

Hardship Variance Narrative

Property Address: 29A Windsor Rd, Somerville, MA **Permit Number:** ZP26-000007 **Project Number:** 26-001189 **Applicant:** Sasha Krushnic (Homeowner) **Contractor:** SeeAir Inc., Cambridge, MA **Equipment:** Custom Comfort CCOXHBMZ318HP Multi Zone Hyper Heat Series

Nature of the Request

The applicant respectfully requests a Hardship Variance from the requirements of Somerville Zoning Ordinance (SZO) §2.4.3.d.v, which mandates a minimum 2-foot setback from the side property line for outdoor HVAC condenser units.

1. Hardship Due to Lot Conditions

The property at 29A Windsor Rd presents significant constraints on available common space that make full compliance with the standard setback requirement infeasible without forgoing the installation entirely.

The lot has limited common space, leaving few viable locations for the outdoor condenser unit. The unit has been placed at the location that best utilizes the available space on the property while maintaining safe access for maintenance and proper connection to the indoor system. No alternative placement exists on the lot that would satisfy the 2-foot setback requirement without encroaching on shared or restricted areas of the property.

The hardship is a direct result of the physical characteristics and limited common space of the lot, and is not a matter of cost or personal preference.

2. No Substantial Harm to the Neighborhood

The proposed installation does not create substantial harm to the surrounding neighborhood:

Noise: The unit (Custom Comfort CCOXHBMZ318HP) has a rated outdoor noise level of 61.5 dBA. The applicant acknowledges this exceeds the 55 dB(A) ordinance threshold and commits to installing a wind baffle if acoustic levels are found to exceed the threshold during inspection. This mitigation measure will reduce sound transmission to neighboring properties and bring the effective noise level into compliance.

Visual Impact: The unit is ground-mounted and does not alter the roofline or facade of the building. It is not visible from the public right-of-way.

Safety: The installation complies with all applicable electrical and mechanical codes. The unit uses R454B refrigerant, which has a lower global warming potential than legacy refrigerants.

3. Consistent with Zoning Intent

The purpose of SZO §2.4.3.d.v is to protect neighboring properties from nuisance caused by HVAC equipment placed too close to property lines. The intent is not to prohibit heat pump installation on constrained lots, but to ensure installations are thoughtfully sited.

This installation is consistent with that intent. The unit has been placed at the location that best achieves the goals of the ordinance within the physical constraints of the lot, and the applicant's commitment to install acoustic mitigation if needed demonstrates a good-faith effort to minimize neighborhood impact.

Granting this variance supports Somerville's broader climate and energy goals by enabling the homeowner to transition from fossil fuel heating to an efficient electric heat pump system, consistent with the City's commitments under the Somerville Climate Forward plan.

Supporting Documents

1. Equipment Submittal Data Sheet - Custom Comfort CCOXHBMZ318HP (attached)
 2. Site plan showing unit location and property lines (attached)
 3. Permit Application ZP26-000007
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Submitted on behalf of the homeowner by SeeAir Inc., Cambridge, MA