the enhancement of this house in a residential district as long as the legal use of the property is determined by Inspectional Services to be a three-family.

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 the construction of a rear egress stair and alteration of a rear third floor door. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.		
	Date (Stamp Date)				Submission
	June 12, 2014				Initial application submitted to the City Clerk’s Office
	June 28, 2014				Modified plans submitted to OSPCD (A1 Elevation and Plan View)
	June 30, 2014				Modified plans submitted to OSPCD (Plot Plan)
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.				
Public Safety					
2	Owner must obtain a Certificate of Occupancy, which if deemed necessary by Inspectional Services may include zoning approval, for a three-family dwelling prior to construction of the stairs.	BP	ISD/ Plng.		
3	An exterior light and electrical receptacle is required for all levels of the porch.	Final Signoff	Wiring Inspector		
Final Sign-Off					
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.		

