



City of Somerville

ZONING BOARD OF APPEALS

93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning Division Staff
SUBJECT: 22 Park Avenue, ZP26-000035
POSTED: August 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 submitted for 22 Park Avenue, 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 June 29th, 2026, and is scheduled for a public hearing on August 19th, 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

Kenneth Hurd is seeking relief of SZO 2.4.4.a.viii.b for a non-compliant rafter/wall intersection in excess of 2' from the finished first floor on the right rear portion of a building in the Neighborhood Residential (NR) District, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

Kenneth Hurd is proposing to renovate an attic space at the rear of a home into an additional 288 square feet of habitable space which requires a Hardship Variance for the right, rear portion of the building which requires relief for a non-compliant rafter/wall intersection in excess of 2' from the finished floor of the first floor.

BACKGROUND

22 Park Ave is located in the 0.25mi Transit Area in the Neighborhood Residential zoning district (NR) in the neighborhood name 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 discretionary or administrative permits required for the NR zoning district.

ANALYSIS

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 Residential district, copied here:

3.1.2. Intent

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

3.3.3 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 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, Kenneth Hurd, 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 for a non-compliant rafter/wall intersection in excess of 2' from the finished first floor on the right rear portion of a building in the Neighborhood Residential (NR) District, PPZ Staff recommends the following conditions at this time:

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.