



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: 142 Cross Street, ZP25-000019
POSTED: June 12, 2025

RECOMMENDATION: Approve

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 142 Cross Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance (SZO), and provides related analysis or feedback as necessary. The application was deemed complete on May 23, 2025, and is scheduled for a public hearing on June 18, 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

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.

SUMMARY OF PROPOSAL

The property owner, JAC Investments LLC, is seeking to construct a three (3) unit, three (3) story Apartment Building at 142 Cross Street, which is at the corner of Cross Street and Alston Street. The building is proposed to have a primary front façade on Cross Street and a secondary front façade on Alston Street. The minimum façade buildout on Alston Street is required, per SZO § 4.1.7.c, to be 65% of the lot width, which would be 14.95 FT. The applicant proposes a façade buildout of 13.50 FT, requiring relief.

BACKGROUND & ADDITIONAL REVIEW NECESSARY

142 Cross Street is located in the Mid-Rise 3 (MR3) zoning district in the East Somerville neighborhood represented by Ward 3 Councilor Ben Ewen-Campen. The ZBA is the review board for Hardship Variance requests.

The project will also require a Site Plan Approval and Special Permit for the new building and use from the Planning Board. The project has already been reviewed by

the Historic Preservation Commission, which determined the building to be Not Historically Significant.

ANALYSIS

Pursuant to SZO § 4.1.7.c, the secondary front façade buildout for Apartment Buildings in the Mid-Rise 3 (MR3) zoning district must be at least 65% of the lot width. For the proposed building 142 Cross Street, the required buildout is therefore 14.95 FT, but a buildout of only 13.50 FT is proposed.

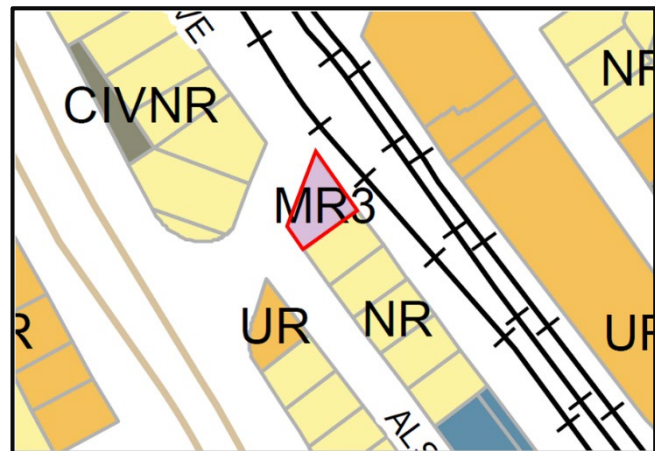
The Applicant has provided a narrative as part of this application addressing the review criteria for the requested Hardship Variance (see Attachment A). Pursuant to MGL Chapter 40A, Section 10, the Applicant must address the following criteria:

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 (MR-3) district in which the land or structure is located;
2. Literal enforcement of the provision of [the Somerville Zoning] 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
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 (MR-3) district in this Ordinance or the Ordinance in general.

The following is PPZ Staff's analysis related to the review criteria for the requested Hardship Variance:

The Applicant addresses criterion 1, noting that because the shape of the lot is irregular and borders the Neighborhood Residence (NR) zoning district, it would not be possible to develop a compliant structure.

SZO §4.1.7.b. requires that the side setback for an Apartment Building in MR3 must be 10 FT where the building abuts an NR zoning district. SZO §4.1.16.a. further requires that the frontage area on Cross Street must be paved to provide a sidewalk that is 12 FT in width (also known as a curb setback).



For 142 Cross Street, compliance with these two provisions makes it impossible to have a secondary front façade buildout that is 65% of the lot width. Staff therefore finds that

this property **does** meet the first criterion and special circumstances do exist related to the shape of the lot

The Applicant addresses criterion 2, arguing that literal enforcement of the ordinance would not allow for new development. Generally, PPZ Staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion. As previously discussed, Staff does agree that the provisions of the ordinance are contradictory for this particular parcel.

The Applicant addressed criterion 3, arguing that the façade buildout would not cause detriment to the public good, that following the required 12 FT curb setback will benefit the pedestrian realm, and that providing three (3) dwelling units will bring new residents to the neighborhood. The purpose and intent of the MR-3 district is 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.

Staff finds that granting the requested relief would not derogate from the intent and purpose of the MR-3 district, as it would facilitate the development of a multi-unit building. Staff also finds that it would not be detrimental to the public good, as the proposed building complies with the curb setback meant to benefit the pedestrian realm, and complies with the 10FT setback from the NR district, which is meant to lessen the impact of higher density uses on quieter neighborhoods.

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 Mid-Rise 3 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, JAC Investments LLC.
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.

PERMIT CONDITIONS

Should the Board approve one or more of the requested Hardship Variances, PPZ Staff recommends 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.