



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-87
Date: December 5, 2013
Recommendation: Unable to Recommend

PLANNING STAFF REPORT

Site: 62-64 Hooker Avenue

Applicant & Owner Name: Laura Beretsky and Mark Jewell
Applicant & Owner Address: 64 Hooker Avenue Somerville, MA 02144
Alderman: Robert Trane

Legal Notice: Applicant and Owners, Laura Beretsky and Mark Jewell, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding a dormer. RB Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals December 11, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 2 ½ story two-family home on a 3,220 square foot lot. There were previously no dormers on the house and the attic space was used as storage. One unit has two bedrooms and the second unit has three bedrooms.

There was one prior zoning case for the property. The owners of the house in 1968 applied for a special permit to construct a 200 square foot addition in the rear of the house. The application was withdrawn before the Board took a vote.

2. Proposal: The proposal is to build a 22 foot long shed dormer on the right side of the house. The dormer length would be 50% of the length of the sloping roof to which it is attached. The dormer will be setback 3 feet 4 inches from the front edge of the house. The top of the dormer will reach the ridge of the roof and the dormer wall will align with the main wall of the house. The dormer is constructed to provide headroom for the stairway and to accommodate a bathroom and bedroom in the half story.



This dormer is under construction. Framing work has essentially been completed, and the contractor has provided structural support through the house to support the dormer in its current location.

The construction of the dormer originated from a misunderstanding between the applicant and ISD.

The applicant filed an application for a dormer in July and a building permit was issued. However, the documentation on file of what was approved to be constructed is not conclusive.

The applicant included with their application an earlier plan. This plan showed a 40.5 foot dormer to be constructed on the driveway (left) side of the house that is not dated. A dormer on the left side of the house would be more than 8 feet from the property line and would therefore be by-right. The applicant changed their plans to build the dormer, as a left-side dormer would not allow proper headroom at the stairway. At some point in time, prior to construction, the applicant provided a plan showing the dormer on the left side, as it is being built. That plan, dated July 25, 2013, is also in the ISD file. But, this plan was likely submitted after the building permit was issued (the building permit is dated July 9, 2013, and therefore filed without an updated review by ISD. Even if it was reviewed by ISD, the lack of directional detail on the plan makes it easy to misunderstand. And, while ISD would likely have told the applicant about the Special Permit requirement if a right-side dormer was in the original application, the applicant was apparently not aware and not told that a right-side dormer required additional review.



64 Hooker Ave – dormer under construction from street (top), neighbor's rear yard (middle), inside house (bottom)

There is no reference to the side of the

building where the dormer would be constructed on the application form or on the building permit which Inspectional Services issued on July 9, 2013.

The Planning Division staff has done an extensive amount of discussion with both the applicant and ISD in an effort to discover how this situation occurred. The staff is confident that this situation is a result of an unfortunate and unforeseen miscommunication between an applicant unfamiliar with the Somerville Zoning Ordinance and an ISD office that received updated paperwork after the issuance of a building permit.

The applicant began construction of the dormer this fall, and was just short of a framing inspection when the right-side dormer was discovered. A stop work order was issued on November 19, 2013 when Inspectional Services were called to the site and saw that the dormer was constructed on the side of the house that requires a special permit to be constructed. At this time, the applicants have closed up the openings covering new structural support that was installed in the first and second floor of the house. But, the third floor dormer has been left unfinished, pending the outcome of the special permit hearing.

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

4. Comments:

Fire Prevention: Fire Prevention did not have any comments at this time.

Ward Alderman: Alderman Trane is aware of the application and is planning to attend the Zoning Board hearing in support of the Applicants.

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."

The structure is currently nonconforming with respect to several dimensional requirements, including minimum lot size, right side yard setback, rear yard setback, and street frontage.

The proposed dormer would impact the right side yard. It would increase the structure's height on the nonconforming side yard which is 5 feet; the minimum side yard setback in this district is 7 feet 8 inches with the reduction allowed for a narrow lot. This existing nonconformity requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

In considering a special permit under §4.4 of the SZO, Staff find that the placement of a dormer in this location is not detrimental to the neighborhood, as many homes in the neighborhood have similarly placed dormers on roofs in this sort of location, and they have become a common element of typical Somerville houses.

But, the staff is concerned that the dormer as proposed (and partially constructed) would be more detrimental to the neighborhood than the existing structure. The dormer exceeds the proportions typically supported by the staff in similar situations. The dormer would change the roofline pattern and change the building type from a 2 ½ story structure to appear as a 3-story structure on one side because of its size and flat roof. When dormers require special permits, staff works to ensure that dormers do not make the roof seem too heavy or crowded and that they be secondary to the main roof massing and proportional in scale to the structure.

After an extensive review of appropriately scaled dormers in Somerville the following setbacks were determined to create an appropriately scaled dormer. The front wall of the dormer should be setback at a minimum of 1 foot 6 inches off of the main wall of the structure, the side wall should be setback at a minimum of 3 feet 6 inches, and the top of the dormer should be down from the ridge of the house a minimum of 1 foot. Also shed dormers with flat roof appear boxy and top-heavy. A roof pitch of 6:12 or steeper is recommended. While the dormer is setback 3 feet 4 inches from the front wall of the house, it does not comply with these other dimensions for dormers.

Also, windows should make up the large majority of the front wall of a dormer. The proposed dormer will have 4 evenly spaced windows that will match in style with the windows below. The windows are shown as being smaller than the windows on the rest of the house. The Applicant's contractor stated that the windows were rendered smaller than they will actually be. They will match the size of the bathroom windows just right of center on the first and second floors. Ideally the windows would match the larger windows on the house; however, their spacing and conformance in size and style with some of the windows below make them acceptable to staff.

The dormer would impact how the property conforms to the parking and FAR requirements; although, no relief is needed. The parking requirement does not change as a result of the additional bedroom since the unit already had three bedrooms and the parking requirement is the same for a three or more bedroom unit. The dormer would also increase the FAR. There would be 433 square feet of living space in the attic. This would increase the FAR by 0.13 from 0.82 to 0.95. The maximum in the district is 1.0.

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."

One purpose of the Ordinance is to preserve the historical and architectural resources of the City; this particularly applies to this proposal. The shed dormer would change the character of the traditional 2 ½ story gable structure. These structures are prevalent in this neighborhood and the City. This house is not designated as a Local Historic District but it contributes to the architectural fabric of the City. Staff find that the application for a dormer would be consistent with the general purpose and intent of the Ordinance, but are concerned that this particular design is not consistent with this finding.

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 surrounding neighborhood is comprised of one- and two-family homes, most of which do not have dormers. Recently constructed dormers requiring special permits are smaller in size. In many neighborhoods, large and flat shed dormers are built on the by-right side of houses and they are changing the architectural fabric of the neighborhoods. The Planning Division staff is working to fix this regulation in the zoning ordinance to allow modest dormers on either side of a typical roof. But, because of its size and shape, this dormer is not compatible with the built surrounding area.

Another negative impact of the proposal is that the dormer as designed is imposing on the neighbors as they now have essentially a three-story flat roofed structure where a 2 ½ story structure, that is similar to their house, once was. Designing the dormer as a small element on the roof that provides some headroom and light in the half story to create unique, small, living spaces would be supported.

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, while the Planning Staff supports the idea of a special permit for a dormer on this side of this house, the Planning Staff is unable to recommend 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.

If the Board chooses to grant approval, Staff recommends attaching some or all of the following conditions.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for the construction of dormer on the right (north east) side of the two-family. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD / Plng.		
	Date (Stamp Date)				Submission
	Nov 22, 2013				Initial application submitted to the City Clerk’s Office
	Dec 1, 2008				Plans submitted to OSPCD (mortgage inspection plan)
	Submitted Dec 5, 2013				Plans submitted to OSPCD (schematic attic plan, existing and proposed elevations)
	Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.				
2	The dormer will have 4 evenly spaced windows that will match in style with the windows below.	Prior to window installation	Plng./ISD		
3	The siding on the dormer should be cedar shingle or clapboard as noted on the building permit application & the color should match or be complementary to that of the main house. Color and material samples shall be provided to Planning Staff.	Prior to construction of exterior siding	Plng./ISD		
4	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	Final signoff	Plng./ISD		
5	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 signoff	Plng./ISD		
One or both of these conditions would require significant reconstruction of the work already completed, but the Board and the applicant should explore the possibility of making these adjustments if necessary to address the standard expectations for special permits established by the Planning Division staff:					
6	The roof pitch should be 6:12 or steeper.	Final signoff	Plng./ISD		
7	The dormer should be down from the ridge a minimum of 1 foot.	Final signoff	Plng./ISD		

