



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: 493 Medford Street, ZP24-000116
POSTED: January 17, 2025

RECOMMENDATION: None

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 request(s) submitted for Address, 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 December 18, 2024, and is scheduled for a public hearing on February 5, 2025. 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

Charles Conway seeks zoning relief to install mechanical equipment in a frontage area, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

Charles Conway must obtain a Hardship Variance to install electrical heat pumps in the frontage area, as zoning prohibits mechanical equipment in that location.

BACKGROUND

493 Medford Street is in the 0.5mi Transit Area in the Neighborhood Residence district (NR) zoning district in the Magoun Square neighborhood represented by Ward 5 Councilor Naima Sait. Following the Board's decision regarding the Hardship Variance(s), the proposal will be by-right. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

ANALYSIS

The applicant has provided a narrative as part of this application addressing the review criteria for the requested Hardship Variance. Pursuant to MGL Chapter 40A, Section 10, the applicant must address the following criteria:

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 NR district in which the land or structure is located;
2. Literal enforcement of the provision of [the Somerville Zoning] Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant, 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 NR district in this Ordinance or the Ordinance in general.

The subject property, a corner lot with frontages on Medford and Norwood Streets, faces a challenge. The applicant proposes installing electrical heat pumps along the Norwood Street frontage, which conflicts with §2.4.3.d.v. of the zoning code prohibiting mechanical equipment in the frontage area.



The following is PPZ Staff's analysis related to the review criteria for the requested Hardship Variance:

Regarding criterion 1, the applicant argues that the Norwood Street frontage is the only feasible location for the heat pumps. The rear and right sides of the building are narrow

walkways serving as primary egress points. Installing units there would obstruct these essential paths. While not explicitly stated, the applicant appears to argue that the building's unusual placement on the lot necessitates this deviation.

Staff note that other lots within the NR district, including nearby properties, feature buildings close to lot lines. The lot's depth and width are not exceptional compared to others in the area. However, the corner lot configuration at 493 Medford Street limits available space for utilities compared to non-corner lots.

Addressing criterion 3, the applicant asserts that the variance will not harm the public. The proposed location already contains utility meters, gas vents, and electrical wires. The fenced-off area minimizes potential noise from the new equipment.

Based on the application materials, PPZ Staff do not believe granting the requested hardship variances would significantly harm the public interest or undermine the intent and purpose of the NR district copied here:

Intent

- To implement the objectives of the comprehensive plan of the City of Somerville.
- To conserve already established areas of detached and semi-detached residential buildings.

Purpose

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

Granting of the requested hardship variances should not derogate from the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To protect the health, safety, and general welfare.
- 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 Residence 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 Charles Conway, 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 Residence district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for installation of mechanical equipment in a frontage area, 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 digital 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.