Narrative Description

Property: 36-38 Magnus Avenue
Applicant: Emily Sandler
Owners: Leah Berkenwald, Benjamin Sandler & Emily Sandler
Agent: Levi Tofias, Architect - Lightbox Architecture LLC
Zoning Designation: Neighborhood Residence (“NR”) District
Not in Pedestrian Street District

Project Description:

The proposed project consists of renovation and vertical expansion of Unit #36 within an existing two-family residential building at 36–38 Magnus Avenue. Unit #38 occupies the first floor, and Unit #36 occupies the second floor and existing third-floor/attic level. The existing third floor already contains habitable residential space, but the existing gable roof and approximately 8-foot ridge height result in sloped ceilings and limited full-height floor area. The proposed work replaces the existing roof/attic condition with a full-height third story and flat roof, while maintaining the existing residential use, existing number of dwelling units, existing building footprint, and existing side-yard relationships.

The project also includes interior renovations, structural upgrades, building-envelope improvements, MEP modernization, and related code, energy, and life-safety improvements. The requested variance is limited to the façade build-out requirement triggered by classification of the building as a Triple Decker rather than a Detached House; the project otherwise complies with the applicable dimensional standards shown on the zoning drawings.

Narrative Statement:

1. What does strict enforcement of the zoning ordinance require on this lot?

Because the proposed third-story addition results in classification of the building as a Triple Decker rather than a Detached House, strict enforcement of the NR district ordinance requires a minimum façade build-out of 60%. The existing building complies with the 50% façade build-out standard applicable to a Detached House, and the existing/proposed condition achieves approximately 56% façade build-out — short of the 60% Triple Decker threshold by a narrow margin. The building otherwise complies with all applicable Triple Decker dimensional standards, including minimum building width, lot, and setback requirements. Strict

enforcement would therefore require either (a) widening the existing building by approximately 4 feet to reach the 60% threshold, or (b) an alternative roof form, such as a mansard roof, to avoid triggering the higher standard while still achieving a full-height third floor.

2. What practical difficulty (consequence) results from strict enforcement?

Both compliance pathways impose disproportionate practical difficulty relative to the minor dimensional shortfall involved:

Physical and structural: Widening the building by approximately 4 feet to satisfy the 60% façade build-out requirement would require new foundation work, structural reframing, and a full building-envelope extension solely to correct a minor ratio shortfall, rather than any functional or programmatic need. This is a disproportionate physical intervention relative to the 4% gap between the existing 56% condition and the 60% standard.

Environmental: Widening the footprint would reduce the planned green space on the lot, negatively affecting the project's ability to comply with the City's Green Score requirements.

Financial: The alternative of a mansard roof, which would achieve a full-height third floor without changing the façade build-out calculation, carries an estimated $40,000 in additional construction cost — a substantial financial hardship imposed solely to avoid a 4-percentage-point dimensional shortfall.

In combination, strict enforcement would force the applicant to choose between a costly structural expansion with environmental drawbacks and a significant unbudgeted construction expense, either of which is disproportionate to the limited relief requested.

3. What are the benefits to the applicant of granting the variance?

Granting the variance allows the applicant to replace the existing constrained third-floor/attic space — currently limited by an approximately 8-foot ridge height and sloped ceilings that leave much of the floor area below the 7-foot minimum habitable height — with a full-height, code-compliant third story. This is achieved by carrying the existing wall alignment upward under a flat roof, avoiding the unnecessary cost, structural disruption, and environmental impact of widening the building or constructing a mansard roof. The variance also allows the applicant to proceed with the accompanying structural upgrades, building-envelope improvements, MEP modernization, and code, energy, and life-safety improvements planned for the building.

4. What are the benefits to the public interest, including housing production, of granting the variance?

The project preserves the existing number of dwelling units and existing residential use, while enabling meaningful reinvestment in an aging two-family building through structural, life-safety, energy-efficiency, and building-system upgrades. Granting the variance supports the continued habitability and quality of existing housing stock in the NR district without adding building bulk beyond what the existing footprint and side-yard relationships already establish. By avoiding the footprint expansion that strict enforcement would otherwise require, the variance also supports compliance with the City's Green Score requirements, preserving planned green space on the lot for stormwater management and environmental benefit — a public benefit that would be lost under literal compliance.

Critically, the additional habitable space allows the applicant's family — who are outgrowing their home's current livable square footage — to remain in the property long-term rather than being forced to sell and relocate outside Somerville. Granting the variance therefore directly supports the applicant's ability to stay rooted in the community as their family grows, preserving this as their long-term, "forever" home.

5. What are the detriments to the public health, safety, and welfare of the neighborhood, of granting the variance?

Granting the variance results in no meaningful detriment to the public health, safety, or welfare of the neighborhood. The project preserves the existing building footprint, existing side-yard setbacks, existing number of dwelling units, and existing neighborhood scale. The flat-roof design carries the existing wall alignment upward rather than expanding laterally toward neighboring properties, and the relief requested is limited to a narrow, dimensional shortfall (56% versus the 60% Triple Decker standard) rather than any substantial change to the building's footprint or relationship to the street or adjacent lots. Triple deckers already exist across from the property and along the same street, so the resulting building is consistent with the established character and scale of the neighborhood. The project further improves life-safety and code compliance within the building through the associated structural, energy, and MEP upgrades. For these reasons, granting the variance would not cause substantial detriment to the public good and would not derogate from the intent of the NR district or the Somerville Zoning Ordinance.