

BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Campbell Ellsworth, Architect for Owner

PETITIONER'S ADDRESS: 267 Norfolk Street, Cambridge MA 20139

LOCATION OF PROPERTY: 229 Lakeview Ave, Cambridge MA 02138

TYPE OF OCCUPANCY: Single Family ZONING DISTRICT: B

REASON FOR PETITION:

- | | |
|--|--|
| <input type="checkbox"/> Additions | <input type="checkbox"/> New Structure |
| <input type="checkbox"/> Change in Use/Occupancy | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Conversion to Addi'l Dwelling Unit's | <input type="checkbox"/> Sign |
| <input type="checkbox"/> Dormer | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Other: <u> Adding Roof to Second Floor Deck </u> | |

DESCRIPTION OF PETITIONER'S PROPOSAL:

Owner wishes to re-create a partial roof over the existing second floor rear deck. Original 1925 frame for this roof still exists. This modest modification will require a variance for F.A.R as well as building within the left-side setback.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 31 Table 5.1

Article _____ Section _____

Article _____ Section _____

Applicants for a Variance must complete Pages 1-5
Applicants for a Special Permit must complete Pages 1-4 and 6
Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): 
(Petitioner(s)/Owner)
 Campbell Ellsworth (Petitioner for Owner)
(Print Name)

Address: 267 Norfolk Street
 Cambridge MA 02139

Tel. No.: 617-799-4462

E-Mail Address: campbell@ellsworth-associates.com

Date: 2/2/17
 [Redacted]

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

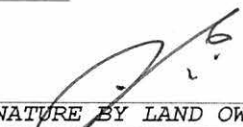
I/We Wojciech Szczerba & Maria Balinska-Szczerba
(OWNER)

Address: 229 Lakeview Ave, Cambridge, MA 02139

State that I/We own the property located at 229 Lakeview Ave, Cambridge, MA 02139 which is the subject of this zoning application.

The record title of this property is in the name of _____
Wojciech Szczerba & Maria Balinska-Szczerba

*Pursuant to a deed of duly recorded in the date 4/9/2012, Middlesex South County Registry of Deeds at Book 58855, Page 9; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

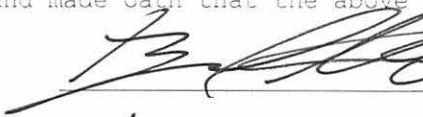


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of MIDDLESEX

The above-name WOJCIECH SZCZERBA personally appeared before me, this 14th of DECEMBER, 2016, and made oath that the above statement is true.


My commission expires JAN 22, 2021 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court order, deed, or inheritance, please include documentation.

**BZA APPLICATION FORM
SUPPORTING STATEMENT FOR A VARIANCE
ADDRESS: 229 Lakeview Ave., Cambridge, MA
January 26, 2017**

This same case was before the BZA on 6/12/14, and it was approved. The appellant was not able to exercise the Variance granted for the reasons stated below. We present this case again in the hopes that the BZA will re-grant this modest request.

The Appellant, Wojciech Szczerba, was granted the Variance for the rebuilding of the covering of his 3rd floor deck roof on 6/12/14. In the year following the granting of that variance there were circumstances in Mr. Szczerba's life that precluded the completion of that work. This included the death of his wife's mother, and then the death of his mother in Europe. In addition, his wife started of a new business, Lattitdenews.com, which took a great deal of time and money, and which eventually failed. And his daughter changed schools, which was complicated. There was then a misunderstanding about the length of time during which a Variance can be acted upon, which Mr. Szczerba believed to be 2 years, and not the allowable 1 year.

As the reasoning and arguments for the Variance request have not changed, we are including the text of the original variance request below. Dates have been slightly modified to reflect the current time.

Mr. Szczerba and his family are committed to staying in their home, and the granting of this Variance will further enhance that experience without derogating from the intent of the Ordinance.

We believe that the request is still reasonable, and we hope that you will grant this Variance.

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

A. A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The Appellants and Owners of the property at 229 Lakeview Avenue, Wojciech Szczerba and Maria Balinska-Szczerba, bought this property two (*now* 5) years ago, in April of 2012. They took what was a two-family structure in below average condition and, with the help of local tradesmen and a lot of their own sweat-equity, created a single family home for their family. At the time they purchased the property, there was a partial roof over the existing second floor deck, but it was in poor repair. As part of their as-of-right renovation they removed that small roof, but left the existing structure in place. Now, after having lived in the house for 2 (5) years, the Owners are requesting a variance to rebuild that roof to provide adequate weather protection for the new door that was installed for what is now the master bedroom, as well as to protect the rear side of the house, with its various openings, from the weather. The variance is necessary since the new G.F.A. exceeds the allowable by 98 square feet. The variance is also required since the new roof will encroach on the left side setback by approximately two feet.

The existing house is conforming in all respects, except with regard to the left side setback. This side yard non-conformity is not uncommon in this neighborhood. The current distance to the property line is approximately 4'-6". The proposed modest addition of the partial deck roof does not increase the existing side yard setback non-conformity.

A literal enforcement of the provisions of this Ordinance would not allow this modest increase. The placement of a roof over a portion of this 2nd floor deck would provide needed weather protection for the house, as well as a more desirable shading for the Owner. And it would be unlikely that this covered area would be enclosed in the future since it would leave a remaining portion of the 2nd floor deck exposed that would be less than 3 feet in depth.

B. The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The construction of this house in 1925 included a roof over the same area that the Owner's wish to rebuild. This provided the same protections from the elements and shading that the current Owners desire. The downzoned conversion of this structure from a two family to a single family residence obviously modified the internal layout of the house. The original design did not anticipate this type of legal conversion. It is not unreasonable that this original roof be replaced, to provide the now master bedroom with this protection from the elements to the northeast. The modest addition does not affect the zoning district in which it is located, as many of these structures in the B zone have similar roofs over rear decks.

C. DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1. Substantial detriment to the public good for the following reasons:

Granting relief will not be a detriment to the public good. The proposed modification is on the back of the house, and generally will not be seen by the public. And the proposed modest roof will protect the building, adding to its longevity.

2. Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The granting of relief will neither nullify nor derogate from the intent or purpose of the Ordinance. Generally, the Zoning Ordinance, in Article 1.30 PURPOSE, defines its purpose, among many things, "to conserve the value of land and building, including the conservation of natural resources..." Specifically, the intent of the Ordinance will be respected, as this modest modification does not affect the general design of the house or the neighborhood, and will protect the building resource for a longer time. In both a general and specific sense, the proposal neither nullifies nor derogates from the intent or purpose of the Ordinance.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Campbell Ellsworth for Owner PRESENT USE/OCCUPANCY: Single Family

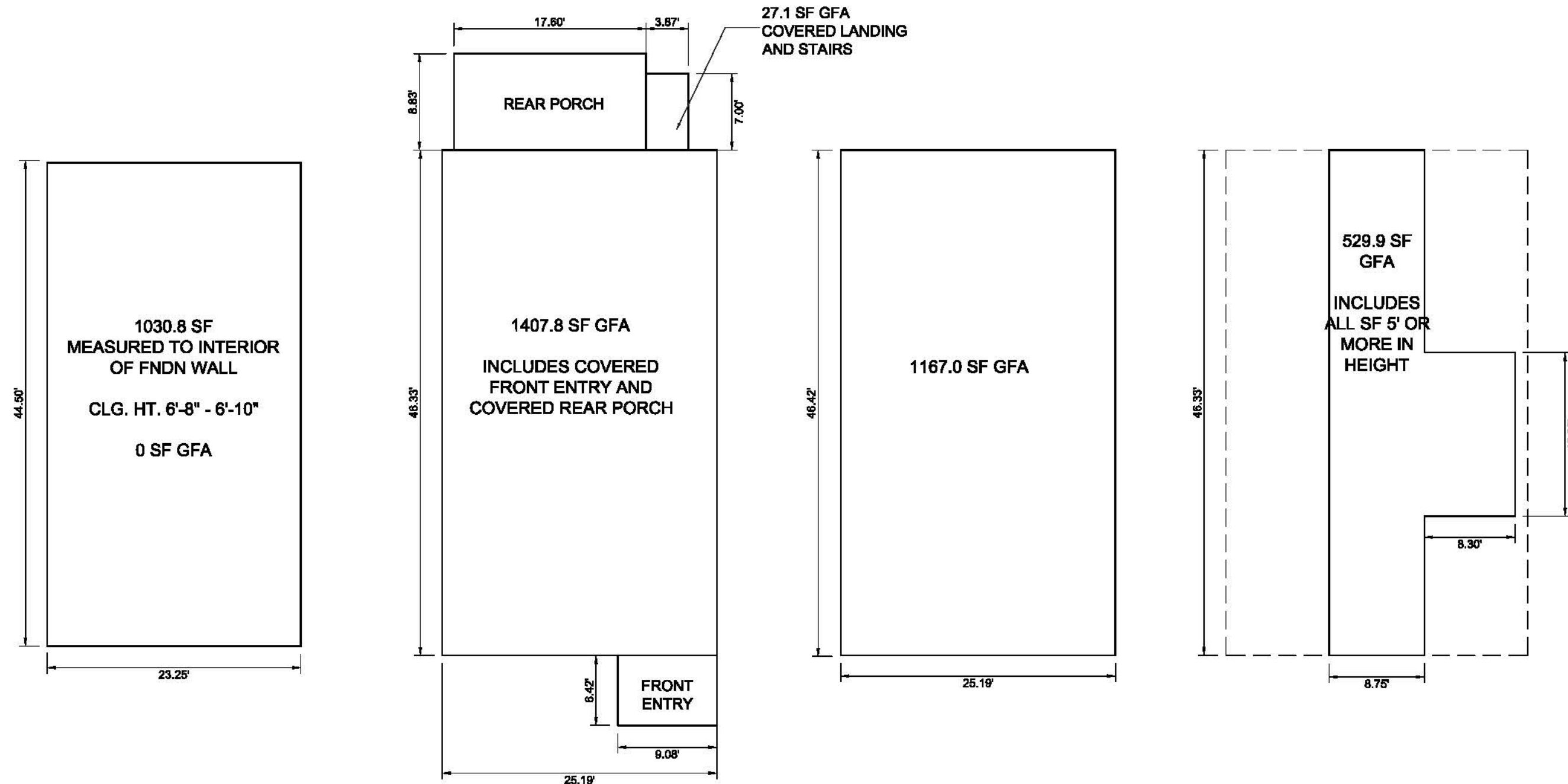
LOCATION: 229 Lakeview Ave, Cambridge, MA 20138 ZONE: B

PHONE: 617-799-4462 REQUESTED USE/OCCUPANCY: Single Family

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
TOTAL GROSS FLOOR AREA:	<u>3,104.7</u>	<u>3,210.7</u>	<u>3,112.5</u>	(max.)
LOT AREA:	<u>6,750</u>		<u>5,000</u>	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²	<u>0.460</u>	<u>0.476</u>	<u>0.461</u>	(max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>6,750</u>	<u>6,750</u>	<u>2,500</u>	(min.)
SIZE OF LOT:				
WIDTH	<u>45'</u>		<u>50'</u>	(min.)
DEPTH	<u>150'</u>			
Setbacks in Feet:				
FRONT	<u>20.6'</u>	<u>20.6'</u>	<u>15'</u>	(min.)
REAR	<u>68.3'</u>	<u>68.3'</u>	<u>35'</u>	(min.)
LEFT SIDE	<u>4.5'</u>	<u>4.5'</u>	<u>7.5'</u>	(min.)
RIGHT SIDE	<u>15.2'</u>	<u>15.2'</u>	<u>12.5'</u>	(min.)
SIZE OF BLDG.:				
HEIGHT	<u>30.9'</u>	<u>30.9'</u>	<u>35'</u>	(max.)
LENGTH				
WIDTH				
RATIO OF USABLE OPEN SPACE TO LOT AREA: ³	<u>0.43</u>	<u>0.43</u>	<u>0.40</u>	(min.)
NO. OF DWELLING UNITS:	<u>1</u>	<u>1</u>	<u>2</u>	(max.)
NO. OF PARKING SPACES:	<u>1</u>	<u>1</u>	<u>1</u>	(min./max)
NO. OF LOADING AREAS:	<u>-</u>	<u>-</u>	<u>-</u>	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>35'</u>	<u>35'</u>	<u>-</u>	(min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

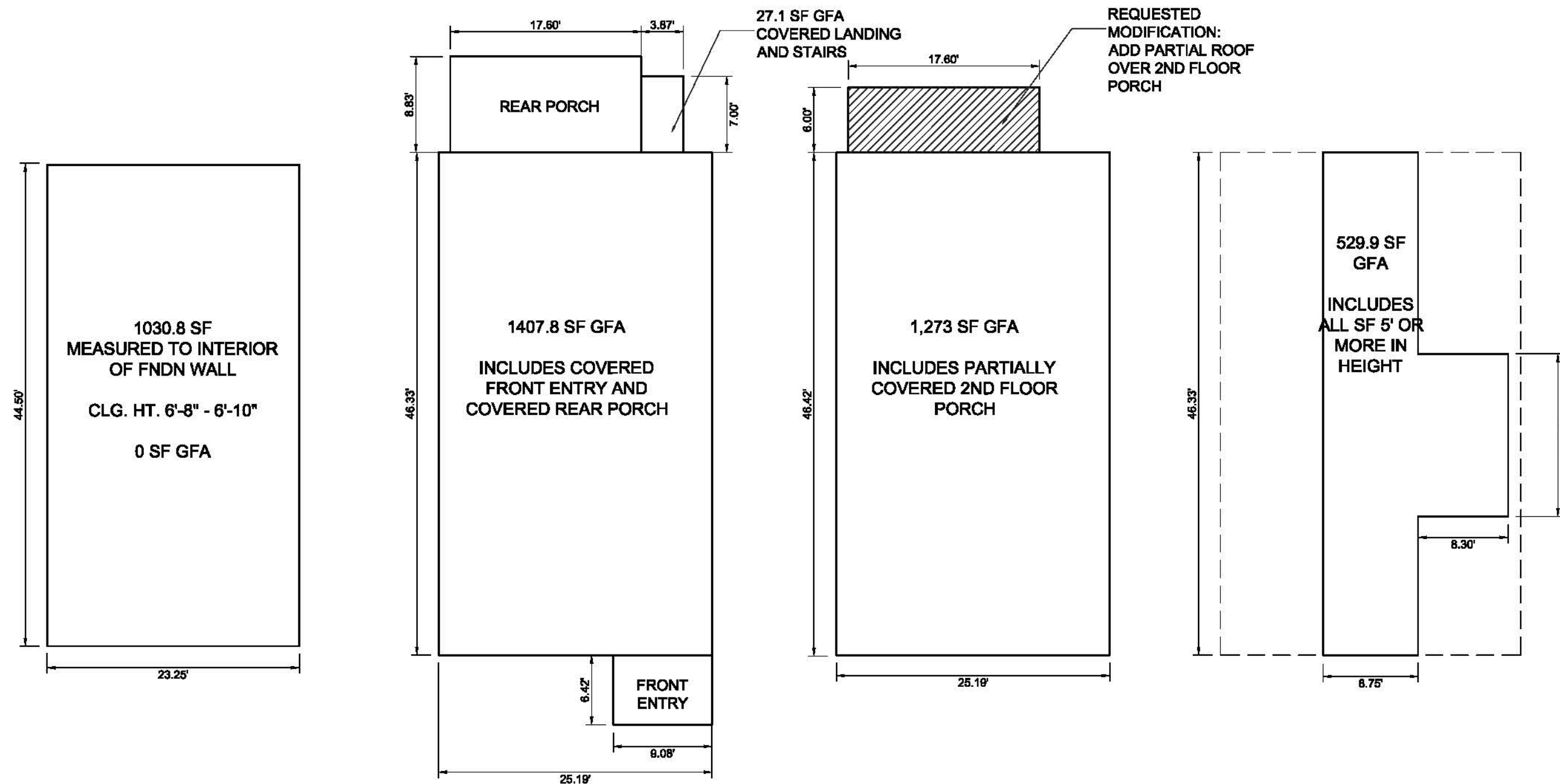


EXISTING:
BASEMENT

EXISTING:
FIRST FLOOR

EXISTING:
SECOND FLOOR

EXISTING:
THIRD FLOOR



PROPOSED:
BASEMENT

PROPOSED:
FIRST FLOOR

PROPOSED:
SECOND FLOOR

PROPOSED:
THIRD FLOOR

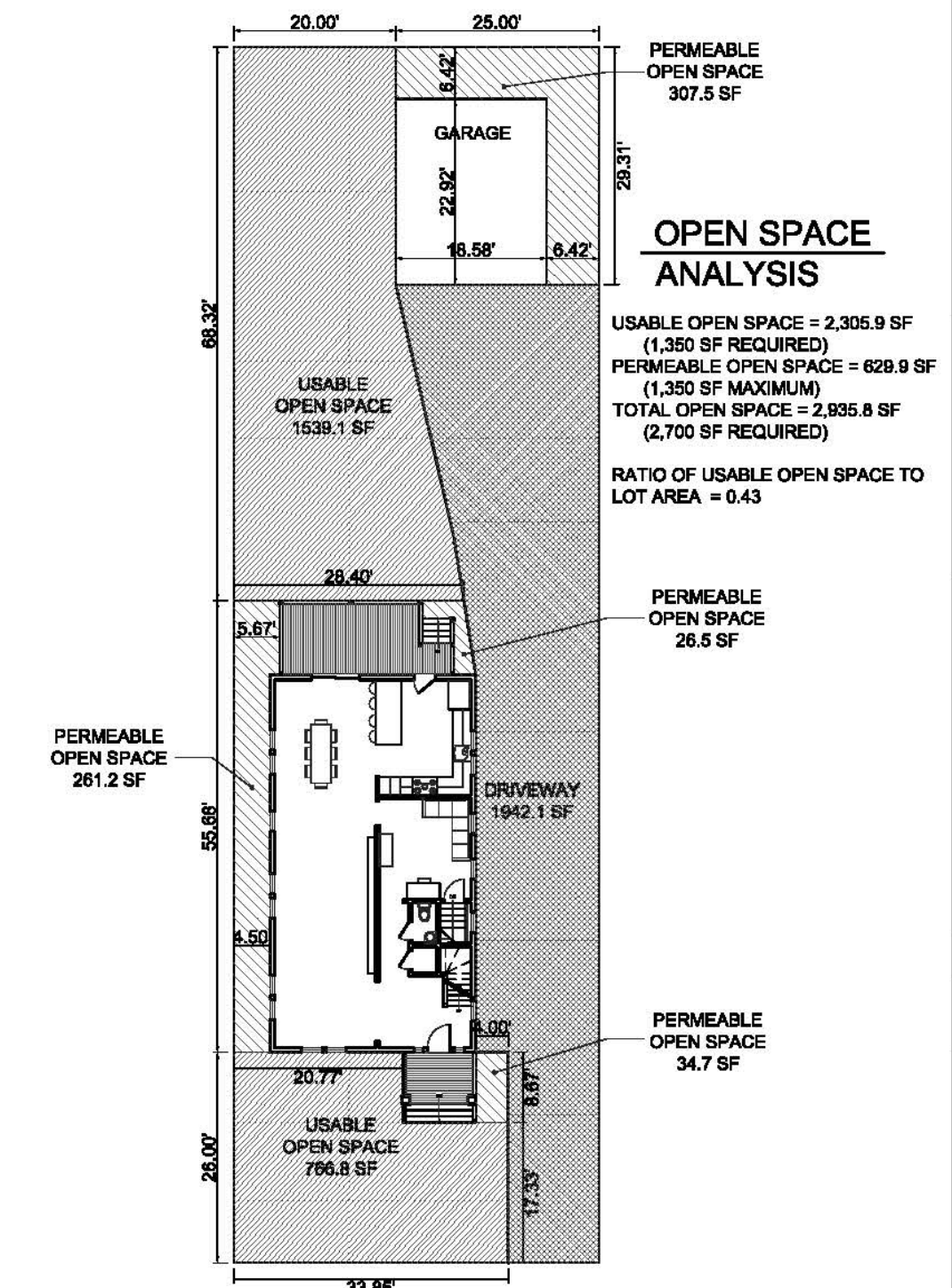
Dimensional Form			
LOCATION	229 Lakeview Ave.	ZONE	Res. B
APPLICANT	Wojtek Szczerba	REQUESTED OCCUPANCY	1 F
PHONE	202.247.0698	PRESENT USE/OCCUPANCY	1 F
	EXISTING PERMIT CONDITIONS	REQUESTED PLAN MODIFICATION	ORDINANCE REQUIREMENT
TOTAL GROSS FLOOR AREA	3,104.7	3,210.7	3,112.5
LOT SIZE	6,750	6,750	5,000
RATIO OF TOTAL FLOOR AREA TO LOT AREA	0.460	0.476	0.461
MINIMUM LOT AREA FOR EACH DWELLING UNIT			See note below*
SIZE OF LOT	6,750	6,750	2,500
WIDTH	45	45	50
LENGTH	150	150	n/a
FRONT	20.6'	20.6'	15'
REAR	68.3'	68.3'	35'
LEFT SIDE	4.5'	4.5'	7.5'
RIGHT SIDE	15.2'	15.2'	12.5'
HEIGHT	30.9'	30.9'	35'
LENGTH	62.1'	62.1'	n/a
WIDTH	25.2'	25.2'	n/a
NO. OF DWELLING UNITS	1	1	2 max.
NO. OF PARKING SPACES	1	1	1 min.
NO. OF LOADING AREAS	n/a	n/a	n/a
OTHER OCCUPANCIES ON SAME LOT	n/a	n/a	n/a
DISTANCE TO NEAREST BUILDING	see site plans	see site plans	n/a

* Total G.F.A. for Res B zone: 0.5 FAR for first 5,000 SF of lot; 0.35 FAR for lot beyond 5,000 SF

G.F.A. SUMMARY

EXISTING	FLOOR	G.F.A.
	3RD FLOOR	529.9
	2ND FLOOR	1167
	1ST FLOOR	1407.8
	BASEMENT	-
TOTAL		3,104.7

PROPOSED	FLOOR	G.F.A.
	3RD FLOOR	529.9
	2ND FLOOR	1273.0
	1ST FLOOR	1407.8
	BASEMENT	-
TOTAL		3,210.7



OPEN SPACE ANALYSIS

USABLE OPEN SPACE = 2,305.9 SF
(1,350 SF REQUIRED)
PERMEABLE OPEN SPACE = 629.9 SF
(1,350 SF MAXIMUM)
TOTAL OPEN SPACE = 2,935.8 SF
(2,700 SF REQUIRED)
RATIO OF USABLE OPEN SPACE TO LOT AREA = 0.43

ELLSWORTH ASSOCIATES INC.
267 NORFOLK STREET
CAMBRIDGE, MA 02139
PH. 617-492-0709 FAX. 617-714-5900

229 LAKEVIEW AVENUE
CAMBRIDGE, MA
FLOOR AREA ANALYSIS
OPEN SPACE ANALYSIS

DATE: 05/05/14

SCALE: NTS
JOB NO:
FILE: LAKEVIEW

Z1.1

BZA APPLICATION FORM

GENERAL INFORMATION

2017 FEB -3 AM 10:15
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ Variance: X

Appeal: _____

PETITIONER: Campbell Ellsworth, Architect for Owner

PETITIONER'S ADDRESS: 267 Norfolk Street, Cambridge MA 20139

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- | | |
|--|--|
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| <input type="checkbox"/> Dormer | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Other: <u>Adding Roof to Second Floor Deck</u> | |

DESCRIPTION OF PETITIONER'S PROPOSAL:

Owner wishes to re-create a partial roof over the existing second floor rear deck. Original 1925 frame for this roof still exists. This modest modification will require a variance for F.A.R as well as building within the left-side setback.

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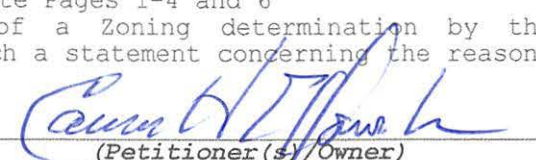
Article 5 Section 31 Table 5.1

Article _____ Section _____

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Original Signature(s):



(Petitioner(s)/Owner)

Campbell Ellsworth (Petitioner for Owner)
(Print Name)

Address: 267 Norfolk Street

Cambridge MA 02139

Tel. No.: 617-799-4462

E-Mail Address: campbell@ellsworth-associates.com

Date: 2/2/17

The following information is being furnished to you for your information only. It is not to be disseminated outside your organization.

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~~CONFIDENTIAL~~



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*

William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, Jo M. Solet, *Members*;

Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

Jurisdiction Advice

To the Owner of Property at 229 Lakeview Ave

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
 - Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
 - Avon Hill Neighborhood Conservation District
 - Half Crown – Marsh Neighborhood Conservation District
 - Harvard Square Conservation District
 - Mid Cambridge Neighborhood Conservation District
 - Designated Landmark
 - Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - Preservation Restriction or Easement (as recorded)
 - Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). **See the back of this page for definition of demolition. No demolition permit anticipated.**
 - No jurisdiction: not a designated historic property and the structure is less than fifty years old.
 - No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
- Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date February 27, 2017

Received by Uploaded to Energov

Date February 27, 2017

Relationship to project BZA 12536-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

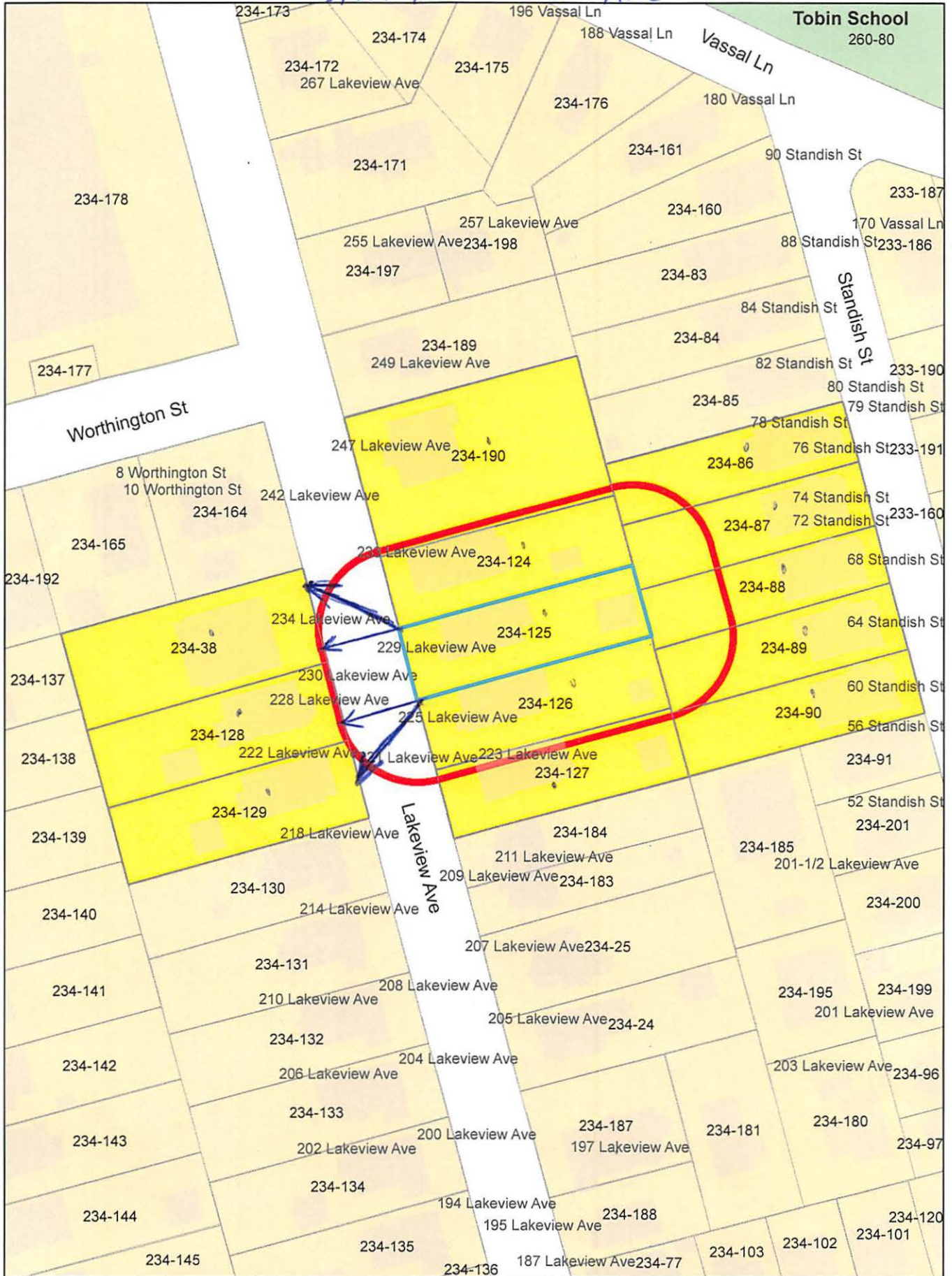
Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>

229 Lakeview Ave



339 Lakeview Ave

Petitioner

234-127
BLANKENHORN, PATRICIA JO &
HERBERT APPLE WAGNER III TRUSTEE ET-AL
221 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-127
PRUITT, DEBRA
223 LAKEVIEW AVE
CAMBRIDGE, MA 02138

CAMPBELL ELLSWORTH
267 NORFOLK STREET
CAMBRIDGE, MA 02139

234-38
WHEATLAND, REBECCA
234 LAKEVIEW AVE., UNIT #2
CAMBRIDGE, MA 02138

234-38
KHAN, MUGHEES M. & ZAINAB ALE RASOOL
234 LAKEVIEW AVE., #3
CAMBRIDGE, MA 02138

234-38
POPKY, DONNA H.
234 LAKEVIEW AVE. UNIT#4
CAMBRIDGE, MA 02138

234-38
GOLITKO, LAURA & EDWARD GOLITKO
234 LAKEVIEW AVE., #5
CAMBRIDGE, MA 02138

234-38
DURKIN, PATRICK
234 LAKEVIEW AVE., #6
CAMBRIDGE, MA 02138

234-38
SCHWILK, GRETCHEN J.
234 LAKEVIEW AVE., UNIT #7
CAMBRIDGE, MA 02138

234-38
AYERS, JEAN E.
234 LAKEVIEW AVE., UNIT #8
CAMBRIDGE, MA 02138

234-38
JI, JIN
234 LAKEVIEW AVE., #9
CAMBRIDGE, MA 02138

234-86
BODKIN, THOMAS W. SR.,
MARY V. BODKIN, & EDWARD J. BODKIN
76 STANDISH ST
BELMONT, MA 02478

234-87
FELONEY, MILDRED A.
72 STANDISH ST
CAMBRIDGE, MA 02138

234-88
ADLER, ARTHUR C. & PENNY JO ADLER
68 STANDISH ST.
CAMBRIDGE, MA 02138

234-89
MAHONEY, JOHN J. & CAROL A. MAHONEY
64 STANDISH ST
CAMBRIDGE, MA 02138

234-90
WEINSTEIN, RACHEL
60 STANDISH ST., #1
CAMBRIDGE, MA 02138

234-90
WEST, MICHAEL R. & PATRICIA M. WEST
60 STANDISH ST. UNIT#2
CAMBRIDGE, MA 02138

234-90
VANSTROM, KRISTINA M. &
SCOTT B. VAN BROEKHOVEN
60 STANDISH ST., UNIT #3
CAMBRIDGE, MA 02138

234-124
ANDERSON, ELIZABETH JANE &
MICHAEL A. ZIBELLO
233 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-125
SZCZERBA, WOJCIECH JERZY &
MARIA L. BALINSKA-SZCZERBA
229 LAKEVIEW AVE
CAMBRIDGE, MA 02138

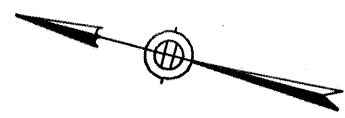
234-126
DEMOSTHENES, PAUL & S. JEANEE REDMOND
225-227 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-128
COYLE, GENEVIEVE S. & JOSEPH T. COYLE
230 LAKEVIEW AVE
CAMBRIDGE, MA 02138

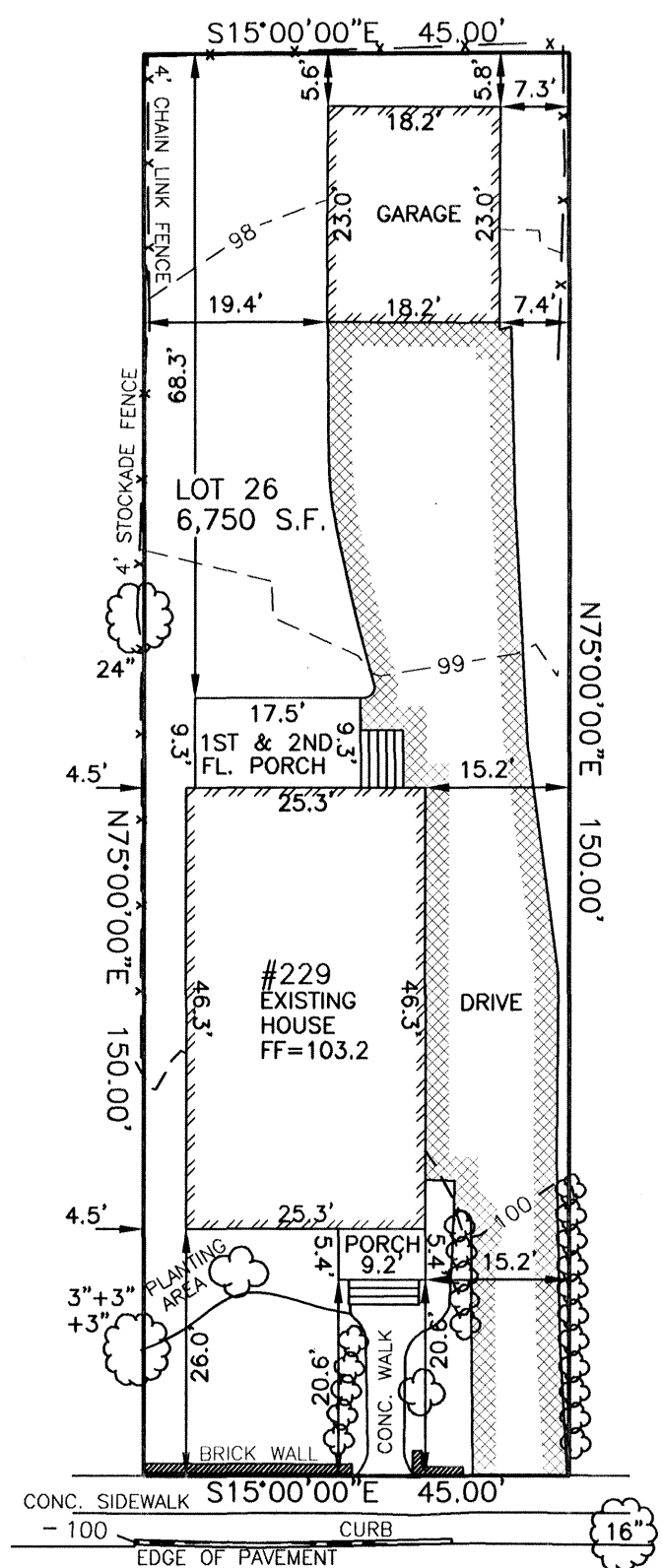
234-129
GOODWIN, EDWARD L. & DIANE F. GOODWIN
224 LAKEVIEW AVENUE
CAMBRIDGE, MA 02138

234-190
PEARCE, JOHN K. & SUZANNE S PEARCE
247 LAKEVIEW AVE
CAMBRIDGE, MA 02138

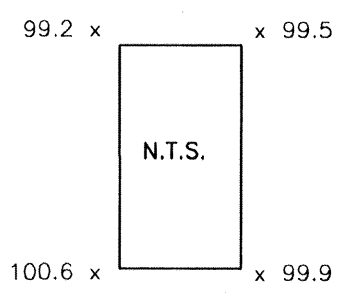
234-38
BLALOCK, BONNIE
234 LAKEVIEW AVE., #1
CAMBRIDGE, MA 02138



DEED REFERENCE:
BOOK 58855 PAGE 9

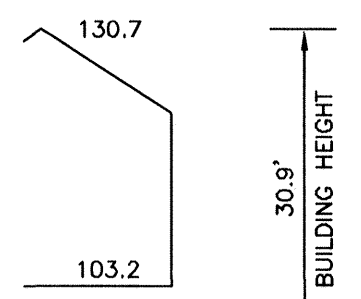


LAKEVIEW AVENUE
(50' WIDE PUBLIC)



MEAN GRADE CALCULATION:
 $(99.2 + 99.5 + 99.9 + 100.6) / 4 = 99.8$

BUILDING HEIGHT CALCULATION



MEAN GRADE = 99.8
(N.T.S.)

ESTABLISHED 1916

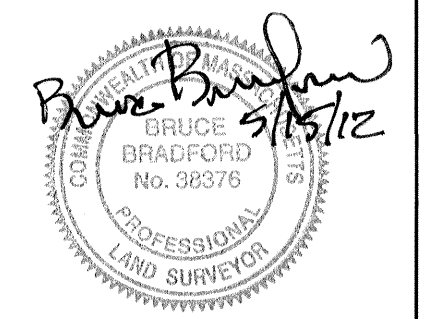
EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
(617) 332-1578 FAX
info@everettbrooks.com



**PLAN OF LAND IN
CAMBRIDGE, MA**

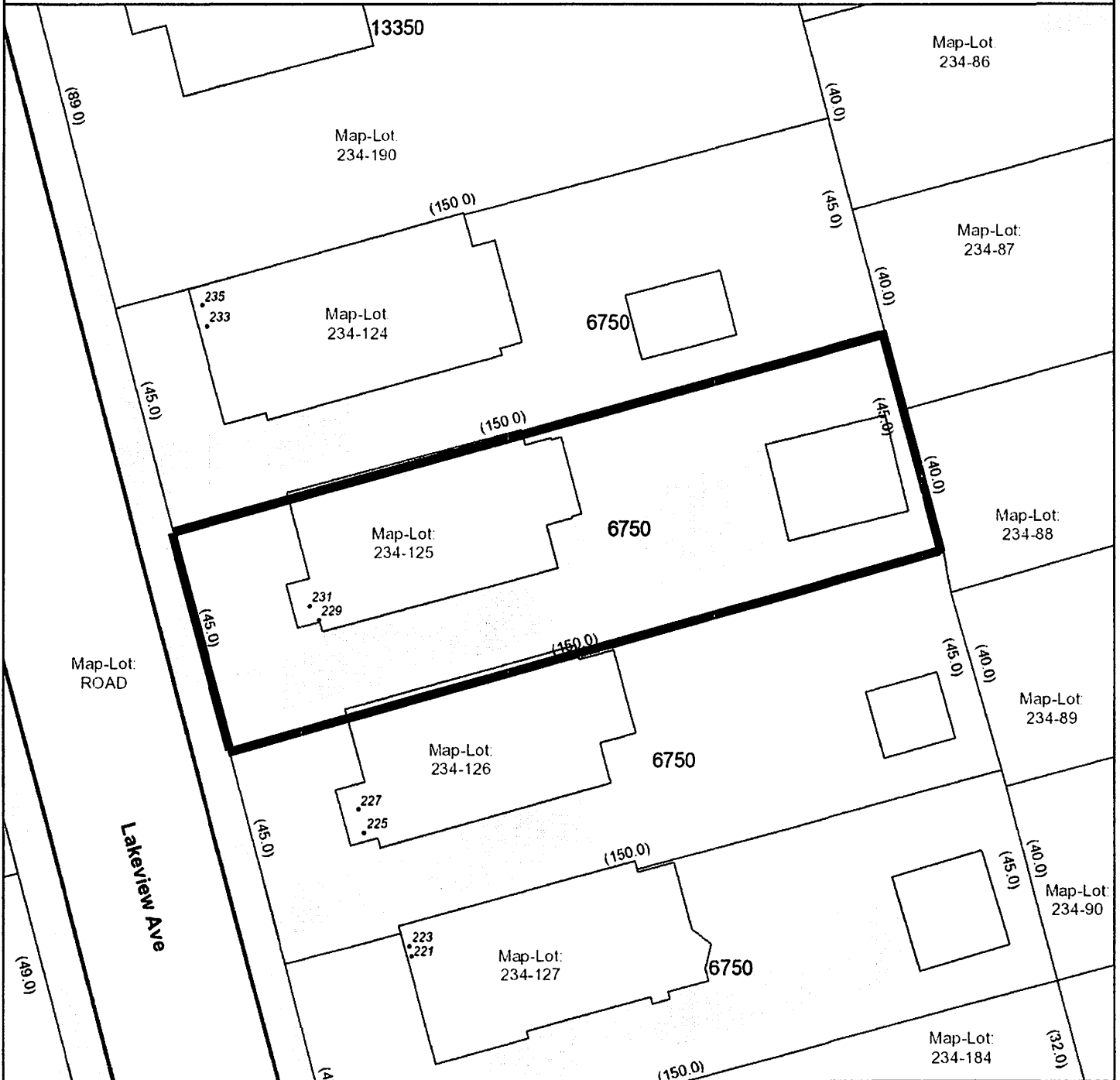
229 LAKEVIEW AVENUE
EXISTING CONDITIONS

SCALE: 1 IN. = 20 FT.
DATE: MAY 15, 2012
DRAWN: JF
CHECK: BB

REVISIONS:

PROJECT NO. 23941

229 LAKEVIEW AVE, CAMBRIDGE

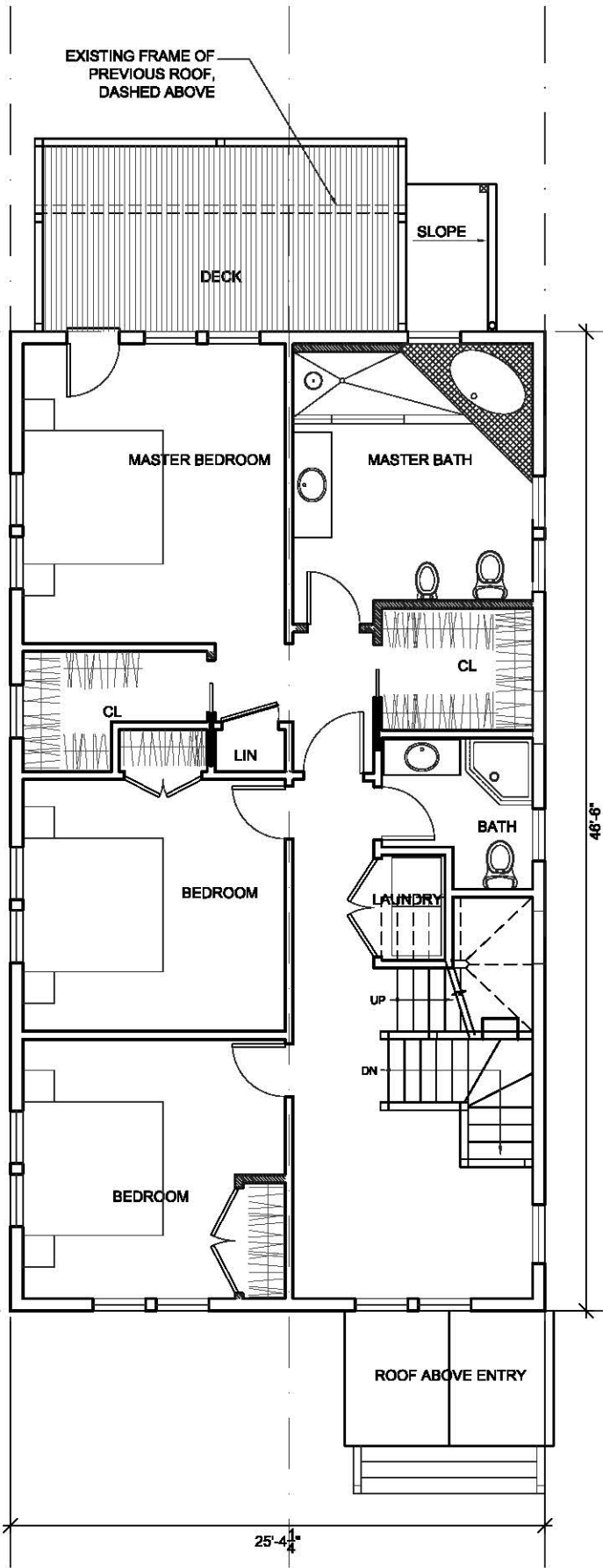


City of Cambridge
Massachusetts

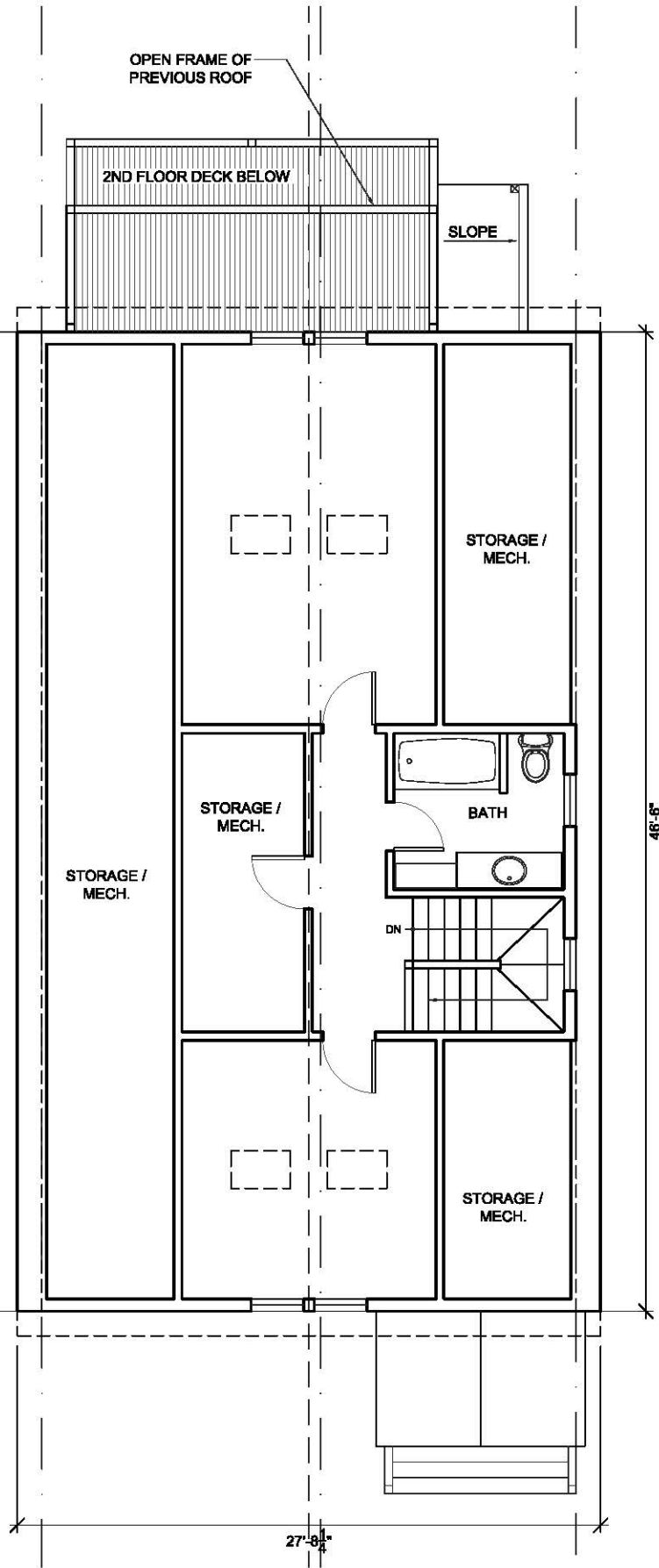
1" = 30 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

- Adresse
- Rail
- Building Footprints
- Parcels
- Paved Surfaces**
- Paved Roads
- Bridges
- Unpaved Roads
- Unpaved Parking
- Sidewalks
- Driveways
- Alleys
- Other Paved Surface
- Public Footpath



SECOND FLOOR



THIRD FLOOR



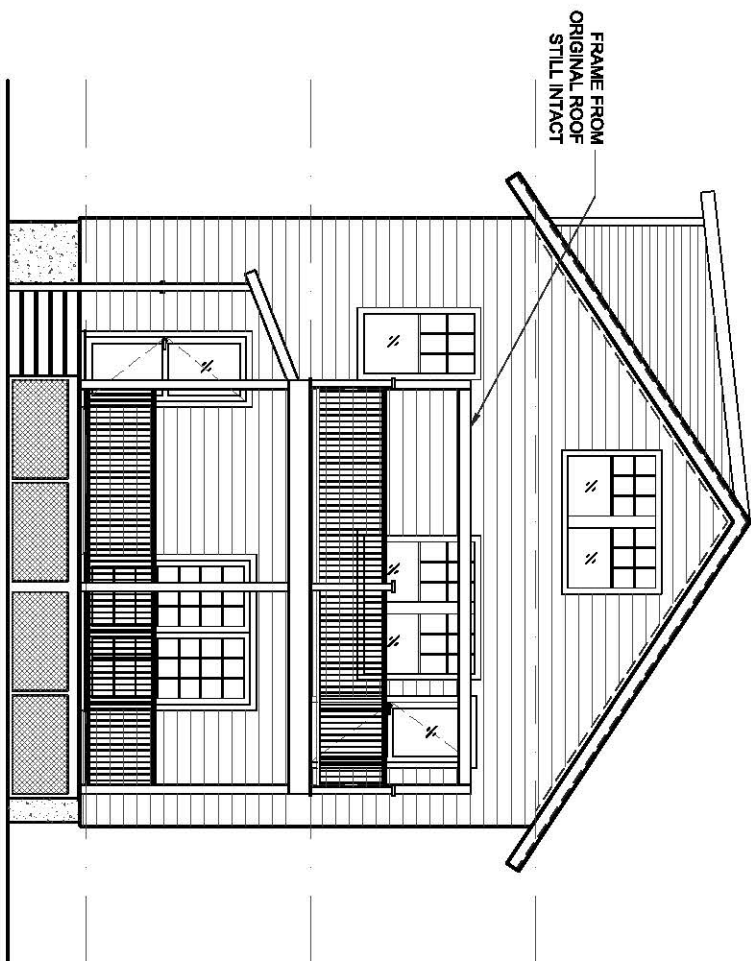
EXISTING
PLANS

ELLSWORTH ASSOCIATES, Inc.
267 NORFOLK STREET, CAMBRIDGE, MA 02139
PH. 617-492-0709 FAX. 617-714-5900

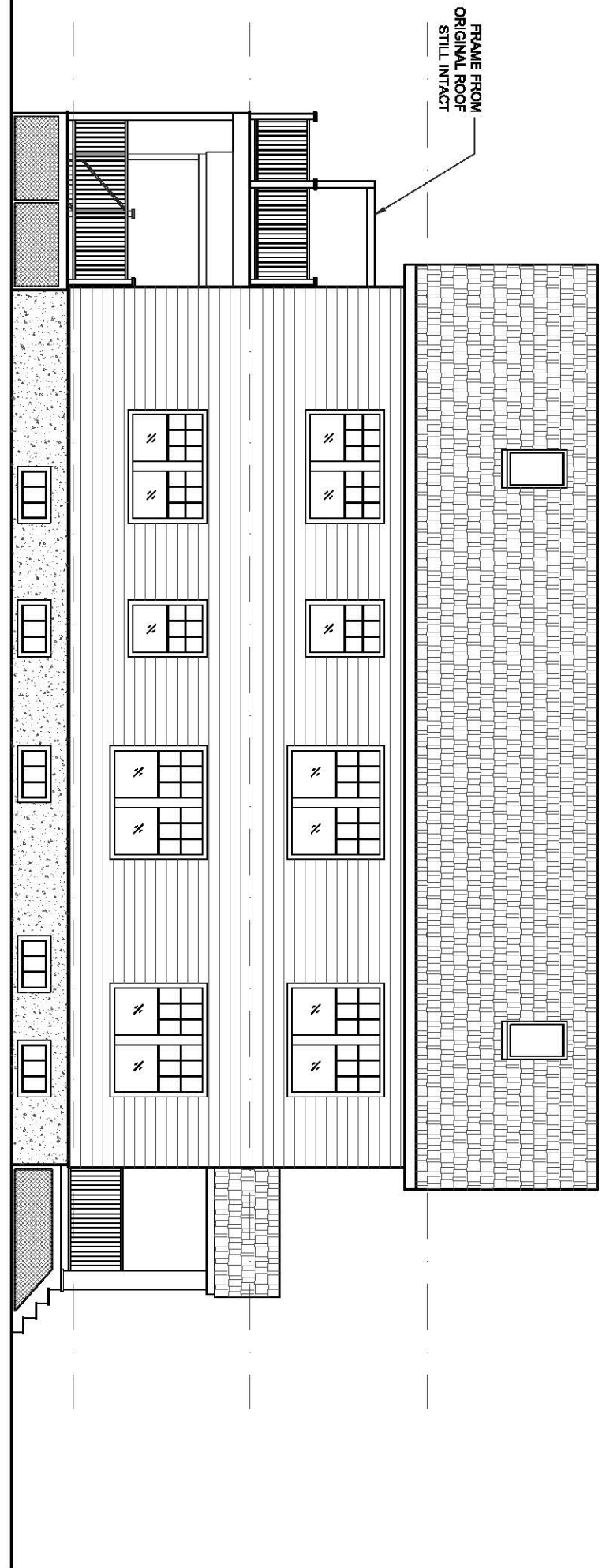
229 LAKEVIEW AVENUE
CAMBRIDGE, MA 02138

DATE: 05/05/14
SCALE: 1/8"=1'-0"
FILE: Lakeview Ave

WEST ELEVATION



NORTH ELEVATION



E 1 2

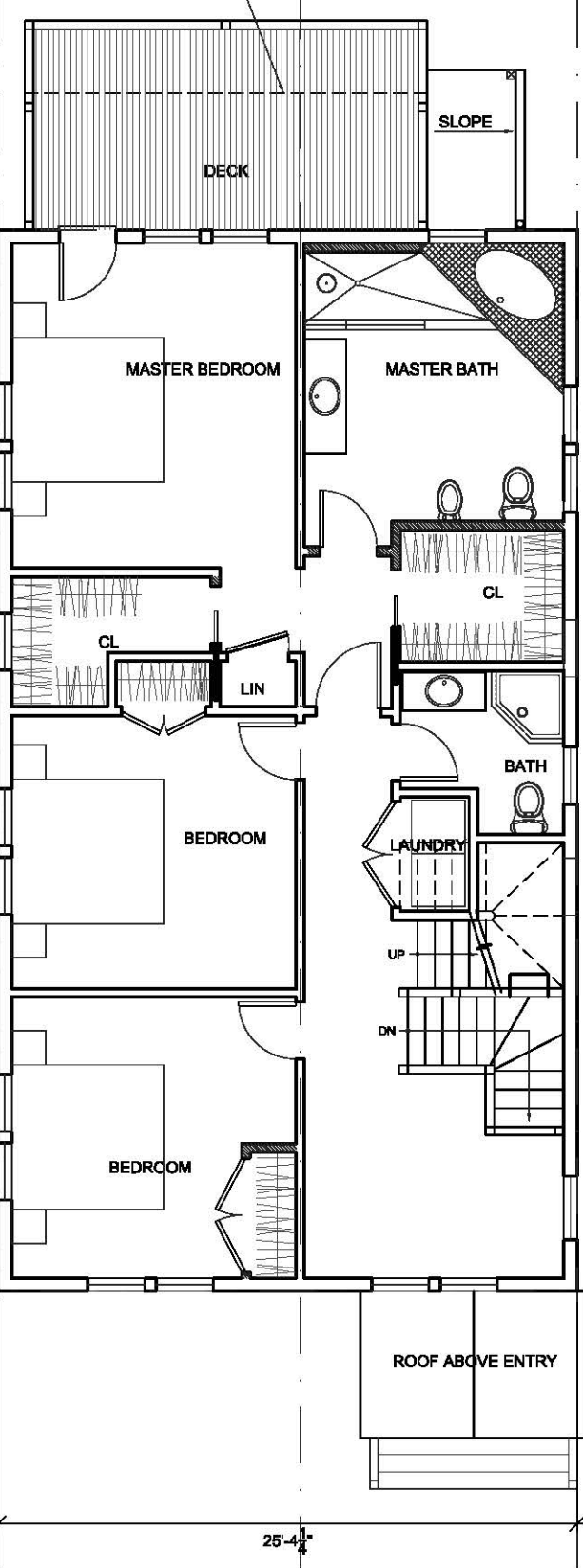
EXISTING ELEVATIONS

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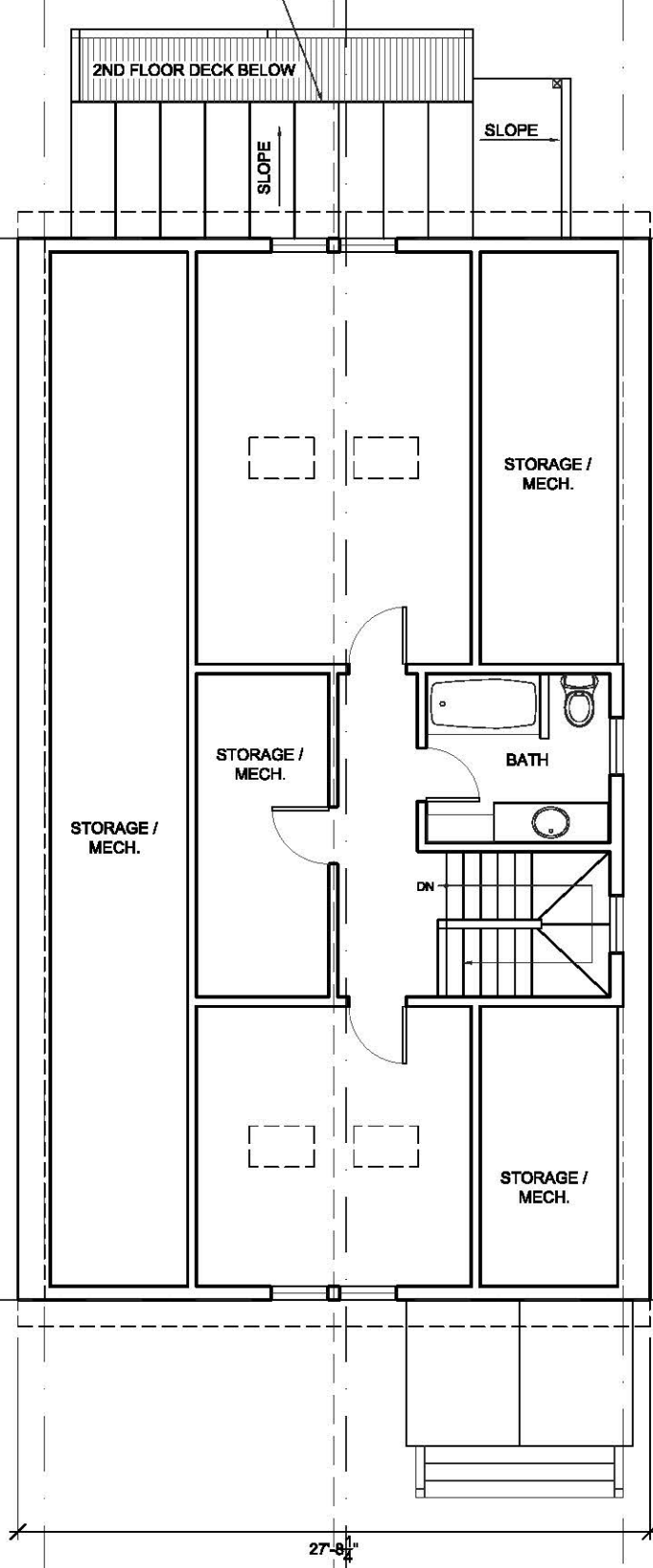
DATE: 05/05/14
 SCALE: 1/8"=1'-0"
 FILE: Lakeview Ave

PROPOSED NEW ROOF,
DASHED ABOVE



SECOND FLOOR

NEW ROOF,
MATERIALS T.B.D.



THIRD FLOOR

A1.1

PROPOSED
PLANS

ELLSWORTH ASSOCIATES, Inc.
 267 NORFOLK STREET, CAMBRIDGE, MA 02139
 PH. 617-492-0709 FAX. 617-714-5900

229 LAKEVIEW AVENUE
 CAMBRIDGE, MA 02138

DATE: 05/05/14
 SCALE: 1/8"=1'-0"
 FILE: Lakeview Ave



NORTH ELEVATION



WEST ELEVATION

DATE: 05/05/14
 SCALE: 1/8"=1'-0"
 FILE: Lakeview Ave

229 LAKEVIEW AVENUE
 CAMBRIDGE, MA 02138

ELLSWORTH ASSOCIATES, Inc.
 267 NORFOLK STREET, CAMBRIDGE, MA 02139
 PH. 617-492-0709 FAX. 617-714-5900

PROPOSED
 ELEVATIONS

A1.2

(9:00 p.m.)

(Sitting Members Case #BZA-0038764-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 229, Lakeview Avenue.

Is there anyone here wishing to be heard on this matter. I think the biggest problem is how do we pronounce your name.

WOJCIECH SZCZERBA: Szczrberba.
It's spelled W-o-j-c-i-e-c-h and
S-z-c-z-e-r-b-a and we meet again.

TIMOTHY HUGHES: Say it out loud.

WOJCIECH SZCZERBA: (Pronouncing
name).

CAMPBELL ELLSWORTH: My name is
Campbell Ellsworth of 267 Norfolk Street in
Cambridge. I'm here with Wojciech Szczerba.
Well, I'm married to a Polish woman so I know
how to do these things -- of 229 Lakeview
Avenue in Cambridge.

We're here before you seeking a
variance for the covering of a small roof on
the second -- over the second floor rear deck
of the house. Mr. Szczerba has bought the

house in April of 2012. They -- the house was in rough shape. It was a two-family house. He and his wife took on this work and created a single-family house for themselves and their daughter. At that time they built a conforming dormer on the driveway side of the house to -- because the stairs -- for two reasons: The stairs up to the attic were non-conforming and they needed to be brought up to code, and they put a bathroom up there for their daughter as well.

At the time of that construction the roof that we're talking about desiring to replace was in bad condition and it was taken down. It also allowed the FAR calculations at the time to work and the owner now finds that already having lived in the house now for sometime, that it makes sense to put that back for a variety of reasons.

CONSTANTINE ALEXANDER: You know, just an alarm set off in my mind. You're suggesting that you did something to get relief once and get the FAR down and now a little time has gone by and you're going to throw it back up? It's a bait and switch?

CAMPBELL ELLSWORTH: No. We decided that it wasn't needed. I think the owner might speak to that.

WOJCIECH SZCZERBA: We did not seek to enlarge the house. We constructed the dormer purely because the dormer didn't have enough headroom and to create a bathroom. Had -- if we didn't have to do the stairs, we probably could have contained of the shape bathroom within the existing structure of the bidding. When we took the roof down, I didn't think I needed it at all because the changing, having changed the house into the

single-family house, the social life that happens on the deck happens in the lower deck from living quarters. Deck is at the back of our master bedroom. However, having lived there for now almost two years, we've discovered the weather issues; the door from the bedroom open outwards. When it's snowing, we are not able to open it. There's a very -- for some reason because of the wind and exposure, there is very odd sound when it's raining. And also especially from fall to spring when the trees have no leaves, we have direct sunshine onto our faces every sunny morning. So these are the main....

CONSTANTINE ALEXANDER: The roof is not going to cover the entire deck either is it?

WOJCIECH SZCZERBA: No, no, I'm aware.

CONSTANTINE ALEXANDER: I'm not asking you a question.

CAMPBELL ELLSWORTH: That is correct.

WOJCIECH SZCZERBA: No, no, no, no. It's a sort of half width of the deck exactly the same way the other neighboring houses have it. We also have neighbor support which you should have on file.

CONSTANTINE ALEXANDER: We do.

WOJCIECH SZCZERBA: Two or three letters supporting the application. So, no, it wasn't intentional. I didn't think I would need a roof over the deck. Actually, I didn't want one initially because I wanted to have -- we have bathroom next to it and we lose some light, morning light, in the bathroom when the roof is back on again.

CONSTANTINE ALEXANDER: My question

was, and I just want to get it on the record. The roof you want to put on now is no larger than the roof that you removed?

WOJCIECH SZCZERBA: No.

CAMPBELL ELLSWORTH: That is correct.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: The dormer was done as of right, is that what we're saying?

CAMPBELL ELLSWORTH: Yes, it was.

BRENDAN SULLIVAN: And the reason why it was done as of right is because by removing the roof lowered the amount of FAR which then allowed for the dormer?

CAMPBELL ELLSWORTH: And we tried to reduce the dormer.

BRENDAN SULLIVAN: But I mean that's a yes or a no, basically.

CAMPBELL ELLSWORTH: Yes, correct.

BRENDAN SULLIVAN: Yes. Okay.

CONSTANTINE ALEXANDER: That was the point I was getting at with my comment.

BRENDAN SULLIVAN: Right.

WOJCIECH SZCZERBA: But if may repeat, the intention was not to enlarge the house but to make the attic space liveable to create some sort of suite for my daughter so there's a bedroom and a bathroom.

BRENDAN SULLIVAN: The creation of a dormer is enlarging the house. I mean, it's --

CONSTANTINE ALEXANDER: Creates more living area in the house. That's enlarging the house.

WOJCIECH SZCZERBA: Yes, but without dormer we would not be able to use the attic. We wouldn't be able to get up to it. Having the stairs --

CONSTANTINE ALEXANDER: I think the strongest point in support of what your case now is that if you had gone before us for a dormer relief years ago, you probably would have gotten it on the grounds that you needed the dormer, it was only to create head space to use the floor, and we tend to be more sympathetic to dormers for that purpose as opposed to grandiose dormers that create lots more living space.

CAMPBELL ELLSWORTH: This is less than the maximum 15 feet. It's about 14 feet, something like that.

WOJCIECH SZCZERBA: We also --

CONSTANTINE ALEXANDER: That's a good point. Thank you.

WOJCIECH SZCZERBA: -- we had the situation where we bought the house on -- in the beginning of April. Our lease on the

rental house was expiring at the end of July. And we bought the house for August and we needed to move in at end of August. Speed was also of essence although I don't think we discussed it.

TIMOTHY HUGHES: Are you saying that the wheels of government move slowly?

CONSTANTINE ALEXANDER: So you were a non-conforming house before. You took away the -- took off the roof of the deck. That allowed you to build a dormer as a matter of right.

CAMPBELL ELLSWORTH: Conforming to FAR.

CONSTANTINE ALEXANDER: Conforming to FAR.

And so now you decide well, you want to come back and take, create more FAR, only a slight change, and you also are now intruding

into the left side setback.

CAMPBELL ELLSWORTH: Right.

No, we're not extending the non-conformity but we are -- the house currently is four and a half feet, and the deck is about six feet. But we would be up to that six, six-and-a-half foot as opposed to the seven-and-a-half.

CONSTANTINE ALEXANDER: Other questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would note that there is no one who wishes to be heard.

We are in receipt of several letters which I'll read into the record.

A letter from Joseph T. and Genevieve Coyle, 230 Lakeview Avenue. (Reading) We are neighbors of the Petitioner and approve of this plan to construct a roof over the existing second floor rear deck. We would like you to grant him a Variance.

A letter from Elizabeth Anderson, s-o-n and Michael Zibello, Z-i-b-e-l-l-o who reside at 233 Lakeview Avenue. (Reading) We are writing to express our support for our abutting neighbor, the petitioner, who has requested a Variance to construct a roof over the existing second floor rear deck of his home.

And last we are in receipt of a letter from Paul Demosthense. That's D-e-m-o-s-t-h-e-n-s-e and Jean, J-e-a-n

Redmon, R-e-d-m-o-n who reside at 225-227 Lakeview Avenue. (Reading) As owners of an abutting house, we are in complete support of the proposed roof over the rear deck. The roof will return the porch to its original appearance and will fit well with the neighboring houses.

And I think you made this point but I'll repeat it. Your abutters have decks roof -- second floor decks and roofs identical to what you want to do. So it's not like you're going to be different from anybody else?

WOJCIECH SZCZERBA: Yes, it does.

CONSTANTINE ALEXANDER: That's it for public comments.

Any final comments, Mr. Ellsworth?

CAMPBELL ELLSWORTH: No sir.

You have anything.

WOJCIECH SZCZERBA: No, thank you.

CONSTANTINE ALEXANDER: Close
public testimony.

Comments from members of the Board or
ready for a vote?

(No Response.)

CONSTANTINE ALEXANDER: I guess
we're ready for a vote.

BRENDAN SULLIVAN: The only thought
I would have as a condition because what this
potentially sets up is by putting a roof on
a -- all they have to do is come down to get
a Special Permit to enclose the area
underneath this roof that we are allowing.
The only condition that I would vote for in
this petition would be to preclude to not ever
allow them to enclose the area underneath
this roof.

CONSTANTINE ALEXANDER: I

don't -- I'm not sure we can legally do that. I think we can say that if they want to enclose the space that's going to be covered by the rear deck or more, that they have to get a Variance and come back and meet the variance requirements. I don't think we can't say you can never seek a Variance. I understand where you're going and I like it, but I don't think we can get there legally.

CAMPBELL ELLSWORTH: May I comment?

CONSTANTINE ALEXANDER: Go ahead.

CAMPBELL ELLSWORTH: I wrote in my text here that I said it would be unlikely that the covered area would be enclosed in the future since it would leave a remaining portion of the second floor deck exposed that would be less than three feet in-depth. That would be a very awkward.

CONSTANTINE ALEXANDER: You can

cover the whole -- you might come back -- you might decide to extend the roof and enclose the whole space.

CAMPBELL ELLSWORTH: And that would take a Variance?

WOJCIECH SZCZERBA: I'm happy to confirm that we have no intention of doing so.

CONSTANTINE ALEXANDER: We understand that. But you may sell the house and the next person comes in might want to do it. You can't do it forever. I think what we can do is require them to seek a Variance if they want to or someone wants to enclose this area and be covered by the roof. I don't think we can do better than that.

BRENDAN SULLIVAN: Well, yes, and I know that there are, knowing is highly unlikely but it was also highly unlikely once you took the roof to allow you to put the

dormer on that you ever going to come back and want to put a roof deck on. So it's the highly unlikely scenario in situations that we tend to see occasionally down here on Thursday nights, but at any rate I would like to make it as stringent and as difficult as possible.

CONSTANTINE ALEXANDER: I'll do the best I can when I make my motion. I hear you and I agree with you with where you're going.

Anything else from members of the Board?

JANET GREEN: No.

BRENDAN SULLIVAN: A lot of the enclosing underneath roofs and porches are becoming the soup du jour lately.

CONSTANTINE ALEXANDER: Yes.

Okay. The Chair moves that we make the following findings with respect to the

Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being is that the porch, the rear deck or porch, whatever you want to call it, as unenclosed, creates living problems with respect to the second floor, the occupancy of the second floor of the structure.

That the circumstance -- that the hardship is owing to circumstance relating to the fact that this is a non-conforming structure in terms of setbacks and, therefore, any relief with respect to the -- putting the roof over the deck requires Zoning relief.

And relief may be granted without substantial detriment to the public good or

nullifying or substantially derogating from the intent or purpose of the Ordinance.

And in this regard the Chair would note that there is apparently a unanimous neighborhood support for what is being proposed and what the Petitioner is proposing to do in terms of the structure itself returning it to the way it was until the roof was removed several years ago.

Therefore, on the basis of these findings the Chair moves that we grant the Variance being sought subject to the following conditions:

That the work proceed in accordance with the plans submitted by the Petitioner, prepared by Ellsworth Associates, Inc. They're 1, 2, 3, 4, 5, pages, all of which have been initialled by the Chair.

And on the further condition that this

area to be covered by the roof cannot be enclosed and that this would be understood by the Petitioner that to the extent this Petitioner or any owner of the property seeks to Zoning relief, that with regard to the enclosing of the area to be covered by the roof or the rest of the deck that this Board will not look in favor upon such a Variance. We think it would -- substantially it would be nullifying or substantially derogating from the intent and purpose of the Ordinance. And, therefore, the petitioner has put a notice, and that anybody who owns this property put on notice that don't try to enclose the area that's going to be covered by the roof.

BRENDAN SULLIVAN: And also that the -- it would be an attempt to enclose it would be contrary to the presentation before

us tonight.

CONSTANTINE ALEXANDER: Good.

All those in favor of granting the
Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

(Alexander, Hughes, Sullivan,
Scott, Green.)

WOJCIECH SZCZERBA: Thank you.

* * * * *

(9:15 p.m.)

(Sitting Members Case #BZA-003875-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

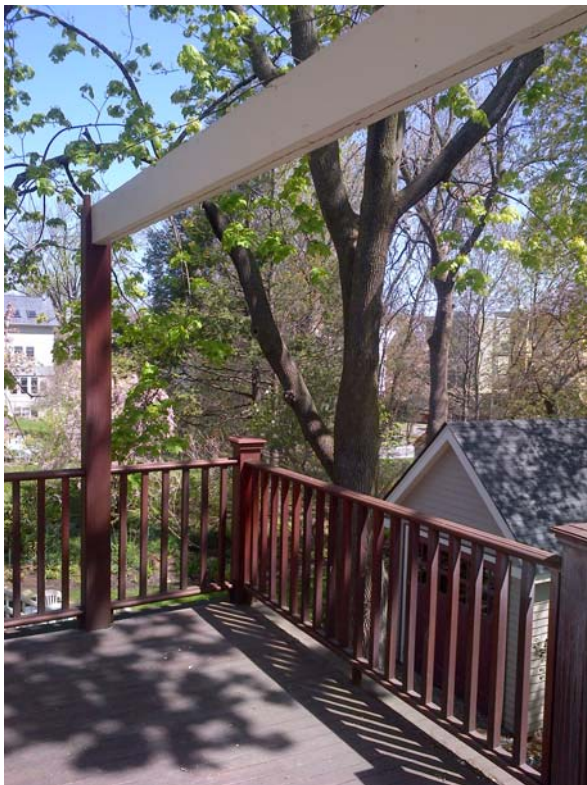
CONSTANTINE ALEXANDER: The Chair



REAR FAÇADE OF HOUSE



LOOKING UP



ORIGINAL STRUCTURE ON 2ND FL DECK



NEIGHBOR AT 225 LAKEVIEW AVE.

229 LAKEVIEW AVENUE, CAMBRIDGE