



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## DECISION

**PROPERTY ADDRESS:** 142 Cross Street  
**CASE NUMBER:** ZP25-000019  
**OWNER/APPLICANT:** JAC Investments LLC  
**ADDRESS:** 70 Oxford Street, Somerville, MA 02143  
**DECISION:** Approved with Conditions (HV)  
**DECISION DATE:** June 18, 2025

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the development review application submitted for 142 Cross Street.

### LEGAL NOTICE

JAC Investments LLC seeks relief from the secondary front façade buildout requirement to construct an Apartment Building in the Mid-Rise 3 (MR-3) zoning district, which requires a Hardship Variance.

### RECORD OF PROCEEDINGS

On June 20, 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, Anne Brockelman, Sisila Daglian, and Brian Cook.

The Applicant provided an overview of the project and the requested zoning relief. The Chair opened the public testimony portion of the hearing. There was no public testimony. The Chair closed the public testimony portion of the hearing.

Following the public comment portion of the hearing, the Board discussed the application with the Applicant.

Following discussion, the Board moved to approve the requested Hardship Variance for zoning relief from the secondary front façade buildout requirement to construct an Apartment Building in the Mid-Rise 3 (MR-3) zoning district.

### PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date
142 Cross Street - Hardship Variance Narrative	2	Khalsa Design, Inc. 17 Ivaloo Street Somerville, MA 02143	May 9, 2025

142 Cross Street – Architectural Plans	17	Khalsa Design, Inc. 17 Ivaloo Street Somerville, MA 02143	May 15, 2025
142 Cross Street – Survey Plan	1	Spruhan Engineering, P.C. 80 Jewett St. (Suite 1) Newton, MA 02458	June 10, 2024

## 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:

### 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 Mid-Rise 3 zoning district in which the land or structure is located;*

The Board finds that special circumstances exist relating to the unusual shape and size of the lot and its location relative to a Neighborhood Residence zoning district.

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.*

The Board finds that literal enforcement of the ordinance would create a substantial hardship to the petitioners because a building cannot be developed on the lot without relief from the zoning ordinance.

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 Mid-Rise 3 district in this Ordinance or the Ordinance in general.*

The Board finds that desirable relief can be granted without substantial detriment to the public good and without nulling or substantially derogating from the intent and purpose of the Mid-Rise 3 zoning district and the Ordinance in general.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Sisía Daglian moved to approve the Hardship Variance from the secondary front façade buildout requirement to construct an Apartment Building in the Mid-Rise 3 (MR-3) zoning district. Brian Cook seconded. The Board voted **4-0** to approve the Hardship Variance subject to the following conditions:

Permit Validity

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

Public Record

- 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.
- One (1) physical copy of the original application materials and one (1) digital and (1) physical copy 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.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*  
Anne Brockelman, *Vice Chair*  
Sisia Daglian, *Acting Clerk*  
Brian Cook

**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 \_\_\_\_\_