



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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*PLANNING DIVISION*

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2016-33

**Date:** May 4, 2016

**Recommendation:** Unable to recommend

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**PLANNING STAFF REPORT**

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**Site:** 50 Spring Street

**Applicant Name:** Jeffrey O'Neill

**Applicant Address:** 50 Spring Street, Somerville, MA 02143

**Owner Name:** 50 Spring Street Condominium Trust

**Owner Address:** 50 Spring Street, Somerville, MA 02143

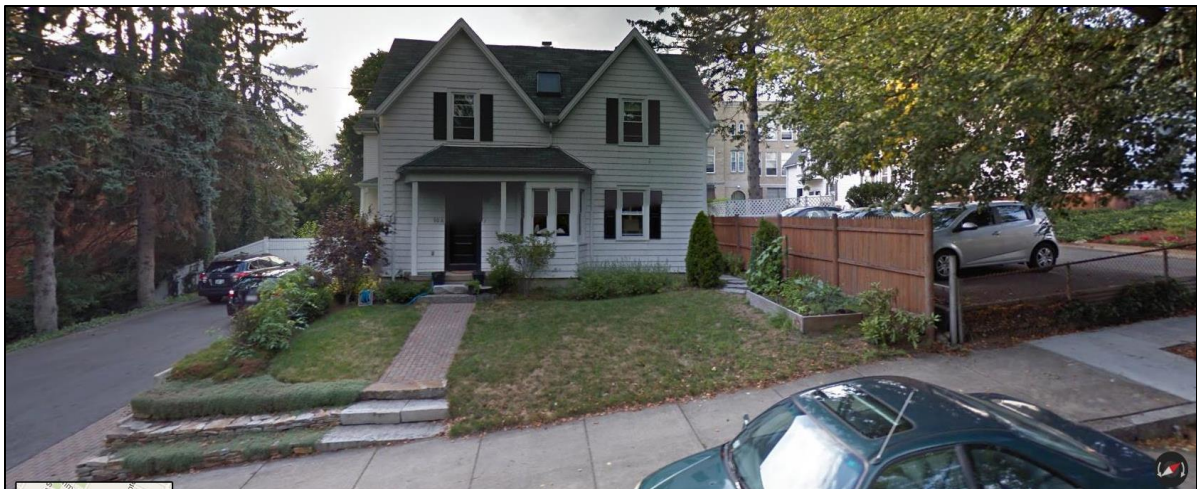
**Alderman:** Robert McWatters

**Legal Notice:** 50 Spring Street. Applicant, Jeffrey O'Neill, and Owner, 50 Spring Street Condominium Trust, seek a Variance under SZO §5.5 and §10.7.1 to construct an 8 foot fence along the side property line. RA Zone. Ward 3.

**Dates of Public Hearings:** May 4, 2016

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I.



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
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## PROJECT DESCRIPTION

1. **Subject Property:** The subject property consists of two condo units in a neighborhood comprised predominantly of two-family and other residential building that have been converted into condos. A six-foot fence currently exists on the property.
2. **Proposal:** The Applicant proposes to install an 8-foot fence in order to block the view of an adjacent parking area that was created in the last few years which took the place of a previously wooded area buffering the two properties. See the Applicant's narrative with photos and description of the conditions and proposal (attached).

**Note:** The Somerville Zoning Ordinance (SZO), under §10.7.1, limits maximum fence height to 6 feet above the existing grade. To create a new non-conformity (in this case where the height of the fence goes from conforming to non-conforming) requires approval of a Variance.

4. **Green Building Practices:** n/a
5. **Impacts of Proposal:** The proposal to add 2' of height to create an 8' fence is neither detrimental to the dwellings on this parcel nor to the owners/occupants on the adjacent lot. The additional two feet of fence height will help block the view of the paved parking area that the neighboring property owner installed after removing several feet of buffering greenery a few years ago (see pictures provided with application). The additional fence height will succeed in effectively blocking the view of the parked cars immediately next to their property line. This additional height would not be recognizable from the street and would appear to maintain the character of the neighborhood.

## **COMMENTS**

*Ward Alderman:* Alderman McWatters has been notified of this proposed project.

## **II. FINDINGS FOR VARIANCE (SZO §5.5.3 and §10.7.1):**

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO. The requirements that must be met and the Staff's findings against those requirements appear below:

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."**

**Staff Response:** The structure in question is located near the right side property line which makes private outdoor space difficult to enjoy within close proximity of the adjacent parking area. While Staff does not support that special circumstances exist related to soil conditions, shape, or topography of land, Staff does recognize that the adjacent newer parking area presents a hardship to 50 Spring when attempting to utilize the private outdoor space.

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."**

**Staff Response:** Due to the close proximity of the adjacent parking area, occupants of 50 Spring would benefit from the added privacy that the addition of another 2 feet of fence height would provide in blocking the view of the cars parked right at their property line.

**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.”**

**Staff Response:** Granting a Variance will enable the occupants on the 50 Spring Street side of the fencing to have a better quality of life as they can more fully enjoy their private outdoor space through the added height of the fence. The fence would enable the residents of both properties to exist harmoniously in a dense urban environment. The additional height will have minimal to no effect on the streetscape as well as adjacent properties.

### III. RECOMMENDATION

#### Variance under SZO §5.5.3 and §10.7.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff is **UNABLE TO RECOMMEND** approval of the requested **VARIANCE** at this time.

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.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to construct an 8-foot fence between 50 Spring Street and the abutting parking area.	BP/CO	ISD/PIng.	
	<b>Date (Stamp Date)</b> <b>Submission</b>			
	March 11, 2016      Initial submission to City Clerk			
	April 22, 2016      Revisions to Applicant's narrative statement received at OSPCD			
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
3	Any changes to the approved plans must first be reviewed by Planning Staff to determine if the proposed changes are <i>de minimis</i> in nature.	CO	ISD/PIng.	
4	The fence shall be made of natural wood (not pressure-treated wood).	CO	ISD/PIng.	

5	The fence shall be 4 feet tall at the point where it meets the sidewalk and gradually taper up to 8 feet.	CO	ISD/Plng.	
6	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Sign Off	Plng.	