



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: 29a Windsor Road, ZP26-000007
POSTED: May 14, 2026

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 the Hardship Variance request(s) submitted for 29a Windsor Road, 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 April 13, 2026, and is scheduled for a public hearing on May 20, 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

Claire Grace & Sasha Krushnic seek relief from SZO 2.4.3.d.v in order to install a heat pump that is less than 2 ft from a side property line.

SUMMARY OF PROPOSAL

The applicants are proposing to install a heat pump at the rear of the property, 9 inches from the side lot line. The proposal would require a Hardship Variance for the non-conforming side yard setback for mechanical equipment.

Relief from SZO Section SZO 2.4.3.d.v is required for placement of the heat pump. Under this section of the SZO, mechanical equipment associated with residential uses, such as heat pumps, is not permitted in the frontage area of a lot, but may encroach into a required side or rear setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line. Here, the heat pump is proposed to be placed 9 feet from the side lot line.

BACKGROUND

29a Windsor Road is located in the Neighborhood Residence (NR) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. Following the Board's decision regarding the Hardship Variance, the proposal will be by-right. The

Zoning Board of Appeals is the decision-making authority for all (non-variance) discretionary or administrative permits required for the NR zoning district.

ANALYSIS

The applicants are requesting relief for the placement of a heat pump that will require a Hardship Variance. The proposal required relief from SZO Section SZO 2.4.3.d.v. Under this section of the SZO, mechanical equipment associated with residential uses, such as heat pumps, is not permitted in the frontage area of a lot but may encroach into a required side or rear setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line. Here, the heat pump is proposed to be placed 9 feet from the side lot line.

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 this particular placement of the heat pump is necessary due to the limited space available on the lot and the fact that this placement is able to accommodate the longer line required to reach the third floor, as this heat pump is specifically intended to be utilized the third story unit.

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 believe 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, Claire Grace & Sasha Krushnic, 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

Should the Board approve the required Hardship Variance for the nonconforming placement of the heat pump, PPZ Staff does 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 placement of the heat pump. Any increase in the non-conformity placement of the heat pump 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.