HARDSHIP VARIANCE NARRATIVE

102 Morrison Ave, Somerville, MA 02144 — Backyard Cottage (ADU)

Project Summary

The Applicant, Paul A. Lavelle, Trustee of ULS Aberdeen Realty Trust, proposes construction of a detached Backyard Cottage (Accessory Dwelling Unit) at the rear of an existing three-family property at 102 Morrison Ave, Somerville, MA (the "Property"). This petition arises directly out of the City's ongoing review of a Building Permit the Applicant has already filed for this project, not as a speculative or precautionary filing made in advance of construction.

The Applicant applied for the Cottage as a by-right Backyard Cottage, and the City assigned Building Permit application number B26-001026 to that filing. It was only in the course of the City's Inspectional Services Department (ISD) review of that pending application -- not before -- that ISD identified the Community Path as triggering a second primary front lot line under SZO 2.1 and SZO 2.4.2.a.iii.c. That finding produced a Building Permit review comment from Josh Manion, Senior Zoning Review Planner, requiring a Hardship Variance before the application can proceed to approval. This petition is submitted in direct response to that review comment, in order to allow the pending Building Permit application to move forward.

The Cottage, as designed, complies in full with every other applicable dimensional and use standard governing Backyard Cottages in the NR Zoning District, including lot coverage, side and rear setbacks, building separation, height, story count, massing, and facade composition. The sole point of nonconformity giving rise to this petition is the primary front setback requirement of SZO 3.1.12.b, which the Cottage does not satisfy as measured against a lot line that was designed, and has always functioned, as a rear lot line.

The Nature of the Nonconformity

Per SZO 2.1, any lot line that abuts a civic space or thoroughfare is defined as a front lot line. The Property is a through lot: it fronts on Morrison Ave at the front of the lot and abuts the Somerville Community Path at the rear of the lot. Because the Community Path qualifies as both a civic space and a thoroughfare under SZO 2.1's definitions, the rear lot line is classified as a second front lot line. Per SZO 2.4.2.a.iii.c, both front lot lines of a through lot are primary front lot lines. As a result, SZO 3.1.12.b's 60-foot primary front setback requirement, which would ordinarily apply only to the Morrison Ave-facing boundary, is triggered a second time along the Community Path-facing boundary.

This is not a case where the Cottage was designed without regard for the applicable setbacks. The Cottage was designed, and the Building Permit application submitted, on the understanding that it qualified as a by-right Backyard Cottage. The design plans (KDI Architecture) reflect a rear setback of 3.7 feet along the Community Path boundary, fully compliant with the 3-foot minimum rear setback that governs the great majority of Somerville lots and that would govern this lot under an ordinary reading of "front" and "rear." It was only upon the City's review of the pending Building Permit application that the technical operation of SZO 2.1's civic-space/thoroughfare definition was identified as applying to this lot -- converting a compliant rear setback into a 56.3-foot deficiency against the 60-foot primary front standard, and resulting in the review comment that gives rise to this petition.

The Property is subject to SZO 3.1.12.b's 60-foot primary front setback along the Community Path boundary because that boundary is properly classified as a second primary front lot line under SZO 2.1 and SZO 2.4.2.a.iii.c. The Applicant does not dispute that classification. It is precisely the correct application of that definition to this particular lot -- not any error in it -- that gives rise to the special circumstance underlying this petition: the imposition of a second primary front setback that significantly restricts development potential in a way not experienced by the great majority of lots in the NR district. This is a condition arising from the Path itself, and

specific to the small number of lots that abut it -- precisely the kind of special circumstance, affecting particular land but not the district generally, that SZO 15.3 and the underlying hardship variance standard are designed to address.

Compliance With All Other Applicable Standards

As documented in the KDI Architecture Zoning Dimensional Table (Lot A — Backyard Cottage, rev. 8/5/2026), the proposed Cottage complies with every other applicable dimensional and use standard for a by-right Backyard Cottage in the NR Zoning District, including:

- Lot coverage: 52.0% proposed (60% maximum permitted)
- Side setbacks: 3.0 ft on both left and right sides, meeting the 3 ft minimum
- Rear setback (Community Path boundary, as conventionally understood): 3.7 ft, exceeding the 3 ft minimum
- Building separation: 22.5 ft between principal building and Cottage overall (10 ft minimum); the Cottage's stoop, the closest point of the structure to the existing multi-family building, is 10.0 ft from that building, still meeting the minimum
- Width: 24.00 ft (24 ft maximum)
- Depth: 24.00 ft (32 ft maximum)
- Floor plate: 576 SF (576 SF maximum)
- Story height: 10.5 ft (12 ft maximum); 1.5 stories (1.5 stories maximum)
- Facade fenestration: complies with 15%/50% ground- and upper-story requirements

The Cottage, as designed, is a fully compliant by-right Backyard Cottage in every respect except the single dimensional standard at issue in this petition.

Statutory Standard Applied

This petition is submitted under M.G.L. c. 40A, Section 10, as amended effective July 9, 2026. Section 10 now provides that permit granting authorities "shall" grant a variance if it finds that strict enforcement of an applicable zoning ordinance or bylaw, would result in a "practical difficulty." In this instance, strict application of two (2) primary "front" setbacks to a lot approximately 110.50 feet deep causes the setback areas to overlap by approximately 9.5 feet, the result being mathematical elimination of any conforming building envelope / location for a Backyard Cottage. In determining whether the practical difficulty warrants relief, the Board weighs the benefits to the Applicant and to the public interest -- including the interest in supporting the production of housing -- against any detriment to the public health, safety, and welfare of the neighborhood. The Board may also consider, among other things, whether the difficulty was self-created, whether a feasible alternative exists that achieves the same result, and any financial hardship to the Applicant.

Application of the Practical Difficulty Standard

1. Benefits to the Applicant and the Public Interest, Including Housing Production, Weighed Against Detriment to the Neighborhood

The proposed Cottage adds a new, independent single-family rental home to the City's housing stock -- distinct in form and function from the existing three-family structure on the lot -- consistent with the stated purpose of Somerville's Backyard Cottage provisions and with the Commonwealth's current housing production priorities. The Applicant commits to using the Cottage as a single-family rental home, supporting the public interest in housing production that the Board is directed to weigh in the Applicant's favor. Somerville's housing stock is disproportionately composed of multi-family buildings; a small-footprint, single-family rental unit of this kind

broadens the diversity and availability of housing typologies in the City in a manner a condominium or additional multi-family unit would not.

The relief requested causes no discernible detriment to the neighborhood or to the Community Path. Although the zoning setback is accurately measured from the lot line, the physical relationship of the proposed Cottage to the public's use of the Community Path is relevant to the Board's assessment of actual detriment to public health, safety and welfare. The Cottage will be approximately 40.7 feet from the paved pedestrian and bicycle travel surface: the lot line is approximately 37 feet from the edge of the asphalt path (confirmed by laser measurement), and the Cottage is set an additional 3.7 feet inside the Property. Approximately 37 feet of intervening land outside the Property, coupled with an existing landscaped and tree buffer separates and partially screens the Cottage from pedestrians and cyclists using the Path. The Cottage's physical setback from the Community Path lot line is unchanged by this petition -- it remains 3.7 feet, the same distance that would apply under a conventional rear-yard analysis, and the Applicant is not seeking any further reduction. What is at issue is therefore the zoning classification applied to the boundary, not an unusually close physical relationship between the Cottage and the Path. The Path is a recreational, pedestrian- and bicycle-oriented public way with no vehicular access (the Property's own deed, Middlesex South Registry of Deeds Book 66697, Page 122, confirms that the boundary occupies the former Lexington Branch, Boston & Maine R.R. right-of-way). The Cottage does not introduce vehicular access, commercial activity, additional height, or any other feature bearing on the safety or welfare considerations ordinarily served by primary front setback along a conventional street. Granting the variance preserves the status quo appearance and function of this boundary as a landscaped rear yard condition, which is what the design already provides for, and is consistent with the existing pattern of fencing and close-set accessory structures on neighboring properties along the Path.

This absence of detriment is further supported, on a discretionary basis, by the existing character of development along this stretch of the Community Path. The neighboring property directly adjacent to 102 Morrison Ave is a three-story building, substantially elevated above grade, with a deck and brick patio situated close to the rear property line abutting the Path -- well within what would be required under a 60-foot primary front setback -- and substantially screened from the Path by the same dense tree buffer described above. The proposed Cottage, at 40.7 feet from the paved surface, would sit roughly level with, or further from the Path than, this existing neighboring condition, and is a 1.5-story, 10.5-foot-tall structure, substantially smaller in scale than that neighboring building. A further example exists slightly along the Path: a commercial building (Thalia Tringo Real Estate) is sited with a laser-measured setback of only 13.6 feet from the Path, less than one-quarter of the 60-foot standard. Photographs of these and other nearby examples are attached as Exhibit B. While this contextual evidence is not itself the basis for the special circumstances required under M.G.L. c. 40A, §10, it is offered to inform the Board's discretionary weighing of detriment to the neighborhood, and to show that the relief requested is consistent with, not a departure from, the established pattern of development along this corridor.

2. Practical Difficulty Is Existing and Not Created by the Proposed Cottage

The practical difficulty arises from conditions the Applicant neither created nor designed. The Community Path, the Property's through-lot configuration, its approximately 110.5-foot depth, and the Ordinance provisions treating both the Morrison Ave and Community Path boundaries as primary front lot lines all predate the proposal. Collectively, those conditions cause the two (2) 60-foot setback areas to overlap by approximately 9.5 feet, eliminating a conforming building envelope for any Backyard Cottage on the lot regardless of design. The proposed Cottage neither creates nor intensifies that condition. Instead, it occupies the only location that also satisfies the 10-foot building-separation requirement and the remaining dimensional standards. Building Permit application B26-001026 was submitted in good faith as a by-right Backyard Cottage with a 3.7-foot setback consistent with the ordinary rear-yard standard. Only during its review did ISD identify the technical effect of classifying the Community Path

boundary as a primary front lot line. That permitting history further shows that the practical difficulty results from the preexisting lot configuration and Ordinance definitions, not from any effort by the Applicant to evade a known requirement.

3. No Feasible Alternative Achieves the Same Result

As illustrated in the diagram attached as Exhibit A, no position on this lot can satisfy both primary front setbacks simultaneously, regardless of design choice. The lot's overall depth (≈110.5') is less than the combined depth of the two 60-foot primary front setbacks that apply once both the Morrison Ave and Community Path boundaries are treated as primary fronts (120' combined). The two required setback zones physically overlap by approximately 9.5 feet, leaving no buildable envelope for a Backyard Cottage anywhere on this lot. This is not a function of the Applicant's chosen siting -- it is an unavoidable, lot-specific mathematical consequence of the dual-frontage condition itself.

This conclusion is reinforced by a second, independent constraint: SZO 3.1.12 requires a minimum building separation of 10 feet between the Cottage and the existing principal structure (the existing three-family dwelling). Given the lot's dimensions and the footprint of the existing building, the location reflected in the current design is the only position on the lot that satisfies this 10-foot building separation requirement while also maintaining compliance with all other applicable dimensional standards (side setbacks, lot coverage, etc.). Relocating the Cottage to attempt to reduce the Community Path setback nonconformity would require violating the building separation standard, the side setback standards, or both -- trading one nonconformity for another, with no net gain in compliance. Between the absolute geometric constraint shown in Exhibit A and this practical siting constraint, no feasible alternative exists that would both preserve the Cottage's by-right conformance elsewhere and eliminate the setback issue that is the sole subject of this petition. This constraint is not merely theoretical: to bring the existing principal structure itself into compliance with the 10-foot building separation requirement relative to the proposed Cottage, the Applicant has already rebuilt the rear decks on the existing three-family residential building -- a real, completed measure demonstrating the Applicant's good-faith effort to fit the Cottage within the by-right zoning envelope before seeking this variance.

4. Financial Hardship

The practical difficulty also has a concrete financial consequence. The Applicant has incurred $85,974 to date in site preparation, architectural, engineering, and consultant fees pursuing an otherwise zoning-compliant Backyard Cottage. Because the overlapping primary-front setbacks eliminate any conforming Cottage location on the Property, those expenditures cannot be preserved or otherwise utilized through an alternative, conforming siting. This financial consequence is not the basis of the requested relief, but is an additional consideration the Board may weigh when operating within the framework of structured administrative discretion now operative in M.G.L. c. 40A, Section 10.

Requested Relief

The Applicant respectfully requests a Hardship Variance from SZO 3.1.12.b's 60-foot primary front setback requirement, solely as applied to the lot line abutting the Somerville Community Path, to permit the Backyard Cottage to be constructed as designed, with a 3.7-foot setback from that boundary, consistent with the Cottage's compliance with all other applicable dimensional stan

EXHIBIT A — PRACTICAL DIFFICULTY EVIDENCE

The following diagram and photographs support the statutory elements the Board is required to consider under M.G.L. c. 40A, §10: the special circumstances affecting this specific lot, and the resulting practical difficulty of literal enforcement.

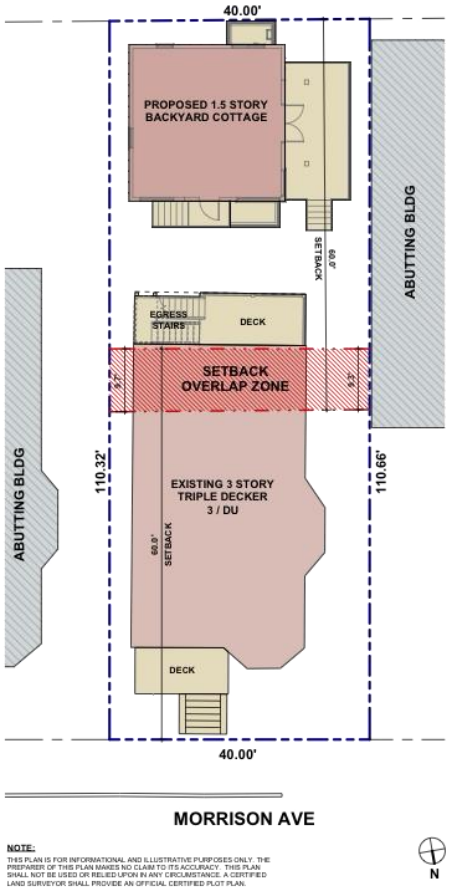


Diagram 1, prepared by KDI Architecture, illustrating the two 60-foot primary front setback lines -- measured from Morrison Ave and from the Community Path -- overlaid on the actual site plan. As shown, the required 60-foot setback zones overlap across the depth of the lot, leaving no buildable envelope for a Backyard Cottage between them, irrespective of where on the lot a Cottage might otherwise be sited. This confirms that literal enforcement of both primary front setbacks simultaneously is physically incompatible with any Backyard Cottage on this lot, independent of the Applicant's specific design choice. This plan is for informational and illustrative purposes only; it shall not be used or relied upon in any circumstance, and a certified land surveyor shall provide an official certified plot plan.



Photo 1. The Property's actual, functioning front on Morrison Ave, showing the entrance, driveway, and street-facing orientation of the existing structure -- in contrast to the Community Path boundary at the rear, which has no vehicular access or street-like function.



Photo 2. Aerial view of the Applicant's own rear yard at 102 Morrison Ave, showing the overall layout of the area where the proposed Cottage will be sited relative to the existing patio, path, and rear fence line.



Photo 3. Ground-level view from within the rear yard toward the fence and tree buffer along the Community Path boundary -- the approximate vantage point from which the proposed Cottage will be sited.

EXHIBIT B — EXISTING CHARACTER ALONG THE COMMUNITY PATH

The following photographs are offered in support of the Board's discretionary consideration of the surrounding context -- showing that development well short of a 60-foot setback from the Community Path is an established, unremarkable pattern in this immediate area, not an aberration the proposed Cottage would introduce.



Photo 1. View from the Community Path looking back toward the rear lot line of 102 Morrison Ave, illustrating the degree of visual screening the existing tree buffer provides between the Path and the subject property.



Photo 2. The neighboring property immediately adjacent to 102 Morrison Ave, showing the overall size and massing of that structure relative to the Community Path boundary.



Photo 3. Street-level view of the same neighboring property's entrance, further illustrating the overall scale and massing of this structure relative to the proposed 1.5-story Cottage.



Photo 4. A separate commercial building (Thalia Tringo Real Estate), located one block away, sited directly along the Community Path -- an additional example of established, well-under-60-foot setbacks along this corridor.



Photo 5. Close view of the same building's Path-facing facade, laser-measured at 13.6 feet from the Path -- less than one-quarter of the 60-foot standard now being applied to the subject property.



Photo 6. A residential building sited directly on the Community Path, one block from the subject property in the opposite direction, near Cedar St.



Photo 7. A second residential building facing the building in Photo 6 across the Community Path at the same location near Cedar St -- together illustrating that multiple buildings along this corridor, in both directions from the subject property, are sited directly on the Path with minimal setback.

PREPARED FOR:
OWNER OF RECORD:
PAUL A. LAVELLE, TRUSTEE
ULS ABERDEEN REALTY TRUST
P.O. BOX 400334
CAMBRIDGE, MA 02140

REFERENCES:
DEED: BK 66697, PG 121
PLAN: PL BK 123, PL 13
BK 2003, PG 780
LCC: 6818-A

NOTES:
PARCEL ID: 5607

PROPOSED CONDITIONS PLAN

LOCATED AT

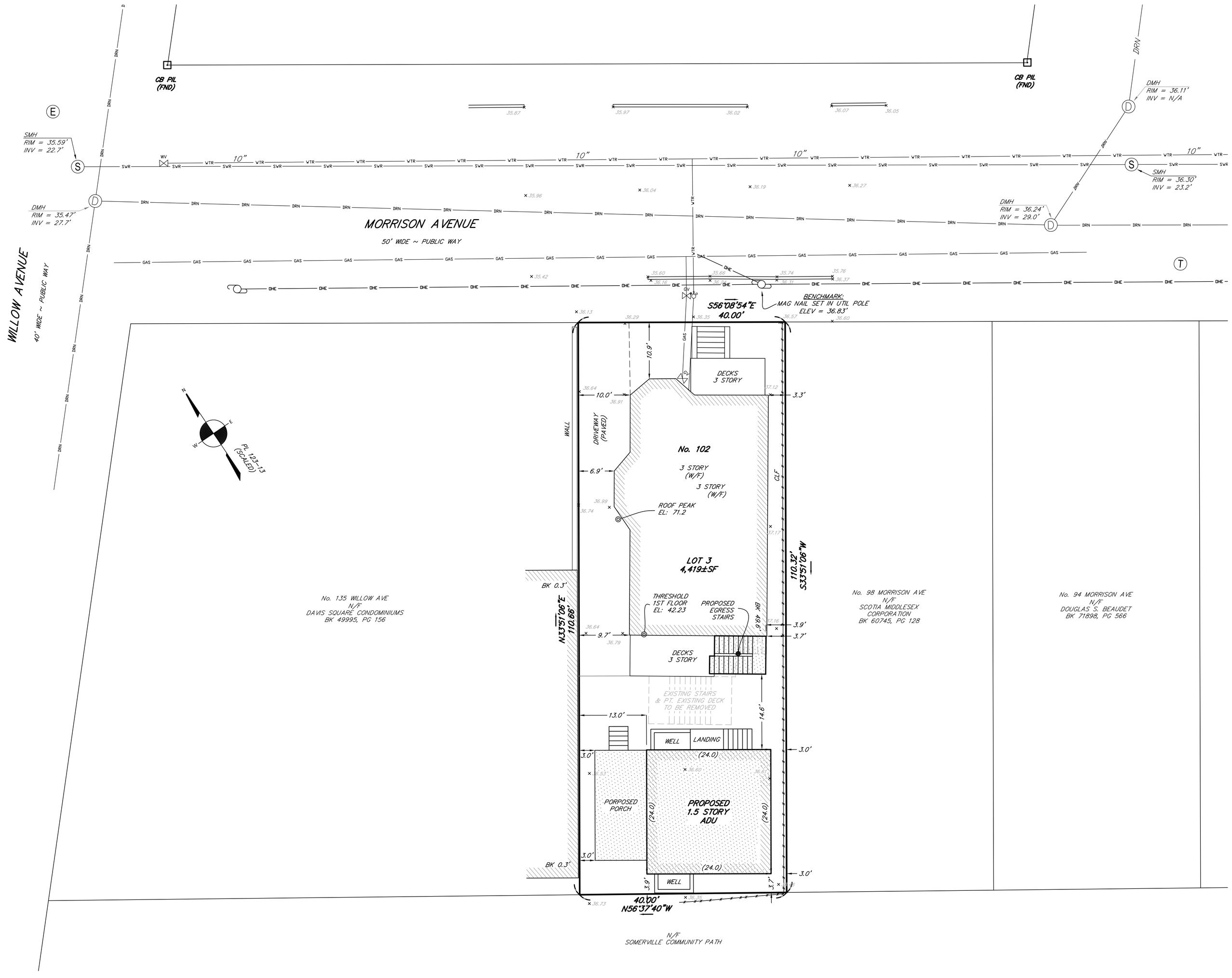
102 MORRISON AVENUE
SOMERVILLE, MA

DATE: JULY 10, 2026 SCALE: 1.0 INCH = 10.0 FEET

0 10 20 30

LEGEND

BOUND	
IRON PIPE/ IRON ROD	
DRILL HOLE	
BENCHMARK	
GAS VALVE	
HYDRANT	
WATER SHUTOFF	
WATER VALVE	
CATCH BASIN	
DRAIN MANHOLE	
SEWER MANHOLE	
ELECTRIC MANHOLE	
TELEPHONE MANHOLE	
SIGN	
LIGHT POLE	
UTILITY POLE	
DRAIN LINE	DRN
SEWER LINE	SWR
GAS LINE	GAS
WATER LINE	WTR
OVERHEAD ELECTRIC LINE	OHE
UNDERGROUND ELECTRIC LINE	UGE
CHAIN LINK FENCE	
INVERT	INV
POLY VINYL CHLORIDE	PVC
VITRIFIED CLAY	VC
REINFORCED CONCRETE PIPE	RCP
FOUND	FND
CONCRETE BOUND	CB
STONE BOUND	SB
UNABLE TO OPEN MANHOLE	N/A



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF FEBRUARY 23, 2016 AND JUNE 12, 2025 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF STREETS AND WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

ABUTTERS' NAMES REFER TO CURRENT CITY OF SOMERVILLE ASSESSOR'S RECORDS AND/OR CURRENT RECORDS AVAILABLE AT THE REGISTRY OF DEEDS.

VERTICAL DATUM
THE ELEVATIONS SHOWN ON THIS PLAN ARE RELATIVE TO NORTH AMERICAN VERITICAL DATUM 1988 (N.A.V.D 88) AND WERE DETERMINED FROM A GPS OBSERVATION.

BENCHMARK
1) MAG NAIL SET IN UTILITY POLE
ELEVATION = 36.83'

UNDERGROUND UTILITIES ARE BASED UPON AN ACTUAL FIELD SURVEY AND INFORMATION OF RECORD. IT IS NOT WARRANTED THAT THEY ARE EXACTLY LOCATED, NOR THAT ALL UNDERGROUND CONDUITS OR OTHER STRUCTURES ARE SHOWN ON THIS PLAN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DIG SAFE PRIOR TO ANY EXCAVATIONS.

FEMA
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS
ZONE: X
COMMUNITY PANEL: 25017C0438E
EFFECTIVE DATE: 06/04/2010

BOSTON SURVEY, INC.
UNIT C-4 SHIPWAY PLACE
CHARLESTOWN, MA 02129
(617) 242-1313

FIELD:	JJH
DRAFT:	TWR, SAP
CHECK:	GCC
DATE:	07/10/26
JOB #	16-00157

COMMONWEALTH OF MASSACHUSETTS
GEORGE C. COLLINS
No. 41784
PROFESSIONAL LAND SURVEYOR