



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-73-E1(7/2015)
Date: August 13, 2015
Recommendation: Approval

PLANNING STAFF REPORT

Site: 1119-1133 Broadway

Applicant & Owner Name: Shree Ganesh Realty Trust, Laxmi Pradhan, Trustee
Applicant & Owner Address: 1274 Broadway, Unit 2, Somerville, MA 02144
Agent Name: Rich Di Girolamo
Agent Address: 424 Broadway Somerville, MA 02145
Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, Shree Ganesh Realty Trust, Laxmi Pradhan, Trustee, seeks a time extension SZO §5.3.10 & mgl ch 40a for Variances (§5.5) for lot area per dwelling unit (§8.5.B), floor area ratio (§8.5.E), and number of parking spaces (§9.5). This is part of a previous Special Permit with Site Plan Review to add 8 new units and a build an additional floor to the structure. BB zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeal – August 19, 2015

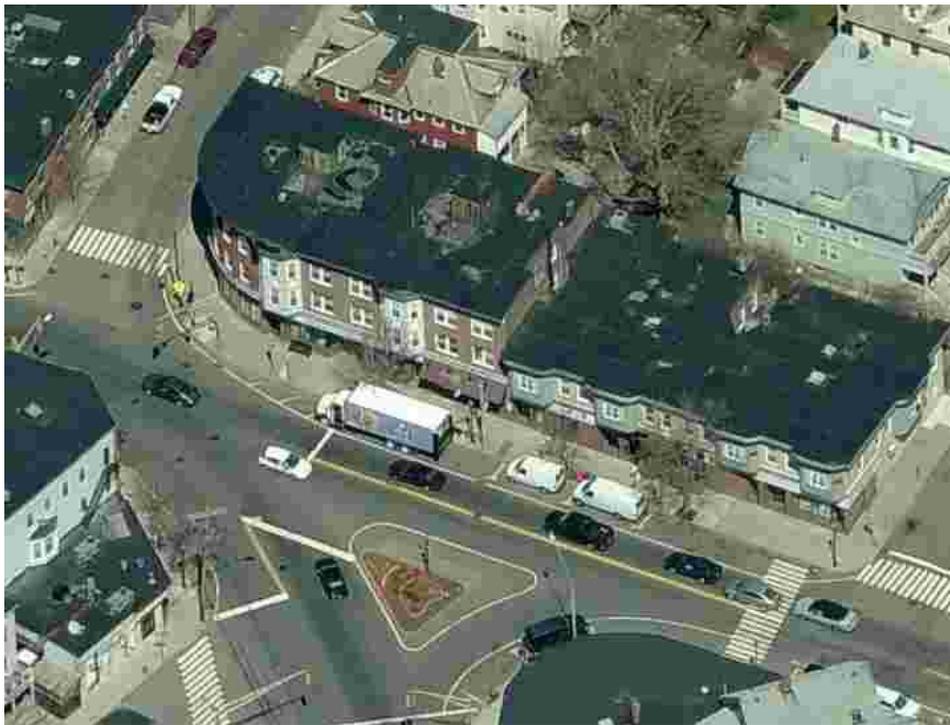
I. PROJECT DESCRIPTION

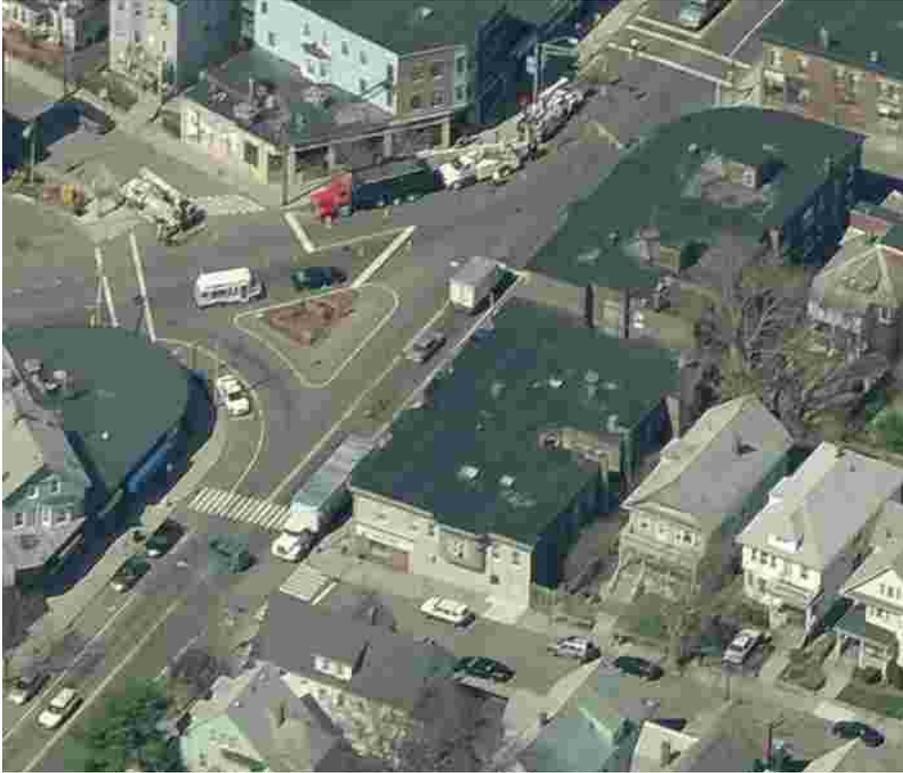
1. Subject Property: The subject property is a mixed use building in Teele Square. The owner of the property owns two parcels next to each other that each have a building on them that share a common wall. One of the buildings has three-stories and the other has two-stories. Both have retail on the ground floor and the upper floors are residential. There are 16 residential units in the parcel at the corner of Broadway and Curtis Street and 8 units in the building on the subject property.





1119-1133 Broadway – view from Broadway





View of 1133 Broadway and abutters on Westminster Street

2. Proposal: The site has an approved project under Case # ZBA 2013-73 and the proposal is to extend the timeframe of approval. The approval was to add 8 residential units to the two-story building, making it three stories. There will be 8 one-bedrooms, 4 two-bedrooms and 2 three-bedrooms. The 3-bedroom units will be the affordable units. Also, one of these 3-bedroom units will be made accessible by converting the small office and a portion of the storage space on the ground floor to residential with a LULA to access the rest of the unit on the second floor. The accessible unit will have its own entrance directly off of the sidewalk.

The existing vertical metal siding and shutters on the bays of the building will be removed and replaced with azek panels that match the design of the bays on the three-story building. The same off-white brick located on the second floor will be used for the façade of the third story. The cornice on the building will be similar in style and dimension to the existing three story building.

There will be no parking onsite. The lot at 8 Curtis Street that currently provides parking for the following users will be available for residents of 1119-1133 Broadway. Technically the spaces cannot be counted as required spaces because parking on a separate lot is not allowed in the RA district. SZO, §9.13.d states that, “[i]n any business, commercial or industrial district, required parking spaces may be located on a separate lot, which may be in separate ownership, within a zoning district in which the principal use served by the remote parking is a permitted use.” The mixed use building is not an allowed use in the RA district and therefore a special permit to “park on a separate lot” is not possible. However, the preexisting use as a parking lot for tenants of 1119-1133 Broadway allows for this practice to continue.

Below is a table of the users of the 17 spaces in early 2014.

| | | |
|--------------------|--------|-------------------|
| Owner | 3 cars | Due to renovation |
| Restaurant | 2 cars | At will |
| Out of State plate | 4 cars | Temporary Rental |
| Dentist | 2 cars | Parking till 2pm |
| Liquor | 1 car | At will |
| Laundry | 1 car | At will |
| Convenience Store | 1 car | At will |
| Tenant | 3 cars | Lease |

The Zoning Board asked for the current usage of the parking lot and the following was provided:

| | | |
|--|--------|-------|
| 3 Residential Tenants (1 tenant is moving at the end of August /new tenant will not have a car) | 3 cars | Lease |
| Dentist (Hours of Operation: M-W 9am-5pm, Th-Sa 9am-2pm, Sun closed) | 3 cars | Lease |

II. EVALUATION & FINDINGS FOR EXTENSION

Massachusetts General Law Chapter 40A states:

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

The original variance was approved on August 20, 2014. If approved, the extension will last until February 20, 2016.

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress. In the case of a variance extension, the same findings should be evaluated.

Demonstration of Hardship

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

The Applicant experienced a hardship on account of the funding source being in Nepal, which suffered a devastating earthquake in April of 2015. The Applicants were required to pay a down payment of 30% of the amount financed. Their bank is located in Nepal and they were not able to obtain the funds for the conditions of financing.

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

Good Faith Effort to Overcome Hardship and Expedite Progress

The Applicant's attorney submitted a letter stating that the Applicant is working with East Boston Savings Bank to get further approval for financing. The attorney also stated that the Applicants are eager to get the project underway. The approval would only allow for a short timeline to start construction on the site.

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

III. RECOMMENDATION

Planning Staff recommends that the Board grant the extension of the variance until February 20, 2016.

