



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: 379 Somerville Ave
ZP25-000058, ZP25-000059, ZP25-000060, ZP25-000074
POSTED: August 1, 2025

RECOMMENDATION: None

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 four (4) Hardship Variance requests submitted for 379 Somerville Ave, 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 application was deemed complete on July 21st, 2025, and is scheduled for a public hearing on August 6th, 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

- **ZP25-000058 – 379 Somerville Ave**
Brickstone Builders Corp seeks relief from requirements for one or more ground story commercial spaces fronting the primary façade on a Pedestrian street for 100% of the total width as required in SZO 2.4.5.b.ii.a. in the Mid Rise 5 (MR5) district, which requires a Hardship Variance.
- **ZP25-000059 – 379 Somerville Ave**
Brickstone Builders Corp seeks relief from SZO 2.4.3.d.v. which states mechanical units, in this case a transformer, are prohibited in the frontage area in the Mid Rise 5 (MR5) district, which requires a Hardship Variance.
- **ZP25-000060 – 379 Somerville Ave**
Brickstone Builders Corp seeks relief from ground story fenestration requirements of a 70% minimum on the primary façade, as required in SZO 4.3.8.d., which requires a Hardship Variance.
- **ZP25-000074 – 379 Somerville Ave**
Brickstone Builders Corp seeks relief from the maximum front ground story setback allowed of 15 ft in the Mid Rose 5 (MR5) district as required by SZO 4.3.8.b, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

Brickstone Builders Corp is requesting relief from requirements for ground story commercial spaces fronting the primary façade on a pedestrian street, relief from mechanical units in the frontage area, relief from ground story fenestration requirements, and relief from the maximum front ground story setback. These 4 Hardship Variance applications were the result of a Plan Revision to Site Plan Approval for a 5-story general building. The approved plans proposed an underground transformer and zoning complaint facade. The building was constructed differently than what was proposed with a pad mounted transformer on the facade within an alcove, creating a non-compliant building.

BACKGROUND

379 Somerville Ave is located on Pedestrian Street and in the 0.5mi Transit Area in the Mid-Rise 5 zoning district (MR5) zoning district in the Prospect Hill neighborhood represented by Ward 3 Councilor Ben Ewen-Campen. Following the Board's decision regarding the Hardship Variances, the proposal will require a Plan Revision (ZP25-000051) which is the administrative review and approval of conforming development to address any potential impacts as necessary. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the MR5 zoning district.

The Applicant previously received Site Plan Approval for a 5-story apartment building with an underground transformer and zoning compliant façade (case number CZC20-000104). After constructing the building with a pad-mounted transformer and non-conforming façade, the Applicant was required to apply for a Plan Revision and Hardship Variances.

The Plan Revision application (case number ZP25-000051) was reviewed on May 15, 2025, and the proposed changes to your previously approved plans for 379 Somerville Avenue (case number CZC20-000104) were deemed a Major Amendment by the Director of Planning, Preservation, and Zoning. As such, the proposed changes require additional Board Review by the Planning Board. A hearing with the Planning Board for this application has been scheduled for August 7th, 2025.

The changes caused several aspects of the building to be noncompliant with zoning. These noncompliant aspects of the building either need to be corrected, or relief provided via Hardship Variances. The Applicant applied for four (4) Hardship Variances, which are the subject of the above-referenced public hearings scheduled for the August 6th Zoning Board of Appeals meeting.

Hardship Variance criteria in the manner established in the Submittal Requirements Manual.¹ Staff recommended that the Applicant submit updated Narratives to address the criteria but did not receive a response.

ANALYSIS

The Applicant previously received Site Plan Approval for a 5-story apartment building with an underground transformer and zoning compliant façade (case number CZC20-000104). After constructing the building with a pad-mounted transformer and non-conforming façade, the Applicant was required to apply for a Plan Revision and Hardship Variances.

The first Hardship Variance criterion asks whether 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 MR5 zoning district in which the land or structure is located. Staff do not believe any such special circumstances exist, although Engineering Staff have noted the following information related to vaulted vs. above-ground transformers:

- The City does not permit electrical transformer vaults for private developments in the public way.
- If the electrical load for a proposed building requires an electrical transformer, then the project architect & engineer must design the transformer into the project.
- Even if the City wanted to provide an exception, we wouldn't be able to due to the existing sidewalk sewer adjacent to your project site.

The Applicant has not addressed the first Hardship Variance criterion specifically in any of their application materials.

Generally, City Staff do not comment on the second Hardship Variance criterion.

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 MR5 zoning district, copied here:

Intent

- a. To implement the objectives of the Comprehensive Plan of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood- and community-serving uses.

Purpose

- a. To permit the development of multi-unit and mixed-use buildings that do not exceed five (5) stories in height.

¹ [Submittal Requirements Manual](#)

- b. To provide quality commercial spaces and permit small and medium scale, neighborhood- and community- serving commercial uses.
- c. To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- d. To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of both Net Zero Ready and LEED Platinum Certifiable buildings.

While PPZ staff do not believe that these Hardship Variances would substantially derogate from the intent of the MR5 district, they would undermine the broader purpose of the City of Somerville Zoning Ordinance (SZO) 4.3.1 and in the description of the MR5 district which in-part reads 'to create a defined street wall that supports pedestrian activity and a sense of place.'

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.

ZBA could require the applicant to return to the Urban Design Committee for additional design review prior to making a decision on any of the Hardship Variances (SZO 15.2.3).



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 MR5 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, Gerry McDonough, 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 MR5 district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for

- Relief from requirements for ground story commercial spaces fronting the primary façade as required in SZO 2.4.5.b.ii.a. **(ZP25-000058)**
- Relief from SZO 2.4.3.d.v. which prohibits mechanical units in the frontage area **(ZP25-000059)**
- Relief from ground story fenestration requirements as required in SZO 4.3.8.d. **(ZP25-000060)**
- Relief from the maximum front ground story setback as required by SZO 4.3.8.b. **(ZP25-000074)**

PPZ Staff recommend the following conditions for each Hardship Variance:

Permit Validity

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

Public Record

2. 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.

Design Impacts:

3. Prior to the issuance of a Certificate of Occupancy, the Applicant must return to the Urban Design Commission to review changes and evaluate design options to mitigate impacts on the public realm.