



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
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MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

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SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2014-83-E1-03/17

Date: April 27, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 54-56A Elm Street

Applicant & Owner Name: 54 Elm, LLC

Applicant & Owner Address: 464 Common Street, Suite 322 Belmont, MA 02478

Agent: Richard Di Girolamo

Agent Address: 424 Broadway Somerville, MA 02145

Alderman: Mark Niedergang

Legal Notice: Applicant & Owner, 54 Elm, LLC, seeks a time extension of a Special Permit under SZO §5.3.10 for Case No. ZBA 2014-83, approved on February 4, 2015, which was granted to alter and expand the nonconforming structure by rebuilding the existing storefront with a second floor to add an additional dwelling unit on-site. Parking relief was also required. RB zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – May 3, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,134 square foot lot at the corner of Elm and Mossland Street. The existing property is a 2-family home with a storefront addition on the front corner building. The Lucky Market convenient store occupied the storefront for many years.
2. Proposal: The proposal was to add an additional dwelling unit to the site by renovating the existing storefront with a second story residential unit. There will be 850 square feet of commercial space available with a 1,300 square foot residential unit. The existing garage on site, facing Mossland, will be demolished and replaced with a carport for one vehicle.

II. EVALUATION & FINDINGS FOR EXTENSION

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress.

Demonstration of Hardship

The Applicant has submitted a letter documenting numerous hardships that he has experienced that include difficulty hiring a general contractor and subcontractors, the passing of his mother, unexpected medical emergencies of the general contractor whom was eventually selected, and a massive construction project occurring on Elm Street in front of the locus.

Planning Staff finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

Despite the setbacks that the Applicant has experienced, he has continued to engage with multiple City departments on completing the required paperwork to obtain a demolition permit and a building permit. However, due to the unfortunate events the Applicant was unable to receive a Building Permit within the two years since the Zoning Board of Appeals granted the approval for the project.

Based on the above, Planning Staff finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and the permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the Special Permit until August 4, 2017.

