



City of Somerville
ZONING BOARD OF APPEALS
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

2 AUGUST 2023 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Vice-Chair	<i>Present</i>	
Katherine Garavaglia	Clerk	<i>Present</i>	
Ann Fullerton	Member	<i>Absent</i>	
Zachary Zaremba	Member	<i>Present</i>	
Brian Cook	Alt. Member	<i>Present</i>	
Sisia Daglian	Alt. Member	<i>Absent</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning)

The meeting was called to order at 6:02pm and adjourned at 7:26pm. Member Cook sat as a voting member for this meeting.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Clerk Garavaglia, seconded by Member Zaremba, the Board voted unanimously (5-0) to approve the 17 May 2023, and 19 July 2023 meeting minutes as presented.

PUBLIC HEARING: 27 Fountain Ave (P&Z 23-037)

The applicant team explained that the proposal is for two Hardship Variances. The project is a proposed small renovation to the mudroom of the existing house. This mudroom area is approximately 75 s.f. and the proposal will not change the footprint or size of the space. The egress at the back of the house is proposed to be relocated to the side of the house, including a landing and stairs. There is no existing closet space on the first floor, which this project will allow for. Moving the stairs to the side of the house will also allow for extra backyard space. The two Hardship Variance requests include one for encroachment into some of the side yard setback for the landing and stoop, and the second is regarding the projected landing for the stoop, which is slightly smaller than allowed by zoning. The existing side yard setback is non-conforming, and the proposed stoop and stairs will increase this non-conformity to 4.4' into the side yard setback. This will not impact use of the space or the neighboring property.

The applicant team reviewed the Hardship Variance criteria. This proposal will not change the size or shape of the house. This house was built in 1900, along with other houses in the area, and is already non-conforming. There is no way for the egress to come out the side of the house without encroaching further. The mudroom is small but a critical space for the family. There is a financial hardship if the applicant team has to revise the proposed project with the architect.

Chair Fontano opened public testimony. No one indicated they wished to speak. Chair Fontano closed public testimony.

There was discussion regarding if this item meets the Hardship Variance criteria. The applicant team stated that the property is already non-conforming on each side setback, and the proposal is to make this a long-term livable

space. There is nothing that could be done on the site without increasing the non-conformity. Many houses in Somerville are non-conforming. The proposal does not change the structure itself. There is a drop from the side yard to the backyard, necessitating the proposed stairs.

One Board Member discussed potentially re-grading the lot to bring up the topography and reduce the number of steps needed. There may be a difficulty in the shape and massing of the site with relation to the property line, and this could add to the hardship criteria. Not having a hardship is different from the proposal creating a substantial detriment to the public good.

Staff described the Hardship Variance criteria and how to determine when a hardship is reasonable. If Staff does not believe there is a unique circumstance, it is difficult to determine a hardship. If there is no clear hardship, granting a Hardship Variance would undermine the existing zoning. The applicant could renovate areas within the house itself, without coming out to the side of the property and increasing the non-conformity. This would still lead to practical use of the property.

The Board discussed that hardship requests could be viewed as challenges to the zoning and as a detriment to the public good. This could be considered for certain circumstances, such as allowing use of a property by a handicapped person, versus maximizing the functionality of a mudroom. The proposal looks to reduce the side setback passageway further.

The applicant team explained that the intention is for the family to be able to stay in Somerville and make the space more livable. This 75 s.f. mudroom out of a 1,300 s.f. house could be made more efficient and usable. One third of the mudroom is lost by leaving the existing door in its current location. The hardship is that not being able to complete the project will negate all of the plans and will create a financial issue.

The Board noted that it likes the project, but the project must meet the criteria. The Board suggested reviewing the plans once more to see if there are changes that could be made to meet the criteria. Staff explained that criterion 1 is the item not fulfilled in this case. The Board discussed if there is any way for criteria 1 to be fulfilled. There was a suggestion for the applicant team to work with the architect to see if there is a way to make the plan more conforming in some ways related to safety, as opposed to encroaching on the setbacks.

Following a motion by Clerk Garavaglia, seconded by Member Cook, the Board voted unanimously (5-0) to continue this item to 16 August 2023.

RESULT:

CONTINUED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be accessed at any time by using the registration link at the top of the meeting agenda.