

**P&Z 22-143: Morrison Ave 231**

The Zoning Board of Appeals may only grant a Hardship Variance upon finding all of the following:

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:

**The existing Special circumstances on site at 231 Morrison Avenue, Somerville, MA 02144 are:**

**Within the NR residential neighborhood, the unique site of 231 Morrison Avenue, Somerville, MA has the front facing south with the existing 80 years old Japanese wisteria plant right next to the front entrance steps – which has limited the new Japanese wisteria landscape pergola location. The old cantilever trellis for the Japanese wisteria was damaged by abutter’s diseased tall maple tree sudden fall onto the said property. Through last 30 years caring and maintenance of the old Japanese wisteria, the property owner had learned from numerous garden experts that Japanese wisteria plant needs pergola to grow with sufficient height for long drooping racemes natural growth. The Japanese wisteria drooping racemes can grow up to 90 centimeter (35 inches).**

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:

**Per current Somerville Zoning Ordinance SZO 10.2.2.**

**q. Pergola**

**A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area. The following standards apply: i. A pergola may be up to eight (8) feet in height.**

**Due to the existing Japanese wisteria with long drooping racemes flowers can grow up to 35 inches hanging from the pergola. If literal enforcement of the provision of this Ordinance SZO 10.2.2.q 8’-0” height pergola for this Japanese wisteria: then  $8'-0" - 3'-0" = 5'-0"$ , the height of the pergola minus the Japanese drooping racemes flowers length, there will be only 5 feet height under the hanging drooping racemes – which definitely cannot provide a safe and suitable access passageway with adequate and functional height under the hanging drooping racemes for the property owner’s daily activities.**

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:

**The new Japanese wisteria was based on the old cantilever trellis height 10’- 4” designed and constructed. The new pergola has also provided horizontal space to support the old Japanese wisteria**

to have a healthy growth. The 10' – 4" height of the new pergola not only allow the old Japanese wisteria to have a decent healthy longevity growth, but also provide a safe and functional space under the hanging drooping racemes for daily walkway and plant maintenance.

If the desirable dimensional hardship variance relief of the pergola additional height is granted:

1. The conditions upon which the petition for variance relates would not be applicable generally to other property within the same zoning district;
2. That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;
3. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
4. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
5. That the proposed variance will not:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
  - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the City;
  - d. Diminish or impair property values within the neighborhood;
  - e. Unduly increase traffic congestion in the public streets and highways;
  - f. Create a nuisance; or
  - g. Result in an increase in public expenditures.