



City of Somerville

# **ZONING BOARD OF APPEALS**

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

## **DECISION**

**PROPERTY ADDRESS:** 103 Gilman Street  
**CASE NUMBER:** ZP25-000043  
**OWNER:** Avik Deirmenjian  
**OWNER ADDRESS:** 6 Winchester St, Medford, MA 02155  
**APPLICANT:** Robert Therrien  
**APPLICANT ADDRESS:** 249 Ayer Rd Suite 206 Harvard, MA 01451  
**DECISION:** Approved with Conditions (Hardship Variance)  
**DATE OF VOTE:** July 16, 2025  
**DECISION ISSUED:** July 22, 2025

2025 JUL 22 P 2:04  
CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the hardship variance application submitted for 103 Gilman Street.

### **LEGAL NOTICE**

Avik Deirmenjian seeks relief from SZO 14.1.5.c.11.b. to expand an existing nonconforming structure further into the rear setback, which requires a hardship variance.

### **RECORD OF PROCEEDINGS**

On July 16, 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, Vice-Chair Anne Brockelman, Ann Fullerton, Zachary Zaremba, Alternate Brian Cook, and Alternate Sisia Daglian. During the public hearing, the Applicant's architect Robert Therrien gave a brief presentation introducing the proposal. The Chair then opened the public comment portion of the hearing. No public comments were received.

Following the public comment portion of the hearing, the Board discussed the application with the applicant. The Board asked the applicant to clarify the amount of relief needed for the rear decks to be building code compliant and discussed the correct amount of relief needed at-length. The Board determined that their decision and amount of relief needed for the rear deck to be building code compliant should be tied to the submitted architectural drawings, specifically Sheet A-1 that notes the porch depth.

Following the discussion of the requested Hardship Variance, the Board moved to approve the requested Hardship Variance to expand an existing nonconforming structure further into the rear setback in the Urban Residence (UR) District.

### **PLANS & DOCUMENTS**

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

Document	Pages	Prepared By	Date	Revision Date
GilmanSt103_LandTitleSurvey.pdf	1	Medford Engineering & Survey Angelo B. Veneziano Associates 15 Hall St Medford, MA 02155	April 10, 2025	N/A
GilmanSt103_ArchitecturalPlans.pdf	3	Robert Therrien Architect 249 Ayer Rd Suite 206 Harvard, MA 01451	February 21, 2025	N/A
GilmanSt103_LtrInspector and Superintendent.pdf	2	Robert Therrien Architect 249 Ayer Rd Suite 206 Harvard, MA 01451	January 31, 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 Urban Residence zoning district in which the land or structure is located.*

The Board finds that special circumstances exist in that the building is a pre-existing nonconformity and already violates the setback.

2. *Literal enforcement of the provision of the 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 Boards finds that literal enforcement of the ordinance regarding the rear setback requirement for the district, subject to this parcel, creates a violation of life safety as the rear decks are currently nonconforming.

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 Urban Residence district in this Ordinance or the Ordinance in general.*

The Board finds that desirable relief can be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Urban Residence zoning district and the Ordinance in general.

## DECISION

No member of the public provided testimony, therefore, following the review of the submitted plans, and discussion of the statutorily required considerations, Ann Fullerton

moved to approve the Hardship Variance to expand an existing nonconforming structure further into the rear setback, with the conditions included in the staff memo and/or discussed at the hearing. Anne Brockelman seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

General

1. Any application for a building permit will reference the architectural drawings dated February 21, 2025, by Robert Therrien Architecture Plan Sheet A-1 where the porch depth is noted to determine the amount of relief that will be allowed.

Prior to Building Permit

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

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*  
Anne Brockelman, *Vice-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 \_\_\_\_\_