



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 54 Albion Street
CASE NUMBER: ZP25-000026
OWNER: Susan and Terran Lane
OWNER ADDRESS: 54 Albion St, Somerville, MA 02143
APPLICANT: Teri Swartzel, Urban Village Architecture
APPLICANT ADDRESS: 80 Properzi Way, Somerville, MA 02143
DECISION: Approved with Conditions (Hardship Variance)
DATE OF VOTE: June 4, 2025
DECISION ISSUED: June 9, 2025

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 54 Albion Street.

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.

RECORD OF PROCEEDINGS

On June 4, 2025, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Ann Fullerton, Zachary Zaremba, Brian Cook, and Sisia Daglian. At the meeting, Teri Swartzel (the Applicant) introduced the project. The Applicant stated that the proposed addition would allow the laundry facility and bathroom in the single-family home. The Applicant stated that the proposed addition would help serve guests who visit on the first floor of the home. The Chair opened the public comment. One abutter spoke in support of the proposed addition and the public comment portion of the hearing was closed.

Following the public comment portion of the hearing, the Board discussed the application with the Applicant. Board members asked a question of PPZ staff on the reasoning on the sum of side setbacks minimum at 12 feet. Staff responded to those questions.

Following the discussion of the Hardship Variance, the Board moved to approve the requested Hardship Variance for zoning relief from the sum of side setbacks requirements in the Neighborhood Residence (NR) zoning district.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
54 Albion Variance Drawings	10	Urban Village Architecture 80 Properzi Way Somerville MA 02143	March 3, 2025	N/A

HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship 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 Neighborhood Residence zoning district in which the land or structure is located;

The Board finds that special circumstances exist relating to the position of the existing dwelling on the lot and the established lot lines and that the sum of the side setbacks requirements in the NR District would prohibit an addition with bathrooms that meet code requirements for minimum clearances of code requirements.

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

The Board finds that literal enforcement would cause financial or other hardships by prohibiting additions with bathrooms to meet required clearances of 30 inches.

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.

The Board finds that the desired relief does not cause substantial detriment to the public good nor detracts from the intent and purpose of the Somerville Zoning Ordinance because the relief is six (6) inches, which would be barely perceptible to abutting neighbors and the proposed addition is only two (2) stories rather than the full three (3) stories of the dwelling making it less visually impactful.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Brian Cook moved to approve the Hardship Variance for relief from SZO Section 3.1.7.b, regarding the minimum sum of side setbacks, with the conditions included in the staff memo dated May 20, 2025. Ann Fullerton seconded. The Board voted **5-0** to approve the permit, subject to 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, and Zoning Division for the public record.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Ann Fullerton
Zachary Zaremba
Brian Cook, *Alternate*
Sisia Daglian, *Alternate*

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____