



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2008-68-E1 (3/2011)

Date: April 6, 2011

Recommendation: Approval

PLANNING STAFF REPORT

Site: 7-9 Bowers Ave

Applicant Name: Christina Yanhui Li

Applicant Address: 9 Bowers Ave, Somerville MA 02144

Property Owner Name: same

Agent Name: none

Alderman: Rebekah Gewirtz

Legal Notice: Applicant & Owner Christina Yanhui Li seeks a time extension (SZO §5.3.10) to Special Permit #2008-68 for a tourist home (SZO §7.11.4.a) in an owner occupied dwelling.

Zoning District/Ward: RB / 6

Zoning Approval Sought: Special Permit Extension SZO §5.3.10

Date of Application: March 10, 2011

Dates of Public Hearing: Zoning Board of Appeals 4/6/11

PROJECT DESCRIPTION

On April 1, 2009, the Applicant was granted a Special Permit to establish three rooms to rent without kitchen facilities, for a tourist home, in an owner occupied dwelling at 7-9 Bowers Avenue.

The Applicant is requesting a Special Permit Extension of the maximum one year in order to extend the life of the original approval until April 1, 2012.

Section 5.3.10 of the Somerville Zoning Ordinance provides that:

A special permit or a special permit with site plan review shall lapse two years from the granting thereof, or such shorter time as specified in said permit, if a substantial use thereof has not sooner commenced, except for good cause or, in the case of a permit for construction, if



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construction has not begun by such date except for good cause. Good cause 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. The period of extension of the life of a special permit or special permit with site plan review shall be, at minimum, the time required to pursue or await determination of an appeal, but the maximum extension shall not exceed one (1) year beyond the original permit life.

The Applicant has submitted documentation of steps taken in order to “expedite progress” of establishing a tourist home. The Applicant’s statement is attached, along with the sprinkler system permit from the Fire Prevention Bureau.

EVALUATION & FINDINGS

Demonstration of Hardship

SZO §5.3.10 cites four examples of “hardship”: financing problems, labor strike, bad weather conditions, and act of God.

As a tourist home, the structure required the installation of a sprinkler system. The Applicant contacted several sprinkler installation companies and received estimates from \$23,000 to \$50,000. Due to the lack of sufficient funds, the Applicant delayed the work until she was able to overcome this financial hardship.

Planning Staff finds that the installation of a sprinkler system, which the Applicant was not aware would be a requirement for a tourist home before applying for the special permit, constitutes a legitimate financial hardship to commencing the use under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicant hired a sprinkler installation company, received a permit from Fire Prevention to conduct the work, and commenced the installation of the sprinkler system during the first week of March. The sprinkler system work inside of the house is nearly complete. The second part of the work requires opening the street to bring the water line into the house. The City of Somerville Department of Public Works told the Applicant that the street cannot be opened until after March 15. When the road work is complete, the City of Somerville’s Fire Department will schedule an inspection. Once the Applicant has received a Certificate of Compliance from the Fire Prevention Bureau, she will apply for a Certificate of Occupancy from Inspectional Services Division for the tourist home. She expects to obtain the occupancy permit at the end of March or the beginning of April, which would be just over the two year timeframe of the special permit. She is seeking an extension to ensure that there will be sufficient time to obtain the appropriate permits.

Based on the above, Planning Staff finds that the Applicant has made good faith efforts to overcome the demonstrated hardships and to expedite progress. The project will at most require a few weeks beyond the special permit expiration date to obtain a Certificate of Occupancy for the tourist home.

RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the conditional special permit, with all original conditions, until April 1, 2012.