



City of Somerville

# ZONING BOARD OF APPEALS

City Hall, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** Planning, Preservation, & Zoning (PPZ) Staff  
**SUBJECT:** 39 Bartlett Street, ZP26-000025  
**POSTED:** May 28, 2026

**RECOMMENDATION:** Approve (with conditions)

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(s) submitted for 39 Bartlett 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 application was deemed complete on March 25, 2026, and is scheduled for a public hearing on June 2, 2026. 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

Raymond and Barbara Estrella seek relief from SZO Section 10.2.1.e. for a shed not meeting setback requirements in the Neighborhood Residence (NR) zoning district, which requires a Hardship Variance.

## SUMMARY OF PROPOSAL

Raymond and Barbara Estrella (the Applicants) are requesting a variance to maintain the 14'x 8' shed built at the back of their property which does not meet the 3-foot setback requirement from the property line. The shed is ground-based, with no slab or utilities and will be used to store outside furniture and yard tools, and no sort of combustible materials. The shed is 1'9" on the left rear corner and 2'8" on the right rear corner of the structure from the property line. Moving it further from the property line would cause inconveniences accessing the shed as the doors along with the ramp for accessing tools will not fit. Additionally, shifting the location of the shed will impact the access to the existing bulkhead. The proposal to maintain the location of the shed requires a Hardship Variance from Somerville Zoning Ordinance (SZO) 10.2.1.e.

## BACKGROUND

39 Bartlett Street is located in the 0.5mi Transit Area in the Neighborhood Residence (NR) zoning district in the Magoun Square neighborhood represented by Ward 5 Councilor Naima Sait.

**ANALYSIS**

Pursuant to MGL Chapter 40A, Section 10, the Application must meet the following criteria to qualify for a Hardship Variance:

- 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;
- 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; and
- 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 the Neighborhood Residence district in this Ordinance or the Ordinance in general.

Criterion “a”: The applicant contends that special circumstances exist because the property has a slanted fence, which in addition to the existing bulkhead create limited locations to install a shed.

PPZ Staff do believe there is limited location in the backyard for a shed due to the configuration of the existing infrastructure.

Criterion “b”: The applicant contends that moving the shed to be compliant with SZO 10.2.1.e, would make access to the shed null for bigger yard tools, as the doors along with a small ramp would not fit in the space. Furthermore, access to larger equipment in the case of maintenance or emergency will be prevented, and the pathway to the bulkhead will be impeded.

PPZ Staff generally does not comment on the second hardship variance criterion.

Criterion “c”: The applicant contends “by leaving the structure where it is, it imposes no threat to the abutting properties, while maintaining safe access to the rear of our property for required maintenance or in case of emergencies.”

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 Neighborhood Residence district, 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 contextual modifications to existing detached and semi-detached residential buildings.

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

- To permit development and redevelopment according to plans that are collaboratively developed with the Somerville Community.
- To equitably balance the regulation of real property with the interests of the community as a whole.

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 Urban Residence 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, Raymond and Barbara Estrella, 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 Urban Residence district in this Ordinance or the Ordinance in general.

## **PERMIT CONDITIONS**

Should the Board approve the required Hardship Variance for permitting a shed not meeting setback requirements PPZ Staff recommend the following conditions.

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.