



City of Somerville

# **ZONING BOARD OF APPEALS**

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

**TO:** Zoning Board of Appeals  
**FROM:** PPZ Staff  
**SUBJECT:** 36 Radcliffe Road, P&Z 23-024  
**POSTED:** June 26, 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 Planning, Preservation, & Zoning (PPZ) Staff to the Review Board members.

This memo summarizes the Special Permit application submitted for 36 Radcliffe Road, 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 25, 2023, and is scheduled for a public hearing on July 19, 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**

Lidia Szydłowska proposes modifications to a Detached Triple Decker in the Urban Residence district, which requires a Special Permit.

## **SUMMARY OF PROPOSAL**

Applicant Lidia Szydłowska is proposing to replace an existing rear porch on a Detached Triple Decker House in the Urban Residence (UR) district, which is a prohibited building type in that zoning district. With the proposed replacement, the building footprint will remain the same and will not increase or create any further nonconformities.

## **BACKGROUND**

36 Radcliffe Road is located in the Urban Residence (UR) zoning district in the Gilman Square neighborhood represented by Ward 4 Councilor Jesse Clingan. Pursuant to SZO Section 14.5.c.a, any conforming building component permitted within the same zoning district may be added to a nonconforming principal building type by a Special Permit. The Zoning Board of Appeals is the Review Board for all Special Permits in the NR zoning district.

## **NEIGHBORHOOD MEETINGS**

A meeting was held on Monday April 3, 2023, hosted by Ward 4 Councilor Jesse Clingan and the Applicant via the Zoom meeting platform. No community feedback was provided at the meeting. Due to noticing requirements not being met, another neighborhood meeting was scheduled for April 18, 2023 via Zoom meeting platform that met the noticing requirements regulated by the SZO. At that neighborhood meeting, no comments were raised by members of the public in support or opposition of this proposal.

## **ANALYSIS**

Pursuant to SZO Section 14.1.5.e.ii, a special permit may not be granted to a modification to an existing nonconforming structure that increases the degree of an existing nonconformity of the structure without finding that the alteration is not substantially more detrimental to the neighborhood. The applicant is proposing to replace an existing rear porch with a new one that will remain within the existing building footprint and conforms to the zoning requirements for a rear projecting porch building component. Further, Staff believe that the alteration will not be detrimental to the neighborhood. The other modifications that are described by the Applicant in their narrative can be permitted by-right and are not applicable to this application.

## **CONSIDERATIONS & FINDINGS**

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

### **Special Permit Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The extent and nature of the proposed alteration.
4. The ability of conforming alterations to meet the demonstrated need of the Applicant.
5. Consistency of the proposed alterations with the evolution of neighboring structures.
6. Establishment of permeable lot surface, to the maximum extent possible.
7. Conformance to design guidelines applicable to the district where the property is located.

Information relative to the required considerations is provided below:

### **Special Permit**

*1. The comprehensive plan and existing policy plans and standards established by the City.*

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Celebrate the unique character of our neighborhoods and the strength of our community as expressed in our history, cultures and vibrant civic engagement.

*2. The intent of the zoning district where the property is located.*

Staff believe that the proposal meets the intent of the UR zoning district which is, in part, "[T]o create, maintain, and enhance areas appropriate for multi-unit residential buildings."

*3. The extent and nature of the proposed alteration.*

The alteration will remain within the existing building footprint and will not increase or create any additional nonconformities.

*4. The ability of conforming alterations to meet the demonstrated need of the Applicant.*

Staff believe that the conforming rear porch meets the demonstrated need of the Applicant. The Applicant is undergoing several updates to the existing Detached Triple Decker, which includes this proposal.

*5. Consistency of the proposed alterations with the evolution of neighboring structures.*

The subject property is located in close proximity to the Neighborhood Residence (NR) district, where a Detached Triple Decker is a permitted building type. Additionally, several other properties zoned UR are located directly adjacent or across the street from this site, which also have Detached Triple Decker building types and rear projecting porches.

*6. Establishment of permeable lot surface, to the maximum extent possible.*

The Applicant is not proposing modifications to any lot surface with this application; therefore, Staff do not believe that this consideration is applicable.

*7. Conformance to design guidelines applicable to the district where the property is located.*

Staff believes that this proposal meets applicable design guidelines for the Urban Residence district described in SZO Section 3.2.14.a.iii.

## **PERMIT CONDITIONS**

Should the Board approve the required **Special Permit for a conforming building component on a nonconforming principle building type**, Planning, Preservation & Zoning Staff recommend the following conditions:

Permit Validity

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

Public Record

- Digital copies of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
- 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.