



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2015-90  
**Date:** October 29, 2015  
**Recommendation:** Denial

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**PLANNING STAFF REPORT**

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**Site:** 23 Park Street

**Applicant Name:** Luyao Li  
**Applicant Address:** 23 Park St, Unit 23, Somerville, MA 02143  
**Owner Name:** Luyao Li  
**Owner Address:** 23 Park St, Unit 23, Somerville, MA 02143  
**Alderman:** Maryann Heuston

Legal Notice: Applicant & Owner, Luyao Li, seeks a Variance from providing a parking space that is required to convert a studio to a 2-bedroom unit (SZO §9.5 & 5.5). BA zone. Ward 2.

Dates of Public Hearing: November 4, 2015

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 5-unit residential building. Each of the units were constructed as studio units. There are six parking spaces located on the lot in front of the building.
2. Proposal: The proposal is to legalize the partition walls that were installed within unit 3 to convert it from a studio to a two-bedroom unit with a study. The unit is 1782 square feet.
3. Green Building Practices: None listed on the application form.



*21 & 23 Park Street*

4. Comments:

*Fire Prevention:* The proposal must comply with the code requirements for smoke and carbon monoxide detectors for a two-bedroom unit.

*Traffic & Parking:* A parking study should be provided to evaluate the proposal.

*Ward Alderman:* On the face of this Alderman Heuston is not in favor. There is no good reason to approve this and the parking variance should not be granted.

**II. FINDINGS FOR VARIANCE (SZO §9.5):**

The building was a by-right project that was permitted with five studio units that had a parking requirement of one space per unit. The plot plan for the site shows six parking spaces. The sixth parking space is for a visitor that appears to have satisfied the visitors' space requirement for the subject property as well as the abutting property that is the mirror image of this property.

Converting a studio unit to a two-bedroom unit increases the parking requirement from 1 to 1.5. The fraction rounds up and an additional parking space is required. Since there is no space to add an additional parking space on the lot, the Applicant is seeking a variance.

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *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 substantial hardship, financial or otherwise.”*

The Applicant would like to create bedrooms for privacy in the unit. The construction of studios as opposed to units with bedrooms was likely done to meet parking requirements in 2004. Nothing has changed with the soil conditions, shape or topography of land or structure since this building was constructed, and no evidence was submitted that the units are causing a hardship with being bought and sold as studios. Staff find that the proposal does not meet this finding.

2. *The variance requested is the “minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”*

The Variance would provide reasonable relief because the size of the unit is more typical of a multi-bedroom unit than a studio and would allow the owner to have privacy within her home. Providing one parking space for a two-bedroom unit would likely provide sufficient parking considering the proximity of the property to bus lines and services in the area.

On the other hand, the residential unit has been functional as a studio unit since the building was constructed. This is a reasonable use for a building that was built just over ten years ago. Therefore, Planning staff find that the Variance is not required for a reasonable use of the building.

3. *“The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”*

The proposal is not injurious to the neighborhood or detrimental to the public welfare. The bedrooms fit within the existing square footage and do not require exterior changes. The current owner of the unit does not have parking concerns. Future owners would be aware that there is only one onsite parking space for the unit and the unit would likely attract a household with only one car.

### **III. RECOMMENDATION**

#### **Variance under §9.5**

Based on the materials submitted by the Applicant and the above findings the Planning Staff recommends **DENIAL** of the requested **VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

