



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

2022 JUL 27 P 2:45

PROPERTY ADDRESS: 151 Linwood Avenue
CASE NUMBER: P&Z 21-153
OWNER: Amerco Real Estate Company
OWNER ADDRESS: 2727 N Central Ave, Suite 500, Phoenix, AZ 85002
DECISION: Approval of Request to Withdraw without Prejudice
DECISION DATE: July 13, 2022

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 151 Linwood Avenue.

LEGAL NOTICE

U-Haul Center of Boston seeks multiple Hardship Variances to develop a 6-story commercial building within the Commercial Industry (CI) zoning district. The requested Hardship Variances include number of stories, building height, driveway width, driveway in frontage area, façade build out, principal entrance, curb cuts within 150', loading activities encroaching on a sidewalk.

RECORD OF PROCEEDINGS

On July 13, 2022, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Acting Clerk Katherine Garavaglia (Alternate), Ann Fullerton, and Anne Brockelman. Planning, Preservation, & Zoning Director Lewis opened the hearing by providing an overview of the current planning process in the Brickbottom neighborhood and how the following proposal is inconsistent with SomerVision, the Somerville Zoning Ordinance, and how the community envisions this neighborhood. After the commentary from Director Lewis, the Applicant team presented an overview of their requested Hardship Variances and explained why they believe their requests satisfy the requirements for granting a Hardship Variance.

Following the presentation by the Applicant, Chair Fontano asked for public comments: Ward 2 Councilor JT Scott provided a comment that he held two (2) neighborhood meetings for this proposal, and the universal sentiment from the neighborhood was in opposition of the proposal. Three (3) additional members of the public spoke, with all but one being in total opposition of all requested Hardship Variances. One member of the public stated he was not in opposition of the project but believed that the number of requested Hardship Variances could be reduced. PPZ Staff provided an additional response, providing clarification about the site and the application process and stating

that they believe the none of requested Hardship Variances meet any of the three criteria for granting a Hardship Variance.

The Board discussed the twelve (12) requested Hardship Variances, stating they believe twelve (12) variances is excessive and that it appears the Applicant just created a list of variances they would need to execute their desired project, rather than attempt to create a zoning-compliant project. The Board said they would like to see the Applicant propose a project that conforms to the Somerville Zoning Ordinance and work in collaboration with the community and Staff. Board members commented that they believe self-storage is needed in Somerville due to a large population of young professionals and students that need a place to store their belongings temporarily, but that the Applicant is still asking for too much in terms of zoning relief.

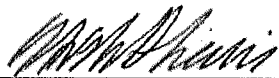
The Board discussed whether they were ready to vote on the requested Hardship Variances, and came to consensus they were ready to vote to deny the application. The Applicant asked the Board to withdraw their application without prejudice. The Board agreed to vote to approve the Applicant's request to withdraw.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Garavaglia moved to approve the Applicant's request to withdraw their application. Brockelman seconded. The Board voted **4-0** to approve the withdrawal request without prejudice.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Ann Fullerton, *Acting Clerk, Alternate*
Anne Brockelman
Ann Fullerton



Sarah Lewis, Director of Planning, Preservation, & Zoning
Office of Strategic Planning & Community Development

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____