



City of Somerville

# **ZONING BOARD OF APPEALS**

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

**TO:** Zoning Board of Appeals  
**FROM:** Planning, Preservation, & Zoning (PPZ) Staff  
**SUBJECT:** 8-8a Melvon Street, ZP25-000047, ZP25-000048, ZP24-000049  
**POSTED:** July 10, 2025

**RECOMMENDATION:** Deny

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 three (3) Hardship Variance requests submitted for 8-8a Melvin Street, 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 applications were deemed complete on June 26, 2025, and are scheduled for a public hearing on July 16, 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 NOTICES**

Senthil Kumar seeks relief from SZO Section 3.1.13.I.ii.c., regarding total dormer width standards, which required a Hardship Variance.

Senthil Kumar seeks relief from SZO Section 3.1.13.I.i.a, regarding dormer face width standards, which requires a Hardship Variance.

Senthil Kumar seeks relief from SZO Section 3.1.13.I.i.c, regarding dormer separation standards, which requires a Hardship Variance.

## **SUMMARY OF PROPOSAL**

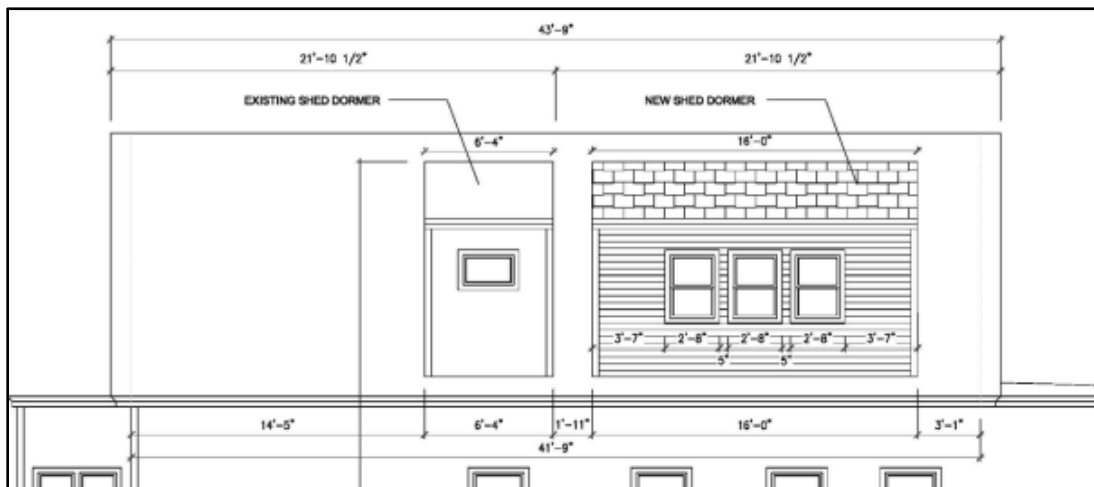
Applicant Senthil Kumar has constructed a three-unit condominium building with a non-conforming dormer. The non-conforming dormer requires three Hardship Variances for (1) the total dormer width, (2) the dormer face width, and (3) the dormer separation. The relief needed from each of the relevant SZO sections is described below.

Relief from SZO Section 3.1.13.I.ii.c is required for the total dormer width. Under this section of the SZO, the cumulative width of a single, multiple, or attached combinations of dormers may equal up to fifty percent (50%) of the eave/ridge length of the roof. Here, the maximum permitted cumulative width would be 21'10 ½". The applicant is proposing a cumulative width of 22'4" (5 ½" more than what is permitted).

(See table in analysis for comparison between the requirement and the as-built measurements.)

Relief from SZO Section 3.1.13.I.i.a is required for the dormer face width. Under this section of the SZO, the maximum permitted face width of a dormer is 36" (three feet) plus the linear width of the windows (totaling window width+36"). Here, the applicant is requesting relief to allow a dormer with a total of 9'-0" of linear window space and 7'-0" of linear solid wall space, totaling 16' and making it 4' out of compliance. (See table in analysis for comparison between the requirement and the as-built measurements.)

Relief from SZO Section 3.1.13.I.i.c is required for the dormer separation width. Under this section of the SZO, dormers require a separation of 50% of dormer width between any new or existing dormers. Here, a dormer separation of 8'-0" (50% of new 16'-0" shed dormer) between the new and existing dormers would be required. The applicant is requesting relief to allow a separation of 1'-11" between the new and existing dormer. This means that the applicant is out of compliance by 6'1". (See table in analysis for comparison between the requirement and the as-built measurements.)



*Above: The proposed as-built dormer dimensions*

## BACKGROUND

8-8a Melvin Street is located in the Neighborhood Residential (NR) zoning district in the Winter Hill neighborhood represented by Ward 1 Councilor Matthew McLaughlin. Following the Board's decision regarding the three (3) Hardship Variances, the proposal will be by-right. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

The requested relief is for a dormer that has already been constructed. Building permits for this project were filed in 2021 and construction began in 2022. However, during the construction process, the contractor decided to build the dormer larger than originally proposed to create more headroom in the kitchen. ISD only became aware of this change during what was intended to be their final walkthrough in 2024.

## ANALYSIS

The applicant is requesting relief for an already constructed, non-conforming dormer. The dormer requires three (3) Hardship Variances for relief from:

1. SZO Section 3.1.13.I.ii.c, which states the cumulative width of a single, multiple, or attached combinations of dormers may equal up to fifty percent (50%) of the eave/ridge length of the roof,
2. SZO Section 3.1.13.I.i.a, which allows for the maximum permitted face width of a dormer to be 36" plus the width of the windows,
3. SZO Section 3.1.13.I.i.c, which requires a dormers separation of 50% of dormer width between any new or existing dormers.

The differences between the permitted and proposed dormer dimensions are summarized in the table below:

SZO Article	Requirement	As-Built	Type of Relief Needed
3.1.13.I.ii.c (maximum total dormer width)	21'10 ½" (43'9" / 2)	22'4"	Hardship Variance
3.1.13.I.i.a (maximum dormer face width)	12' (Window(s) width +36 in)  (9' of window width is proposed as built)	16' (9' of window width and 7' of wall width)	Hardship Variance
3.1.13.I.i.c (minimum dormer separation)	8'0" (50% of new 16' shed dormer)	1'11"	Hardship Variance

PPZ Staff does not believe special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of the subject property and the existing structure regarding the first Hardship Variance criterion. In the narrative, the applicant states that the dormer, in its current non-conforming size, is needed because a third-story dwelling unit is permitted in the structure. However, the applicant fails to provide a compelling argument for why not having a third-story dwelling unit would be a hardship. Having a third dwelling unit, while permitted, is not a necessity. Furthermore, an argument is not made for why a two-bedroom dwelling unit

(as opposed to a one-bedroom, for example) is necessary. It's likely that a compliant dormer would not prevent a smaller dwelling unit from being constructed.

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 provides an argument for the second criterion in their Narrative.

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested hardship variances would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the NR, 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 on individual lots.
- To permit contextual modifications to existing 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 types, 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.

Additionally, PPZ Staff believes that granting the requested hardship variances would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To provide distinct physical habitats at different scales, including the lot, block, and neighborhood, so that meaningful choices in living arrangement can be provided to residents with differing physical, social, and emotional needs.
- To preserve and enhance the existing character of Somerville's traditional housing and respect existing built form and development patterns.

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 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 NR 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, Senthil Kumar, 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 NR district in this Ordinance or the Ordinance in general.

### PERMIT CONDITIONS (ZP25-000047, Dormer Cumulative Width)

Should the Board approve the required Hardship Variance regarding total dormer width, PPZ Staff recommends the following conditions:

#### Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. The relief granted in this decision is valid only for the currently proposed total dormer width of 22'4". Any increase in the non-conforming dormer width will require additional relief.

#### Public Record

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.

### PERMIT CONDITIONS (ZP25-000048, Dormer Face Width)

Should the Board approve the required Hardship Variance regarding dormer face width, PPZ Staff recommends the following conditions:

#### Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. The relief granted in this decision is valid only for the currently proposed 9' of window width and 7' of wall width, resulting in 16' of dormer face width. Any increase in the non-conforming dormer face width will require additional relief.

#### Public Record

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.

**PERMIT CONDITIONS (ZP25-000049, Dormer Separation Standards)**

Should the Board approve the required Hardship Variance regarding dormer separation standards, PPZ Staff recommends the following conditions:

**Validity**

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. The relief granted in this decision is valid only for the currently proposed dormer separation of 1'11". Any increase in the non-conformity of the dormer separation will require additional relief.

**Public Record**

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.