



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Zoning Board of Appeals
From: Marisa Lau, Senior Planner, Dept. of Planning and Community Development
Date: 9/26/2022
RE: Docket 3716 – 70-72 Oxford St; Special Permit under Zoning Bylaw 8.1.3(B)
Nonconforming Single-Family or Two-Family Dwellings

The applicants, Ayse Ozgur Aytar and Charles Cagri, seek a Special Permit in accordance with Section 8.1.3.B - Nonconforming Single-Family or Two-Family Dwellings of the Zoning Bylaw. The applicants seek to construct an addition of two dormers for a two-family home, and make other renovations to the front and rear porches and interior. The proposal would add 298 square feet of living area to the attic. The total square footage of the structure would increase from 3,979 SF to 4,231 SF (+252 SF) under the proposal.

The structure is in the R2 Zoning District and is nonconforming with the Zoning Bylaw's lot size; frontage; front and right side yard; and usable open space requirements. The applicant is not increasing the footprint of the existing structure. The addition would not increase any of the nonconformities of the existing structure.

The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted through a Special Permit in the R2 zoning district.

Criterion #2: Public Convenience/Welfare

The existing two-family use will not change. This proposal would simply provide additional living space for the owners' family. The Board can find that this condition is met.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

The existing two-family use will not change. There would not be an increase in traffic congestion or an impairment of public safety. The Board can find that this condition is met.

Criterion #4: Undue Burden on Municipal Systems

The existing two-family use will not change. There would not be an undue burden on municipal systems. The Board can find that this condition is met.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

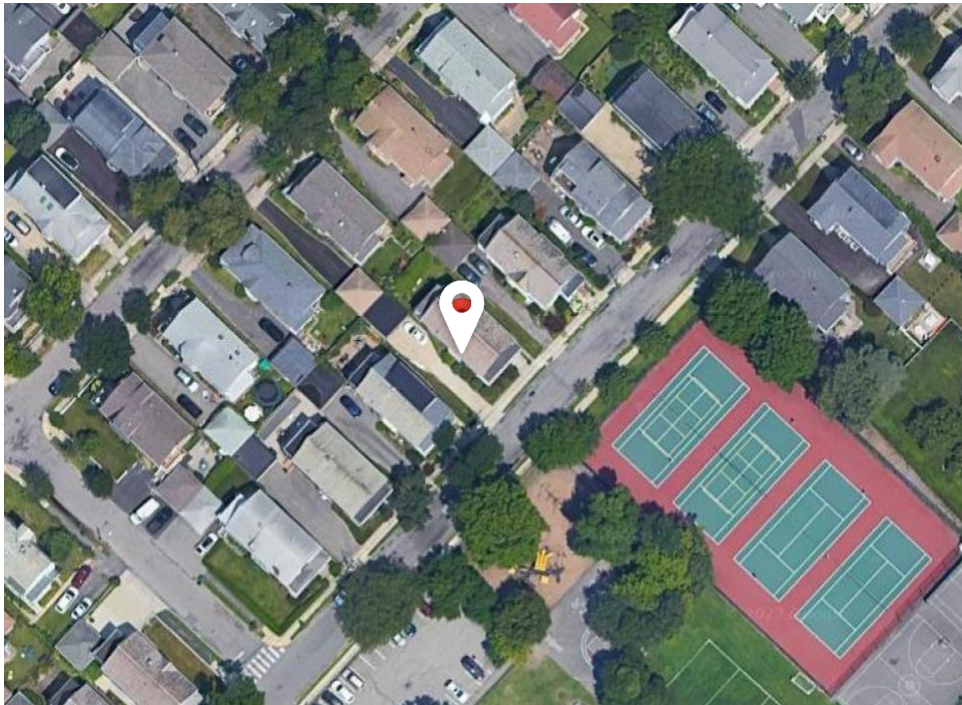
The homes in the vicinity of the property are primarily two-family structures. Large dormers are a prevalent feature throughout the neighborhood. Additionally, several apartment buildings are located at the north end of the block in the R5 zoning district. While the dormers increase the structure's massing, the addition is sufficiently set back from the front façade so as to avoid adding significant appearance of height beyond two stories from the street.

Consistent with the Residential Design Guidelines, the addition will complement the style of the existing structure and adjacent homes in the neighborhood.¹ Overall, the proposal would not detrimentally impact the neighborhood character of the district or adjoining districts, nor will it be detrimental to the health, morals, or welfare of the neighbors of the property.

Criterion #7: Detrimental Excess in Particular Use

There would not be any detrimental excesses. The Board can find that this condition has been met.

Below are aerial and street-based photos of the current building:



¹ Residential Design Guidelines, Principles B-1 (pg. 26) and C-1 (pg. 36).

<https://www.arlingtonma.gov/home/showpublisheddocument?id=54518>



Summary of Analysis:

The Department of Planning and Community Development (DPCD) maintains that this proposal is consistent with the Special Permit criteria in Section 3.3.3, A through G, of the Zoning Bylaw.

Related Dockets:

- #3710: 33 Varnum St – Applicant sought a special permit to construct an addition of two shed dormers on a nonconforming lot in the R2 Zoning District. Approved 8/30/2022.
- #3706: 13-15 Adams St – Applicant sought a special permit to construct a dormer addition on a nonconforming lot in the R2 Zoning District. Approved 8/9/2022.
- #3700: 38-40 Newport St – Applicant sought a special permit to construct an addition of two shed dormers on a nonconforming lot in the R2 Zoning District. Approved 7/12/2022.
- #3698: 39 Tufts St – Applicant sought a special permit to expand their existing attic with an addition of two dormers and roof replacement on a two-family structure on a nonconforming lot in the R1 Zoning District. Approved 5/24/2022.