



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-61-E1(8/2015)
Date: September 10, 2015
Recommendation: Approval

PLANNING STAFF REPORT

Site: 266 Beacon Street

Applicant Name: Somerville Realty Ventures, LLC
Applicant Address: 57 Spruce Road, North Reading, MA 01864
Property Owner Name: Somerville Realty Ventures, LLC
Property Owner Address: 57 Spruce Road, North Reading, MA 01864
Agent Name: Richard G. Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner, Somerville Realty Ventures, LLC, seeks a time extension per SZO §5.3.10 & MGL Ch 40a for a Variance (§5.5) from the 3 parking spaces requirement (§9.5), height (feet & number of stories) and side yard setback. This is part of a previous Special Permit with Site Plan Review to establish 7 residential units (§7.11.1.c) in a new structure and a Special Permit (§5.1) for the number of compact parking spaces and to establish a shared driveway (§9.13.b & §9.13.c). RC zone. Ward 2.

Dates of Public Hearing: Zoning Board of Appeal – September 16, 2015

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a one-story auto repair shop with a large parking lot in front of the building. It is comprised of three lots totaling 7,865 square feet. Cambridge is located just over the parcel line to the southwest. The City will be undergoing a streetscape improvement program with a cycle-track in front of the property along Beacon Street and the preliminary work is underway. The cycle-track will be located on the opposite side of the street from this proposal.





266 Beacon Street – existing condition

2. Proposal: The site has an approved project under Case # ZBA 2014-61 and the proposal is to extend the timeframe of approval. The approval was to demolish the building and construct a 4-story residential building with 7 units. There will be a shared driveway with the proposed development at 260 Beacon Street. The shared driveway will lead to 11 parking spaces. One of the spaces is a guest parking spot located at the end of the driveway and the rest are under the building.

The building will have a contemporary design. The building will be clad in brick and fiber cement panels. The railings will be aluminum. The units will be 1,200 to 1,500 square feet except for the top unit which is 2,550 square feet. There will be one 2-bedroom unit and six 3-bedroom units.

A Special Permit was granted for more than the allowed number of compact parking spaces and for a shared driveway that allows for a driveway to straddle the lot line and serve a parking space on two or more lots. A Special Permit with Site Plan Review was granted to establish 7 residential units. Finally, variances were granted to reduce the parking required by 4 spaces and for height in terms of feet and number of stories and side yard setback.

II. EVALUATION & FINDINGS FOR EXTENSION

Massachusetts General Law Chapter 40A states:

“If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period.”

The original variances were approved on September 17, 2014 and filed with the City Clerk on September 24, 2014. If approved, the extension will last until March 24, 2016.

In SZO §5.3.10 good cause for an extension of a special permit 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. In the case of a variance extension, the same findings should be evaluated.

Demonstration of Hardship

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

The Applicant experienced a hardship on account of tenants not vacating properties. There is a shared driveway for 260 and 266 Beacon Street as part of a combined site plan for the development of both properties. The tenants at 260 Beacon Street, which was a methadone clinic, did not vacate in a timely fashion and a long civil eviction was necessary. The tenant at 260 Beacon Street did not vacate until late in June of 2015. The tenant also held up the owner from demolishing the building in order to perform environmental testing. The testing will begin immediately.

The tenant in the building at 266 Beacon Street left in a more timely manner than the tenant at 266 Beacon Street; however, both sites needed to be vacant before the joint site work commenced for the properties.

Planning Staff finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicants have followed the legal steps to evict the tenant and have applied for building permits. They applied for a demolition permit for the structure and foundation permit on August 6, 2015 and an electrical permit for temporary service and grounding of the foundation on August 18, 2015. They are working towards applying for a building permit for the structure. The approval would only allow for a short timeline to start construction on the site.

Based on the above, Planning Staff finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and the permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the variance until March 24, 2016.

