City of Somerville
STRATEGY & DEVELOPMENT DEPARTMENT
MAYOR JAKE WILSON

To: Zoning Board of Appeals
From: Planning Division
Date: October 29, 2026
Subject: 38 Magnus Ave Variance Application

Planning Division staff have reviewed Variance application ZP26-000085 for 38 Magnus Ave. This memo provides analysis and supporting information for weighing the benefits versus detriments of issuing the requested variance subject to the statutory requirements of M.G.L. 40A.

Zoning Analysis

Strict enforcement of the zoning ordinance section 3.1.11.c for 38 Magnus Avenue prohibits the conversion from a detached house to a triple decker, because the proposed building does not meet the minimum facade build-out requirement. Section 3.1.11.c of the SZO requires a minimum façade build out of 60%, and the proposed project has 56%. However, the proposed new building is otherwise permitted by-right in the Neighborhood Residential (NR) zoning district.

Standard	Required	Proposed	Variance
Minimum façade buildout (SZO 3.1.11.c)	60%	56%	4% less than required

Benefits to the Applicant

The Planning Division identified the following benefits to the Applicant:

- Control of cost and timeframe, as the alternative would require major demolition of the building.

Benefits to the Public Interest

Massachusetts case law has treated the public interest as relating to the general public extending beyond the boundaries of a municipality. Zoning defines the public interest by the purpose that zoning ordinances are adopted and the statutory limits of what zoning can regulate.

The Planning Division identified the following benefits to the public interest:

- Adaptive reuse of an existing structure.
- Sustainable development, as the proposed project reduces the impact of embodied carbon emissions by avoiding substantial demolition.
- Benefits to neighbors due to limited construction compared to a full demolition. Proposed project will have reduced construction hours and overall, a faster process.
- Increase in property value and taxbase

Detriments to the Health, Safety, and Welfare of the Neighborhood

Massachusetts case law treats the word “neighborhood” as an elastic geographic area that may alter in size according to the nature of the impact of a proposed variance. For the context of the requested variance, staff analysis identifies public health, safety, and welfare consequences of the proposal that are experienced in the geographically relevant area.

The Planning Division identified the following detriments to the Health, Safety, and Welfare of the Neighborhood:

- No detriments were identified to the Health, Safety, and Welfare of the Neighborhood.