



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 (PPZ) Staff
SUBJECT: 14 Clyde Street, P&Z 23-046
POSTED: May 31, 2023

RECOMMENDATION: Approve with conditions

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 requests submitted for 14 Clyde 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, 2023, and is scheduled for a public hearing on June 14, 2023. 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

Rajiv and Anupama Raman propose modifications to a nonconforming building type and the creation of a new nonconforming building type in the Neighborhood Residential (NR) zoning district, which requires two (2) Hardship Variances.

SUMMARY OF PROPOSAL

Rajiv and Anupama Raman are proposing to construct an addition to connect their detached home to their garage, which is attached to an existing nonconforming (second) residential building also located on the property. The proposed addition modifies the existing nonconforming residential building and attaches it to the existing detached home, and as such creates a new nonconforming building type. Two (2) Hardship Variances are required for (a) modifying an existing nonconforming building type, and (b) creating a new nonconforming building type.

BACKGROUND

14 Clyde Street is located in the 0.5mi Transit Area in the Neighborhood Residential (NR) zoning district in the Magoun Square neighborhood represented by Ward 5 Councilor Beatriz Gomez-Mouakad. Following the Board's decision regarding the Hardship Variances, the proposal will require only a building permit.

The original house at 14 Clyde Street was built in the 1870s and has been maintained. In 2000, a new building was constructed in the rear of the property – which contained two additional attached units – and a condo association was formed for the three total

units on the parcel. In addition to the two units, an attached garage was constructed for the original unit; while that garage is attached to the two newer units, it was never attached to the original unit. This new construction was by-right and did not require any special permit or administrative review by the Zoning Board of Appeals or the Planning Board.

ANALYSIS

PPZ Staff believe that special circumstances exist related to the unusual character of the existing structures on the property that do not generally affect the zoning district in which the structures are located. Under the current Somerville Zoning Ordinance, the site includes two principal buildings, one of which is a nonconforming building type. The nonconforming building type, and the fact that two principal buildings exist on the site, are both pre-existing nonconformities. The two principal buildings are quite close to each other, with the porch at the rear of the original detached house immediately abutting the garage attached to the two-unit building (please see attached photographs).

If the nonconforming building had not been constructed, the property owner would be able to construct an addition by right. Additionally, permitting the proposed addition would reduce the number of nonconformities on the site, as the addition would attach the two buildings, thereby changing the number of principal buildings on the site to one (1).

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested Hardship Variances would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the Neighborhood Residential (NR) zoning district, copied here:

Intent

- To conserve already established areas of detached and semi-detached residential buildings.

Purpose

- a. To permit the development of one-, two-, and three-unit detached and semi-detached residential buildings on individual lots.
- b. To permit contextual modifications to existing detached and semi-detached residential buildings.**
- c. To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- d. To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, semi-attached houses, duplexes, and triple deckers.**
- e. To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in cottages and backyard cottages.

Additionally, PPZ Staff believe that granting the requested Hardship Variances would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville residents at all income levels.
- 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 Neighborhood Residential (NR) 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, Rajiv and Anupama Raman, due to said special circumstances; and
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 Neighborhood Residential (NR) district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variances for modifications to a nonconforming building type and the creation of a new nonconforming building type, PPZ Staff recommends the following conditions:

Permit Validity

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

Public Record

2. 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.

APPENDIX: PHOTOGRAPHS



Rear of 14 Clyde St, with porch of detached house abutting garage connected to the pre-existing nonconforming two-unit building.



Porch at 14 Clyde detached single-unit building abuts the other building on the parcel, but is not attached.