

Hardship Variance Narrative

Submitted pursuant to SZO §15.2.3 and Chapter 8.A of the Somerville Submittal Requirements Manual

Applicant: Brandon Rawnsley

Property Address: 74 Moreland Street, Somerville, MA 02143

Related Permit Number: **SM26-000033**

Prior Permit References: SM20-000045; SM23-000060; **CO23-000045**

Original ZBA Approval: ZBA-2018-128

Date: April 2026

Included Documents:

- ✓ Property Owner Authorization form
- ✓ Land Title Survey (stamped copy)
- ✓ Master Deed
- ✓ Abutters List Always (generated by PPZ Staff)
- ✓ Supporting documents (included at end of this document):
 - Email from Joshua Manion, Sr. Zoning Review Planner, re: set-back requirements in relation to prior permit requests
 - Record of Sheet Metal Permit Request (**SM26-000033**)
 - Record of Certificate of Occupancy Request (**CO23-000045**)
 - Accompanying exhibit illustrating current dimensions and locations of condensers.
 - Two photographs of current location of A/C Condensers & driveway.

I. Introduction and Relief Requested

The Applicant respectfully submits this Hardship Variance Narrative in connection with the pending Sheet Metal Permit application (SM26-000033) at 74 Moreland Street, Somerville, MA 02143. The Applicant seeks a Hardship Variance from the condenser unit setback requirement imposed as a condition of ZBA-2018-128, which requires that any condenser unit be located more than three (3) feet from any property line.

The existing condensers serving the residential units at 74 Moreland Street were installed under prior permits and have operated in their current locations for more than two years, during which two of the three residential units have been continuously

occupied. As described in detail below, the unique physical characteristics of this parcel create conditions that make strict compliance with the three-foot setback requirement an impractical and substantial hardship, and granting the requested variance will not cause any detriment to the public good or undermine the intent of the Somerville Zoning Ordinance.

II. Description of the Property and Existing Conditions

74 Moreland Street is a 3-story, three-unit residential building situated on Lot 54, with an additional rear parcel extending through a portion of Lot 54A. The property is located in the Neighborhood Residence (NR) district. The lot presents a constrained urban geometry: the front section of Lot 54 measures approximately 30 feet in width and 90 feet in depth, with the lot line along the southwestern boundary abutting a ten-foot (10') shared right-of-way passageway that separates 74 Moreland Street from the adjacent property at 72 Moreland Street.

The building was approved for conversion into a three-unit condominium under ZBA-2018-128. The mechanical systems — including condenser units for heating and cooling — were installed in connection with that approved conversion and the subsequent sheet metal work permitted under SM20-000045 and SM23-000060. The condensers were sited in the location that best accommodated the building's existing footprint, utility penetrations, and the spatial constraints of the lot, including the abutting right-of-way and the limited available exterior area at grade.

As of the date of this submission, two of the three condominium units are occupied. The third unit is in the final stages of preparation for occupancy.

III. Criterion 1: Special Circumstances Unique to the Parcel

The Somerville Zoning Ordinance requires that special circumstances exist relating to the soil conditions, shape, or topography of the parcel or the unusual character of the existing structure that are not generally shared across the zoning district. This property presents multiple such circumstances.

First, the lot is unusually narrow at approximately 30 feet of frontage. This width is at or near the minimum permitted for the NR district and provides very limited lateral space along either side of the building for mechanical equipment placement.

Second, the lot's southwestern boundary does not abut a standard property line shared with another privately owned lot. Instead, it abuts the edge of a ten-foot shared right-of-way passageway — a recorded easement — that separates 74 Moreland Street from 72 Moreland Street. This passageway, while providing legal access, introduces ambiguity in the setback measurement context: the condenser's relationship to the centerline of

the passageway, the passageway's edge, and the adjacent lot line creates a more complex setback geometry than is typical for lots in the district with straightforward side-yard lot lines.

Third, the rear extension of the lot through Lot 54A is L-shaped and partially shared in configuration with the rear of adjoining properties. This irregular rear geometry, combined with the narrow front lot width, significantly reduces the number of viable locations for mechanical equipment that would satisfy a standard three-foot setback on all sides simultaneously.

Fourth, the existing building is a pre-existing structure that was converted — rather than newly constructed — under ZBA-2018-128. The building's foundation, utility penetrations, framing, and exterior wall placement were established long before the current mechanical systems were designed, and those fixed conditions constrained where refrigerant lines, electrical conduit, and condensate drainage could practicably terminate on the building exterior. The current condenser locations reflect the point of connection to those fixed penetrations; relocating the units would require rerouting utility infrastructure through finished, occupied residential space.

IV. Criterion 2: Literal Enforcement Would Cause Substantial Hardship

Strict enforcement of the three-foot setback requirement would impose substantial financial and practical hardship on the Applicant for the following reasons.

The condenser units are already installed and have been operational for more than two years. The units serve occupied residential units; their removal or relocation would displace the mechanical systems relied upon by residents currently living in the building. Any relocation would require: (1) disconnection and recharging of refrigerant systems by a licensed HVAC contractor; (2) rerouting of electrical service and conduit through finished interior spaces; (3) repair and finishing of penetrations through the building envelope; and (4) new concrete pads or mounting equipment in a compliant location.

Given the lot's geometry described above, it is not clear that a compliant location exists on the lot that is simultaneously accessible for service, appropriately distanced from all property lines and the right-of-way passageway, and capable of being reached by the existing refrigerant and electrical runs without passing through occupied finished space. The cost of this work — including contractor fees, interior repairs, and potential disruption to occupants — would represent a significant financial burden disproportionate to any marginal benefit achieved by relocating equipment that has operated without complaint for over two years.

V. Criterion 3: Relief Will Not Cause Substantial Detriment to the Public Good

The granting of this Hardship Variance will not cause substantial detriment to the public good and will not nullify or substantially derogate from the intent and purpose of the Somerville Zoning Ordinance or the NR district in which the property is located.

The three-foot condenser setback requirement under ZBA-2018-128 was adopted to protect neighboring properties from potential noise impacts and to ensure reasonable clearance for maintenance access. The existing condenser units have been in operation for more than two years. The Applicant is not aware of any complaints from abutting property owners regarding noise, vibration, or access interference attributable to the condensers' current positions. The shared right-of-way passageway between 72 and 74 Moreland Street provides inherent separation between the condensers and the habitable portions of the neighboring building.

Granting this variance will also allow the outstanding permit (SM26-000033) to be resolved and the property to be brought into full legal compliance under the permit record — an outcome that serves the public interest in maintaining accurate and current permit documentation for occupied residential buildings.

Finally, the relief requested is narrowly tailored. The Applicant is not seeking a blanket exemption from setback requirements. The request is limited to the condenser units as currently sited, which are fixed mechanical installations in a completed building. No expansion of the non-conforming condition is proposed.

VI. Conclusion

For the reasons set forth above, the Applicant respectfully requests that the Zoning Board of Appeals grant a Hardship Variance permitting the existing condenser units at 74 Moreland Street to remain in their current locations notwithstanding the three-foot setback requirement imposed by ZBA-2018-128. The unique shape and constraints of this parcel, the substantial hardship that would result from forced relocation of operating mechanical equipment serving occupied residential units, and the absence of any meaningful detriment to neighbors or the broader public all support the granting of this relief.

Respectfully submitted,

Applicant

Brandon Rawnsley

Name: Brandon Rawnsley

Date: 01 May 2026

Owners of Record, 74 Moreland Street, 1
Somerville, MA 02143

Brandon Rawnsley

Name: Brandon Rawnsley

Date: 01 May 2026



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jmanion@somervillema.gov

10:53 AM

To: vadimtofana@icloud.com >

Reply To: jmanion@somervillema.gov >



Plan Review Comments

FROM: Joshua Manion, Sr. Zoning Review Planner
DATE: April 01, 2026
ADDRESS: 74 MORELAND ST SOMERVILLE, MA 02143
RE: Sheet Metal Permit Informal Comments for SM26-000033
Description for the permit: "For sheet metal work that was done without a permit. Prior permit application number is SM20-000045 & SM23-000060. All work is complete and house 2 of the 3 units have been occupied for 2+ years"

Following are comments relative to your application for Sheet Metal Permit. Please provide a written response to each item indicating the action taken. Submit your written response, revised drawings, and any additional information to the City's Citizenserve portal. You can [click here](#) to login to the portal.

Reviewer: Joshua Manion, ISD Zoning

Review Status: Resubmittal Required

1. As noted in the review comments for CO23-000045, the condenser location shown is non-compliant with setback requirements - per the applicable zoning code (project was approved under ZBA-2018-128), any condenser must be located more than three feet from any property line.

Please do not reply to this email. All resubmittals should be done using our online service.

Please contact me with any questions you may have, I can be reached at [\(781\) 808-8352](tel:7818088352) or by email jmanion@somervillema.gov.



Sin
Joshua Manion
Sr. Zoning Review Planner

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Permit#	Address	Permit Type	Sub Type	Status	Issue Date	Work Description
SM26-000033	74 MORELAND ST	Sheet Metal Permit	Residential	Under Review		Description for the permit: "For sheet metal work that was done without a permit. Prior permit application number is SM20-000045 & SM23-000080. All work is complete and house 2 of the 3 units have been occupied for 2+ years"



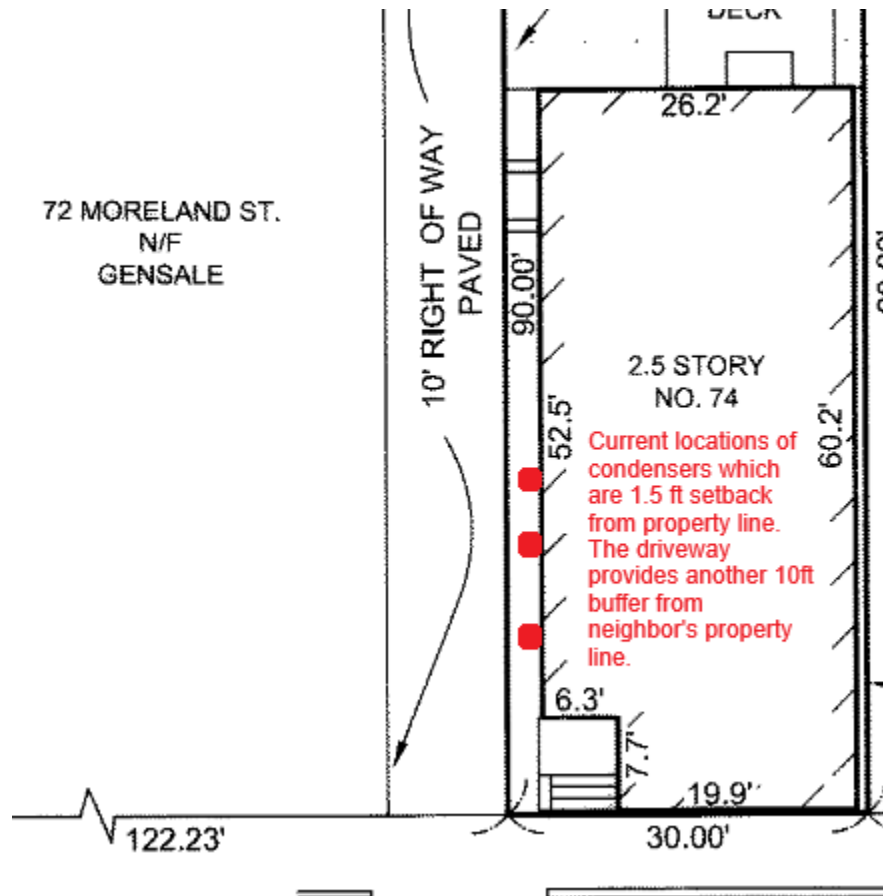
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Permit#	Address	Permit Type	Sub Type	Status	Issue Date	Work Description
CO23-000045	74 MORELAND ST	Application for Certificate of Occupancy	Residential	Denied		Certificate of Occupancy for Unit 3. see CO23-000023 for 2 Units (Unit 1 & 2) FAILURE TO PROVIDE REQUIRED REQUESTED DOCUMENTS

Accompanying exhibit illustrating current dimensions and locations of condensers.



Two photographs of current location of A/C Condensers & driveway.

