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VIA ELECTRONIC MAIL AND REGULAR USPS

City of Somerville Zoning Board of Appeals
c/o Sarah Lewis, Director of Planning/Zoning and
Andrew Graminski, City Planner
93 Highland Avenue, City Hall Third Floor
Somerville, MA 02143

**Re: Variance and Special Permit Application
U-Haul Center Boston
151 Linwood Street, Ward 2, Somerville, MA**

Dear Ms. Lewis and Mr. Graminski:

As you know, this firm represents U-Haul Center Boston (the “Applicant”) relative to the Application for Hardship Variances with the City of Somerville (the “City”) Zoning Board of Appeals (the “ZBA”). The Applicant had requested Hardship Variances pursuant to Section 15.2.3. of the Somerville Zoning Ordinance (the “SZO”) and a Special Permit pursuant to Sections 15.2.1, 14.6.c. and 6.3.11. of the SZO. The Applicant has had two (2) Neighborhood Meetings and after productive discussions with the community, City Planner Andrew Graminski and City Councilman J.T. Scott, on December 20, 2021, the Applicant submitted a Supplemental Narrative, expanding on the Hardship Variances requested. Thereafter, after additional discussions with City Planner Graminski, the necessary Hardship Variances were narrowed to the twelve (12) sought herein. Further discussions concluded that a Special Permit is not required. Accordingly, the Applicant takes this opportunity to submit an updated narrative.

I. Variances Requested

a. First Variance - Building Stories - Section 6.3.7.c.(E)

The Applicant seeks a Variance from Section 6.3.7.c.(E) of the SZO, which restricts the maximum stories of a building to four (4) stories. The Applicant is seeking to construct a new six (6) story transport and storage facility (the “Facility”) to replace the current building. The property currently consists of an existing two-story U-Haul Storage Facility with a 29,432± ft² footprint. The structure was constructed in 1940 and has become rundown over the years. The existing uses of the Facility include, vehicle sales (rental), moving and/or self-storage, and consumer goods. The existing Facility is undersized for the current and anticipated operational needs of the Applicant. The Applicant

proposes to revitalize their property by demolishing the existing two-story structure and constructing of a new six-story U-Haul Facility with a GFA of approximately 249,298± ft² (the “Project”). The Project will feature indoor climatized secured self-storage units, truck and trailer rentals, U-Box, and associated retail sales in response to consumer demands. The Project also includes off-street parking, extension of new utility surfaces, stormwater management improvements and landscape features to replace portions of the existing impervious surfaces on site. The first floor of the Facility will consist of a showroom, climatized storage, loading/unloading area, a trash and recycling area, indoor structured parking, and a maintenance room.

The Applicant seeks relief from Section 6.3.7.c.(E) of the SZO to exceed the Maximum Number of Stories allowable within the CI Zoning District from 4-stories and to 6-stories. Strict compliance with Section 6.3.7.c.(E) of the SZO has a detrimental effect on the proposed use of Facility due to the inability to construct sufficient on-site parking at grade.

i. Special Conditions Affecting Parcel.

The Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.¹

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. Additional evidence of the Parcel’s unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel

¹ The Parcel is also located in the proposed Quarter-Mile Transit Area.

has having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block's exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O'Brien Highway. The plan identifies the Parcel as the best location for a "high importance" pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel's location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the stories of the proposed building and limiting the ground level surface area available for on-site parking and equipment storage that is required to support the day-to-day operations of the Facility. First, the subject property drops an average of 6' +/- in elevation across the site from Joy Street to Linwood Street. If the Applicant were to comply with the current Zoning Ordinance by constructing a four-story structure, the irregular topography and resulting mean average grade elevation as defined in the Zoning Ordinance creates a hardship by reducing allowable building height by approximately 3 feet. Second, the transportation requirements of the district, the block and the traffic flow of the Parcel require a significant portion of the Parcel's surface level to be dedicated to transportation needs. As a result, the ground level surface area available for parking is significantly reduced from the existing surface area available for parking. Currently the Parcel has proximately 42,747 sf of paved surface area available for parking. In order to bring the Parcel into closer compliance with current zoning regulations, the proposed redevelopment of the site would significantly reduce the ground-level paved surface area available for parking. After making adjustments to comply with setbacks, green score requirements, fire lane requirements, and incorporating traffic corridors into the design, the total area for ground level parking is reduced to 1,920 sf. from the current total of 42,747.

To address these site constraints and in order to comply with SZO required "screening" of on-site parking, the Applicant proposes to dedicate portions of the first two-stories of the new Facility to a combination of transportation corridor access and interior structured parking while maintaining four-stories for the primary operation of the Facility as self-storage. The required two-stories of interior parking and transportation features that are proposed will result in an increase in the overall stories of the Facility, in order to compensate for the floors and floor space lost to parking and transportation, evidencing the need for a Variance based on this hardship.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.7.c.(E) of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use of four-stories of the new building for self-storage and facility operations as allowed by right within the CI Zoning District. The facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. By providing indoor structured parking and van/trailer storage within the first two stories of the building the proposed project minimizes burdens on municipal on-street parking, maintains available parking capacity for surrounding area businesses and use of public transportation and improves the visual impact of the site by providing adequate screening to enhance customer privacy and screen parked and stored vehicles. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance (allowing a slightly taller building with additional floors) should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks. The Project complies with the parking requirements under the SZO for the CI District, which requires two (2) parking spaces. By providing additional interior parking in the Parcel, the Project will alleviate customer on-street parking.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship

Variance under Section 6.3.7.c(E) of the SZO to build a six-story building.

b. Second Variance - Building Height – Section 6.3.7.c.(F)

The Applicant seeks a Variance from Section 6.3.7.c.(F) of the SZO, which restricts the maximum height of a building to sixty-five (65) feet. As indicated above, the Applicant is seeking to construct a new six (6) story transport and storage Facility to replace the current building. The Facility will have a total maximum height of seventy-five (75) feet and eleven (11) inches, approximately ten (10) feet above the restrictions of the SZO. Similar to the First Variance request, strict compliance with Section 6.3.7.c(F) of the SZO has a detrimental effect on the proposed use of Facility due to the inability to construct sufficient on-site parking at grade.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. Additional evidence of the Parcel’s unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel as having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block’s exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O’Brien Highway. The plan identifies the Parcel as the best location for a “high importance” pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel’s location close to the intersection of Linwood Street and Washington Street where there is a sharp

curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the height of the proposed building and limiting the ground level surface area available for on-site parking and equipment storage that is required to support the day-to-day operations of the Facility. First, the subject property drops an average of 6'± in elevation across the site from Joy Street to Linwood Street. If the Applicant were to comply with the current Zoning Ordinance by constructing a four-story structure, the irregular topography and resulting mean average grade elevation as defined in the Zoning Ordinance creates a hardship by reducing allowable building height by approximately 3 feet. Second, the transportation requirements of the district, the block and the traffic flow of the Parcel require a significant portion of the Parcel's surface level to be dedicated to transportation needs. As a result, the ground level surface area available for parking is significantly reduced from the existing surface area available for parking. Currently the Parcel has proximately 42,747 sf of paved surface area available for parking. In order to bring the Parcel into closer compliance with current zoning regulations, the proposed redevelopment of the site would significantly reduce the ground-level paved surface area available for parking. After making adjustments to comply with setbacks, green score requirements, fire lane requirements, and incorporating traffic corridors into the design, the total area for ground level parking is reduced to 1,920 sf. from the current total of 42,747.

To address these site constraints and in order to comply with SZO required "screening" of on-site parking, the Applicant proposes to dedicate portions of the first two-stories of the new Facility to a combination of transportation corridor access and interior structured parking while maintaining four-stories for the primary operation of the Facility as self-storage. The required two-stories of interior parking and transportation features that are proposed will result in an increase in the overall stories and height of the Facility, in order to compensate for the floors and floor space lost to parking and transportation, evidencing the need for a Variance based on this hardship.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.7.c.(F) of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use of four-stories of the new building for self-storage and facility operations as allowed by right within the CI Zoning

District. The facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. By providing indoor structured parking and van/trailer storage within the first two stories of the building the proposed project minimizes burdens on municipal on-street parking, maintains available parking capacity for surrounding area businesses and use of public transportation and improves the visual impact of the site by providing adequate screening to enhance customer privacy and screen parked and stored vehicles. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance (allowing a slightly taller building) should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks. The Project complies with the parking requirements under the SZO for the CI District, which requires two (2) parking spaces. By providing additional interior parking in the Parcel, the Project will alleviate customer on-street parking.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance under Section 6.3.7.c(F) of the SZO to build a seventy-four (74) foot building.

c. Third Variance – Façade – Section 2.4.4.a.i.a of the SZO

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed Facility's façade(s). Pursuant to Section 2.4.4.a.i.a of the SZO, building façade(s) must be built parallel to the front lot line for the minimum façade build out. As demonstrated in the Conceptual Rendering provided in the

Supplemental Narrative of December 20, 2021, the Applicant is seeking a front façade on Linwood Street and a principal building entrance on the internal portion of the Facility on Linwood Street. Accordingly, the Applicant seeks a variance from the requirements of Section 2.4.4.a.i.a of the SZO to have a front facing façade on Linwood Street and principal building entrance on the internal portion of the Facility.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel’s unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel has having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block’s exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O’Brien Highway. The plan identifies the Parcel as the best location for a “high importance” pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel’s location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel. Additionally, as concerns were raised at the Neighborhood Meetings regarding pedestrian and bicycle traffic along the sidewalks on Linwood Street, an additional façade and primary entrance in the interior of the Parcel address those concerns by routing traffic within the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting a singular façade on Linwood Street and requiring the principal means of ingress and egress to Linwood Street. If the Applicant were to comply with the current Zoning Ordinance by placing a singular façade and entrance on Linwood Street, it would detract from the ability of pedestrians to utilize the sidewalk while the door to the Facility for ingress/egress is open.² Placing the entrance in the interior of the Facility eliminates this. Further, requiring the primary entrance and singular façade to be on Linwood Street would eliminate the ability of the Facility to have vehicle access to interior parking and utilization through Linwood Street, a primary design function of the new Facility.

The Applicant proposes to place the primary entrance and an additional façade on the interior of the Parcel to (a) provide best use of the Facility; and (b) address concerns of the community to enhance the curb appeal and walkability of the sidewalks on Linwood Street.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 2.4.4.a.i.a of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing unrestricted pedestrian access across the sidewalk on Linwood Street. The facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance (allowing a side façade and entrance) should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will

² The proposed door to the Facility on Linwood Street is for emergency egress only and will be minimally utilized. The proposed doors to the Facility facing Joy Street are set back from the sidewalk and similarly one door will be for emergency egress only and minimally utilized.

significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from Section 2.4.4.a.i.a of the SZO to have an interior façade and entrance.

d. Fourth Variance – Façade - 2.4.5.b.i.a of the SZO

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed Facility's façade(s). Pursuant to Section 2.4.5.b.i.a. of the SZO, the principal building entrance must be located on the façade and provide both ingress and egress.³ As demonstrated in the Conceptual Rendering provided herewith, the Applicant is seeking a front façade on Linwood Street and a principal building entrance on the internal portion of the Facility on Linwood Street. Accordingly, the Applicant seeks a variance from the requirements of Section 2.4.5.b.i.a of the SZO to have a front facing façade on Linwood Street and principal building entrance on the internal portion of the Facility.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial ("CI") or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel's unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The

³ The Applicant is also cognizant of Section 6.3.9.f of the SZO which request that for buildings with more than one face, the design of the base must align horizontally at the corner. The proposed facades of the building are in compliance with this Section of the SZO.

result is that the Parcel's eight-foot (8') differential between the Parcel's high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel's unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel as having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block's exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O'Brien Highway. The plan identifies the Parcel as the best location for a "high importance" pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel's location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel. Additionally, as concerns were raised at the Neighborhood Meetings regarding pedestrian and bicycle traffic along the sidewalks on Linwood Street, an additional façade and primary entrance in the interior of the Parcel address those concerns by routing traffic within the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

iii. Hardship.

The special conditions set forth above create a hardship by limiting a singular façade on Linwood Street and requiring the principal means of ingress and egress to Linwood Street. If the Applicant were to comply with the current Zoning Ordinance by placing a singular façade and entrance on Linwood Street, it would detract from the ability of pedestrians to utilize the sidewalk while the door to the Facility for ingress/egress is open.⁴ Placing the entrance in the interior of the Facility

⁴ The proposed door to the Facility on Linwood Street is for emergency egress only and will be minimally utilized. The proposed doors to the Facility facing Joy Street are set back from the sidewalk and similarly one door will be for emergency egress only and minimally utilized.

eliminates this. Further, requiring the primary entrance and singular façade to be on Linwood Street would eliminate the ability of the Facility to have vehicle access to interior parking and utilization through Linwood Street, a primary design function of the new Facility.

The Applicant proposes to place the primary entrance and an additional façade on the interior of the Parcel to (a) provide best use of the Facility; and (b) address concerns of the community to enhance the curb appeal and walkability of the sidewalks on Linwood Street.

iv. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 2.4.5.b.i.a of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing unrestricted pedestrian access across the sidewalk on Linwood Street. The facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance (allowing a side façade and entrance) should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

v. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship

Variance from Section 2.4.5.b.i.a. to have an interior façade and entrance.

e. Fifth Variance – Joy Street Curb Cut within 150 ft. - Section 6.3.14.a.iv.b. of the SZO

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed modifications of the Facility's curb cuts.⁵ Section 6.3.14.a.iv.b of the SZO states that curb cuts to the same lot must be at least one hundred and fifty (150) feet from one another. The Applicant has proposed modification of four (4) curb cuts, two (2) each on Linwood Street and Joy Street. The current curb cuts are pre-existing non-conformities which non-conformities will either be lessened by the Project or consistent with the current pre-existing non-conformities. The current distance between the curb cuts on Joy Street is 130 ft. The distance between the modified curb cuts on Joy Street will be 96 ft. Accordingly, the pre-existing non-conformities of the curb cuts on Joy Street will be minimally increased. Overall, the proposed curb cuts will be more in conformance with Section 6.3.14.a.iv.b of the SZO than is currently situated at the Parcel.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial ("CI") or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel's unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel's eight-foot (8') differential between the Parcel's high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both

⁵ Pursuant to Section 6.3.14.a.i. of the SZO a curb cut requires a permit from the City Engineer and must be compliant with all City Ordinances. It is understood that this relates to new curb cuts. Inquiry with the City Engineer will be made to determine if the proposed curb cut modifications require a Permit from the City Engineer, or if the pre-existing non-conforming nature of the curb cuts eliminates the need for such Permit.

Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel's unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel has having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block's exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O'Brien Highway. The plan identifies the Parcel as the best location for a "high importance" pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel's location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

iii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location, and scope of the curb cuts on the Property. The Applicant is proposing modifying the pre-existing non-confirming curb cuts on Joy Street and Linwood Street to provide (a) customer vehicular access to the parking lot; and (b) vehicular access to the interior of the Facility. Each curb cut is necessary for the development and planned Facility and to provide parking and storage within the Facility, rather than on the exterior of the Parcel or on-street parking. The Facility would not be able to be utilized for the intended betterment of the Parcel with strict compliance with Section 6.3.14.a.iv.b. of the SZO.

iv. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.14.a.iv.b. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property in accordance with Sections 6.3.13 and 6.3.14 *et seq.* of the SZO. The proposed modified curb cuts cannot be placed further from each other and are necessary for the proposed vehicles to access the Property. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in

permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve. More specifically, the proposed modifications of the curb cuts minimally increase the current non-conformity on Joy Street, while significantly reducing the current non-conformity on Linwood Street. The proposed modifications will assist in alleviating on-street parking by customers of the Facility.

v. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from Section 6.3.14.a.iv.b of the SZO to modify the existing curb cuts as requested.

**f. Sixth Variance/Driveway – Western Joy Street Driveway greater than 24 ft. -
Section 6.3.13.c.iv. of the SZO**

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed modifications of the Facility's curb cuts.⁶ Section 6.3.13.c.iv. of the SZO states that driveway curb cuts must be no greater than 24 ft. The Applicant has proposed modification of the curb cuts on Linwood Street and Joy Street, including the rear storage entrance curb cut on the Western side of Joy Street. The current rear storage entrance curb cut is 22.2 feet. The proposed rear storage entrance curb cut on Joy Street will be 83 feet.

⁶ Pursuant to Section 6.3.14.a.i. of the SZO a curb cut requires a permit from the City Engineer and must be compliant with all City Ordinances. As noted above, it is understood that this relates to new curb cuts. Inquiry with the City Engineer will be made to determine if the proposed curb cut modifications require a Permit from the City Engineer, or if the pre-existing non-conforming nature of the curb cuts eliminates the need for such Permit.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel’s unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel as having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block’s exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O’Brien Highway. The plan identifies the Parcel as the best location for a “high importance” pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel’s location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the driveway curb cuts on the Property. The Applicant is proposing driveway curb cuts on Joy Street to provide (a) customer vehicular access to the parking lot; and (b) vehicular access on Joy Street necessary for U-Haul vehicles to gain access to the loading area. Each driveway curb cut is necessary for the development and planned Facility and to provide parking and storage within the Facility, rather than on the exterior of the Parcel. Further, the rear storage entrance curb cut is necessary for access to the overhead doors on Joy Street to facilitate entry into the building.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iv. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property in accordance with Sections 6.3.13 and 6.3.14 *et seq.* of the SZO. The proposed driveway curb cuts are the necessary width for the proposed vehicles to access the Property. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing

detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from Section 6.3.13.c.iv. of the SZO to have the modified rear storage entrance curb cut as requested.

**g. Seventh Variance/Driveway – Eastern Joy Street Driveway greater than 24 ft. -
Section 6.3.13.c.iv. of the SZO**

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed modifications of the Facility's curb cuts.⁷ Section 6.3.13.c.iv. of the SZO states that driveway curb cuts must be no greater than 24 ft. The Applicant has proposed modification of the driveway curb cuts on Linwood Street and Joy Street, including the current driveway curb cut on the Eastern portion of Joy Street. The current driveway curb cuts include pre-existing non-conformities. The current driveway curb cut on Joy Street is 79 ft. The proposed driveway curb cut on Joy Street will be 56 ft. As such, there exists a pre-existing non-conformity for the driveway curb cut, which will be reduced by the planned non-conforming driveway curb-cut on Joy Street.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial ("CI") or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel's unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel's eight-foot (8') differential between the Parcel's high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the

⁷ Pursuant to Section 6.3.14.a.i. of the SZO a curb cut requires a permit from the City Engineer and must be compliant with all City Ordinances. As noted above, it is understood that this relates to new curb cuts. Inquiry with the City Engineer will be made to determine if the proposed curb cut modifications require a Permit from the City Engineer, or if the pre-existing non-conforming nature of the curb cuts eliminates the need for such Permit.

block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel's unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel has having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block's exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O'Brien Highway. The plan identifies the Parcel as the best location for a "high importance" pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel's location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the driveway curb cuts on the Property. The Applicant is proposing driveway curb cuts on Joy Street to provide (a) customer vehicular access to the parking lot; and (b) vehicular access on Joy Street necessary for U-Haul vehicles to gain access to the loading area. Each driveway curb cut is necessary for the development and planned Facility and to provide parking and storage within the Facility, rather than on the exterior of the Parcel.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iv. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property in accordance with Sections 6.3.13 and 6.3.14 *et seq.* of the SZO. The proposed driveway curb cuts are the necessary width for the proposed vehicles to access the Property. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced

against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from Section 6.3.13.c.iv. of the SZO to have the modified driveway curb cut on Joy Street as requested.

**h. Eighth Variance/Driveway – Linwood Street Driveway greater than 24 ft. -
Section 6.3.13.c.iv. of the SZO**

In discussions with Director of Planning/Zoning Sarah Lewis and City Planner Andrew Graminski, the City has opined that a Variance is required for the proposed modifications of the Facility's curb cuts.⁸ Section 6.3.13.c.iv. of the SZO states that driveway curb cuts must be no greater than 24 ft. The Applicant has proposed modification of the driveway curb cuts on Linwood Street and Joy Street. The current driveway curb cut on Linwood Street is 33 ft. As such, the current driveway curb cut on Linwood is a pre-existing non-conformity. The proposed driveway curb cut on Linwood Street is 36 feet, a minimal increase in the current non-conformity.

⁸ Pursuant to Section 6.3.14.a.i. of the SZO a curb cut requires a permit from the City Engineer and must be compliant with all City Ordinances. As noted above, it is understood that this relates to new curb cuts. Inquiry with the City Engineer will be made to determine if the proposed curb cut modifications require a Permit from the City Engineer, or if the pre-existing non-conforming nature of the curb cuts eliminates the need for such Permit.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian. Currently, the Parcel has vehicular street access points on both Linwood Street and Joy Street. The proposed development will further improve traffic flow patterns along Linwood Street and Joy Street. A site design that limited access to just the front of Linwood Street would have a negative impact on pedestrian traffic flow. Additional evidence of the Parcel’s unique traffic and transportation characteristic is found in the Inner Loop Brickbottom Plan which identifies the Parcel has having high importance as a movement corridor, for vehicular, pedestrian and bicycle traffic because of the block’s exceptional length and its proximity to transportation including the future Washington Street Station on the Greenline Extension and the McGrath O’Brien Highway. The plan identifies the Parcel as the best location for a “high importance” pedestrian and bicycle corridor allowing for passage through the lot from Joy Street to Linwood Street and vice versa. The Parcel’s location close to the intersection of Linwood Street and Washington Street where there is a sharp curve in the Street is another condition unique to the Parcel which impacts the traffic flow into and out of the Parcel.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of

the driveway curb cuts on the Property. The Applicant is proposing driveway curb cuts on Joy Street and Linwood to provide (a) customer vehicular access to the parking lot; and (b) vehicular access on Joy Street necessary for U-Haul vehicles to gain access to the loading area. Each driveway curb cut is necessary for the development and planned Facility and to provide parking and storage within the Facility, rather than on the exterior of the Parcel.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iv. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property in accordance with Sections 6.3.13 and 6.3.14 *et seq.* of the SZO. The proposed driveway curb cuts are the necessary width for the proposed vehicles to access the Property. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. Additionally, the relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship

Variance from Section 6.3.13.c.iv. of the SZO to have the modified driveway curb cut on Linwood Street as requested.

i. Ninth Variance – 11.2.5.c.i of the SZO – Loading Activities Encroaching on Sidewalk

In discussions with City Planner Andrew Graminski, the City has opined that a Variance under Section 11.2.5.c.i of the SZO is required for the loading activities along Joy Street. Section 11.2.5.c.i of the SZO states that loading and unloading activities are not permitted to encroach on or interfere with the use of sidewalks, drive aisles, or parking areas or public thoroughfares. As indicated previously, trucks will be limited to the WB-40 size, which will not interfere with pedestrian or vehicular access. Said trucks will fit inside the Parcel while loading/unloading. Please see Turning Study, attached to the Second Supplemental Narrative as Exhibit A. The Applicant agrees to have such restriction as a condition of the Project. The loading activities for the Facility will contain the WB-40 trucks entirely within the Parcel and will not interfere with the sidewalk or Joy Street.

As such, the Applicant respectfully suggests that a Variance for the Facility is not required under Section 11.2.5.c.i of the SZO. Notwithstanding, the Applicant submits this request for a Variance under Section 11.2.5.c.i.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel’s location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An

infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the loading facility on the Property. The loading capability on the rear of the Facility is a critical component of the overall Facility.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 11.2.5.c.i of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property. The loading facilities will be entirely within the Parcel and will not interfere with pedestrian or vehicular access along Joy Street. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. As noted, the loading activities would not interfere with the pedestrian and vehicular access along Joy Street. Should the City consider the loading activities to interfere with pedestrian and vehicular access along Joy Street, which the Applicant respectfully suggest they will not, such interference will be exceptionally minor. The relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced against the gains in zoning conformity that will result from the proposed project. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land

or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from 11.2.5.c.i of the SZO to permit the loading activities in the Parcel from Joy Street.

j. Tenth Variance – 6.3.13.c.iii. of the SZO – Driveway in Frontage on Eastern Section of Joy Street

In discussions with City Planner Andrew Graminski, the City has opined that a Variance under Section 6.3.13.c.iii. of the SZO is required driveway on the Eastern section of Joy Street. Section 6.3.13.c.iii. of the SZO states that driveways are not permitted in the Frontage Area between a building and the front lot line. Frontage Area is defined in the SZO as the area of a lot between the façade of a principal building any and front lot line(s), extending fully to each side lot line(s). As noted above and on the Site Plans submitted in the Supplemental Narrative of December 20, 2021, the current curb cut on the Eastern portion of Joy Street is 79 feet and sits directly behind the existing building for its entirety.

The current driveway is a pre-existing non-conformity. The current driveway area is 12,945.25 sq. ft. The proposed driveway curb cut on Joy Street will be 83 ft. and is also the width of the driveway. The current curb cut sits directly behind the existing building and will be 22 ft. in depth. The proposed driveway will have 1,880.32 sq. representing a nearly 600% reduction in size of such area of the driveway in the Frontage Area. The proposed driveway on the Eastern side of Joy Street has a curb cut of 56 feet and will thereafter taper down to 43 feet. The driveway area will be predominantly outside the continuation of the footprint of the building in the Frontage Area.

i. Special Conditions Affecting Parcel

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel’s eight-foot (8’) differential between the Parcel’s high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The

Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the loading facility on the Property.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iii. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property. The loading facilities will be entirely within the Parcel and will not interfere with pedestrian or vehicular access along Joy Street. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. As noted, the additional driveway area in the Eastern section of the Parcel on Joy Street is necessary for the WB-40 trucks to gain access in the Property and be entirely within the Property during loading activities. The relatively minor deviation from strict adherence to the SZO that would be permitted by the requested variance should be balanced against the gains in zoning conformity that will result from the proposed project and that it will permit vehicular access to the Property to remain entirely on-site. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from 6.3.13.c.iii. of the SZO to permit the driveway area on Joy Street to extend beyond the building into the Frontage Area.

k. Eleventh Variance – 6.3.13.c.iii. of the SZO – Driveway in frontage on Western section of Joy Street

In discussions with City Planner Andrew Graminski, the City has opined that a Variance under Section 6.3.13.c.iii. of the SZO is required for the driveway on the Western section of Joy Street that provides access to the overhead doors in the rear of the building. Section 6.3.13.c.iii. of the SZO states that driveways are not permitted in the Frontage Area between a building and the front lot line. Frontage Area is defined in the SZO as the area of a lot between the façade of a principal building any and front lot line(s), extending fully to each side lot line(s). As noted above and on the Site Plans submitted in the Supplemental Narrative of December 20, 2021, the curb cut on the Western portion of Joy Street is 22 ft and the driveway and parking spaces exist entirely behind the building having a width of 86 ft and 158 ft. for most of the parking area. The current driveway is a pre-existing non-conformity. The current driveway area is 12,945.25 sq. ft. The proposed driveway curb cut on Joy Street will be 83 ft. and it is also the width of the driveway. The current curb cut sits directly behind the existing building and will be 22 ft. in length. The proposed driveway will have 1,880.32 sq. representing a nearly 600% reduction in size of such area of the driveway in the Frontage Area.

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is located and that do not impact abutting Parcels.

The Parcel’s unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The

result is that the Parcel's eight-foot (8') differential between the Parcel's high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the loading facility on the Property. The ability to provide access to the rear overhead doors is a critical component of the overall Facility.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iii. of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property. Further, the requested Variance would dramatically decrease the currently existing non-conformity. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. As noted, the loading activities and access for the Western rear storage entrance would not interfere with the pedestrian and vehicular access along Joy Street. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom

Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from 6.3.13.c.iii of the SZO to permit the driveway area on Western section of Joy Street to extend beyond the building into the Frontage Area.

I. Twelfth Variance – 6.3.13.c.iii. of the SZO – Driveway in frontage on Western section of Linwood Street

While the City has not opined on this particular Variance requirement, City Planner Andrew Graminski has opined that a Variance under Section 6.3.13.c.iii. of the SZO is required for the driveways on Joy Street. Wherefore, the Applicant takes this opportunity to request similar Variances for Linwood Street. Under Section 6.3.13.c.iii. of the SZO states that driveways are not permitted in the Frontage Area between a building and the front lot line. Frontage Area is defined in the SZO as the area of a lot between the façade of a principal building any and front lot line(s), extending fully to each side lot line(s). As noted above and on the Site Plans submitted in the Supplemental Narrative of December 20, 2021, the current curb cut on the Western portion of Linwood Street for access to the overhead doors is 108 feet. This curb cut and entrance exists entirely within the Frontage Area between the building and Linwood Street and is a pre-existing non-conformity. The proposed plan reduces the curb cut to 56.5 feet, and significantly reduces the pre-existing non-conformity. Again, out of an abundance of caution, the Applicant seeks a Variance for the Western driveway along Linwood Street under Section 6.3.13.c.iii.⁹

i. Special Conditions Affecting Parcel.

As indicated above, the Parcel is burdened by several conditions related to its shape and topography, and the unusual characteristics of the existing buildings on the Parcel, which do not affect the general zoning district, Commercial Industrial (“CI”) or neighborhood, Brickbottom, in which the Parcel is

⁹ The Applicant respectfully suggests that the entrance for the overhead doors on the Western portion of Linwood Street do not constitute a driveway and would thus be outside the scope of 6.3.13.c.iii. However, the Applicant submits this Variance request out of an abundance of caution.

located and that do not impact abutting Parcels.

The Parcel's unique topography and location significantly burden the Parcel as compared with other Parcels in the CI Zone and Brickbottom. First, the southeast corner of the Parcel is located at or near the highest elevation point in both Brickbottom and the block in which the Parcel is located, while the southwest corner of the property is located at or near the lowest elevation in Brickbottom. The result is that the Parcel's eight-foot (8') differential between the Parcel's high point on Joy Street and the low point on Linwood Street is one of the most severe elevation differentials in Brickbottom and is the largest elevation differential of any lot within the block in which the Parcel is located. Second, the Parcel has street frontage on two sides which doubles the lot surface area that is within the parking set back and significantly reduces the amount of surface area available for parking. The Parcels on either side of the U-Haul Parcel have similar elevations along at least two sides and neither of them have vehicle access points on Joy Street due to the elevation gains. Third, the length of the block in which the Parcel is located, as well as the Parcel's location within that block has particular significance because of the impact that the shape of the block and location have on traffic patterns, both vehicular and pedestrian.

Additionally, the soil conditions for the Parcel are unique. The current soil conditions on the Parcel are mostly back fill, comprised of old bricks, cobblestone, and other impervious materials. An infiltration system for storm water runoff is not feasible due to the soil conditions present at the Parcel.

ii. Hardship.

The special conditions set forth above create a hardship by limiting the size, location and scope of the driveway and parking conditions for the Parcel.

iii. No Detriment to Public Good.

The desired relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally. Granting of a variance from Section 6.3.13.c.iii of the SZO will be in harmony with the SZO and future development plans for the surrounding area by providing full use the Parcel and allowing proper vehicular access to the property. Further, the requested Variance would dramatically decrease the currently existing non-conformity. The Facility is an important complementary use to the surrounding urban area for businesses and residents requiring short/long term climate-controlled storage, moving trailer and van rentals, and complementary service offerings. The proposed plan significantly decreases the current pre-existing non-conformity. The resulting Parcel will have a significant gain in permeable surface area, better landscaping, more green space, better buffers, indoor parking, and conforming setbacks.

Granting of the variance will not be injurious to the surrounding neighborhood or detrimental to the public welfare as the subject property is surrounded by other commercial uses including automotive



dealerships to the west and south, automotive repair businesses to the north, and an Eversource electric utility yard to the east. The proposed building construction and site improvements will significantly improve the existing site with respect to what exists today and help the Brickbottom Area vision evolve.

iv. Compliance with the Variance Statutory Requirements.

Pursuant to Massachusetts General Laws, Chapter 40A, and Section 15 and Section 15.2.3 of the SZO, the ZBA has the authority to hear this application by the Applicant seeking variances, showing that: (1) special circumstances exist relating to the soil conditions, shape or topography of a Parcel or the unusual character of an existing structure, but not affecting the general zoning district in which the land or structure is located; (2) literal enforcement of the SZO for the district in which the land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and (3) desirable relief can be granted without causing detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in the SZO or the SZO generally.

Accordingly, the Applicant respectfully requests that the City grant the Applicant a Hardship Variance from 6.3.13.c.iii. of the SZO to permit the driveway area on the Western section of Linwood Street.

In ZBA's considering of this application, the Applicant asks you to weigh the numerous benefits of the project against the minimal accommodations that have been requested.

We continue to look forward to working with the City and community in this project.

Sincerely,

/s/ Anthony T. Panebianco
Anthony T. Panebianco
DarrowEverett LLP

/s/Nichole Dunphy
Nichole Dunphy
Highpoint Engineering, Inc.

/s/Cedrick Azor
Cedrick Azor
Highpoint Engineering, Inc.