

## **DEVELOPMENT NARRATIVE SPECIAL PERMIT**

Property: 241 Willow Avenue, #2  
Applicants/Owners: Tony Malandain and Elizabeth H. Malandain  
Agent: Adam Dash, Esq.  
Zoning Designations: Neighborhood Residence (“NR”) District  
Quarter Mile Transit Area  
Not in Pedestrian Street District

### **Summary**

Applicants seek a Special Permit to expand the rear porch on both the ground and second floors.

The Property is located in the NR zoning district and is in the Quarter Mile Transit Area. It is not located in a Pedestrian Street District.

The property contains a two unit, pre-existing, nonconforming Detached House building type which is set up as a residential condominium.

The rear porch will be increased toward the rear lot line by 2’ 6” on the ground level and by 4’ 6” on the second floor. The structure currently is nonconforming as to the rear setback.

The property is also nonconforming as to the left side setback and, while the porch will extend further toward the rear lot line, the pre-existing, nonconforming left side setback will not change.

### **Relief Requested**

Applicants seek a Special Permit pursuant to M.G.L. ch. 40A, Section 6, and Somerville Zoning Ordinance (“SZO”) Sections 14.1.5 and 15.2.1.

Per Somerville Zoning Ordinance Section 15.2.1.e:

*In its discretion to approve or deny a Special Permit required by this Ordinance, the review board shall make findings considering, at least, each of the following:*

- a). The COMPREHENSIVE PLAN and existing policy plans and standards established by the City.*
- b). The intent of the zoning district where the property is located.*
- c). Considerations indicated elsewhere in this Ordinance for the required Special Permit.*

Regarding the Special Permit findings in SZO Section 15.2.1.e, Applicants state as follows:

a) Applicants seek to retain the two-family residential use of this site, but with a larger rear porch to allow them a usable outdoor amenity space. Currently, water stagnates in the rear of the property at the stairs due to the high water table. Applicants want to use the porch so they have dry outdoor amenity space, however the existing porch is too small for their family. The backyard is also small.

The enlargement of the deck is modest in size, and the structure is already pre-existing nonconforming as to rear and left side setbacks

The number of residential units on the lot will remain 2 units, but Applicants' unit will have additional outdoor space to allow for family living. The Applicants live in the property with their family.

The project will comply with the goals of the SomerVision strategic plan because it will "facilitate transit-oriented neighborhood in-fill development", create a "healthier, more prosperous and more attractive place to live, work, play and raise a family", and "preserve and enhance the character of Somerville's neighborhoods". This will ensure that "properties can adapt and change to meet the needs of residents, while respecting the character of the neighborhood".

b) Per Section 3.1.3 of the SZO, the purpose of the NR district is, in part:

*a. To permit the DEVELOPMENT of one-, two-, and three-unit detached and semi-detached residential buildings on individual LOTS.*

*b. To permit contextual MODIFICATIONS to existing detached and semi-detached residential buildings.*

*d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in houses, semi-attached houses, duplexes, and triple deckers.*

The project meets both of those purposes by keeping the existing two-family Detached House residential building and by making a small contextual modification to it. This will allow the Applicants' family to continue residing there.

The proposed rear porch enlargement will not create any new nonconformity.

- c) Per Somerville Zoning Ordinance Section 14.1.5.e:

*Special Permits*

*i. In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing the MODIFICATION of a nonconforming STRUCTURE:*

- a). The extent and nature of the proposed alteration;*
  - b). The ability of conforming alterations to meet the demonstrated need of the APPLICANT;*
  - c). Consistency of the proposed alterations with the evolution of neighboring STRUCTURES.*
  - d). Establishment of permeable LOT surface, to the maximum extent possible.*
  - e). Conformance to design guidelines applicable to the district where the property is located.*
- ii. The review boards may not grant a special permit authorizing any MODIFICATION to an existing nonconforming structure that increases the degree of an existing NONCONFORMITY of the structure without finding that the alteration is not substantially more detrimental to the neighborhood.*

i.

- a) The porch enlargement is small in size, is not readily visible from the street, and replaces the existing porch in the same location. The extent of the porch enlargement is relatively modest, and a porch is an allowed building component for the Detached House building type.

The porch cannot be moved so as to eliminate the pre-existing, nonconforming left side setback because of the door location.

- b) The larger porch allows for the Applicants to have usable outdoor amenity space for their family. Due to the high water table, the rear yard floods, such that Applicants cannot often use it. This flooding has caused rot to the existing rear porch.

- c) The enlarged porch matches the style of the existing porch and structure, and is not readily visible from the street. This means that the look of the street will not change in relation to the neighboring structures.

d) The property will not change regarding its permeable lot surface as result of the porch enlargement.

e) The addition is not readily visible from the street. As the addition is not in the front setback, and as the existing structure is remaining, nothing with regard to the Building Design Guidelines of SZO 3.1.14 changes.

As for the Architectural Design Guidelines in SZO 3.1.15, this is an existing structure which is having the existing rear porch expanded. As such, the elevation of the ground floor unit and the windows do not change. With regard to the rear porch as an outdoor amenity space, the addition will comply with the Guidelines to the extent they apply to this project.

ii. The enlargement of the porch is not substantially detrimental to the neighborhood because it is in the rear of the property and not visible from the street, and because it merely expands the existing rear porch so as to make it usable as an outdoor amenity space. The number of units at the property, and the Detached House itself other than the rear porch, do not change.

**Conclusion.**

Applicants respectfully request approval of the Special Permit to expand the rear porch attached to this pre-existing, nonconforming structure.