



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-74
Date: November 14, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 739 Somerville Avenue

Applicant Name: Brian Lavelle
Applicant Address: 194 Waltham St, Lexington MA 02421
Property Owner Name: Paul Lavelle
Property Owner Address: 194 Waltham St, Lexington MA 02421
Alderman: Courtney O'Keefe

Legal Notice: Applicant Brian Lavelle and Owner Paul Lavelle seek a Special Permit under SZO §4.4.1 to alter a nonconforming two-family structure by changing the roof type, replacing the front porch and stairs and adding a rear deck and stairs.

Zoning District/Ward: RB / 5

Zoning Approval Sought: Special Permit SZO §4.4.1

Date of Application: October 15, 2013

Dates of Public Hearing: Zoning Board of Appeals November 20, 2013

I. PROJECT DESCRIPTION

- Subject Property: The subject property is a 2,381 square foot lot on which is a 2 ½ story gable, 2-family. The first floor unit has two bedrooms and the second and attic floor unit has three bedrooms. The property received a special permit in 2006 to construct a dormer and add a two-story deck to the rear of the building. These alterations were not made to the structure.
- Proposal: The proposal is to remove the existing gable roof and replace it with a mansard roof. The third floor will be renovated to include 84 more usable feet. There will be two bedrooms and a



bathroom on the third floor and the staircase from the second floor will be reconstructed. The number of units and bedrooms will not change.

The proposal also involves constructing a two-story deck in the rear that wraps around the left side of the house.

The front porch and stairs will be replaced in-kind.



739 Somerville Ave: Front of building and streetscape (above), Other mansards on the block (below)



3. Nature of Application: The existing two-family dwelling is nonconforming with respect to front (9.9 feet) and side (1.1 and 3.2 feet) yard setback requirements, as well as minimum lot size requirements. These existing nonconformities require the applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO). Lawfully existing one- and two-family dwellings which are nonconforming with respect to dimensional requirements may be enlarged, expanded, renovated or altered only by special permit authorized by the SPGA when any such enlargement, extension, renovation or alteration increases the nonconforming nature of the structure. The proposed decks would extend the nonconforming side yard setback and a different roof type would create a change in the setbacks; both of which require a special permit.

4. Surrounding Neighborhood: The immediate neighborhood is predominantly residential, with a mix of single-, two-, and three-family homes. The subject property is located in a row of 2 ½ story gable structures of varying styles. There are two mansard roofs on the same block as the subject property. The Porter Square and various businesses are located within a short walking distance from the subject property and railroad tracks are located directly across the street.

5. Impacts of Proposal: The proposal will change the building type from a 2 ½ story gable structure to a 3 story mansard structure. This is generally discouraged; however, the current proposal will not negatively impact the streetscape. The mansard is designed in a very traditional form that can be found throughout the City. The shape of the mansard is appropriate and there will be brackets along the fascia board. The dormers are small and a single window fills the main wall. Also, mansard roofs are not unusual for the block as there are two buildings within close proximity that have mansard roofs. A large shed dormer that was originally approved for the building to get a code compliant staircase to the third floor would also greatly alter the 2 ½ story structure and arguably be more detrimental.

The back of the roof is flat and does not carry the mansard shape around the back. The back can only be seen from the abutters to the rear and their view of the house will appear like a gambrel.

The rear deck will not be detrimental as they will not be seen from the street and do not infringe upon the neighbors privacy. The structures on the block are close together but there will still be just over three feet of clearance to access the rear yard. The rear yard is not well maintained and adding a deck and renovating the property in general will be an improvement.

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

7. Comments:

Fire Prevention: Has reviewed the plans but has not yet submitted comments.

Wiring Inspection: An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the second level.

Ward Alderman: Alderman O'Keefe as been contacted but has not yet submitted 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 proposal will change the building type from a 2 ½ story gable structure to a 3 story mansard structure. This is generally discouraged; however, the current proposal will not negatively impact the streetscape. A large shed dormer that was originally approved for the building to get a code compliant staircase to the third floor would also greatly alter the 2 ½ story structure and arguably be more detrimental.

The rear deck will not be detrimental as they will not be seen from the street and do not infringe upon the neighbors privacy.

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 providing for and maintaining the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is also consistent with the purpose of the Residence B zoning district in making alterations to a two-family house.

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."

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The structures on the block are close together but there will still be just over three feet of clearance between the proposed deck and the property line leaving sufficient space to access the rear yard. The rear yard is not well maintained and adding a deck and renovating the property in general will be an improvement.

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 to alter a nonconforming two-family structure by changing the roof type, replacing the front porch and stairs and adding a rear deck and stairs. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 15, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 6, 2013</td> <td>Plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>March 15, 2013</td> <td>Plans submitted to OSPCD (A.1 floor plans, A.2 Elevations/Sections, X.1 existing conditions)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 15, 2013	Initial application submitted to the City Clerk’s Office	June 6, 2013	Plans submitted to OSPCD (Plot Plan)	March 15, 2013	Plans submitted to OSPCD (A.1 floor plans, A.2 Elevations/Sections, X.1 existing conditions)
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Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	An exterior light and electrical receptacle is required for the first level of the porch and an electrical receptacle is required for the second level.	Final sign off	Wiring Inspector									
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
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.									

