



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: 11 Garfield Avenue (ZP25-000007 & ZP25-000008)
POSTED: March 12, 2025

RECOMMENDATION: Hardship Variance – Approve
Special Permit – Approve

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 submitted for 11 Garfield Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance (SZO), and provides related analysis or feedback as necessary. The application was deemed complete on February 27, 2025, and is scheduled for a public hearing on March 19, 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 NOTICES

Hardship Variance

Julia Marsh Rabin seeks zoning relief to construct a two-story addition at the rear of the property with a roof deck, add a shed dormer to the existing roofline at the rear of the building, and construct an entry canopy above a rear entry door in an Urban Residence (UR) zoning district, which requires a Hardship Variance.

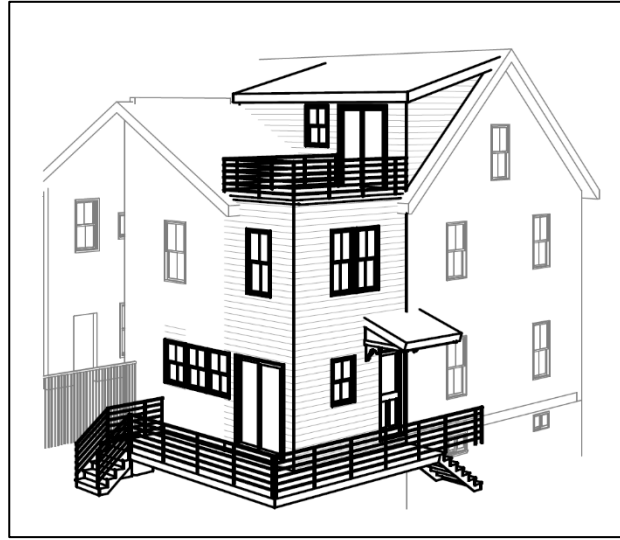
Special Permit

Julia Marsh Rabin seeks zoning relief to construct a Projecting Porch on a non-conforming building type in an Urban Residence (UR) zoning district, which requires a Special Permit.

SUMMARY OF PROPOSAL

The Applicant is seeking to modify their half of an existing Duplex in the UR district. The proposed modifications, which are at the rear of the 11 Garfield side of the structure, include:

- Two-story addition with a roof deck on top;
- Shed Dormer at the roof line, expanding the living space of the top half-story;
- Entry Canopy over proposed rear entry door; and
- Projecting Porch just above ground level off the side and rear.

*Existing rear corner**Proposed rear corner*

The Projecting Porch conforms to the standards for this building component as found in SZO §3.2.12.h., but because the Duplex is a non-conforming building type in the UR district, it requires a Special Permit per SZO §14.1.5.c.i.a.

The other proposed building components – Shed Dormer and Entry Canopy – the Applicant are non-conforming. Because of this, the Applicant seeks relief for both these components and the proposed additional massing via a Hardship Variance from SZO §14.1.5.c.i.

BACKGROUND

11 Garfield Avenue is located in an Urban Residential (UR) district in the East Somerville represented by Ward 1 Councilor Matthew McLaughlin. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the Urban Residential (UR) district.

NEIGHBORHOOD MEETINGS

The only required Neighborhood Meeting was held on December 10, 2024, hosted by Ward 1 Councilor Matthew McLaughlin and the Applicant via the Zoom meeting platform. The only comments from the community were from one neighbor asking questions about the process and expressing their support for the project.

ANALYSIS

The property is located on the southeastern side of Garfield Avenue, just north of the intersection of Garfield Avenue and Broadway. The block is composed primarily of buildings with commercial uses – the buildings at 7 Garfield Avenue and 9-11 Garfield Avenue are the only residential uses that front on the block.

The structure at 11 Garfield Avenue is one half of a Duplex, sharing a party wall with 9 Garfield Avenue. The entire building is side-gabled, with a rear ell that is shared by both units. The structure is non-conforming by virtue of being in the UR zoning district – a Duplex is not one of the permitted building types in the UR zone.

The Applicant seeks to expand the living space of their property to accommodate a growing family. The proposed improvements would increase the gross floor area from 1755 SF to 2002 SF – an increase of 14.1%. All the proposed improvements are at the rear corner of the structure, between the rear ell and the front massing.

Analysis - Hardship Variance

Under SZO §14.1.5.c.i., a modification to a non-conforming building type is prohibited unless it is a *conforming* building component (in which case it would be permitted by Special Permit). The proposed additional rear massing, proposed Shed Dormer, and the proposed Entry Canopy are all non-conforming, and therefore the Applicant seeks relief for all of these improvements (highlighted in yellow on the right) as one modification via a Hardship Variance.



The proposed additional rear massing would increase the living area of first and second floors of the structure from 1406 SF to 1601 SF. There is no permitted building component in the UR zone (SZO §3.2.12.) that this could be categorized as, and therefore this increase massing is broadly considered a modification subject to a Hardship Variance.

The proposed Shed Dormer would increase the living area of the top half-story from 295 SF to 401 SF, and provide access to the proposed roof deck. As found in §3.2.12., a conforming Shed Dormer can be no more than 50% of the ridge length in width – as proposed, it is wider, and therefore the Applicant seeks relief under the same Hardship Variance.

The Entry Canopy, as proposed, projects 4 FT from structure; a conforming Entry Canopy in the UR zone as found in §3.2.12. may only project 3 FT. The Applicant therefore proposes to also include this improvement in the modification under the 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 Urban Residence (UR) 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 Urban Residence (UR) district in this Ordinance or the Ordinance in general.

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

The Applicant addresses criterion 1, stating that the building is smaller than most buildings in the district. It is true that Duplexes like this one are not typically found in the UR (Urban Residence) zoning districts – the smallest permitted building type in the UR would allow up to three stories, whereas the Applicant is limited to by 2.5 stories for their living space as the building currently exists. Furthermore, the limited amount of roof ridgeline that is available to the property owner means that a compliant dormer (50% of the ridgeline) would have to be so small that it would not be useful. It is Staff's opinion that this is a special circumstance relating to the unusual character of an existing structure.

The Applicant addresses criterion 2, stating that if the building cannot be adapted for their needs, the property owner will likely have to move to another residence. Generally, PPZ Staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion.

The Applicant addresses criterion 3, stating that the proposed improvements are at the rear of property and not visible from the right-of-way. They also state that the adjacent neighbors are either businesses or screened from the proposed improvements by the existing roofline, and that neighbors have expressed support.

It is Staff's opinion that the proposed addition would not nullify or substantially derogate from the intent and purpose of the UR district. The purpose and intent of the UR district is copied here:

Intent

- To implement the objectives of the comprehensive plan of the City of Somerville.
- To create, maintain, and enhance areas appropriate for multi-unit residential buildings.

Purpose

- To permit the development of multi-unit detached and semi-detached residential buildings on individual lots.
- To permit contextual modifications to existing detached and semi-detached residential buildings.
- To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- To dwelling unit types, sizes, and bedroom counts ideal for both large and small households in permitted building types.
- To permit increased residential density for apartment buildings meeting the definition of a net zero ready building.

This proposal helps to implement the goal of the comprehensive plan to mitigate displacement by allowing this family to grow in Somerville. Further, one purpose of the UR district is to permit **contextual** modifications to existing semi-detached residential buildings (emphasis added). With the addition, the structure's living space is increasing by 14.1%, which is relatively modest. There is only one other residential building on the block, so there is no established residential context.

Analysis - Special Permit

Pursuant to SZO §14.1.5.c.i.a., a conforming building component permitted within the same zoning district may be added to a non-conforming building type by Special Permit. The Applicant proposes a Projecting Porch—highlighted on the diagram to the right—that conforms with the dimensional requirements of SZO §3.2.12.h. The criteria for evaluation is found in SZO §14.1.5.e. and §15.2.1.e. and is listed in the following section.



Like the other proposed improvements, the Projecting Porch is proposed at the rear of the property, largely hidden from view from the street. There is also an existing 6 FT stockade fence at the rear property line, which should alleviate any privacy concerns of the neighbors to the rear.

The porch is necessary to allow building-code compliant egress to the first floor (the existing egress is not compliant), which is slightly above-grade. The Applicant proposes to have soil under the porch where there is presently concrete, reducing the impervious surface lot coverage.

It is Staff's opinion that the Projecting Porch on this property is also aligned with the goals of SomerVision 2040 and the intent of the UR zoning district.

CONSIDERATIONS & FINDINGS

Considerations & Findings - Hardship Variance

In accordance with the Somerville Zoning Ordinance and Massachusetts General Law, 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:

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 Urban Residence (UR) 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, 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 Urban Residence (UR) district in this Ordinance or the Ordinance in general.

Considerations & Findings – Special Permit

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations, ss found in SZO §14.1.5.e. and §15.2.1.e., at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

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 Plan, including the following: "Support families and promote their longevity in Somerville".

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.*

Projecting Porch is proposed at the rear of the property, largely hidden from view from the street.

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

Staff believe that the proposed Projecting Porch meets the demonstrated need of the Applicant.

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

The Projecting Porch is conforming to the dimensional standards found in SZO §3.2.12.h.; it would not disrupt any existing residential context.

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

The proposal will overall reduce impervious surface on the lot.

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 §3.2.14.a.iii., given that it proposed at the rear of the property and there is a 6 FT stockade fence at the rear property line.

PERMIT CONDITIONS

Permit Conditions – Hardship Variance

Should the Board approve the required **Hardship Variance to modify a non-conforming structure**, PPZ Staff recommends the following conditions:

Validity

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

Public Record

2. 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.
3. 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.

Permit Conditions – Special Permit

Should the Board approve the required **Special Permit for a conforming building component on a nonconforming principle building type**, PPZ 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.