



City of Somerville

# **ZONING BOARD OF APPEALS**

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** Planning, Preservation, & Zoning (PPZ) Staff  
**SUBJECT:** 14 Sycamore Street, P&Z 21-176  
**POSTED:** June 29, 2022

**RECOMMENDATION:** None

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from PPZ staff to the Review Board members.

This memo summarizes the Hardship Variance request submitted for 14 Sycamore Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on May 26, 2022, and is scheduled for a public hearing on July 13, 2022. Any Staff-recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## **LEGAL NOTICE**

David Smith and Jeanne Riley seek relief from the required side setbacks with the addition of a front driveway access in the Neighborhood Residence (NR) district, which requires a Hardship Variance.

## **SUMMARY OF PROPOSAL**

David Smith and Jeanne Riley are proposing to add a driveway to their property to provide vehicular access to the property from the front. The project needs zoning relief from the sum of side setback requirements for a detached house in the NR district. Building types in the NR district have a minimum sum of side setbacks of ten (10) feet if no driveway is provided, but that increases to twelve (12) feet if a driveway crossing the front lot line is present.

## **ADDITIONAL REVIEW NECESSARY**

14 Sycamore Street is located in the Neighborhood Residence zoning district in the Spring Hill neighborhood represented by Ward 5 Councilor Beatriz Gomez Mouakad. The ZBA is the review board for Hardship Variance requests. No additional review beyond the requested Hardship Variance is necessary.

## **ANALYSIS**

The Applicants are proposing to add a driveway to their property, and need zoning relief from SZO Article 3.1.8.b.c, regarding the sum of side setbacks requirement, to execute their desired project. The SZO states that the sum of side setbacks must be a minimum of twelve (12) feet if there is front driveway access onto the property. The existing left side setback is 6.65 feet, and the existing right side setback is 3.1 feet for a total “sum of side setbacks” of 9.75 feet. The setbacks are not changing, but the Applicant’s current plans show the sum of the side setbacks to be deficient by 2.25 feet, and therefore requires relief.

The Applicant is required to provide an argument addressing the review criteria for the necessary Hardship Variance. The Applicant’s narrative has been attached as an appendix to this memo, and describes the Applicant’s desires to add a new driveway to their property. The ZBA should note that although the application included a narrative of the project and other required components, the narrative doesn’t include arguments for how the proposal satisfies the Hardship Variance Criteria. Lacking such arguments, the Board should determine that the application is incomplete, as the Board does not have sufficient information to make findings on the required criteria. Per the SZO (§15.1.5.c.v), if an application reaches a public hearing and the review board deems the submittal incomplete, the board shall do one (1) of the following:

- a. Deny the application;
- b. Allow the Applicant to withdraw the application without prejudice according to §15.1.5.d. Withdrawal; or
- c. Allow the Applicant [to] waive the procedural time requirements according to §15.1.8.d. Continuance.

Staff have not found any unique circumstances related to the lot's shape, topography or soil condition that create a hardship on the Applicant’s ability comply with the zoning. Staff have also not found anything unusual about the current structure that would create a hardship.

Generally, PPZ Staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion.

Granting the requested hardship variance cannot cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the Neighbored Residence zoning district, copied here:

#### Intent

- To implement the objectives of the comprehensive plan of the City of Somerville.
- To conserve already established areas of detached and semi-detached residential buildings.

#### Purpose

- To permit the development of one-, two-, and three-unit detached and semi-detached residential buildings on individual lots.

- To permit contextual modifications to existing detached and semi-detached residential buildings.
- To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, semi-attached houses, duplexes, and triple deckers.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in cottages and backyard cottages.

Granting the requested hardship variance cannot substantially degrade from the broader intent of the Somerville Zoning Ordinance including the following:

- To preserve and enhance the existing character of Somerville's traditional housing and respect existing built form and development patterns.

Massachusetts courts have stated that variances will naturally deviate from the intent and purpose of a zoning ordinance to some degree and that the discretionary approval of a variance is defensible if the deviation is not substantial or significant in comparison to the intent and purpose for the district in appraising the effect of the proposal on the entire neighborhood, including future impacts and other development approved or denied in the general vicinity of the development site.

## **CONSIDERATIONS & FINDINGS**

In accordance with the Somerville Zoning Ordinance, the Zoning Board of Appeals may grant a Hardship Variance only upon deliberating and finding all of the following at the public hearing for each requested variance:

### **Hardship Variance Considerations**

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the Urban Residence zoning district in which the land or structure is located;
2. Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant, 717-719 Washington Street, LLC.
3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Urban Residence district in this Ordinance or the Ordinance in general.

## **PERMIT CONDITIONS**

Should the Board approve one or more of the requested Hardship Variances, PPZ Staff recommends the following conditions:

#### Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.

#### Public Record

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
- One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.

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April 28, 2022

**RE:   Development Narrative - 14 Sycamore Street**

The two (2) family dwelling at 14 Sycamore Street is on a 3,476 Square Foot lot. It is located in a Neighborhood Residence (NR) Zoning District.

The project proposed is the construction of a 9' by 43' bituminous driveway. There is currently no parking available on the site. This project would create off street parking for 3 vehicles. Currently there is a concrete walk way in the location of the proposed driveway. A 7' by 43' portion of an existing concrete walk on the locus parcel will be removed and replaced with bituminous concrete. There will be an additional 2' by 43' of bituminous concrete to be placed within an easement across the property located at 8-10 Sycamore Street. This easement was granted to the owners of 14 Sycamore Street by a Deed recorded with the Middlesex South District Registry of Deeds at Book 76073, Page 547, for the purpose of building a driveway within the easement. The improvements will require a new curb cut at the existing granite curb along Sycamore Street. There will be no change to the drainage patterns of stormwater runoff as a result of this project. There will also be a net decrease in the impervious area on the parcel.

The structure is located within zoning setbacks. There will be no modification to the existing structure, as a result there will be no change to any of the existing setbacks to the dwelling.

The green score of the existing current conditions as calculated according the Somerville Zoning Ordinance, Section 10.4 is 32, the required Green Score is 35. To comply with the green score, 137 S.F. of an existing deck will be removed and grass will be planted in its place. Additionally, a new rhododendron and approximately six to eight hostas will be planted in the front yard.

14 Sycamore Street Green Score Evaluation

Lot Size (Sq. Ft.) = 3476

Existing Conditions

|                | Count | Sq. Ft | Multiplier |      |
|----------------|-------|--------|------------|------|
| Landscape Area | 1     | 878    | 0.6        | 527  |
| Small Tree     | 1     | 50     | 0.6        | 30   |
| Large Tree     | 2     | 450    | 0.6        | 540  |
|                |       |        |            | 1097 |

Green Score = 0.32

Proposed Conditions

|                    | Count | Sq. Ft | Multiplier |      |
|--------------------|-------|--------|------------|------|
| Landscape Area     | 1     | 1015   | 0.6        | 609  |
| Small Tree         | 2     | 50     | 0.6        | 60   |
| Large Tree         | 2     | 450    | 0.6        | 540  |
| Vegetation         | 6     | 12     | 0.3        | 22   |
| De-paved Area      | 1     | 137    | 0.1        | 14   |
| Visible Landscape  | 1     | 135    | 0.1        | 14   |
| Visible Vegetation | 6     | 12     | 0.1        | 7    |
| Visible Small Tree | 2     | 50     | 0.1        | 10   |
|                    |       |        |            | 1275 |

Green Score = 0.37