

Applicant* *Erich Ludwig & Allison Ross*

Applicant Address* *36 Berkeley St, Somerville, MA 02143*

Owner* *Erich Ludwig & Alli Ross*

Owner Address* *36 Berkeley St, Somerville, MA 02143*

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Street Address for the Proposed Development* *36 Berkeley St, Somerville, MA 02143*

Zoning District* *NR*

Variance Type* *Building Dimensional Standards, Building Component Standards*

Hardship Review Criteria

Please note that the summary Review Criteria given here will not replace the requirement to submit a detailed description of the hardship and explanation of how each criteria is met as part of the application and as listed in the submittal requirements.

Per Article 15 of the Somerville Zoning Ordinance, the Zoning Board of Appeals may only grant a Hardship Variance upon finding **all** of the following:

Review Criteria A*

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 zoning district in which the land or structure is located.

Please briefly describe the special circumstances existing on this site.

The special circumstances that exist on this site requiring a hardship variance is that the proposed structure already exists.

Because we are requesting to maintain the existing house's use as a single-family home, including using its existing structure, we are not affecting generally the zoning district.

The existing single family house we own has an existing 2-story rear addition. It was enclosed long ago, and since we purchased the home in 2014 we have used it as a mudroom, play space, workout space, and storage. The structure & interior of the space is in need of maintenance, and we (the owners & occupants) would like to better utilize the space.

The structure is already set in from both sides of the house, but on one side is set in less than the required 1 foot on the side yard (it is set in only 4 inches, rather than 12 inches).

Therefore it is currently a non-conforming rear addition component.

The shape of the house (ie - the shape that has existed for at least the preceding 30-40 years) will NOT change as a result of this project. Denial of this variance would result in

greater disruption to the structure, to the existing plants in the garden/yard, and to the neighbors.

Additionally, when we purchased this home, the structure was a 2-family home. We've done significant renovation & improvements to the home as we transitioned it to a single family home. Especially during COVID as we've both worked from home, the space in question has become essential to our ability to continue to do our jobs. Improving this space and better utilizing it will make this house more suitable for our long term desire to stay in Somerville.

Review Criteria B*

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 due to said special circumstances.

Please briefly describe your hardship.

The 1 foot setback from the side of the house for the Rear Addition Component would require that we, the owners, rebuild (in part or in whole) the existing rear structure in order to simply improve the existing interior space. This would make any improvements substantially more expensive in order for us to use space already available to us otherwise. Our contractor has indicated that if this variance is denied we're looking at a MINIMUM of an \$25,000 in additional construction costs. If we have to do a full rebuild the costs will inevitably be much higher.

Frankly speaking, this is a LOT of money, and represents a substantial financial hardship for us.

As you are all well aware, this variance process represents a roughly 4 month commitment to compliance. We are very happy to live in Somerville, and want to be good citizens and neighbors, so we're happy to do everything by the book. And, in a city with a significant amount of older homes which have a variety of "pre-existing, non-conforming" situations, home-owners need some guidance and zoning leeway to improve our homes, especially as we bring them into compliance on safety related improvements, while not changing existing envelopes of the structure.

If we are granted this variance, the environmental and carbon impact of this project will also be lessened. If denied the variance, we'll have to demolish exterior walls, adjust the existing foundation and rebuild exterior walls. If granted the variance, these materials will stay in place - keeping construction debris out of landfills and ultimately using less of our earth's resources. Additionally, if we can improve this space (rather than demolish & rebuild) it will be easier for us to improve the insulation to meet new code as well as tie this space into our existing heat pumps to heat & cool the space in an efficient manner.

Finally - as mentioned in Review Criteria A, with both of us working from home - this space is essential to our ability to live and work in this changed environment.

Review Criteria C*

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 a specific district in this Ordinance or the Ordinance in general.

Please briefly describe the relief requested.

*Since the desired renovation would not change the footprint of the house nor specifically the existing rear addition, **the proposed renovation has little to no detrimental impact on the public good or neighborhood.** It is already an existing rear addition that is not visible from the street - it is only visible from the adjacent and rear neighbors' houses.*

If we are denied a variance and have to do a partial or full demolition & rebuild of the space, the impact via noise & dust disturbances to our neighborhood will be much higher than if the variance is granted.

Because we have young children (6 & 9 years old), and our neighborhood is filled with kids who play at each others houses, doing this project also gives us the opportunity to bring the stairs into this space up to code, improving the safety for all of these children. Finally, it is worth mentioning that we're using a local contractor (who we know from living near in our previous home), as well as a local designer (whose children go to public school with our children). It is important to us that we're active and engaged members of our community, and hope that our commitment to the public good in our city is clear.

We will be bringing with us to the hearing letters of support from our neighbors for this project.