

City of Somerville

Zoning Board of Appeals

Swain Residence

Hardship Variance

Massing: Rear Addition & Roof Deck, Modifications: Dormer & Canopy

Address: 11 Garfield Avenue
Owner / Applicant: Duncan Swain
Agent: Julia Marsh Rabin, R.A.
Zoning: Urban Residential (UR)

Hardship Variance - Overview

- Applicants seek a Hardship Variance for the following:
 - Remove an existing 1- story side entrance vestibule and construct a 2-story addition in the same area, squaring off the left rear corner of the structure.
 - Construct a 3rd-level deck on the roof of the proposed two-story addition. The deck will function as an outdoor living area connected to an interior space that will be improved during the project on the third level at the rear of the home.
 - Add a shed dormer to the existing roofline at the rear of the building.
 - Construct an entry canopy above a relocated rear entry door at the proposed addition on the side / rear of the building.

The property is located in the UR zoning district and is not in a Transit Area or a pedestrian Street District.

The lot contains two living units as a side by side duplex, which are pre-existing non-conforming.

Description of Work

The existing single-story vestibule, measuring approximately 6'-6" x 7'-10" (54 SF), located at the rear left corner of the structure, is scheduled for removal. It will be replaced with a two-story addition, occupying an area of approximately 8' x 13' (104 SF), thereby creating a squared-off back corner. The proposed addition will feature a roof deck, accessible from and integrating with an improved interior space on the third level.

The existing building is non-conforming to the left and rear setbacks. The addition will not change the 8'-8" existing setback dimension to the left, or the 17'-8" existing rear setback.

A shed dormer is proposed at the existing rear roofline, matching the existing building footprint. This addition will provide improved ceiling height, allowing the stair between the 2nd and 3rd levels to be reconfigured for better egress and more usable living space. The dormer will also connect the proposed roof deck with the improved 3rd level interior space.

An entry canopy is proposed to shelter a new / relocated side entrance to the home that is part of a proposed 2-story addition. The canopy will measure 4'-0" deep x 7'-0" wide, a sufficient dimension to protect the entrance and its projecting porch walking surface from weather. The style of the canopy will match the existing fascia and support profiles of the surrounding 1910 facade.

Applicable Hardship Variance Criteria

Applicants seek a Hardship Variance pursuant to Somerville Zoning Ordinance Section 15.2.3:

15.2 Discretionary Permits

3. Hardship Variance

- a. Purpose
 - i. A Hardship Variance authorizes development that would otherwise be prohibited by the provisions of this Ordinance, due to hardship.
- b. Applicability
 - i. A Hardship Variance is required for development that is not compliant with the provisions of this Ordinance.
- c. Authority
 - i. The Zoning Board of Appeals is the review board for all Hardship Variances.
- e. Review Criteria
 - i. The Zoning Board of Appeals may only grant a Hardship Variance upon finding all of the following:
 - a) 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 zoning district in which the land or structure is located.
 - b) 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
 - c) 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 a specific district in this Ordinance or the Ordinance in general.

Responses to Hardship Variance Criteria (Response in bold):

15.2.3 Hardship Variance, e. Review Criteria, i.:

- a) 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 zoning district in which the land or structure is located;

The existing parcel of land and structure are non-conforming within the UR district. The side-by-side duplex, built in 1910, is smaller than most buildings in the district, resembling half of a 4-unit rowhouse. The proposed addition aims to square off the rear corner of the building, adding moderate square footage that aligns with the building types in the UR district. The third-level deck atop the addition will enhance the connection between the interior and exterior spaces, improve the property's appearance and quality, and provide additional outdoor space to the small lot. The proposed dormer needs to extend the width of the back elevation to facilitate a connection to the proposed third-level roof deck and improve interior ceiling height. This improvement in ceiling height is necessary to address the substandard egress condition between the second and third levels. While the footprint of the third-floor interior space will not increase, it will add approximately 100 square feet of habitable area by providing usable head height. The 4-foot depth of the proposed entry canopy is required to protect the relocated entrance and its projecting porch walking surface from weather conditions. The design of the canopy will match the existing fascia and support profiles of the surrounding 1910 facade.

The proposed addition meets the UR district's Character Description, Intent and Purpose: '3.2.1 Character Description - The Urban Residence district is characterized by a variety of moderate floor plate, multi-unit buildings', The existing building, proposed renovations and proposed addition meet this criteria. '3.2.2.b. Intent - To create, maintain, and enhance areas appropriate for multi-unit residential buildings'. The existing building, proposed renovations and proposed addition meet this criteria. '3.2.3. Purpose - a. To permit the development of multi-unit detached and semi-detached residential buildings on individual lots. b. To permit contextual modifications to existing detached and semi-detached residential buildings.' The existing building, proposed renovations, proposed addition and roof deck meet this criteria.

- b) 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; **The homeowner recently married and wants to make a home in Somerville where his new family can grow, ideally at 11 Garfield Avenue. The additional massing, roof deck and renovations would allow the existing space to be reconfigured, moderately expanded and improved. If the space cannot be adapted to their needs, the property owner will likely have to move to another residence on an earlier timeline.**
- c) 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 a specific district in this Ordinance or the Ordinance in general. **The proposed addition, roof deck and renovations will improve the layout and quality of the home, are at the rear of the building, and not visible from the street. The adjacent neighbors are either businesses**

or screened by the existing roofline and/or trees at the rear of the property. The existing building is non-conforming to the left and rear setbacks.

- d) Every neighbor that the applicant has spoken to is in favor of this work. The neighbor across the street during the neighborhood meeting stated that he was very pleased that Mr. Swain is: *'investing in the neighborhood and the community.'*