



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 292-294 Beacon Street, P&Z 22-167
POSTED: December 6, 2022

RECOMMENDATION: Approve (Extension for Hardship Variance)

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

This memo summarizes the request for an extension of the duration of the validity of a Hardship Variance previously granted for 292-294 Beacon Street and provides related analysis or feedback as necessary. The application was deemed complete on November 23, 2022, and is scheduled for a public hearing on December 14, 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

Capital Equity Partners requests an extension to a previously approved Variance (ZBA 2018-118).

SUMMARY OF PROPOSAL

Applicant/Owner Capital Equity Partners is requesting a second 6-month extension to the validity of a previously granted Hardship Variance (ZBA 2018-118).

BACKGROUND & ANALYSIS

Applicant/Owner Capital Equity Partners is requesting a 6-month extension to the validity of a previously granted Hardship Variance (ZBA 2018-118). The original approval was under the previous Zoning Ordinance and included a Special Permit (which does not require an extension) under SZO §7.11.1.c and §9.13 as well as a Variance under §5.5 and §8.5 to construct a new four-story wood framed structure with five dwelling units and underground parking. The Applicant previously applied for, and received, a 6-month extension (P&Z 22-047) with the ZBA, extending the validity of the Hardship Variance from June 15, 2022, to December 15, 2022.

Although M.G.L. Chapter 40A Section 10 and SZO Section 15.2.3.h only permit Hardship Variances to receive one (1) 6-month extension, Section 17(c) of Chapter 53 of the Acts of 2020 establishes that permits subject to the COVID tolling are allowed to

apply for one additional extension. Due to the fact that this permit was subject to COVID tolling, the applicant/owner may apply for one additional 6-month extension to the Hardship Variance.

If the ZBA approves this requested extension, it would extend the validity of the Hardship Variance (ZBA 2018-118) from December 15, 2022, to June 15, 2023.

CONSIDERATIONS & FINDINGS

Upon written request by an Applicant, the Zoning Board of Appeals may, in its discretion, extend the time period that a Hardship Variance remains valid for up to six (6) months. The Somerville Zoning Ordinance does not require any findings to be made.

PERMIT CONDITIONS

Should the Board approve the requested extension of the duration of the validity of the Hardship Variance, Planning, Preservation & Zoning Staff does not recommend any conditions at this time.