



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-11
Date: January 31, 2018
Recommendation: Unable to recommend

PLANNING STAFF REPORT

Site: 374 Somerville Ave

Applicant / Owner Name: 374 Somerville Ave, LLC
Applicant / Owner Address: 374 Somerville Avenue, Somerville, MA 02143
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: J.T. Scott

Legal Notice: Applicant and Owner, 374 Somerville Ave, LLC, seeks a Variance under SZO §6.1.22.G.5 and §5.5 to construct a rear addition to the existing structure that is proposed within a required setback abutting a residential zoning district line. CCD-55 zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeals – January 31, 2018

I. PROJECT DESCRIPTION

1. Subject Property: The subject property consists of one parcel of 4,550 square feet that contains a two-story masonry building with office and retail tenants with a small parking area in the rear. The property is located on the corner of Carlton Street and Somerville Avenue. The retail tenant is located on the ground level and an architect's office is located on the second floor.
2. Proposal: The proposal is to convert the second floor office space to three-residential units and building a three-story addition with two-residential units over the existing parking spaces in the rear.
3. Green Building Practices: The property owner also owns the architect's office in the building. The application states that "as LEED qualified professionals, we apply green building standards to deal with selection, detailing, and disposal of all materials as well as upgrade insulation, heating and cooling systems, and windows to improve energy efficiency.

4. Comments:

Ward Alderman: Alderman Scott has been informed of this proposal and has yet to provide comment as of the publication of this report.

Planning Board: The proposal will need a Special Permit with Site Plan Review from the Planning Board if the requested Variance is granted.

II. FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to construct an addition in the rear yard that will be three feet from the rear property line where SZO §6.1.22.g.5 requires a rear yard setback of 20 feet for CCD properties that abut a residential zoning district. The SZO §6.1.22.g.5 also requires the outermost 10 feet of the setback to consist exclusively of vegetative landscaping. Additionally, this particular section of the SZO requires that the building have a 15 foot upper level setback at a tapering height of 35 feet from the property abutting the residential district. Lastly, *“The building shall be designed so that its massing is concentrated along the commercial corridor and away from properties in residential zoning districts to the extent possible.”*

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

Applicant’s response: See attached letter.

Staff’s response: The Applicant has expressed to Planning Staff that the existing building could not structurally support additional massing along the front of the building to respect the rear yard setback provision. The existing condition of the parking lot in the rear does attract illicit activity due to the overgrowth and dark nature of the lot.

2. *“The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

Applicant’s response: See attached letter.

Staff’s response: The existing commercial use with two tenants (retail and office) is a reasonable use of the building and land.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

Applicant’s response: See attached letter.

Staff’s response: The proposed programming of retail, commercial, and residential units would meet the general purpose and intent of the Ordinance and would not be injurious to the neighborhood. However,

the proposed massing in the rear does not meeting the provisions of the CCD-55 zoning district as they relate to transitions with residential districts.

III. RECOMMENDATION

Variance under §5.5 and §6.1.22.g.5

Based on the materials submitted by the Applicant and the above findings, the Planning Staff is **UNABLE TO RECOMMEND** the requested **VARIANCE**. *If the Zoning Board of Appeals decides that the project does meet the criteria for granting the Variance, Planning Staff recommends the conditions listed below.*

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 to grant a Variance from the CCD-55 provisions for Transition to Abutting Residential District to construct a three-story rear addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/Plng.			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>January 25, 2018</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 23, 2017</td> <td>Plan set submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
January 25, 2018	Initial application submitted to the City Clerk’s Office					
June 23, 2017	Plan set submitted to OSPCD					
	Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.					
2	The proposed development is subject to Special Permits and a Special Permit with Site Plan Review from the Planning Board.	BP	Plng. / PB			

