



City of Somerville

# ZONING BOARD OF APPEALS

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

## DECISION

2023 JUN 16 A 9:07

**PROPERTY ADDRESS:** 14 Clyde Street  
**CASE NUMBER:** P&Z 22-046  
**OWNER/APPLICANT:** Rajiv and Anupama Raman  
**OWNER ADDRESS:** 14 Clyde Street  
**DECISION:** Approved with Conditions  
**DATE OF VOTE:** June 14, 2023  
**DECISION ISSUED:** June 15, 2023

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Hardship Variances application submitted for 14 Clyde Street.

## 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.

## RECORD OF PROCEEDINGS

On June 14, 2023, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Acting Clerk Ann Fullerton, Zachary Zaremba, and Alternate Brian Cook. At the meeting, the Applicant provided an overview of the proposed project and their argument for why the Hardship Variances should be granted. The Board took public testimony, and one member of the public spoke in favor of the application. The Applicant also noted they received letters of support from three (3) neighbors. Following a discussion on the application, the Board discussed how each requested Variance met the criteria for Hardship Variances. The Board then moved to approve both Hardship Variances.

## PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

| Document   | Pages | Prepared By  | Date                               | Revision Date |
|--|-------|--|------------------------------------|---------------|
| Hardship Variance Narrative, 14 Clyde St   | 2     | Rajiv and Anupama Raman<br>14 Clyde St<br>Somerville, MA 02145 | Undated, submitted<br>May 23, 2023 | N/A           |
| Site Plan, Somerbridge Condominium 1 Trust<br>#14-16-18 Clyde Street<br>Somerville, MA | 1     | Norde East Survey<br>4 Maple Street<br>Quincy, MA 02169        | December 6, 2000                   | N/A           |

|  |   |   |             |     |
|--|---|---|-------------|-----|
| Raman Residence<br>14 Clyde Street<br>Somerville, MA<br>Addition & Renovation<br>Zoning Drawings | 7 | Haven Architecture LLC<br>126 Alexander Ave.<br>Belmont, MA 02478 | May 9, 2023 | N/A |
|--|---|---|-------------|-----|

## HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship variance:

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 zoning district in which the land or structure is located;*

The Board finds that special circumstances do exist relating to the unusual character of the existing structures on the property, which do not generally affect the zoning district in which the structures are located, as a second primary structure was constructed in the rear of the property and that no connection was completed to link the two structures, despite their proximity.

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 petitioners, Rajiv and Anupama Raman, due to said special circumstances;*

The Board finds that literal enforcement of the provisions of the Zoning Ordinance for the district where the subject structure is located would involve substantial hardship, both logistically and financially to the petitioners. Literal enforcement of the Zoning Ordinance would severely limit the petitioners' ability to modify their residence in any way and would limit safe access to their garage/accessory space.

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 district in this Ordinance or the Ordinance in general.*

The Board finds that desirable relief can 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 district or the Zoning Ordinance in general.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Fullerton moved to approve the Hardship Variance to modify to a nonconforming building type in the Neighborhood Residential (NR) zoning district with the conditions included in the staff memo for the subject property dated May 31, 2023. Alternate Member Cook seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

### Prior to Building Permit

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

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Fullerton moved to approve the Hardship Variance to create a new nonconforming building type in the Neighborhood Residential (NR) zoning district with the conditions included in the staff memo for the subject property dated May 31, 2023. Alternate Member Cook seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

### Prior to Building Permit

3. This Decision must be recorded with the Middlesex South Registry of Deeds.
4. 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.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*  
Ann Fullerton  
Zachary Zaremba  
Brian Cook, *Alternate*



Sarah Lewis, Director of Planning, Preservation, & Zoning  
Office of Strategic Planning & Community Development

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

**FOR VARIANCE(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
 \_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

**FOR SPECIAL PERMIT(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
 \_\_\_\_\_ there has been an appeal filed.

**FOR SITE PLAN APPROVAL(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
 \_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_