



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning & Zoning Staff
DATE: November 3, 2021
RE: 494 Medford Street, P&Z 21-082

RECOMMENDATION: None

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from the Planning & Zoning staff to the Review Board members.

This memo summarizes the development review application submitted for 494 Medford Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on September 15, 2021 and is scheduled for a public hearing on November 3, 2021. Any Staff-recommended findings, conditions, and decisions in this memo are based on the information available to-date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

James Rissling seeks a Hardship Variance to construct a principal building on a lot which is too narrow.

SUMMARY OF PROPOSAL

The existing building on the lot is a pre-existing, non-conforming Detached House containing two residential units. This building has passed through the Historic Preservation Commission's (HPC) Demolition Review process and can be razed. The replacement structure that the Applicant proposes is a four-story, mixed-use General Building.

ADDITIONAL REVIEW NECESSARY

494 Medford Street is located in the Mid-Rise 4 (MR4) zoning district in the heart of Magoun Square, an area represented by Ward 5 Councilor Mark Niedergang. The proposal requires one (1) Hardship Variance from the Zoning Board of Appeals (ZBA) for lot width. The ZBA is the review board for all Hardship Variance requests regardless of zoning district.

ANALYSIS

The Applicant has provided a full plan set with their application. However, the only item within the purview of the ZBA is the request for a hardship variance related to the lot width. The MR4 zoning district requires a minimum lot width of 30 feet for the construction of any conforming building type allowed in the MR4 district, including the General Building proposed by the Applicant. The lot in question presents a width of 23.8 feet.

The Ward Councilor is aware of the project and the Applicant's request.

The Ordinance permits the construction of a new General Building in the MR4 zoning district, but the lot on which it is proposed must conform dimensionally. As noted, the property in question does not conform in terms of lot width. 494 Medford and its neighbor to the right are two of the narrowest lots of the MR4 properties in this area.

In the MR4 zone, the Ordinance sets a minimum lot width standard with no required side yard setback unless the proposed building abuts an NR zoning district or a Local Historic District (LHD), neither of which is the case here. The Ordinance anticipates the construction of new buildings in the MR4 district that provide a moderate – not small – floor plate such that a strong, contiguous, and defined street wall is created.

The attached zoning map shows the location of 494 Medford Street (at the corner of Medford and Trull) and its association with all of the other MR4 lots in Magoun Square. All of these MR4 lots are oddly shaped. That 494 Medford Street is oddly shaped is not unique to this property but is a circumstance that is found throughout the other MR4 lots in this area.

The Applicant is required to provide an argument addressing the review criteria for each of the necessary hardship variances. The Applicant's argument is attached to this memo.

Generally, Planning & Zoning Staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, in relation to the Applicant for the second variance review criterion (see "Considerations and Findings" section below).

Upon analysis of the material submitted by the Applicant, Planning & Zoning Staff do not believe that the granting of the requested hardship variance would cause a substantial detriment to the public good nor would it nullify or substantially derogate from the intent and purpose of the MR4 district, copied here:

Intent

- To implement the objectives of the comprehensive plan of the City of Somerville.
- To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood-serving uses.

Purpose

- To permit the development of multi-unit and mixed-use buildings that do not exceed four (4) stories in height.
- To provide quality commercial spaces and permit small-scale, neighborhood-serving commercial uses.
- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.
- To permit increased residential density for buildings that are sustainable or that provide 100% affordable housing.
- To permit increased residential density for buildings that meet the definition of a Net Zero Ready Building or 100% affordable housing.

Additionally, Planning & Zoning Staff believe that granting the requested hardship variance would not substantially derogate from the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To preserve and enhance the existing character of Somerville's traditional housing and respect existing built form and development patterns.
- To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces) and private realm (yards and building interiors).

Massachusetts courts have stated that variances will naturally deviate from the intent and purpose of a zoning ordinance to some degree and that the discretionary approval of a variance is defensible if the deviation is not substantial or significant in comparison to the intent and purpose for the district in appraising the effect of the proposal on the entire neighborhood, including future impacts and other development approved or denied in the general vicinity of the development site.

CONSIDERATIONS & FINDINGS

In accordance with the Somerville Zoning Ordinance, the ZBA may grant a Hardship Variance only upon deliberating and finding all of the following at the public hearing for each requested variance:

Hardship Variance Considerations

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the MR4 district;
2. Literal enforcement of the provision of this Ordinance for the NR district would involve substantial hardship, financial or otherwise, to the petitioner, James Rissling, due to said special circumstances; and

3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the NR district or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the Hardship Variance, Planning & Zoning Staff recommends the following conditions:

Validity

- This Decision shall be recorded with the Middlesex County Registry of Deeds.

Public Record

- A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds shall be submitted for the public record.
- Physical copies of all submittal materials as permitted by the Review Boards shall be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.

To: Sarah M. White, *MDS-HP*
Ward 5 Zoning Case Review Planner
City of Somerville
93 Highland Avenue
Somerville, MA 02143

From: James Rissling NCARB
LR Designs, Inc.
64 Allston Street #3
Cambridge, MA 02139

Date: July 28, 2021

Subject: 494 Medford Street: Hardship Variance Narrative

Pursuant to Somerville Zoning Ordinance Section 15.2.3(e). Review Criteria, we offer the following narrative;

- a. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located;*

494 Medford Street is one of two small lots at the corner of Trull Street that were assigned the new MR-4 zoning district. The MR-4 zoning district requires a minimum lot depth of 30'; the lot is 23'-8" at the frontage on Medford Street. The irregular shaped lot is 32'-10" deep at the opposite side lot line.

- b. Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and*

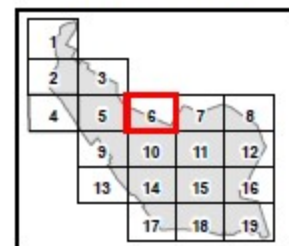
Without relief from the minimum lot depth required, the pre-existing lot cannot be developed to achieve the presumed intent of the Somerville Zoning Ordinance for lots in zoning district MR-4. And would likely remain unchanged and non-conforming with regard to the requirements of the zoning district.

- c. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in this Ordinance or the Ordinance in general.*

The lot at 494 Medford Street is one of very few lots that have been assigned the MR-4 zoning district that do not meet the new dimensional requirements. Granting relief would not negatively affect the intent of the of the Ordinance and would allow the site be developed, in all other measurements, according to the specific district.











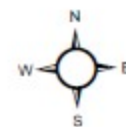
CITY OF
SOMERVILLE, MA
OFFICIAL PROPOSED
ZONING
(UNADOPTED)



MEDFORD

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-  SB Overlay
-  NR
-  UR
-  MR3
-  MR4
-  CIV
-  FAB
-  CC5



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Feet



Date: December 12, 2019

