

181 Pearl St  
Narrative for Hardship Variance - Landscape Buffer  
May 14, 2025

Seeking relief on SZO Section **10.3.6 Landscape Buffers** "Any lot in the MR, HR, FAB, CC, CI, or CB district abutting the side or rear lot line of a lot in the NR district must be screened by a landscape buffer."

*a). 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 zoning district in which the land or structure is located;*

- The neighboring property at 4 Dana Street is using part of the property at 181 Pearl Street as a driveway. The driveway encroachment is 3'-6" wide along the entire northern lot line. Please refer to G-100 and A-101 for drawings showing this condition.
- Additionally,
  - 181 Pearl Street is a small, corner MR3 parcel. At 2,024 SF, it is less than 1/3 the size of an average MR3 parcel.
  - It is abutted on each side by NR parcels. A 10' side setback is required per SZO for any building type in the MR3 district when it abuts NR.
  - A 12' curb setback is required at the primary and secondary fronts of the building.
  - These proportionally large setbacks on all four sides of the parcel leave a very small developable area.

*b). 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 due to said special circumstances;*

The proposed project allows the neighbor to keep their driveway as a gesture of good will. SZO section 10.3.6.b.viii prohibits surface parking within the Landscape Buffer. Literal enforcement of the ordinance would require taking the neighboring property's driveway back into the possession of 181 Pearl St. This is likely to create a legal battle which would be a financial hardship, and would also create a contentious relationship with the neighbor, another hardship.

*c). 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 a specific district in this Ordinance or the Ordinance in general.*

Granting relief on the Landscape Buffers does not cause detriment to the public good. The proposed landscape design, including plantings and the perimeter brick wall that runs along the west and north lot lines, has been thoughtfully designed to provide screening, be a visual amenity, meet the requirements of the Green Score, and provide a buffer between the site and the abutting neighbors. We believe this design meets the intent of the zoning ordinance, and the specific goals of the MR3 district.