



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: 181 Pearl Street, ZP24-000126
POSTED: March 13, 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 a Hardship Variance request submitted for 181 Pearl Street, 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 February 28, 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 NOTICE

181 Pearl St. LLC seeks relief from SZO Section 2.4.5.b.i.a., regarding principal entrance requirements on façades, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

181 Pearl Street LLC is proposing to construct a 3-story apartment building, which requires a Hardship Variance for the location of the principal entrance under SZO § 2.4.5.b.i.a. Under the SZO, buildings are required to have principal entrances on the façade. Here, the applicant is proposing the principal entrance's location to be through a courtyard.

BACKGROUND

181 Pearl St is located in the 0.5 mi Transit Area in the MR3 zoning district in the Winter Hill neighborhood represented by Ward 1 Councilor Matthew McLaughlin. Following the Board's decision regarding any Hardship Variances, the proposal will require Site Plan Approval, a Special Permit for residential use, and a Building Permit. The Zoning Board of Appeals is the decision-making authority for all Hardship Variances. The Planning Board is the decision-making authority for all discretionary or administrative (non-Hardship Variance) permits required in the MR3 district.

A hardship variance for this project – for relief from the façade buildout requirements under SZO § 4.1.7.c – was previously approved at the August 9, 2024 Zoning Board of Appeals Hearing.

ANALYSIS

The applicant is proposing to construct a three-story apartment building with a non-conforming principal entrance. The proposal requires one (1) Hardship Variance for the relief from SZO §2.4.5.b.i.a , which states, “A building must have at least one (1) principal entrance. Principal entrances must be located on the façade.” The applicant is proposing a primary entrance located through a courtyard on the left (side) elevation of the building.

Regarding the first Hardship Variance criterion, PPZ staff does not believe the size of the lot prohibits the applicant from placing the principal entrance on the façade. Staff members do not believe that there are any unique circumstances pertaining to this lot that keeps the building from being compliant in this specific manner.

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 provides an argument for the second criterion in their Narrative.

Upon analysis of the material submitted by the Applicant, PPZ Staff does not believe that the granting of the requested Hardship Variance would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the MR3, copied here:

Intent

- To implement the objectives of the Comprehensive Plan of the City of Somerville.
- To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.

Purpose

- To permit the development of multi-unit and mixed-use buildings that do not exceed three (3) stories in height.
- To provide quality commercial spaces and permit small- scale, neighborhood serving commercial uses.
- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.
- To permit increased residential density for buildings that meet the definition of a net zero ready building.

Additionally, PPZ Staff believe that granting the requested hardship variances **would derogate** the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To provide distinct physical habitats at different scales, including the lot, block, and neighborhood, so that meaningful choices in living arrangement can be provided residents with differing physical, social, and emotional needs.
- 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 MR3 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, 181 Pearl St LLC, 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 MR3 district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for relief from SZO Section 2.4.5.b.i.a., regarding principal entrance requirements on façades, PPZ Staff recommends the following conditions:

Validity

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

2. The relief granted in this decision is valid only for the placement of the principal entrance through the courtyard on the left (side) elevation as shown in the proposed plans. The placement of the principal entrance in any other non-conforming location is prohibited.

Public Record

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.