



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: 54 Albion St, ZP25-000026
POSTED: May 20, 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 submitted for 54 Albion St, 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 April 2, 2025, and is scheduled for a public hearing on June 04, 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

Susan and Terran Lane seek relief from SZO Section 3.1.7.b, regarding the minimum sum of side setbacks, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

Susan and Terran Lane are proposing to construct a two-story addition which requires a Hardship Variance for relief from the minimum of side setbacks requirement.

BACKGROUND

54 Albion St is located in the Neighborhood Residence (NR) zoning district in the Spring Hill neighborhood represented by Ward 5 Councilor Naima Sait. If the Board approves the Hardship Variance, the proposal will be by-right.

ANALYSIS

The property is located at 54 Albion St. The property is composed of a single-family detached house. The house has frontage on Albion St. The property currently has four bedrooms and 2 bathrooms. The proposed addition on the would add a half bath to the downstairs of the home and expand one of the bathrooms on the second floor.

The parcel and neighboring parcels are zoned Neighborhood Residential (NR). The neighborhood is primarily composed of detached houses.

To meet the Somerville Zoning Ordinance (SZO) for the minimum sum of side setbacks, the combined setbacks must total 12 feet. The current sum of side setbacks on the property is 14.6 feet. The proposed addition would extend into the side setback by five feet (5'). The applicant is requesting a Hardship Variance for six inches (6") of relief.

Pursuant to MGL Chapter 40A, Section 10, the Applicant must meet the following criteria to qualify for a Hardship Variance:

- 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.

The applicant addresses criterion 1 by stating that the lot lines were established well before the current Zoning Ordinance was enacted. The applicant also states that the six inches (6") is necessary to comply with the residential bathroom code. Staff does not believe that this constitutes a special circumstance because the project includes a new half bathroom and the expansion of an existing bathroom, and not obtaining those bathrooms does not inhibit reasonable use of the property.

The applicant addresses criterion 2 by stating that the literal enforcement of the Ordinance would not allow for the 1st floor half bathroom to have the required clearances for the water closet. 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 by stating that the difference in the six inches (6") is negligible to the abutting property owners to the east and rear of the property. The proposed addition also does not extend to the third floor, which reduces the overall scale. PPZ staff does not believe that the requested relief would substantially derogate from the intent and purpose of the SZO.

The intent and purpose of the NR district is 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.
- To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- To create dwelling unit 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.

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 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, Susan and Terran Lane, 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 relief from the sum of side setbacks, 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.