



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2016-92  
**Date:** October 19, 2016

**Recommendation:** Denial

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**PLANNING STAFF REPORT**

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**Site:** 24 Summer Street

**Applicant(s) & Owner(s) Name(s):** Steven Azar  
**Applicant(s) Address:** 24 Summer Street, Somerville, MA02143  
**Alderman:** Tony LaFuenta

**Legal Notice:** Applicant and Owner, Steven Azar, seeks a Variance under SZO §5.5 and §4.4.1 to extend a front porch into the front yard setback. RB Zone. Ward 3.

**Dates of Public Hearing:** Zoning Board of Appeals – October 19, 2016



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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 2,347 square foot two-family structure on a 4,356 square foot lot in the RB zone. The building is also a single structure Local Historic District (LHD) and must comply with district guidelines and certificates issued by the Historic Preservation Commission (HPC).
2. **Proposal:** The Applicant proposes to construct a front porch within the front yard setback
3. **Nature of Application:** Section 8.5 of the SZO requires that a front yard setback in the RB zone be a minimum of 10 feet. The Application proposes a new zoning violation by reducing the front yard setback from 11'6" to 9'4", thus necessitating the request for a variance.



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4. **Surrounding Neighborhood:** 24 Summer Street is located in a row of similarly-sized and styled Italianate residential structures and across the street from a park/playing fields.

5. **Impacts of Proposal:**

- The front porch has already been constructed and the applicant is seeking a variance after-the-fact.
- The Applicant received a zoning violation notice from ISD.
- The Applicant has also not complied with the Certificate of Appropriateness issued by the HPC, which is a separate matter.
- The Applicant has not submitted a certified plot plan presenting an instrument survey which the Planning Office requires.

**II. FINDINGS FOR VARIANCE (SZO §5.5):**

In order to grant a Variance, the Board must make certain findings and determinations as outlined in §5.5 of the SZO. A variance can ONLY be granted if **ALL** of the conditions below set forth under §5.5 are met:

(a) **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.”**

**Applicant narrative:** None provided.

**Staff Finding:** There are no such special conditions present on the property. The application does not meet the standards for a variance under these conditions. This is a flat lot. There is nothing unusual about the shape or sloping (topography) of the lot. It is non-conforming in size, but this is consistent with other lots in this neighborhood as well as in the majority of Somerville.

(b) **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.”**

**Applicant narrative:** None provided.

**Staff Finding:** The applicant does not meet the standards for a variance under the conditions set by item (b). The applicant already has a by-right means of reasonable relief by constructing a porch within the zoning limits, within which the previous porch rested. The Applicant was further given reasonable latitude for how the porch was constructed and with what style and materials by the Historic Preservation Commission, which were also not followed. Compliance with zoning and other standards allows for reasonable use of the building and land.

(c) **“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.”**

**Applicant narrative:** None provided.

**Staff Finding:** It may be argued that an encroachment into the front yard setback would not be injurious to the general public using the city sidewalks in front of this residence and might not necessarily be noticeable by the general public.

### **III. RECOMMENDATION**

#### **Variance under SZO §5.5**

Based on the materials submitted by the Applicant and the above findings, the Planning Staff's recommendation is **to DENY** approval of the requested **VARIANCE**, and require the Applicant to construct the front porch according to zoning regulations.