City of Somerville
ZONING BOARD OF APPEALS
93 Highland Ave, Somerville, MA 02143

VARIANCE DECISION

Case No: **ZP26-000085**
Address: 38 Magnus Avenue
Decision: Approved
Date Issued: November 16, 2026

Record of Proceedings
On November 4, 2026, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance to review Variance application #ZP26-000085 submitted by Emily Sandler.

The proposal is to convert an existing detached house into a triple decker, which would not meet the minimum facade build-out requirement. Section 3.1.11.c of the SZO requires a minimum façade build-out of 60%, which is the ratio of the building's width to the lot's width, and the proposed project has only 56% as an existing condition. The proposed modification to the existing detached house 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

Present and sitting at the public hearing were Board Members Chair Susan Fontano, Vice-Chair Anne Brockelman, Olivia Mobayed, and Acting-Clerk Brian Cook. Alternate Sisia Daglian recused herself from this hearing. The Applicant gave a presentation on the proposal. The Board opened public comment portion of the hearing. Two (2) residents provided comments in support of the project. The Zoning Board discussed the proposal.

The Board asked the Applicant to show their shadow study to address a written public comment mentioning concerns about the height. The Applicant showed the Board their study that demonstrated the impact would be minimal. The Board also asked for the Applicant to address the questions regarding practical difficulty and public benefits as part of the new legal regime for variances. The Applicant explained that strict enforcement would require either widening the entire existing building by 4 feet or requiring building an alternative roof form which would not trigger the full height of the third floor and therefore, convert the type of building. The Applicant further indicated that either alternative to the proposed variance would create further physical and structural interventions to the building, would
have negative environmental impacts, would prolong the construction period if approved, and would create greater financial burden on the Applicant. The Board had no further questions and moved to vote.

Plans & Documents
The following submitted plans, documents, and supporting materials are incorporated and retained on file with the original application:

Document	Pages	Prepared By	Date	Revision Date
38 Magnus Ave Narrative	3	Levi Tofias Lightbox Architecture 30 Bellis Cir, Cambridge MA 02140	September 3, 2026	September 25, 2026
36-38 Magnus Ave – Plot Plan	1	Massachusetts Survey Consultants, LLC 95 Terrace Hall Vae Burlington, MA	December 22, 2025	N/A
36-38 Magnus Ave – Building Plans	15	Levi Tofias Lightbox Architecture 30 Bellis Cir, Cambridge MA 02140	September 8, 2026	N/A

Findings

The Board finds that strict enforcement of the required minimum façade buildout of 60% creates a practical difficulty for the redevelopment of 38 Magnus Avenue. In making its finding, the Board determined that the public interest in sustainability, adaptive reuse of the original house, a shorter construction period, and the Applicants benefit of preserving their existing living, arrangement outweighs any detriment to the neighborhood health, safety, or welfare. Furthermore, because no alternative zoning-compliant solution is economically feasible, relief from the minimum facade buildout is justified.

Decision
Following public testimony, review of submitted materials, and discussion of the statutorily required considerations, Brian Cook moved to approve the Variance. Vice-Chair Anne Brockelman seconded.

The Board voted 5-0 to approve the Variance to ZP26-000085, granting relief from Section 3.1.11.c as shown in the referenced plans.

For the Zoning Board of Appeals:

Katherine Luster

Kit Luster, ZBA Coordinator

THIS DECISION MUST BE RECORDED AT THE MIDDLESEX SOUTH REGISTRY OF DEEDS
The owner or applicant is responsible for paying any fees assessed by the registry.

A true and correct copy of the above decision has been filed with the office of the City Clerk by the Zoning Board of Appeals.

I certify that twenty (20) days have elapsed since the filing of this decision and that no appeal was filed, or that if an appeal was filed, it has been dismissed or denied.

Attest, by the City Clerk: _____ Date: _____

Received and entered with the Middlesex South Registry of Deeds.

Attest, by the Register of Deeds: _____ Book: _____ Page: _____