



City of Somerville

ZONING BOARD OF APPEALS

93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning Division Staff
SUBJECT: 74 Moreland Street, ZP26-000049
POSTED: July 31, 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 Planning staff to the Review Board members.

This memo summarizes the Hardship Variance request submitted for 74 Moreland 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 July 9th, 2026, and is scheduled for a public hearing on August 5th, 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

Brandon Rawnsley seeks a Hardship Variance to locate mechanical equipment within three (3) feet of the lot line in the Neighborhood Residence (NR) district.

SUMMARY OF PROPOSAL

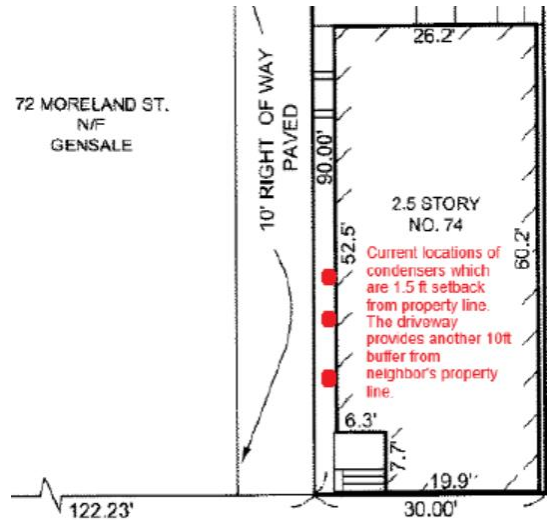
The Applicant, Brandon Rawnsley, submitted a Hardship Variance request in connection with the pending Sheet Metal Permit application (SM26-000033) at 74 Moreland Street. The Applicant seeks a Hardship Variance for relief from the setback requirement for a condenser units imposed as a condition of ZBA-2018-128, which requires that any condenser unit be located more than three (3) feet from any property line.

BACKGROUND

74 Moreland Street is located in the Neighborhood Residential (NR) zoning district in the Winter Hill neighborhood represented by Ward 4 Councilor Jesse Clingan. 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 discretionary or administrative permits required for the NR zoning district.

ANALYSIS

The subject property at 74 Moreland Street contains a multi-family residential principal building. The applicant is seeking approval for relief of the three foot (3') setback requirements for existing condensers on the left side of the property. The condensers are currently located 1.5 feet from the property line, as shown in the image below.



Above: Site Plan of 74 Moreland St

As noted in the review comments from ISD for the Certificate of Occupancy Permit (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. The CO permit was denied in 2023 and the condensers remained non-compliant.

Pursuant to M.G.L. 40A § 10, the Applicant must meet the following criteria to qualify for a Hardship Variance:

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 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 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 a specific district in this Ordinance or the Ordinance in general.

The following is Planning Staff's analysis related to the review criteria for the requested Hardship Variance.

The Applicant addresses criterion 1 by stating that the lot is unusually narrow with approximately 30 feet of frontage, the lot is irregularly shaped, and the lot's southwestern boundary does not abut a standard property line but a shared ten-foot right-of way (recorded easement) that separates 74 Moreland Street from 72 Moreland Street. The Applicant claims this creates a hardship related to the condenser's relationship to the centerline of the passageway, the passageway's edge, and that the adjacent lot line creates a unique circumstance related to the shape of the lot. The Applicant claims the 'L' shape of the lot and easement on the property reduces the number of viable locations for mechanical equipment. The Applicant states the existing building was converted under ZBA-2018-128 and the building's foundation, utility penetrations, framing, and exterior wall placement were established before the current mechanical systems were designed and restricted the location of the mechanical equipment.

The Applicant addresses criterion 2 stating that strict enforcement of the three-foot setback requirement would impose substantial financial and practical hardship because the condenser units are already installed and have been operational for more than two years, currently serving occupied residential units. The Applicant claims the removal or relocation of these condensers would displace the mechanical systems relied upon by residents living in the building. Lastly, the Applicant claims the cost of contractor fees, interior repairs, and potential disruption to occupants would represent a significant financial burden disproportionate to any benefit achieved by relocating equipment.

The Applicant addresses criterion 3 by stating the three-foot (3') 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 Applicant claims the existing condenser units have been in operation for more than two years and 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 Applicant states the shared right-of-way passageway between 72 and 74 Moreland Street provides separation between the condensers and the habitable portions of the neighboring building. Lastly, the Applicant claims the relief requested is limited to the condenser units as currently sited, which are fixed mechanical installations in a completed building and no further expansion of the non-conforming condition is proposed.

If the requested relief is not granted by the ZBA, the condenser will need to be moved so that it meets the 3 foot (3') setback requirement.

Upon analysis of the material submitted by the Applicant, Planning Staff believe that granting the requested hardship variance would not 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:

3.1.2. Intent

- b. To conserve already established areas of detached and semi-detached residential buildings.

3.3.3 Purpose

- a. To permit the development of one-, two-, and three-unit detached and semi-detached residential buildings on individual lots.
- b. To permit contextual modifications to existing detached and semi-detached residential buildings.
- c. To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.
- d. To create dwelling unit types, sizes, and bedroom counts ideal for larger households in houses, Semi-Attached Houses, Duplexes, and Triple Deckers.
- e. To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in Cottages and Backyard Cottages.

Additionally, Planning Staff believe that granting the requested hardship variance would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- 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 Neighborhood Residential 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, Brandon Rawsley, 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 Neighborhood Residential district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance to locate mechanical equipment within three (3) feet of the lot line, Planning Staff does recommends 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 Division for the public record.