



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-54

Date: June 20, 2018

Recommendation: Denial

PLANNING STAFF REPORT

Site: 22 Berkeley Street

Applicant Name: John Comerford
Applicant Address: 22 Berkeley Street,
Somerville, MA 02143
Owner Name: John Comerford
Owner Address: 22 Berkeley Street,
Somerville, MA 02143
Alderman: Ben Ewen-Campen

Legal Notice: Applicant and Owner, John Comerford, seeks a Special Permit to revise a condition of a previously-executed special permit granted in 2009. RA zone. Ward 3.



Dates of Public Hearing(s): June 20, 2018 – ZBA

I. PROJECT DESCRIPTION

1. Subject Property: The locus is a 5,427 square foot lot located in the RA zoning district. The locus is a limited use two-family property. At the front of the lot is a single-family residential structure containing roughly 1,881 square feet of living area. At the rear of the property is what the owner states to be a former carriage barn. On the main level of this structure is garage space and on the second level of this structure are living quarters. Please see “Comments” below for background on past special permitting on this site.

2. Proposal: The Applicant petitions the ZBA to remove the restriction on the use/occupancy of the “carriage house” to the Applicant’s immediate family. The Applicant also petitions the ZBA to remove

the condition that requires this property to revert back to single-family use upon transfer of ownership.

3. Green Building Practices:

The application states “not applicable.”

II. BACKGROUND FOR THIS CASE

1. The Applicant and owner of the property, John Comerford, appeared before the ZBA in 2009 to petition the Board for permission to use the second floor of the “carriage barn” located at the rear of his property as living quarters.¹ By doing this, two principal dwelling structures would be created on the same lot.
2. In reading the original staff report written in December, 2008, it was revealed that the purpose of the Applicant’s original proposal appears to have been to legalize an illegally-existing residential unit in this “carriage barn.” The original staff report contains the following:

The applicant has stated that the carriage house was originally built with a second floor coachman's apartment where the apartment is currently located. The applicant claims this apartment has been in existence and used for over 60 years. (staff report, 2008)

3. On January 7, 2009, the ZBA voted to approve Mr. Comerford’s request with the following condition:

Use of the second principal structure shall be limited to members of the Applicant’s immediate family. Such use shall cease upon transfer of ownership of the property, at which time the property shall revert to single family use.

4. Today, the Applicant asks the ZBA to remove the condition requiring the “carriage barn” dwelling unit to be used only by immediate family members. The Applicant also asks the ZBA to remove the portion of the same condition that requires this property to revert back to single-family use once ownership of the property is transferred to another entity.

III. STAFF FINDINGS

Under Somerville’s current and proposed zoning ordinance, accessory structures such as “carriage barns” are not permitted to be used as dwelling units. Most accessory structures are built very close to, if not on, lot lines. This is the case with 22 Berkeley Street as well.

The 2008 staff report provided an analysis of the Applicant’s proposal as a Special Permit with Site Plan Review. However, the Applicant would also need a Variance in order to have this accessory structure used as a permanent dwelling unit due to the current nature (use) of the structure as an accessory building, the proximity of the structure to the lot line, and to convert such a structure to a use that is not allowed.

In addition to being unable to meet most dimensional requirements, it would be a challenge for the proposal to meet all three thresholds that are required for a variance which are outlined in Section 5.5.3 of the SZO as follows:

¹ The case number for the project in 2008/2009 was ZBA 2008-64

- a.) There are special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing a substantial hardship, financial or otherwise.
- b.) The specific variance as may be granted by the Board is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.
- c.) The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of the nearby buildings, the Board, in making its findings, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.

In 2008, the ZBA was generous in allowing an illegally-existing dwelling unit to be converted to a temporary legal use. Staff does not find there to be any compelling reason provided by the Applicant in their application to justify removing the condition that limits the use to immediate family members and requires the property to revert back to single-family use after ownership is transferred. Staff recommends **DENIAL** of the Applicant's request.