



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 JAN 18 PM 4: 33

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 159246

General Information

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

Special Permit: X Variance: X Appeal:

PETITIONER: Janice Ye C/O Adam Glassman, R.A. / GCD Architects

PETITIONER'S ADDRESS: 2 Worthington Street , cambridge, MA 02138

LOCATION OF PROPERTY: 30 Fairmont Ave. , Cambridge, MA

TYPE OF OCCUPANCY: 3- Family. **ZONING DISTRICT:** Residence C-1 Zone

REASON FOR PETITION:

/Exclude FAR per Lower Basement, New Left Side Exterior Stairwell Guardrail, New Rear Wall Opening /

DESCRIPTION OF PETITIONER'S PROPOSAL:

The installation of a guardrail for a new below grade exterior stair.

Exclusion of the converted basement area from the existing non-conforming FAR
The creation of a new rear wall opening for a new egress door

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000 Section: 8.22.2.C (Non-Conforming Structure).
Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):

ADAM GLASSMAN

(Petitioner (s) / Owner)

ADAM GLASSMAN, R.A. / GCD ARCHITECTS

(Print Name)

Address: 2 WORTHINGTON ST CAMBRIDGE MA 02138
Tel. No. 617-412-8450
E-Mail Address: ajglassman.ra@gmail.com

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 Janice Ye
_____ (OWNER)

Address: 7 Bennett Street Cambridge 02138

State that I/We own the property located at 30 Fairmont Ave Cambridge MA,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Janice Ye, Trustee Pentabridge Realty Trust

*Pursuant to a deed of duly recorded in the date 6/30/2021, Middlesex South
County Registry of Deeds at Book 78149, Page 50; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Janice Ye

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

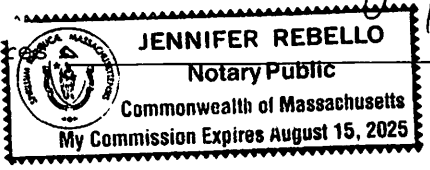
***Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of Middlesex

The above-name Janice C. Ye personally appeared before me,
this 12 of January, 2022, and made oath that the above statement is true.

Jennifer Rebello Notary

My commission expires _____ (Notary Seal).



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

BZA Application Form

SUPPORTING STATEMENT FOR A 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:
- A literal enforcement of the Ordinance would prevent these or any owners of this property from converting the obsolete bulkhead into a safe and convenient below grade access stair to serve the new habitable space in the basement.
- 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 by not affecting generally the zoning district in which it is located for the following reasons:
- The hardship is due to the non-conforming lot width, and therefore the required stair guardrail projects 1.2' into the required 7.5' left side setback.
- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**
- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:
- This request for relief is extremely modest, the approx. 12' x 42' guardrail has no impact whatsoever on either the character of the neighborhood or the abutters. The existing bulkhead would no longer serve a useful purpose for the converted basement, and the conversion and enlargement of the bulkhead well will cause no detriment in any way, no new shadows will be cast on the abutters' lots, no loss of privacy will be caused, there will be no impact on street parking and no loss of landscaped open space.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- The purpose of the proposed stairwell and guardrail is to provide safe and convenient access and egress to and from a newly created basement living space to be duplexed with Unit 1. There will be no increase in the neighborhood density, no new noise or light pollution will be created, no loss of open space, no nuisance of any kind will result from this very modest proposal which is keeping with the use and character of this property, the neighborhood in general, and this modest work maintains the intent of the Ordinance.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 30 Fairmont Ave., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

Neither the modest exclusion of the new basement habitable space from the FAR calculation nor the new rear wall door opening will have any negative impact on the abutters or the character of the neighborhood.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

Neither the exclusion of the new basement habitable space from the FAR calculation nor the new rear wall door opening will have any impact whatsoever on the neighborhood's traffic patterns, off-street parking, quality of life or character.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Neither the exclusion of the new basement habitable space from the FAR calculation nor the new rear wall door opening will have any adverse affects on the adjacent property uses as the proposed work is entirely consistent with the use and character of this property and the adjacent properties.

D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

Neither the exclusion of the new basement habitable space from the FAR calculation nor the new rear wall door opening will create any noise or light pollution or add to the density of the neighborhood.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

Neither the exclusion of the new basement habitable space from the FAR calculation nor the new rear wall door opening will have any visual, audio, or any other kind of impact on the district and both are consistent with the intent of the Ordinance.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Janice Ye

Present Use/Occupancy: 3- Family

Location: 30 Fairmont Ave., Cambridge, MA

Zone: Residence C-1 Zone

Phone: 617-412-8450

Requested Use/Occupancy: 111

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3,599.0	4,279.00 PER ORDINANCE / 3,599.00 PER SPECIAL PERMIT	2,261.0	(max.)
<u>LOT AREA:</u>		3,015.0	No Change	5,000.0	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		1.19	1.32 PER ORDINANCE / 1.19 PER SPECIAL PERMIT	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		603.0	No Change	1,500.00	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	45.0	No change	50.0	
	<u>DEPTH</u>	67.0	No Change	NA	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	5.1'	No Change	10'-0"	
	<u>REAR</u>	13.5'	No Change	20.5'	
	<u>LEFT SIDE</u>	4.1'	No Change	7.5'	
	<u>RIGHT SIDE</u>	4.0'	No Change	7.5'	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	33.99	34.6'	35'-0"	
	<u>WIDTH</u>	50.5'	No Change	NA	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		.25	.28	.30	
<u>NO. OF DWELLING UNITS:</u>		5	No Change	2	
<u>NO. OF PARKING SPACES:</u>		0	0	5	
<u>NO. OF LOADING AREAS:</u>		0	NA	NA	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		0	NA	NA	

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

Existing building is wood frame

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'.

March 11, 2024

Janice Ye

6 Bennett Street

Cambridge, MA 02138

City of Cambridge

Board of Zoning,

I would like to request **extension** of both the variance and special permit granted in the attached ZBA, Case No. BZA-159246, Property Address: 30 Fairmont Ave

We haven't been able to start the construction because building department refused to approve the permit. They said this is a 2 family, not a 5 family building, because they can't find a permit to turn this building from a 2 family to a 5 family. There are many permits applied, approved and passed inspection as a 5 family building, but they specifically need the one to convert it from 2 to 5 family.

Thanks,

Janice

2024 MAR 12 PM 2:47

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Special Permit-Only
Variance expired 4/7/23

PROJECT: 0-2 FAIRMONT AVE - PROPOSED PARTIAL BASEMENT CONVERSION AND ASSOCIATED WORK



REAR VIEW



VIEW OF REAR FACI BULKHEAD AND LEFT SIDE ENTRY



VIEW OF REAR FACI BULKHEAD AND LEFT SIDE ENTRY



0-2 FAIRMONT AVE STREET VIEW - NO CHANGE



0-2 FAIRMONT AVE LOCATIONS MAP

- LOCATION FOR NEW REAR ENTRY DOOR AND STEPS SPECIAL PERMIT REQUIRED PER REAR SETBACK
- Y EXISTING LEFT SIDE ENTRY DOOR AND STEPS TO BE REMOVED
- CONVERT EXISTING BULKHEAD INTO NEW EXTERIOR BELOW GRADE STAIR WELL
- VARIANCE REQUIRED PER LEFT SIDE SETBACK

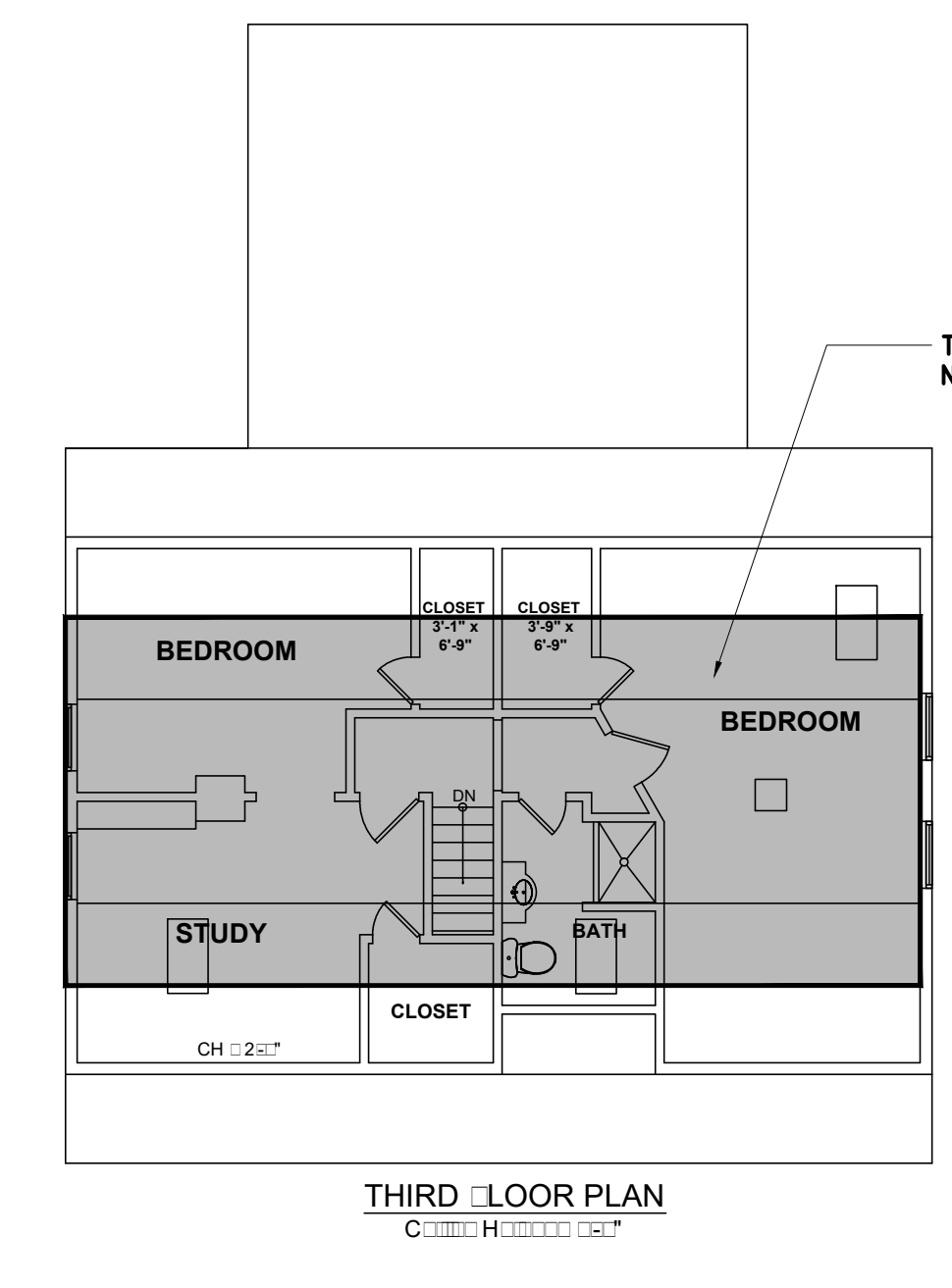
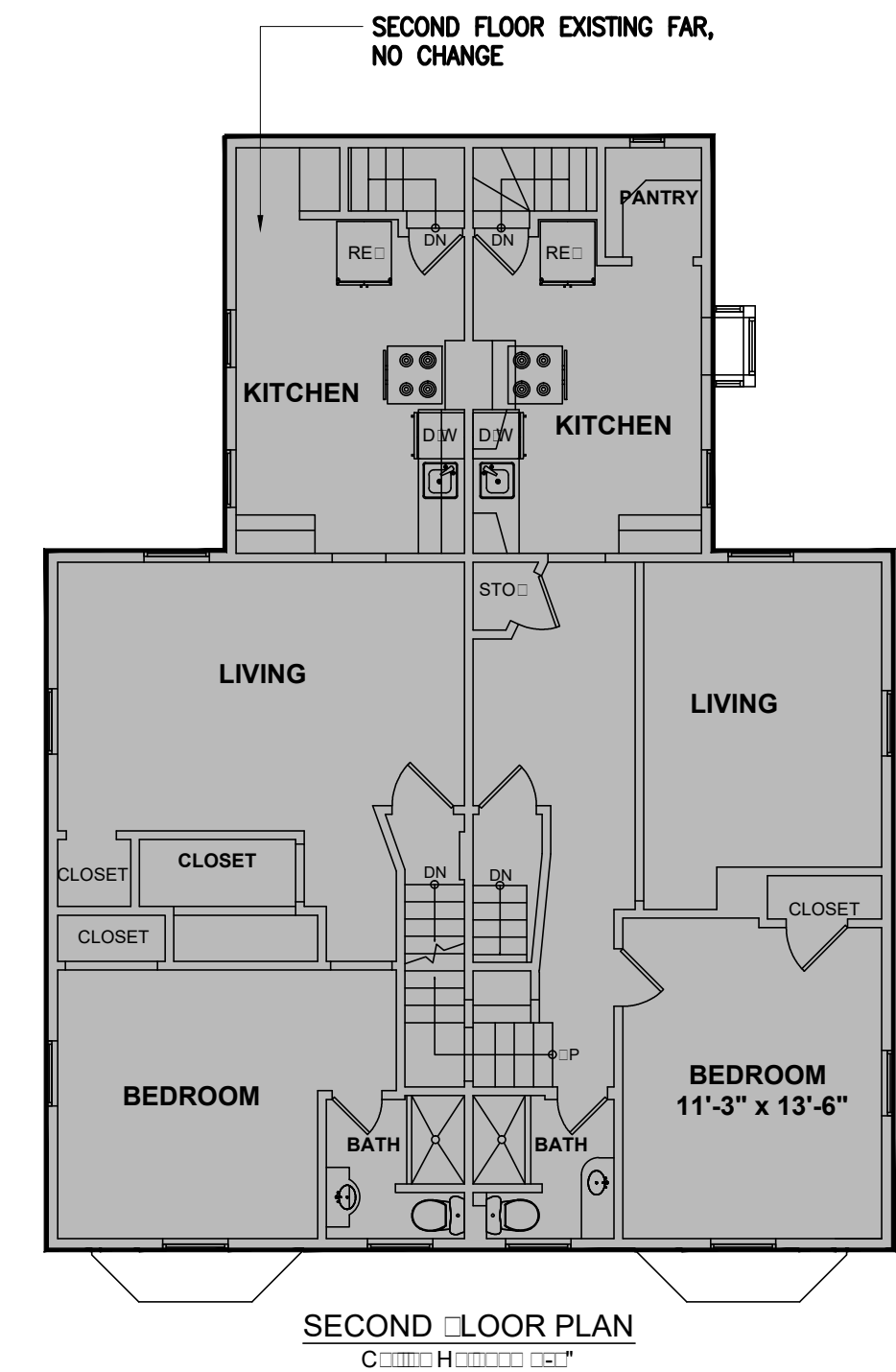
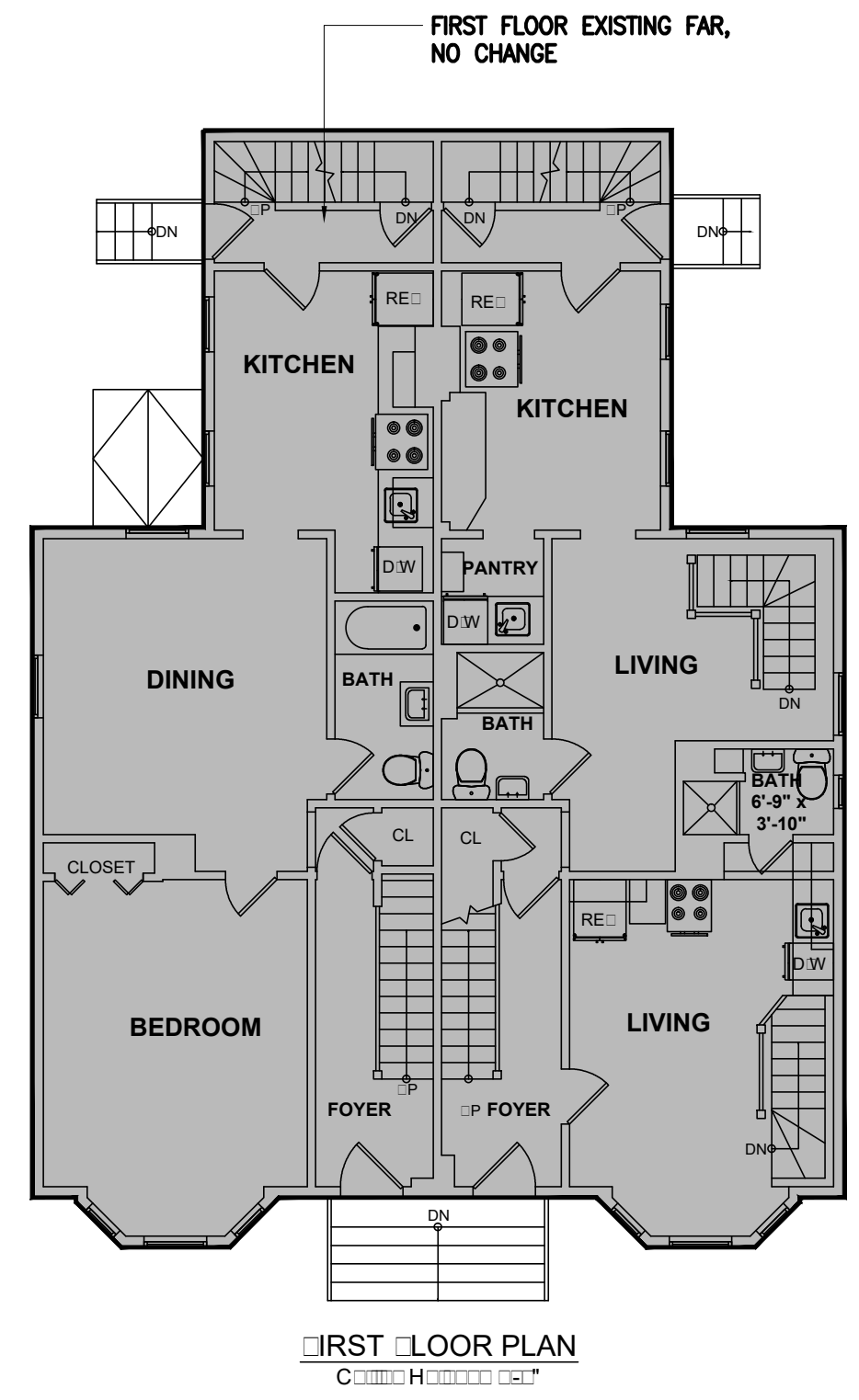
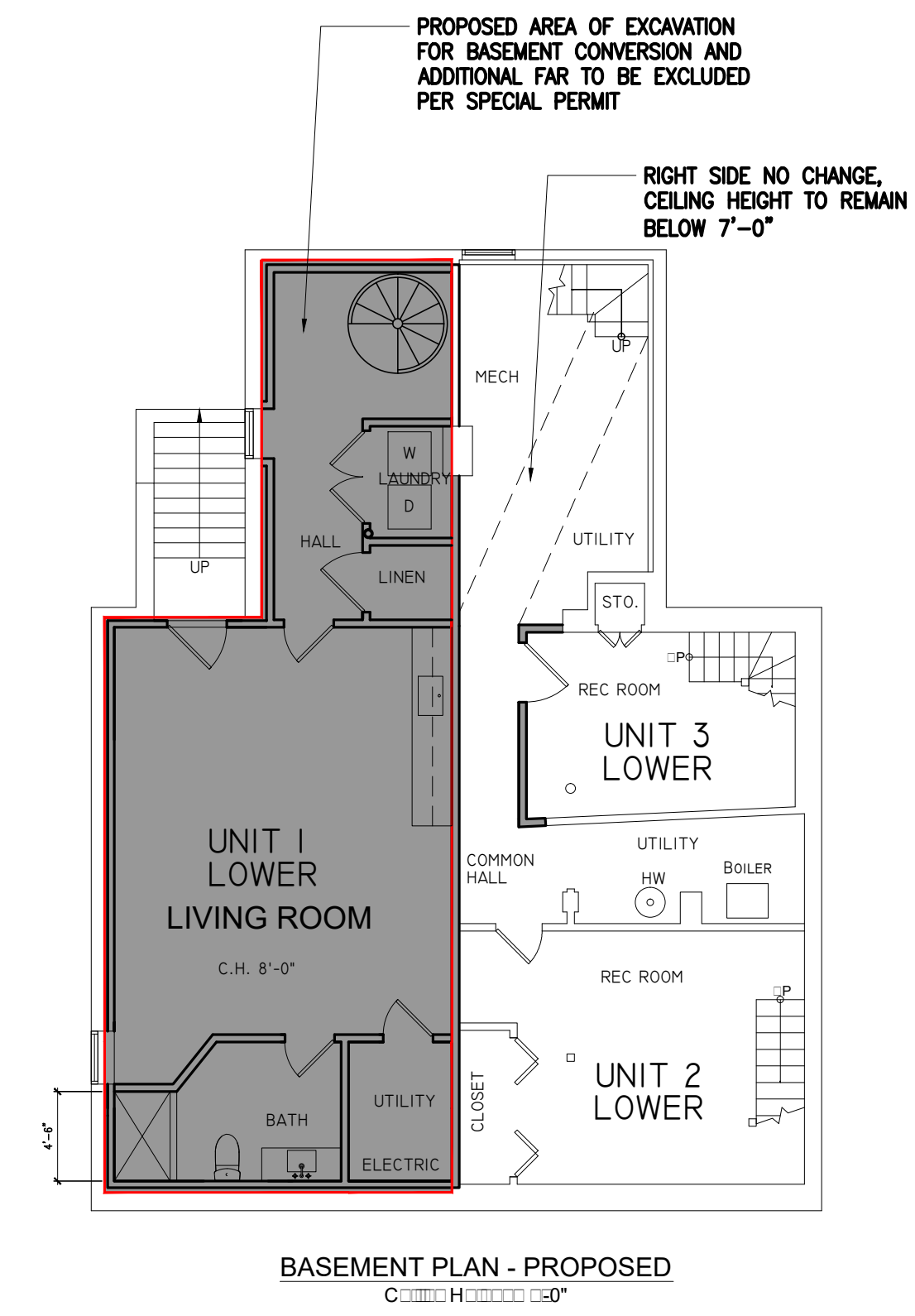
01 JAN 2022

COVER SHEET

CD ARCHITECTS

PROJECT:
BASEMENT CONVERSION
INTERIOR RENOVATIONS

10 AIRMONT ST
 CAMBRIDGE MA



PROPOSED FAR CALCS PER THE CAMBRIDGE CONING ORDINANCE:

BASEMENT FLOOR PLAN	000 SA PROPOSED
FIRST FLOOR PLAN	1220 SA
SECOND FLOOR PLAN	1000 SA
THIRD FLOOR PLAN	000 SA
TOTAL SA:	2200 SA
PROPOSED FAR:	2200 SA 0100 S LOT 112 100 PROPOSED - 122 EXISTING 10 INCREASE

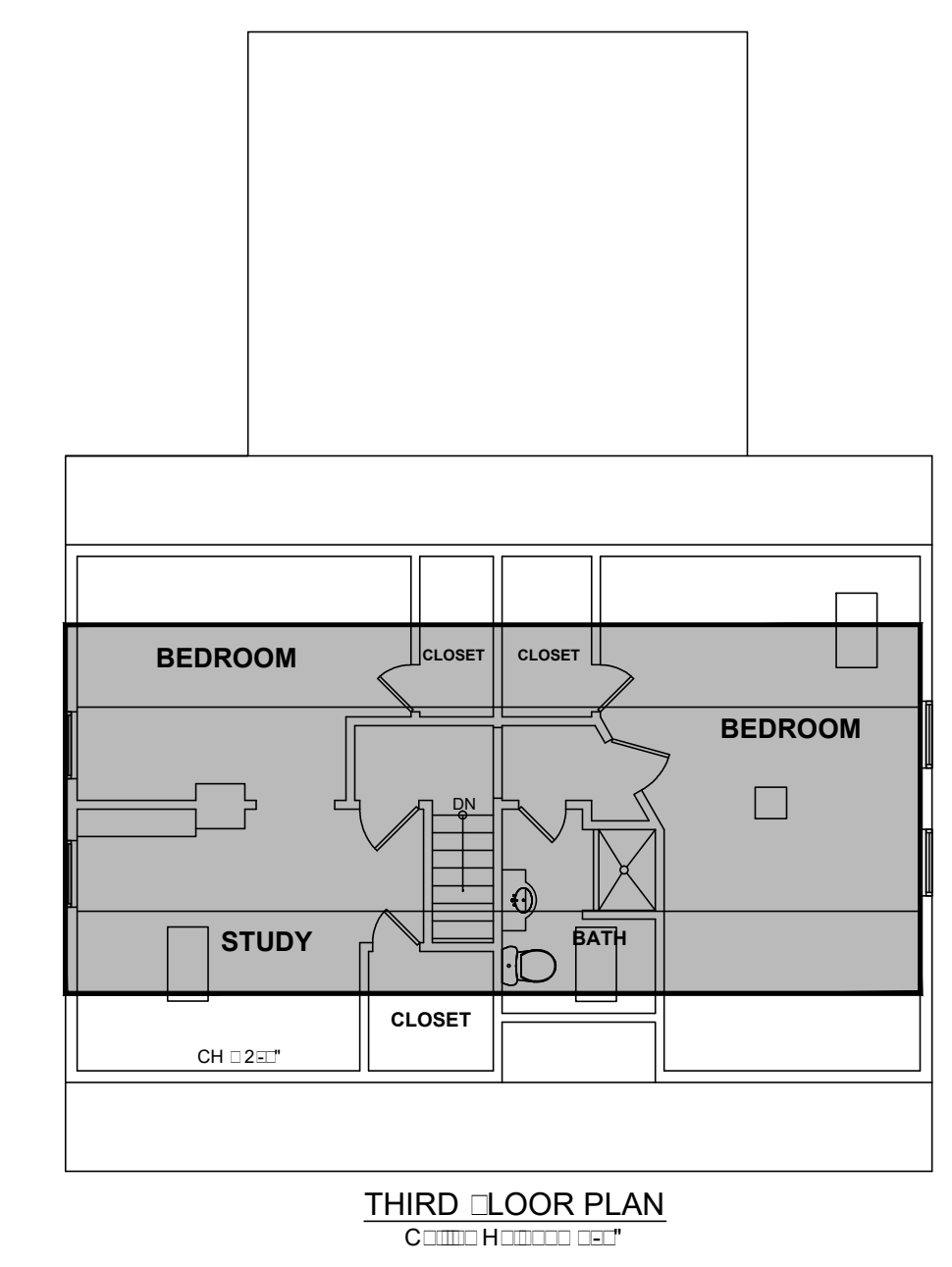
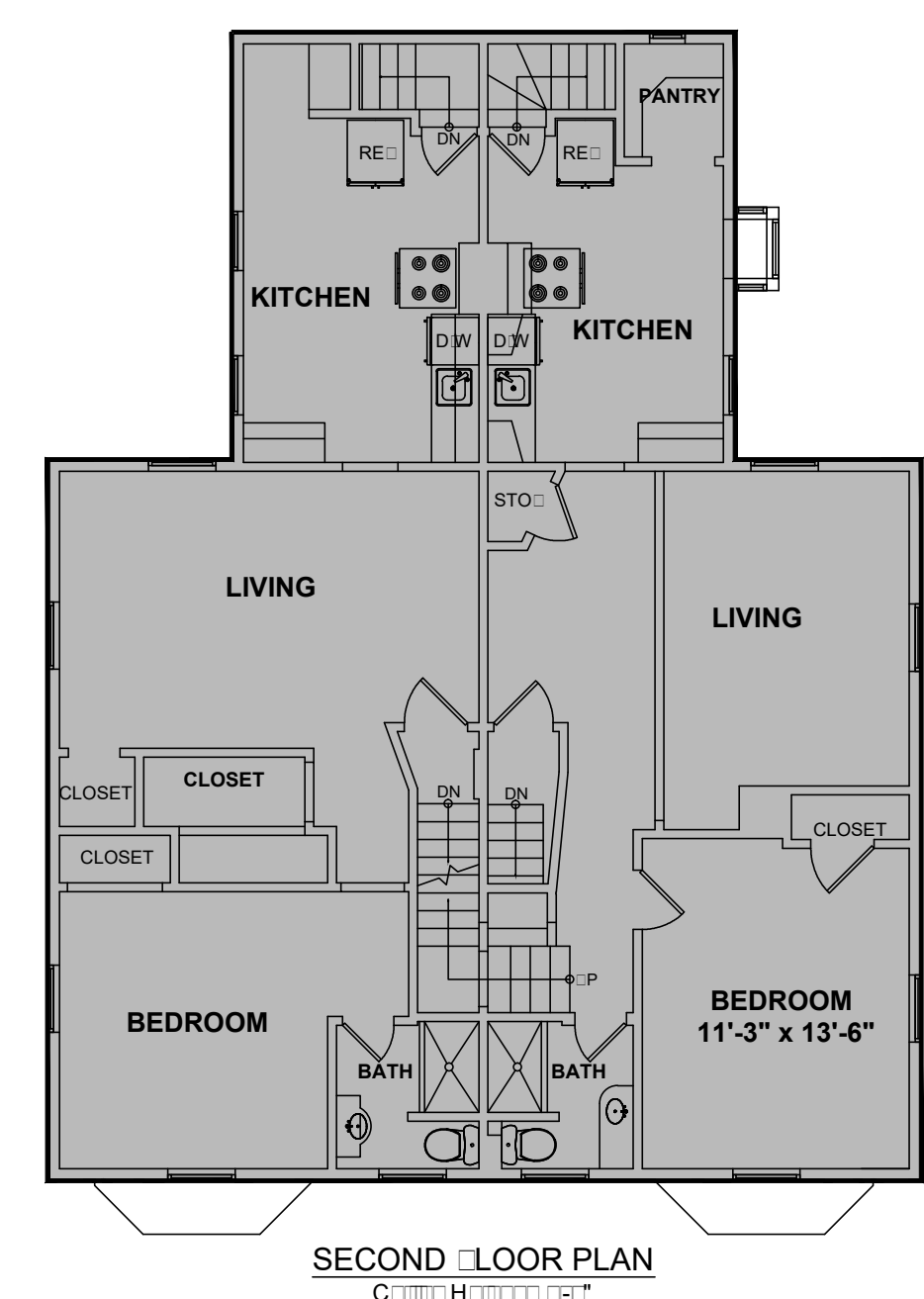
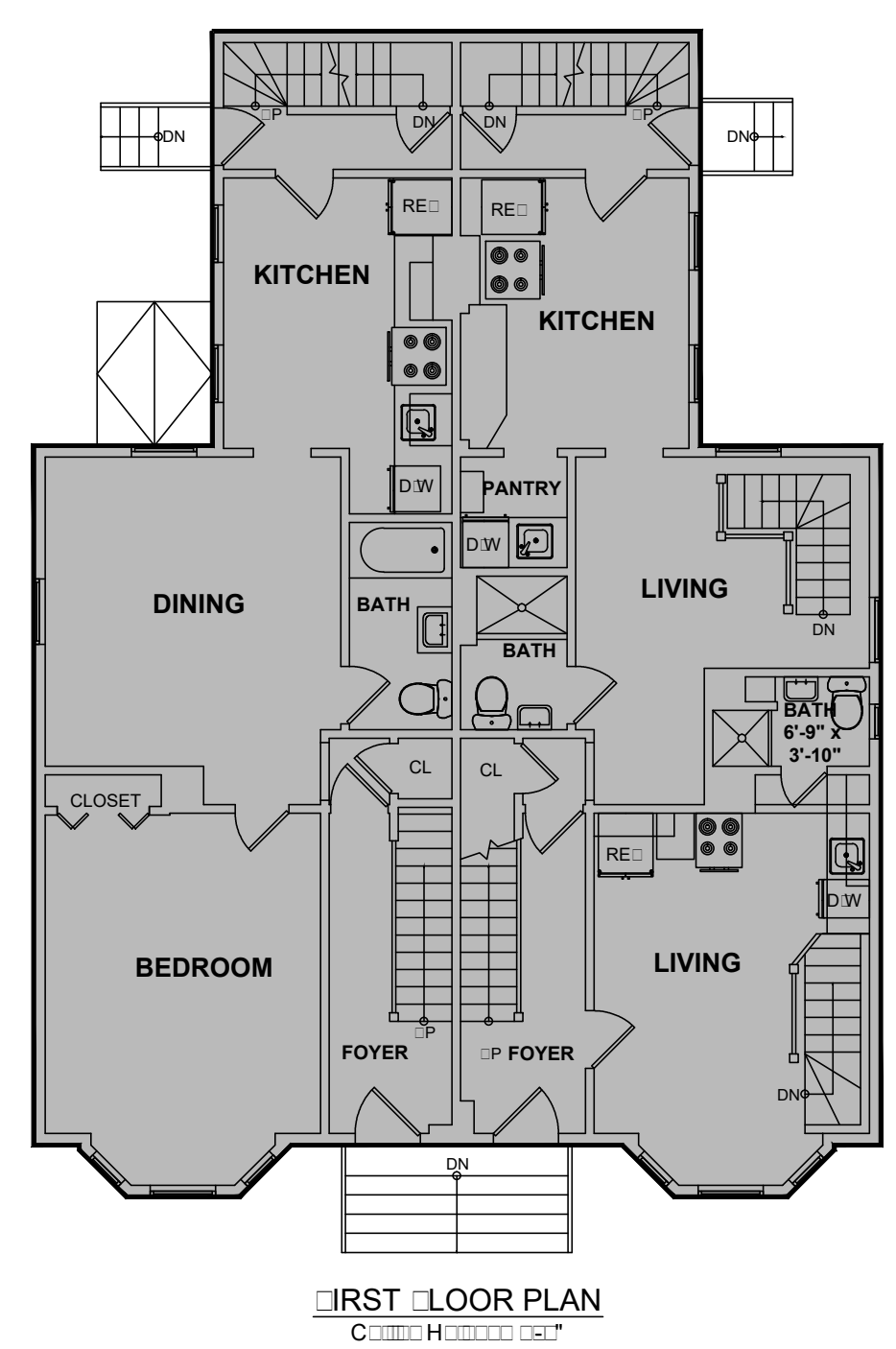
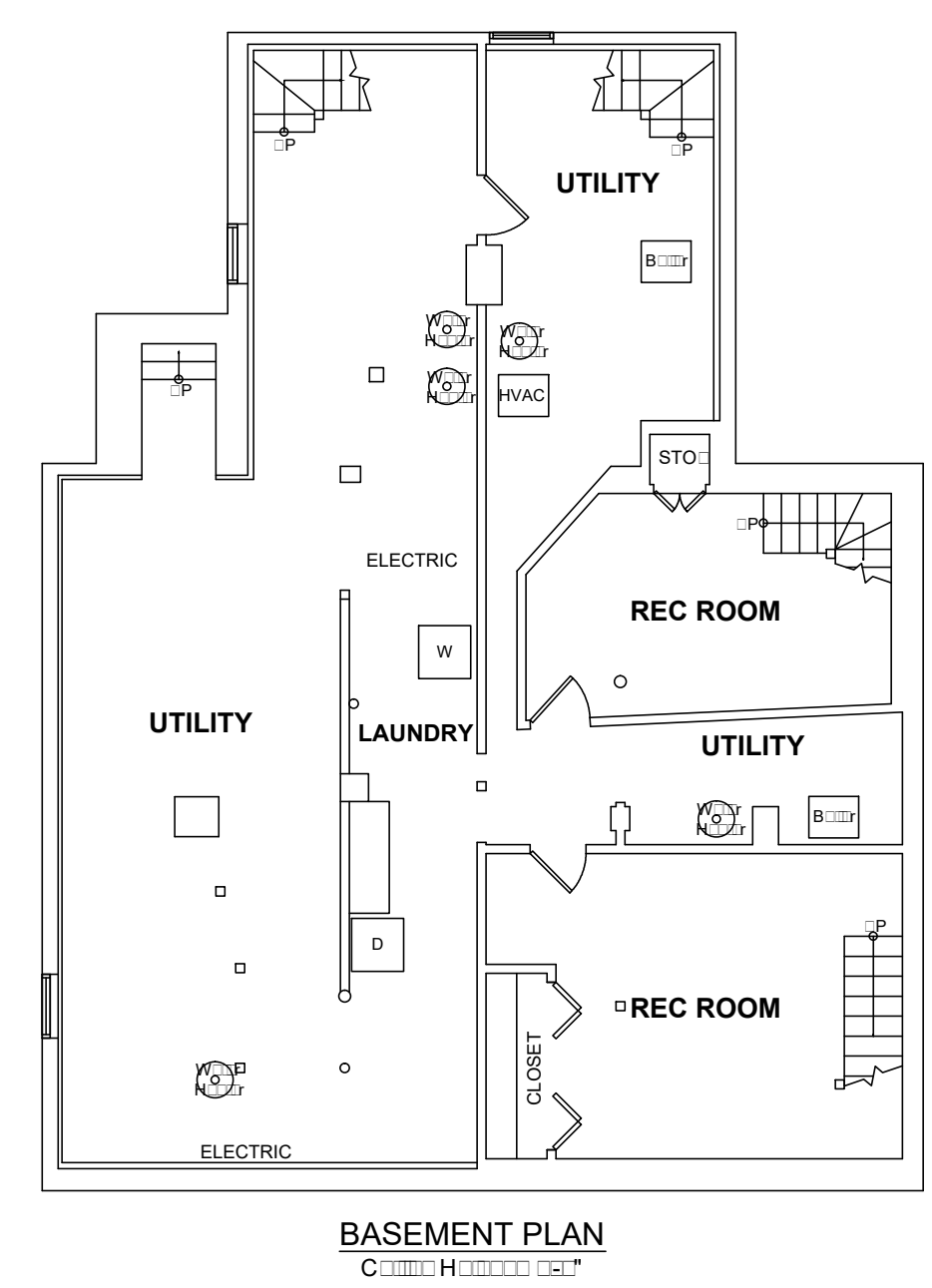
PROPOSED FAR PLANS

FAR CALCS PER REQUEST BY SPECIAL PERMIT:

BASEMENT FLOOR PLAN	000 SA EXCLUSION PER SPECIAL PERMIT
FIRST FLOOR PLAN	1220 SA
SECOND FLOOR PLAN	1000 SA
THIRD FLOOR PLAN	000 SA
TOTAL SA:	2200 SA NO CHANGE
PROPOSED FAR:	2200 SA 0100 S LOT 112

EXISTING FAR CALCS:

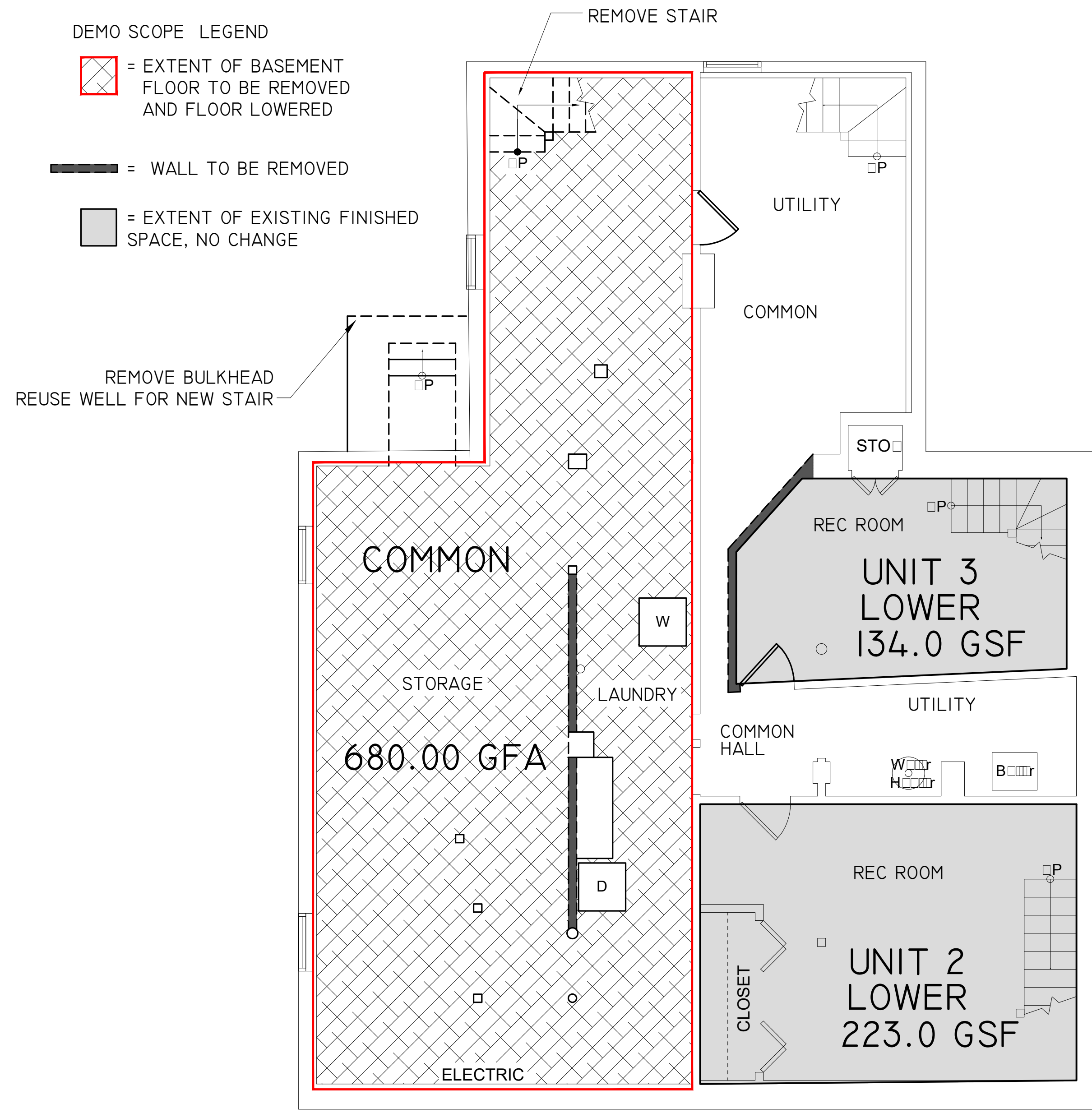
BASEMENT FLOOR PLAN	00 SA
FIRST FLOOR PLAN	1220 SA
SECOND FLOOR PLAN	1000 SA
THIRD FLOOR PLAN	000 SA
TOTAL SA:	2200 SA
EXISTING FAR:	2200 SA 0100 S LOT 112



EXISTING FAR PLANS

FAR PLANS

PROJECT:
BASEMENT CONVERSION
INTERIOR RENOVATIONS
 100 AIRMONT ST
 CAMBRIDGE MA



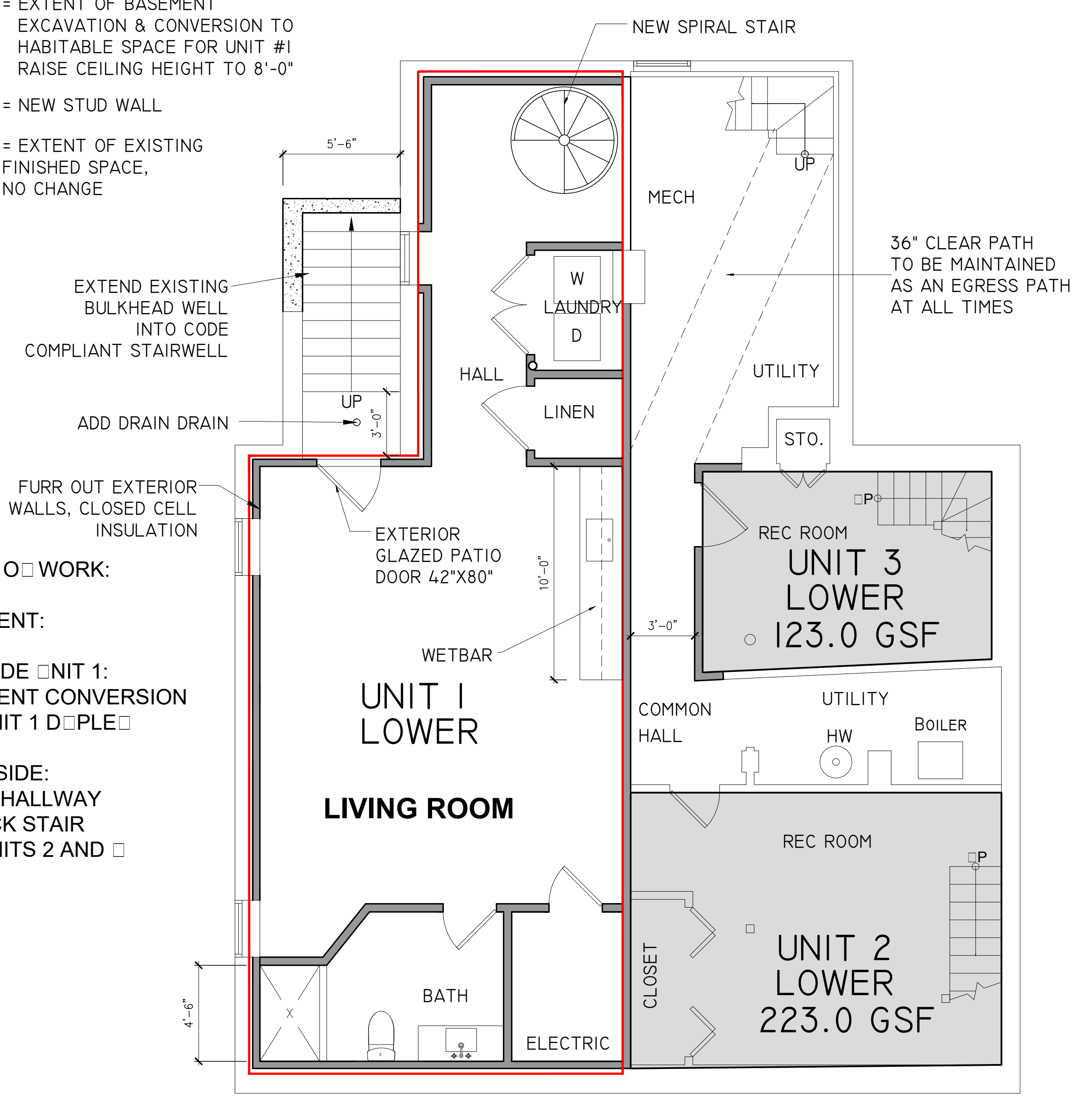
BASEMENT PLAN - EXISTING
 C:\projects\h\100airmont\10" scale

NEW WORK LEGEND

- = EXTENT OF BASEMENT EXCAVATION & CONVERSION TO HABITABLE SPACE FOR UNIT #1 RAISE CEILING HEIGHT TO 8'-0"
- = NEW STUD WALL
- = EXTENT OF EXISTING FINISHED SPACE, NO CHANGE

SCOPE OF WORK:

- BASEMENT:**
- LEFT SIDE UNIT 1:**
 BASEMENT CONVERSION
 OR UNIT 1 DOUBLE
- RIGHT SIDE:**
 WIDEN HALLWAY TO BACK STAIR
 OR UNITS 2 AND 3



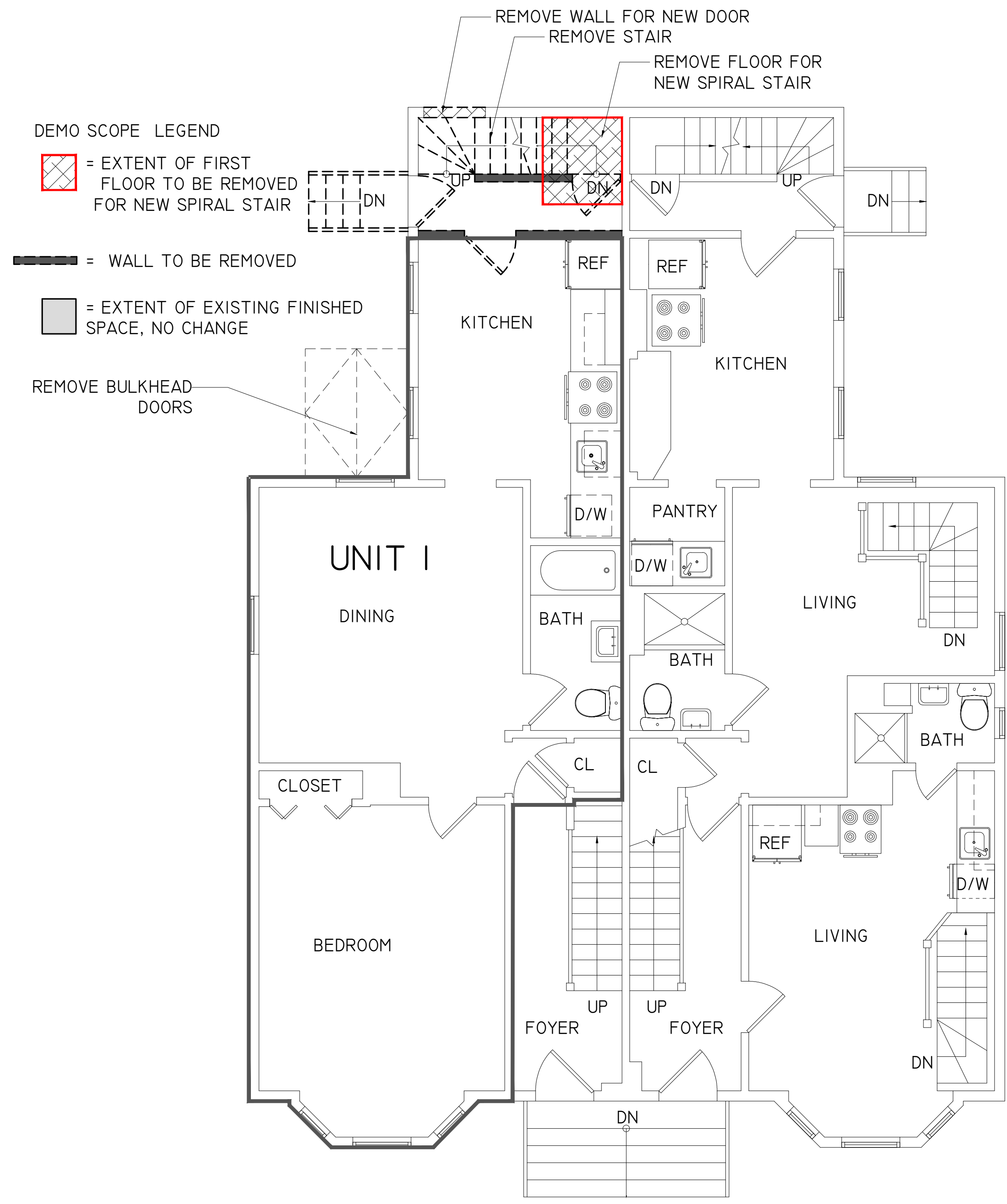
BASEMENT PLAN - PROPOSED
 C:\projects\h\100airmont\10" scale

ISSUED FOR PERMIT

BASEMENT
FLOOR PLANS

PROJECT:
BASEMENT CONVERSION
INTERIOR RENOVATIONS

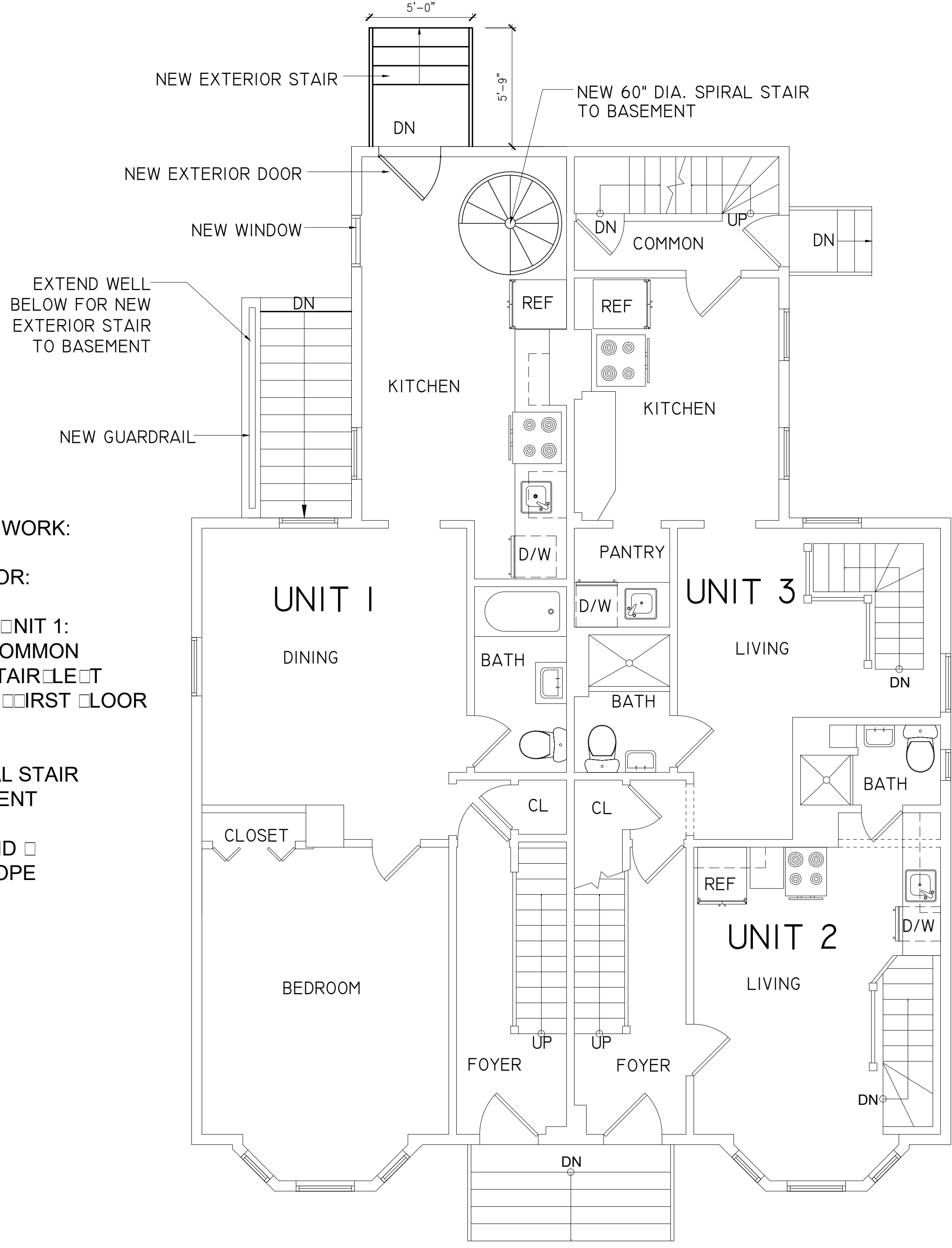
00 AIRMONT ST
 CAMBRIDGE MA



FIRST FLOOR PLAN - EXISTING
 C:\H\000000.dwg

SCOPE OF WORK:

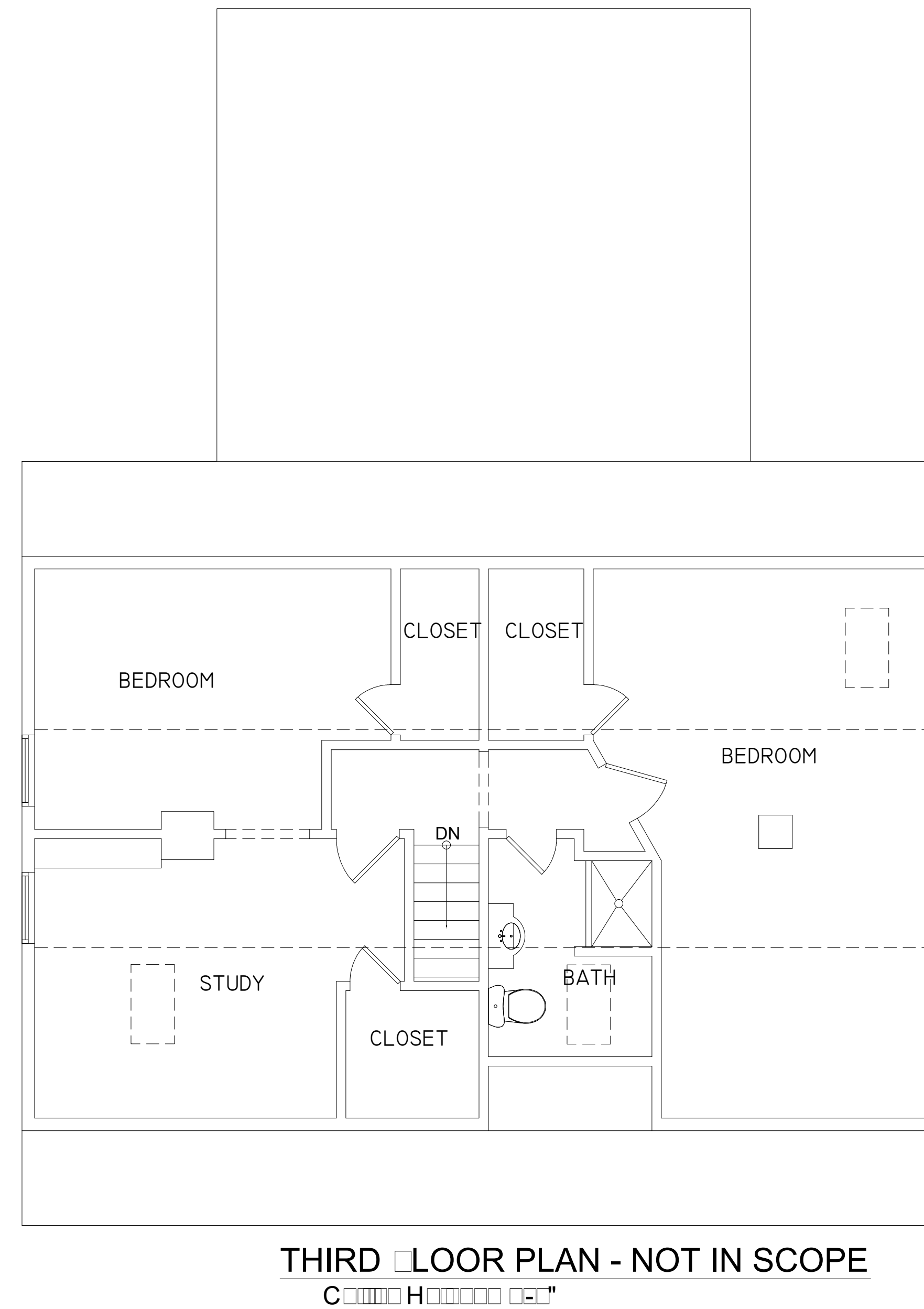
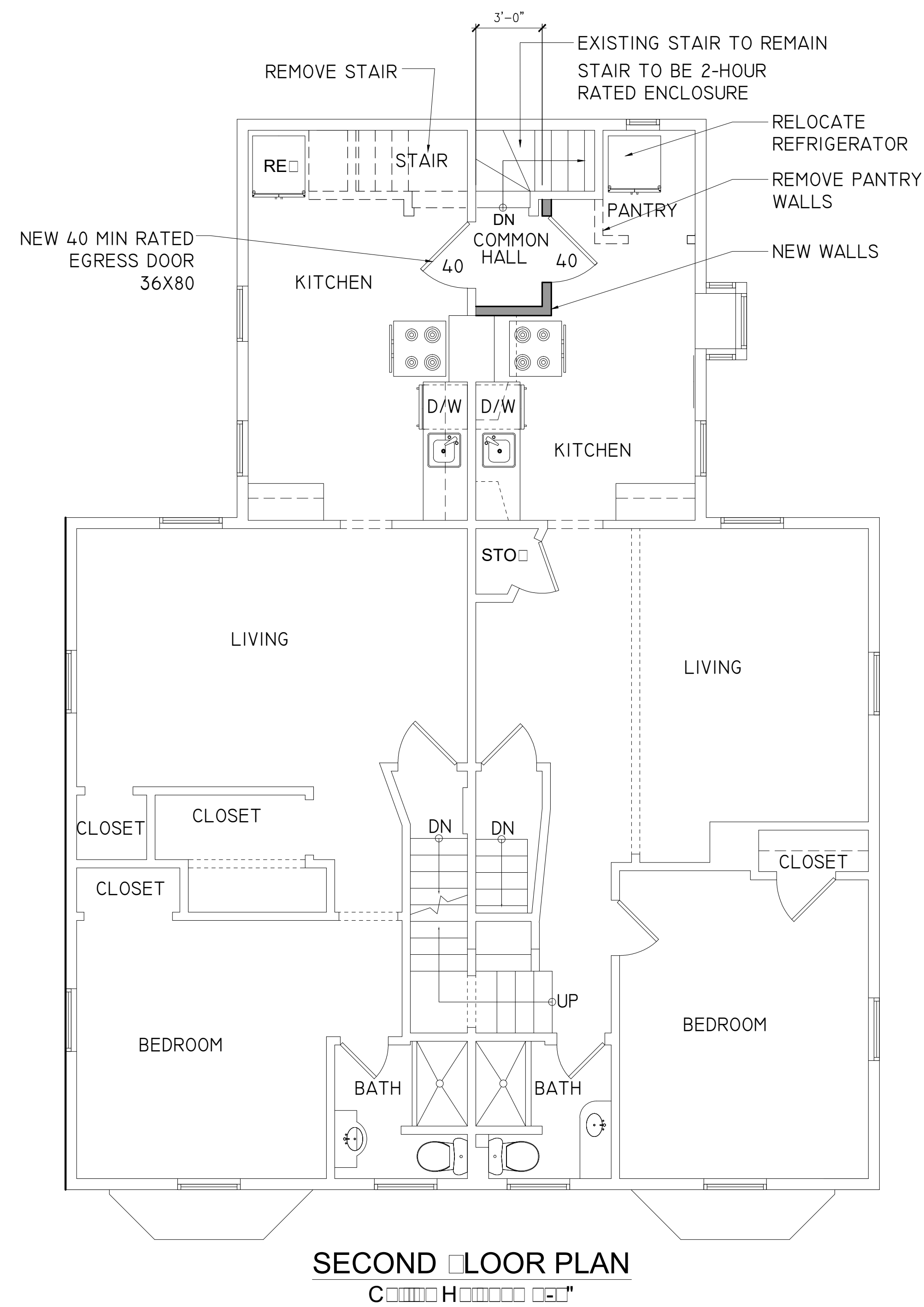
- UNIT 1:
 - REMOVE COMMON ENTRANCE STAIR LEFT SIDE REAR UNIT 1 ONLY
 - ADD SPIRAL STAIR TO BASEMENT
- UNITS 2 AND 3: NOT IN SCOPE



FIRST FLOOR PLAN - PROPOSED
 C:\H\000000.dwg

ISSUED FOR PERMIT

DATE: 01/10/2022
 FIRST FLOOR PLANS



PROJECT:
BASEMENT CONVERSION
INTERIOR RENOVATIONS
 00 AIRMONT ST
 CAMBRIDGE MA

ISSUED FOR PERMIT

2ND AND 3RD
 FLOOR PLANS

SCALE: 1/8" = 1'-0"
 DATE: 01/20/22
 A12

PROJECT:
 BASEMENT CONVERSION
 INTERIOR RENOVATIONS
 100 AIRMONT ST
 CAMBRIDGE MA

LOCATION FOR
 NEW EXTERIOR
 DOOR AND STEPS



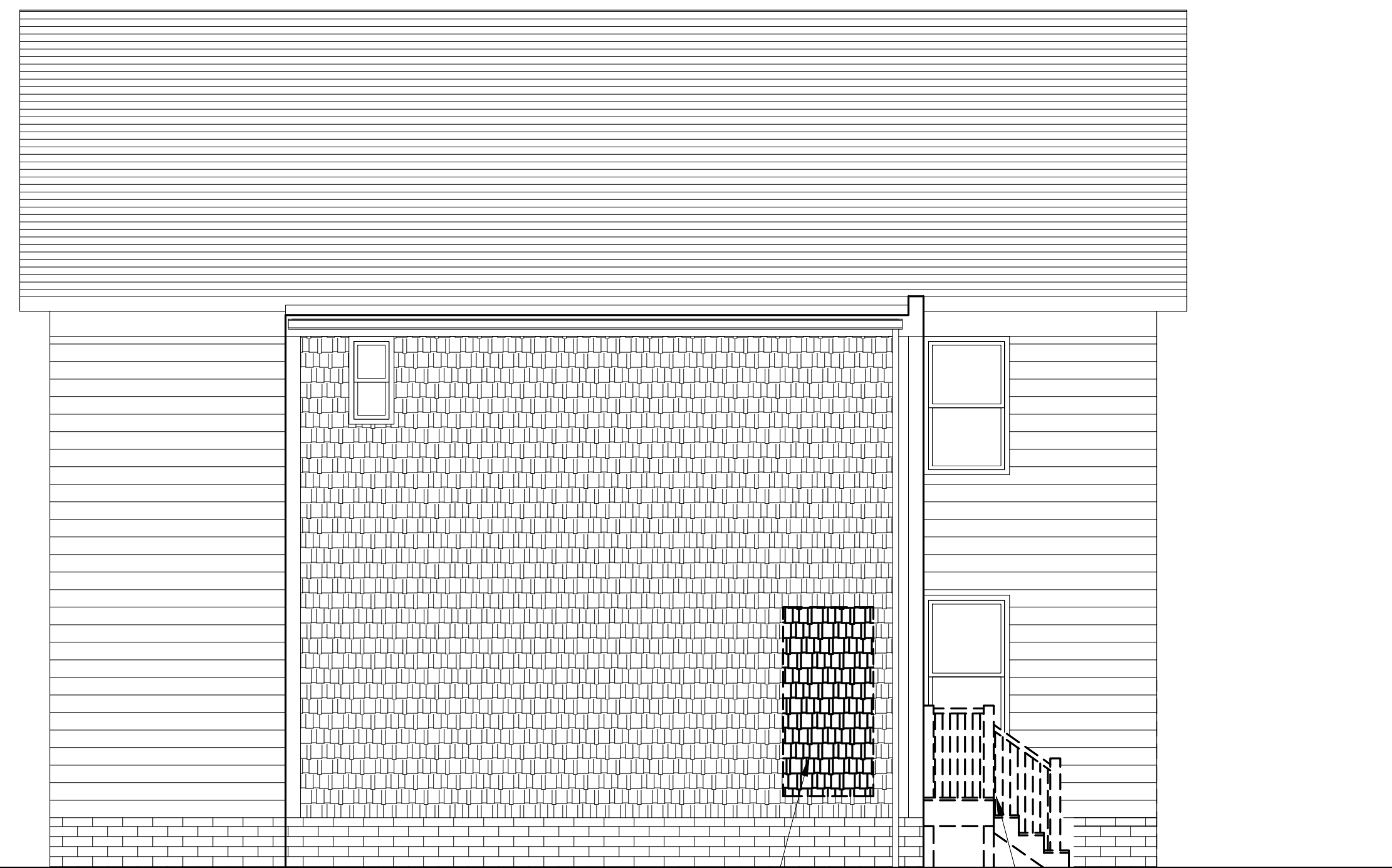
EXISTING LEFT SIDE YARD

REPLACE BULKHEAD
 WITH NEW BELOW
 GRADE EXTERIOR STAIR
 DOOR AND STEPS
 TO BE REMOVED



EXISTING REAR YARD

LOCATION FOR
 NEW EXTERIOR
 DOOR AND STEPS



EXISTING REAR ELEVATION

AREA OF WALL DEMO FOR
 NEW EXTERIOR DOOR
 REMOVE STAIR



REAR ELEVATION PROPOSED WORK

NEW BELOW GRADE
 STAIR GUARDRAIL
 NEW BELOW
 GRADE STAIR

ISSUED FOR PERMIT

DATE: 01/20/22
 EXTERIOR
 ELEVATIONS

SCALE: 1/8" = 1'-0" DRAWING NUMBER:
 01/20/22 A1-000 **A21**
 DATE: 01/20/22

DOOR AND STEPS
TO BE REMOVED

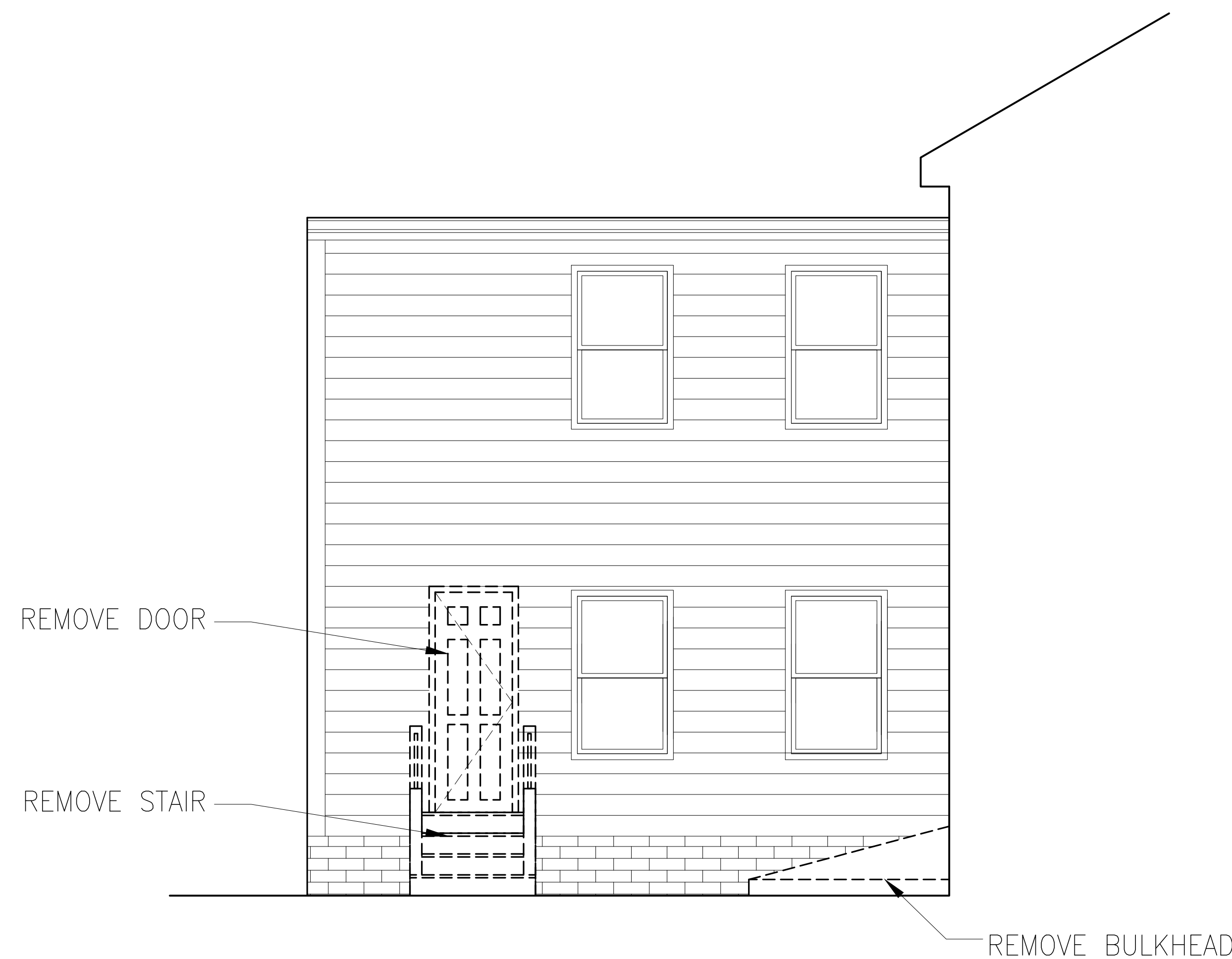


REPLACE BULKHEAD
WITH NEW BELOW
GRADE EXTERIOR STAIR

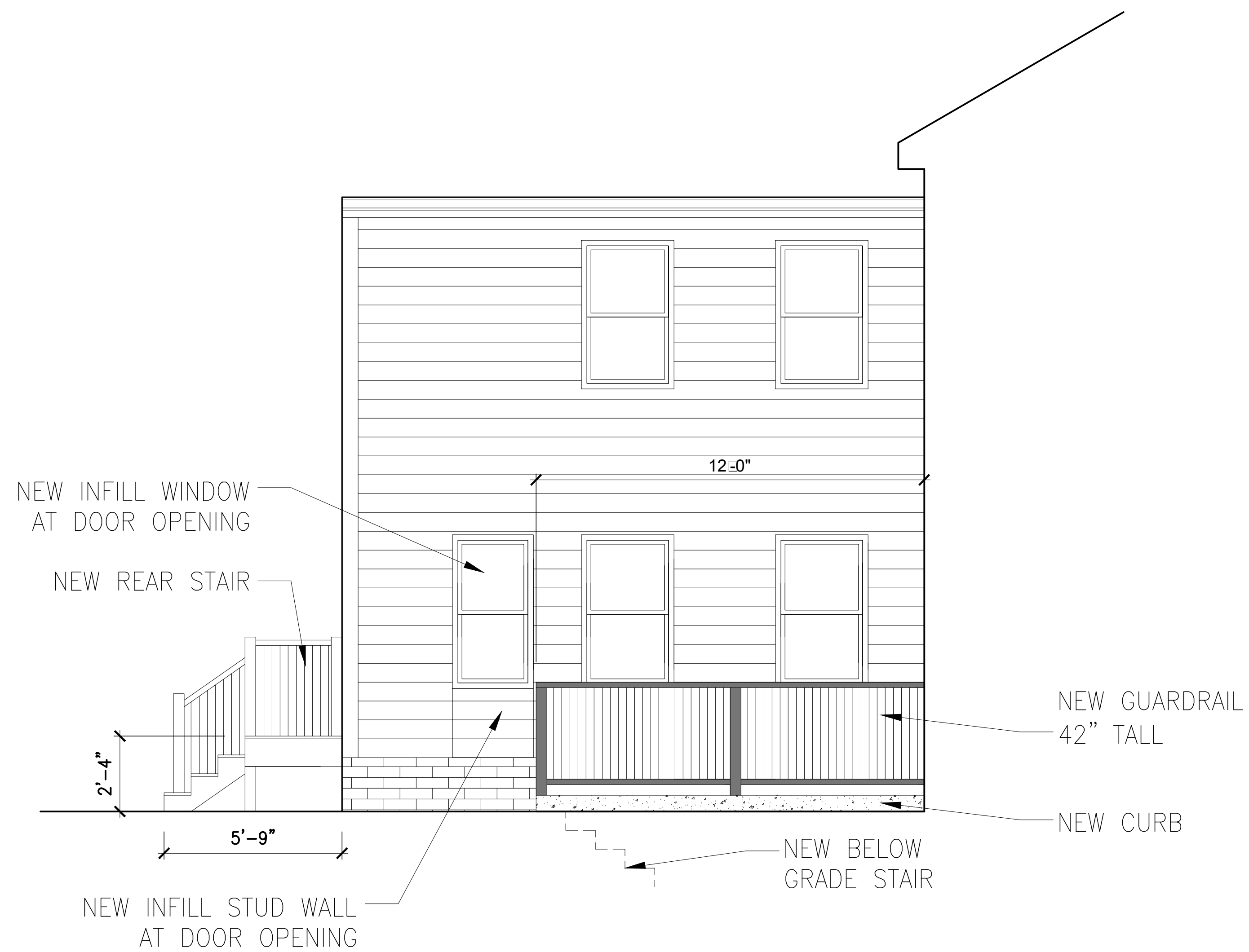
LEFT SIDE ELEVATION AREA OF WORK

PROJECT:
BASEMENT CONVERSION
INTERIOR RENOVATIONS

100 AIRMONT ST
CAMBRIDGE MA



EXISTING PARTIAL LEFT SIDE ELEVATION



EXISTING PARTIAL LEFT SIDE ELEVATION

ISSUED FOR PERMIT

Drawn by: T

**PARTIAL
EXTERIOR
ELEVATIONS**

Scale: 1/8" = 1'-0" Drawn by: N

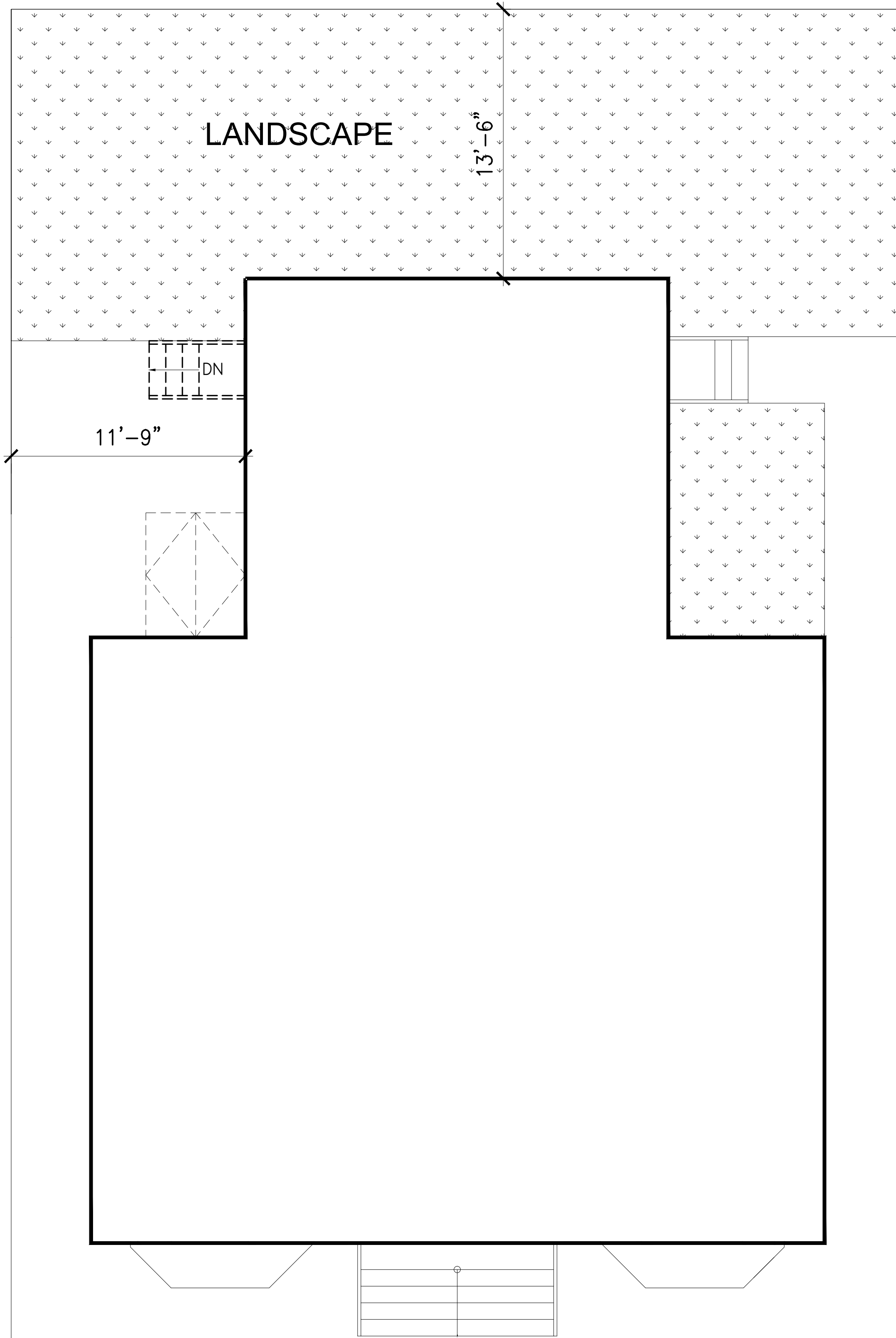
Checked by: A1:0.00

Date: 03 JAN 2022

A22

EXISTING PERMEABLE OPEN SPACE

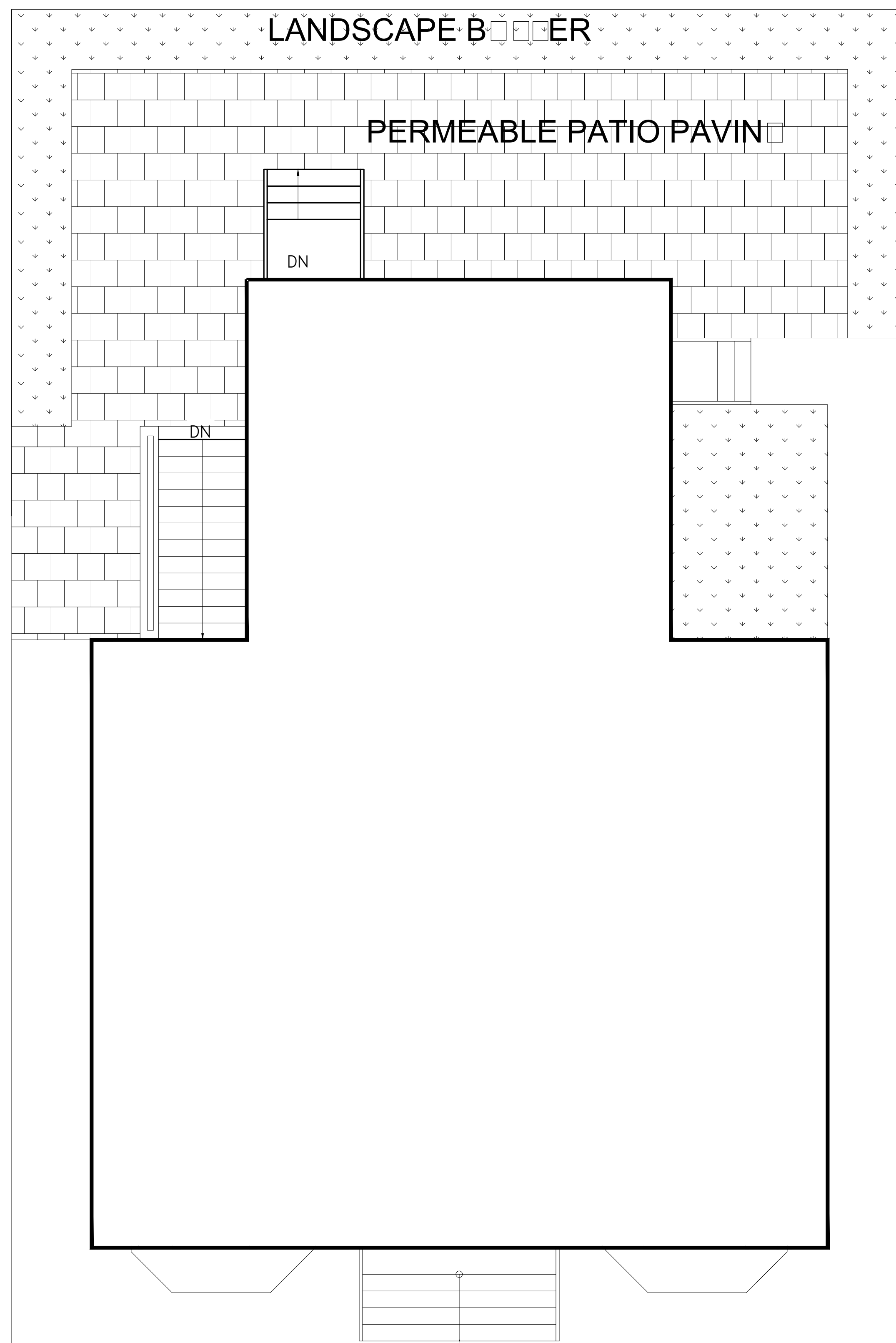
0 S



EXISTING OPEN SPACE

PROPOSED PERMEABLE OPEN SPACE

0 S



PROPOSED OPEN SPACE

PROJECT:
 BASEMENT CONVERSION
 INTERIOR RENOVATIONS
 0 AIRMONT ST
 CAMBRIDGE MA

ISSUED FOR PERMIT

Drawn by:
 OPEN SPACE

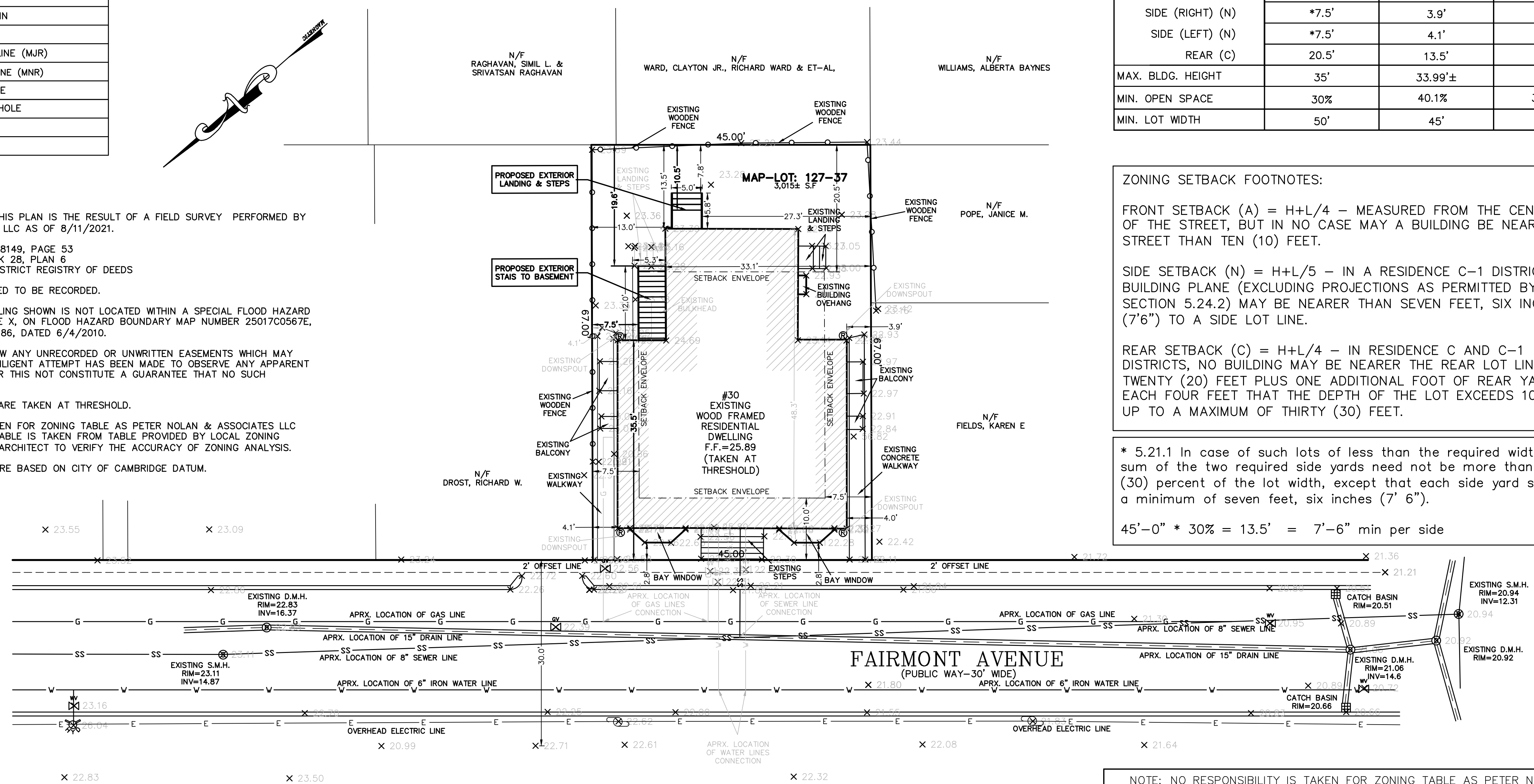
Scale: 1/8" = 1'-0" Drawn by:
 Date: 03/2022 A1

EXISTING LEGEND

SS	SEWER LINE
⊙	SEWER MANHOLE
—V—	WATER LINE
—G—	GAS LINE
⊕	UTILITY POLE
⊗	GAS VALVE
—E—	OVERHEAD ELECTRIC SERVICE
⊗	WATER VALVE
□	CATCH BASIN
—○—	FENCE
205	CONTOUR LINE (MJR)
195	CONTOUR LINE (MNR)
X	SPOT GRADE
⊙	DRAIN MANHOLE
⊗	HYDRANT
⊕	TREE

NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 8/11/2021.
2. DEED REFERENCE: BOOK 78149, PAGE 53
PLAN REFERENCE: PLAN BOOK 28, PLAN 6
MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0567E, IN COMMUNITY NUMBER: 250186, DATED 6/4/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE BASED ON CITY OF CAMBRIDGE DATUM.



ZONING LEGEND

ZONING DISTRICT: RESIDENCE C-1

	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	5,000 S.F.	3,015± S.F.	3,015± S.F.
MIN. LOT AREA PER DWELLING UNIT	1,500 S.F.	241.54 ± S.F.	236.96 ± S.F.
MIN. YARD FRONT (A)	10'	2.8'	35.5'
SIDE (RIGHT) (N)	*7.5'	3.9'	33.1'
SIDE (LEFT) (N)	*7.5'	4.1'	7.5'
REAR (C)	20.5'	13.5'	10.5'
MAX. BLDG. HEIGHT	35'	33.99'±	34.6'±
MIN. OPEN SPACE	30%	40.1%	39.3%
MIN. LOT WIDTH	50'	45'	45'

ZONING SETBACK FOOTNOTES:

FRONT SETBACK (A) = H+L/4 - MEASURED FROM THE CENTERLINE OF THE STREET, BUT IN NO CASE MAY A BUILDING BE NEARER THE STREET THAN TEN (10) FEET.

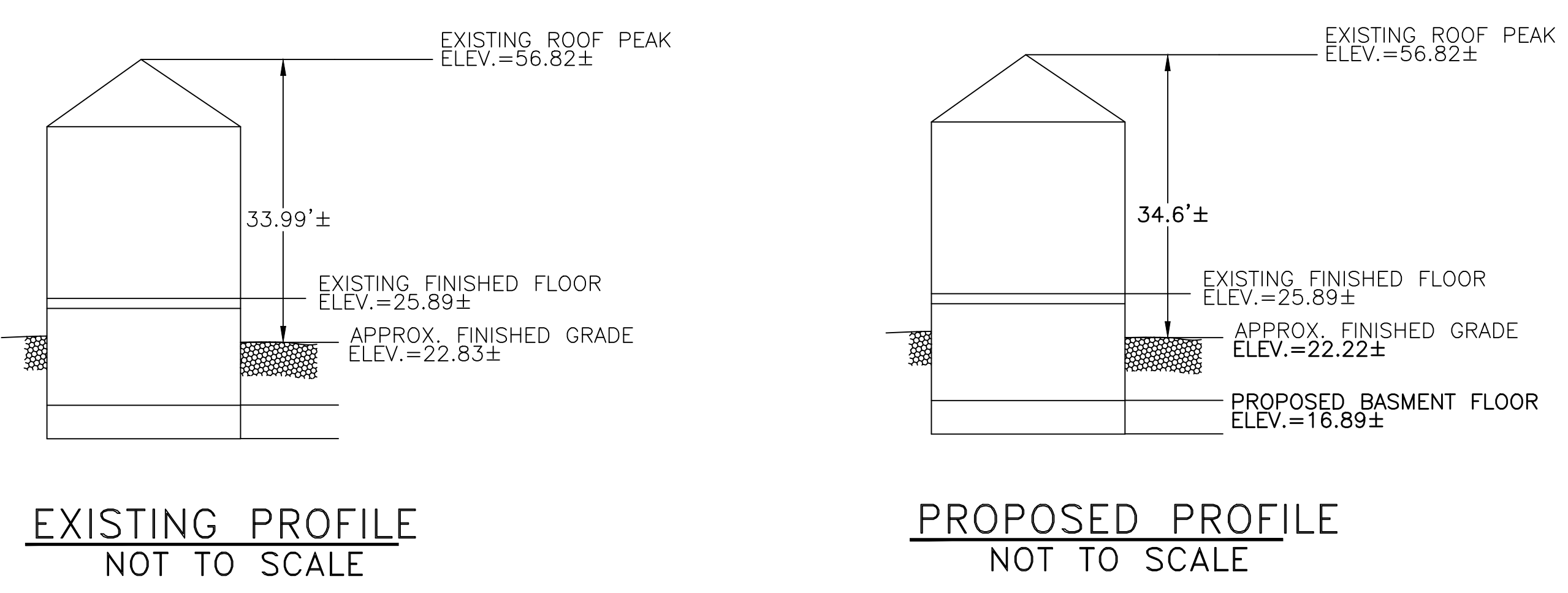
SIDE SETBACK (N) = H+L/5 - IN A RESIDENCE C-1 DISTRICT, NO BUILDING PLANE (EXCLUDING PROJECTIONS AS PERMITTED BY SECTION 5.24.2) MAY BE NEARER THAN SEVEN FEET, SIX INCHES (7'6") TO A SIDE LOT LINE.

REAR SETBACK (C) = H+L/4 - IN RESIDENCE C AND C-1 DISTRICTS, NO BUILDING MAY BE NEARER THE REAR LOT LINE THAN TWENTY (20) FEET PLUS ONE ADDITIONAL FOOT OF REAR YARD FOR EACH FOUR FEET THAT THE DEPTH OF THE LOT EXCEEDS 100 FEET, UP TO A MAXIMUM OF THIRTY (30) FEET.

* 5.21.1 In case of such lots of less than the required width the sum of the two required side yards need not be more than thirty (30) percent of the lot width, except that each side yard shall be a minimum of seven feet, six inches (7' 6").

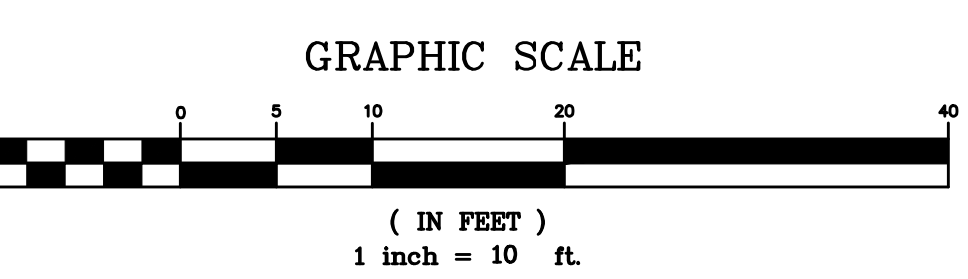
45'-0" * 30% = 13.5' = 7'-6" min per side

NOTE: NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.



EXISTING PROFILE NOT TO SCALE

PROPOSED PROFILE NOT TO SCALE



PETER NOLAN & ASSOCIATES LLC SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.
THE EXTENT OF PETER NOLAN & ASSOCIATES LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST.
COPYRIGHT 2021 PETER NOLAN & ASSOCIATES LLC
All Rights Reserved

PETER NOLAN & ASSOCIATES, LLC

LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS
697 CAMBRIDGE STREET, (SUITE 103), BRIGHTON, MA 02135
Tel: 857-891-7478
617-782-1533
Fax: 617-2925691

SPRUHAN ENGINEERING, P.C.

80 JEWETT ST. (SUITE 11)
NEWTON, MA 02458
Tel: 617-816-0722
Email: edmond@spruhaneng.com

**30 FAIRMONT AVE,
CAMBRIDGE
MASSACHUSETTS**

REVISION BLOCK

DESCRIPTION	DATE

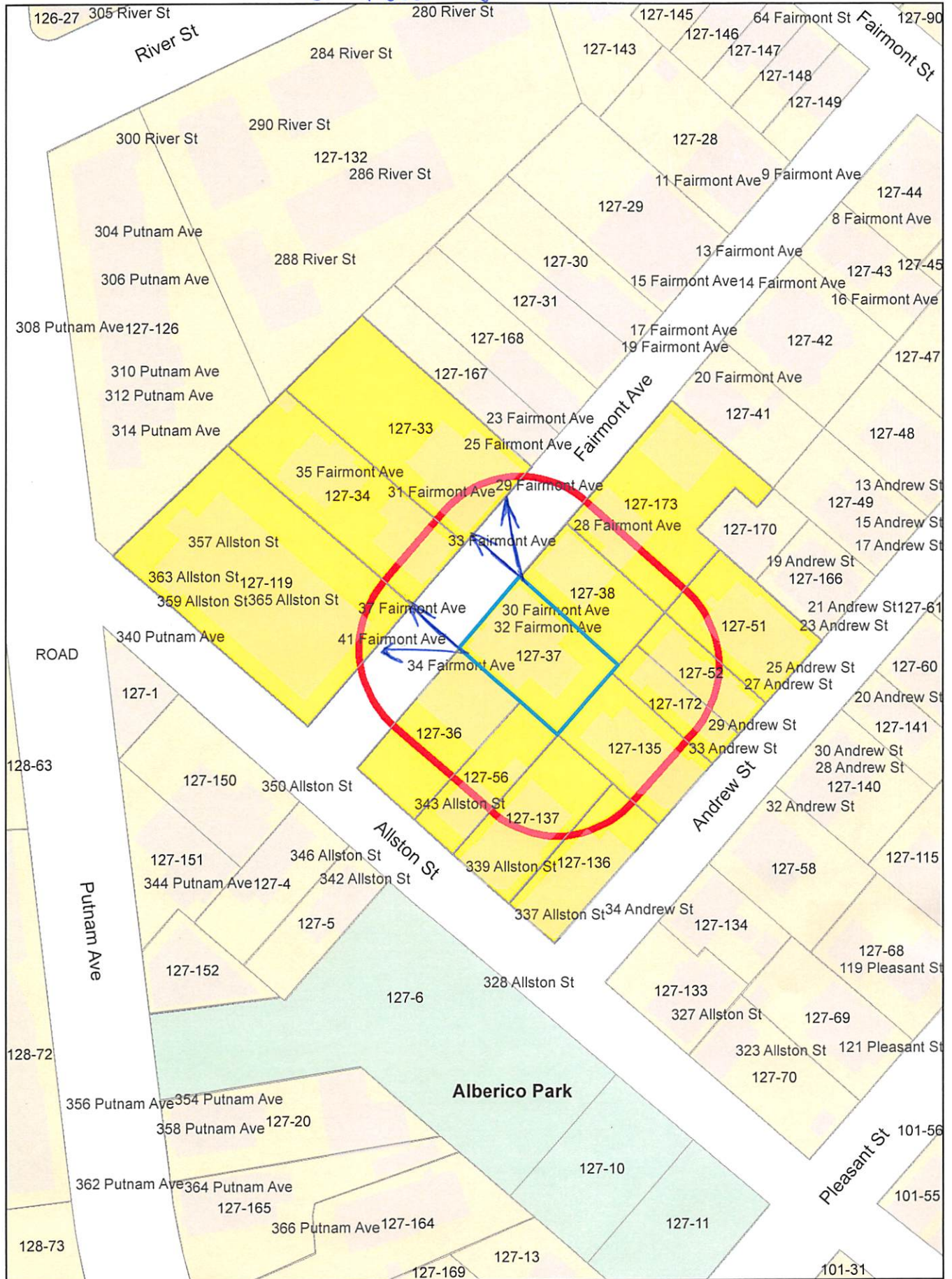
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PROPOSED PLOT PLAN

SCALE:	
DATE:	10-12-21
DRAWN BY:	PS
CHECKED BY:	ES
APPROVED BY:	PN

SHEET:
1

30 Fairmont Ave



30 Fairmont Ave

Petitioner

127-135
WARD, CLAYTON JR., RICHARD WARD & ET-AL,
TRUSTEE OF 33 ANDREW STREET REALT
33 ANDREW ST
CAMBRIDGE, MA 02139-4409

127-36
FIELDS, KAREN E.
8504 THREE CHOPT ROAD
RICHMOND, VA 23229

GCD ARCHITECTS
C/O ADAM GLASSMAN, R.A
2 WORTHINGTON STREET
CAMBRIDGE, MA 02138

127-38
DROST, RICHARD W.
28 FAIRMONT AVE
CAMBRIDGE, MA 02139-4423

127-52
KANTOR, JOSHUA T. & MARY J. EATON
27 ANDREW ST
CAMBRIDGE, MA 02139

127-33
SERNA, JUAN CARLOS & LAURYN ZIPSE
29 FAIRMONT AVE
CAMBRIDGE, MA 02139

127-119
BIOTECH REALTY INVESTORS LLC,
24 FAIRMONT ST
CAMBRIDGE, MA 02139

127-51
JIANG, JINWEI & YIDING YAN
270 SOUTH ST
CHESTNUT HILL, MA 02467

127-34
S7 LLC,
118 KINNAIRD STREET. #3
CAMBRIDGE, MA 02139

127-136
STEINBERG, ROBERT & BEATRICE STEINBERG
337 ALLSTON ST., #1
CAMBRIDGE, MA 02139

127-136
CARSON, CAROL CHOW & NICHOLAS CARSON
337 ALLSTON ST. UNIT#2
CAMBRIDGE, MA 02139

127-136
KAPLAN, DIANE
65 PARK ST
ARLINGTON, MA 02474

127-34
SLAVICK, JASON & TAMAR B. SCHAPIRO
35 FAIRMONT AVE
CAMBRIDGE, MA 02139

127-173
PISKOROWSKI, JONATHAN J. &
BETH J. PISKOROWSKI
26 FAIRMONT AVE
CAMBRIDGE, MA 02139

127-173
HOPE, SEAN D. & TIFFANY MITCHELL HOPE
22 FAIRMONT AVE
CAMBRIDGE, MA 02139

127-137
339 ALLSTON ST LLC
90 FURMAN ST N 218
BROOKLYN, NY 11201

127-172
RAGHAVAN SRIVATSAN &
SMIL L RAGHAVAN TRS
29 ANDREW ST
CAMBRIDGE, MA 02139

127-37
YE JANICE TRS PENTABRIDGE REALTY TR
6 BENNETT ST
CAMBRIDGE, MA 02318

127-56
POPE, JANICE M.
343 ALLSTON ST
CAMBRIDGE, MA 02139-4464

1 * * * * *

2 (9:25 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and
5 Matina Williams

6 BRENDAN SULLIVAN: Now the Board will hear Case
7 No. 159246 -- 30 Fairmont Avenue. Mr. Glassman?

8 ADAM GLASSMAN: Good evening, Board. This is
9 Adam Glassman for the record with GCD Architects at 2
10 Worthington Street in Cambridge, here representing the
11 owner, Janice Ye, of 30 Fairmont Ave in Cambridge.

12 We're here tonight to seek both a special permit
13 and a variance for three pieces of this project, a special
14 permit for a new door opening in the rear elevation, which
15 is within the rear setback, a special permit to exclude the
16 basement as FAR from the building, and a variance to
17 install a stairwell with a vertical guardrail, the vertical
18 guardrail being within the left side setback requires a
19 variance.

20 Olivia, can you bring up the plans?

21 On their upper left, the rear view, there's a red
22 box. Actually, that red box indicates a -- the location of

1 the -- yeah, you can zoom out. That's the location of the
2 door we'd like to install.

3 The "Y" indicates stairs to be removed, and they
4 will be replicated at the new door opening on the rear side.
5 The box around the -- and these are boxes, because of a .pdf
6 glitch, they're really -- they were meant to be letters.

7 The bulkhead, which is existing, would be
8 converted into a stairwell, a below-grade stairwell, with a
9 vertical guardrail.

10 The left side setback, or the bulkhead is within
11 the left side setback, and therefore the stair well would be
12 within the left side setback as well.

13 Lower left is a front view of the building. None
14 of this work is visible either from the right view of the
15 front, or the left view of the front.

16 Lower right-hand side, you can see the lot is
17 small. The building for the size of the lot is large, and
18 that is why it's the nonconforming lot.

19 Next slide, please?

20 Seeking relief for exclusion of the basement would
21 result in a net gain of 0 FAR. Otherwise, without
22 exclusion, we'd be increasing already nonconforming FAR,

1 going to a 1.42 from a 1.9. With the exclusion of the
2 basement we can remain at the 1.19.

3 Next slide?

4 The existing basement on the left half of the
5 building, which I should say is a five-unit building falls
6 under the commercial code. The left side is continually all
7 unfinished.

8 The right side, which is existing and remains
9 mostly added scope of work, has two finished areas which are
10 duplexed with the units above.

11 Our proposed left side basement with duplex, the
12 new living space, with the unit above to make the unit more
13 comfortable and more functional.

14 Off the back of the proposed basement, you can see
15 the proposed stairwell extending the bulkhead well (sic)
16 further towards the back of the house.

17 Next slide, please?

18 Our first-floor existing plans on the left, we
19 have a first-floor bedroom, a dining room in the middle and
20 a kitchen in the back, and stairs in the far rear, which
21 would be removed to create a new code-compliant internal
22 connection from the first floor to the basement in the form

1 of a spiral staircase.

2 The rest of the first floor would remain
3 unchanged, with the exception of a new rear egress off the
4 back of the rear wall, adjacent to the spiral stair.

5 Next slide, please?

6 Second-floor plan, there's really no work here to
7 talk about, as far as this application, just to show the
8 existing plans. We've got a five-unit building, two units
9 on the first floor, or -- I'm sorry, three units on the
10 first floor and two units on the second floor, duplex on the
11 third floor.

12 Next slide?

13 More descriptive photos and elevations: On the
14 lower left, the rear elevation as it exists, and on the
15 right the same elevation with the new door cut into the
16 wall, which is within the rear setback.

17 Photos that show the location of the rear wall
18 relative to the rear lot line, which is the fence, and a
19 side view showing, again, the stair to be removed and the
20 location of the bulkhead and the proximity of the proposed
21 work, relative to the fence.

22 And again, there's really no impact here. This

1 work has no impact on the right-side abutter.

2 Next slide?

3 Another photo calling out the bulkhead to be
4 reused and converted. Door and steps to be removed. The
5 associated elevations, the existing door would be converted
6 into a window, and the side view shows the new stair, which
7 would be visible, which would be four steps.

8 Next slide?

9 The exterior work, or I should say all the work,
10 includes creation of additional permeable space, enhanced
11 landscaping -- all work which is by right, but the -- these
12 improvements go hand in hand with the application that we're
13 seeking.

14 Next slide?

15 Just the surveyed site plan. Might be hard to
16 see, but the setback envelope goes right through the
17 building on all sides. It runs through the bulkhead and
18 would run -- this stair would be about 12 inches over the
19 left side setback, which is where the bulkhead is now.

20 And that is it. And I'm open to questions.

21 BRENDAN SULLIVAN: Thank you. Any questions by
22 Members of the Board? Mr. Alexander?

1 CONSTANTINE ALEXANDER: No questions.

2 BRENDAN SULLIVAN: And Matina, any questions?

3 MATINA WILLIAMS: No questions.

4 BRENDAN SULLIVAN: Wendy Leiserson, any questions?

5 WENDY LEISERSON: No questions.

6 BRENDAN SULLIVAN: Jim Monteverde, any questions?

7 JIM MONTEVERDE: I'm just -- yes, the one question

8 I have is I'm trying to understand why I should look

9 favorably on excluding this new basement living space.

10 ADAM GLASSMAN: Sure.

11 JIM MONTEVERDE: And obviously, I can see from the

12 dimensional form that if you don't exclude it, you're, you

13 know, you're suspiciously over the FAR --

14 ADAM GLASSMAN: Sure.

15 JIM MONTEVERDE: Why should we exclude it?

16 ADAM GLASSMAN: Well, special permit -- for you to

17 grant a special permit, you need to be convinced that the

18 proposed use is consistent with the similar uses of the

19 similar spaces on the street, that it has no impact on the

20 continued uses of the existing structures on the street, and

21 that there is no detriment to the community or the

22 neighborhood or the city.

1 And that is why we do not need to show a hardship

2 --

3 JIM MONTEVERDE: No, no, I understand that. Yeah,
4 I understand the no hardship.

5 ADAM GLASSMAN: So I think you should look
6 favorably because we're causing no kind of harm or detriment
7 or negative impact whatsoever to our abutters, who support
8 the project.

9 JIM MONTEVERDE: Okay. So there's no issue of
10 increasing the density, increasing the use and the --

11 ADAM GLASSMAN: No, we're not adding any parking
12 pressure, we're not asking relief for parking, we are not
13 increasing the height of the structure to become
14 nonconforming. This is a non-impact proposal.

15 JIM MONTEVERDE: So it's really the one -- and it
16 is Unit #1?

17 ADAM GLASSMAN: Correct.

18 JIM MONTEVERDE: It gets improved, and adds some
19 square footage to it?

20 ADAM GLASSMAN: Exactly.

21 JIM MONTEVERDE: And it's a one-bedroom now, and
22 it's a one-bedroom then?

1 ADAM GLASSMAN: It is.

2 JIM MONTEVERDE: Right so in that sense, it's
3 really kind of the same animal, or is in the improvement?

4 ADAM GLASSMAN: Exactly.

5 JIM MONTEVERDE: Yeah, okay. All right. Thank
6 you.

7 BRENDAN SULLIVAN: Under 8.222 c), in residential
8 districts, the Board may grant a special permit for the
9 alteration or enlargement of a nonconforming structure not
10 otherwise permitted in Section 8.21, but not the alteration
11 or enlargement of a nonconforming use, provided any
12 enlargement or alteration of such nonconforming structure is
13 not in further violation of the dimensional requirements, so
14 that -- and that the increase in area or volume will not
15 increase the area or volume by more than 25 percent since it
16 first became nonconforming.

17 And so the addition of the basement is not
18 increasing the area by 25 percent, is that correct?

19 ADAM GLASSMAN: That's correct.

20 BRENDAN SULLIVAN: Okay. Let me open it to public
21 comment. Any member of the public who wishes to speak
22 should now click the button that says, "Participants" and

1 then click the button that says, "Raise hand."

2 If you're calling in by phone, you can raise your
3 hand by pressing *9 and unmute or mute by pressing *6. And
4 you'll have up to three minutes to speak.

5 OLIVIA RATAY: BW:

6 JIM MONTEVERDE: Those are the same folks still
7 hanging around for the Cambridge Housing Authority.

8 BW: Hello, hello?

9 JIM MONTEVERDE: Yep.

10 BW: Can you hear me?

11 BRENDAN SULLIVAN: Yes.

12 BW: Can you hear me?

13 Oh, wonderful. I'm so sorry that it wasn't
14 working, Zoom. I've been trying to get through, because
15 you asked for public comment on the 55 Wendell matter, and
16 I have -- I -- they said that they talked to the neighbors.
17 I am the person across the street, and they did not talk to
18 me.

19 JIM MONTEVERDE: Mm-hm.

20 BW: And I was deeply concerned about it. So I
21 recognize that you've now granted the variance, but you
22 recognized me, and then the other woman called in and talked

1 over me. And you never let me talk!

2 BRENDAN SULLIVAN: Well, I'm sorry that we missed
3 the call, and -- but we have settled that case, and we
4 granted the relief requested.

5 BW: Yes, but I did what I was supposed to do. I
6 called it and I -- you recognized me, and then you let that
7 other person talk over me. So I never get a chance to say
8 what needed to be said.

9 BRENDAN SULLIVAN: Well, again, I apologize for
10 the disconnect somehow, that we weren't able to get through
11 to you, or you get through to us, but we have resolved that
12 case. We have granted the relief, and that's -- you know,
13 the end of the matter.

14 BW: That's unfortunate. I did what I was
15 supposed to do. I called in, I --

16 BRENDAN SULLIVAN: I understand that.

17 BW: -- raised my hand.

18 BRENDAN SULLIVAN: I understand that, ma'am, and
19 I'm sorry that there was a disconnect. We didn't do it
20 intentionally, it was -- however it happened, it happened,
21 I'm sorry.

22 BW: But I'm the one that gets stuck with this

1 problem of this monstrosity that they're building across the
2 street.

3 It clearly did work eventually, because I did it
4 twice, and the first two times I did it, it didn't work,
5 and this is the third round where I've stayed on the line
6 trying to get through.

7 So I understand you granted the variance. I'm
8 literally in a cab on my way to City Hall, it was that
9 important. So I don't understand what's wrong with your
10 technology that it didn't work, but I did my part. I did
11 what I was supposed to do. Is there any way to rescind that
12 grant, so that I can at least be heard?

13 BRENDAN SULLIVAN: No. The matter is resolved,
14 basically, on our end. So you do have a right to appeal our
15 decision if you wish, and you can -- you know, talk to the
16 Commissioner on the appeal process or something, but I'm not
17 going to reopen the case at this point. It's been settled.

18 BW: Oh my God. So here I will call the
19 Commissioner. I'm so sorry, it wasn't my fault.

20 BRENDAN SULLIVAN: Okay.

21 BW: I did what I was supposed to do.

22 BRENDAN SULLIVAN: I understand.

1 BW: Thank you.

2 BRENDAN SULLIVAN: Yep.

3 BW: Thanks.

4 BRENDAN SULLIVAN: Thanks. There are no called in
5 -- we are in receipt of two, three letters, one from Mr.
6 Sean Hope.

7 "Please accept this e-mail as my strong support
8 for the zoning relief requested at 30 Fairmont Avenue. I'm
9 an abutter at 30 Fairmont and reside at 22 Fairmont. I have
10 spoken with Ms. Z and her architect about the plans and the
11 requested relief. Fully support the application. Despite
12 the fact that the property is nonconforming, the relief
13 requested is modest in nature, and tailored to make the
14 property more functional.

15 "The need for additional housing in Cambridge is
16 clear in this proposal and will add to Cambridge's housing
17 stock of renovated properties. For these reasons, I
18 recommend the BCZ approve this request for a special permit
19 and variance without conditions."

20 We are in receipt of correspondence from Richard
21 Drost, 28 Fairmont.

22 "I'm writing in support of the petition to grant

1 the zoning relief for the converted basement, new below-
2 grade exterior stairwell, and the new first-floor rear
3 egress door at 30 Fairmont."

4 Correspondence from John Ward at 33 Andrew Street.
5 "I'm writing to support the petition for -- to grant the
6 zoning relief in the converted basement." He has reviewed
7 the plans and the proposed work is extremely modest in
8 keeping with the existing uses and character of the abutting
9 properties, and has absolutely no negative impact whatsoever
10 on our neighborhood.

11 And that is the sum and substance of the
12 correspondence.

13 Okay, Mr. Glassman anything further?

14 ADAM GLASSMAN: Nope. Please vote in our favor.

15 BRENDAN SULLIVAN: Let me make the motion on the

16 --

17 WENDY LEISERSON: Excuse me, Mr. Chair, this is
18 Wendy Leiserson.

19 BRENDAN SULLIVAN: Oh yes, sorry.

20 WENDY LEISERSON: I did just have one more
21 question.

22 BRENDAN SULLIVAN: Go ahead.

1 WENDY LEISERSON: Just thinking about the matter
2 that Jim raised regarding, you know, why we should -- you
3 know, not include the square footage in the basement in the
4 FAR.

5 And I do want to note that there -- I mean, it
6 looks like there's a basement -- in the basement, it's going
7 to be lovely -- with a bath and a wet bar and a
8 washer/dryer, which indicates to me that there is going to
9 be gas probably down there as well.

10 And I just want to note that this -- given the
11 congestion, at the moment I have no concerns. But I would
12 be concerned because it does seem to have all the facilities
13 available for a future additional unit. And I just wonder
14 if there's any condition that we might grant the relief
15 requested, with the understanding that this would not be
16 convertible in the future?

17 BRENDAN SULLIVAN: Mr. Glassman, do you want to --

18 ADAM GLASSMAN: I mean, we have no issue with
19 that. This is not a proposal for a unit. A unit would
20 require coming back to the ZBA asking for relief.

21 WENDY LEISERSON: Thank you.

22 BRENDAN SULLIVAN: Any change, other than what is

1 proposed, they'd have to come back, Wendy --

2 JIM MONTEVERDE: Right.

3 BRENDAN SULLIVAN: -- would be my take on it.

4 WENDY LEISERSON: Great. Okay. Thank you for
5 clarifying that.

6 ADAM GLASSMAN: Can we just say, "Change in use"?

7 BRENDAN SULLIVAN: Okay. Any other questions by
8 Members of the Board? Let me make a motion, then, to grant
9 the relief requested -- the variance as per the application,
10 the supporting statements, dimensional form, and the
11 drawings as submitted.

12 The Board finds that a literal enforcement of the
13 provisions of the ordinance would involve a substantial
14 hardship to the petitioner.

15 The Board finds that the hardship is -- would -- a
16 literal enforcement would prevent the owners from converting
17 the obsolete bulkhead into a safe and convenient, below
18 grade access stair, to serve the new habitable space in the
19 basement; would provide for a code-compliant entry and also
20 exit from the basement area.

21 The hardship is owing to the size and shape of the
22 structure and of the lot and on the lot, which predates the

1 current zoning.

2 The Board finds that the current property is
3 encumbered by the ordinance, and that any changes --
4 petitions of this nature would require some relief from the
5 Board.

6 The Board finds that desirable relief may be
7 granted without substantial detriment to the public good.

8 The Board finds that the relief being requested is
9 fair and modest, and that the guardrail is in a location
10 that is appropriate, and that any other location would also
11 require some relief from this Board, and that the Board
12 finds that the relief is fair and reasonable.

13 Desirable relief may be granted without nullifying
14 or substantially derogating from the intent and purpose of
15 the ordinance. The purpose of the proposed stairway and the
16 guardrail is to provide safe and convenient access and
17 egress to and from the newly created basement living space
18 on duplex Unit #1.

19 There will be no increase in the neighborhood
20 density, no new noise or light pollution created, no loss of
21 open space, no nuisance of any kind will result from this
22 very modest proposal, which is keeping with the use and

1 character of the property, the neighborhood in general, and
2 this modest work maintains the intent of the ordinance to
3 provide safe and code-compliant access and egress from a
4 habitable space.

5 All those in favor of granting the variance?

6 CONSTANTINE ALEXANDER: Subject to --

7 BRENDAN SULLIVAN: Subject to the submissions and
8 the drawings submitted, and initialed by the Chair.

9 CONSTANTINE ALEXANDER: I vote in favor.

10 BRENDAN SULLIVAN: Mr. Alexander votes in favor.

11 Wendy?

12 WENDY LEISERSON: I vote in favor.

13 BRENDAN SULLIVAN: In favor, Wendy Leiserson.

14 Matina Williams? I'm sorry, Wendy Leiserson?

15 WENDY LEISERSON: Yes, in favor.

16 BRENDAN SULLIVAN: Jim Monteverde?

17 JIM MONTEVERDE: Yes, in favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes in
19 favor. So that would be --

20 MATINA WILLIAMS: Matina Williams yes in favor.

21 [All vote YES]

22 JIM MONTEVERDE: There you go.

1 BRENDAN SULLIVAN: Sorry. It's been a long night,
2 I've been talking too much.

3 MATINA WILLIAMS: I hear you.

4 BRENDAN SULLIVAN: Thank you. The variance, with
5 an affirmative vote of five Members, the variance is
6 granted. On the special permit, with the exclusion of the
7 converted basement area from the existing nonconforming FAR?

8 The Board finds that the requirements of the
9 ordinance can be met. That neither the modest exclusion of
10 the new basement habitable space nor the rear wall door
11 opening will have any negative impact on the abutters or the
12 character of the neighborhood.

13 The Board finds that traffic generated or patterns
14 of access or egress would not cause congestion, hazard, or
15 substantial change in the established neighborhood
16 character.

17 The Board finds that continued operation of or
18 development of adjacent uses, as permitted in the zoning
19 ordinance, will not be adversely affected by what is being
20 proposed use.

21 The Board also references the letters of support
22 from abutters to the proposal.

1 The Board finds that there would not be any
2 nuisance or hazard created to the detriment of the health,
3 safety and/or welfare of the occupant of the proposed use,
4 and in fact it would be an enhancement to provide a safe and
5 code-compliant entry and exit from the basement area.

6 The Board finds that the proposed use would not
7 impair the integrity of the district or adjoining district,
8 or derogate from the intent and purpose of the ordinance to
9 provide safe, reliable and updated, habitable space.

10 On the motion to grant a special permit, Mr.
11 Alexander?

12 CONSTANTINE ALEXANDER: I vote in favor.

13 BRENDAN SULLIVAN: Matina Williams on the special
14 permit?

15 MATINA WILLIAMS: I vote in favor.

16 BRENDAN SULLIVAN: Thank you. Wendy Leiserson on
17 the special permit?

18 WENDY LEISERSON: I vote in favor.

19 BRENDAN SULLIVAN: Jim Monteverde?

20 JIM MONTEVERDE: I vote in favor.

21 BRENDAN SULLIVAN: And Brendan Sullivan yes to
22 granting the special permit.

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[All vote YES]

BRENDAN SULLIVAN: On the vote of five Members of
the Board, special permit is granted.

ADAM GLASSMAN: Thank you.

CONSTANTINE ALEXANDER: Thank you.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: _____

Adam Glassman

(Print)

Date: _____

1/27/22

Address: _____

30 Fairmount Ave

Case No. _____

BZA-159246

Hearing Date: _____

2/10/22

Thank you,
Bza Members



CITY OF CAMBRIDGE
 Massachusetts
BOARD OF ZONING APPEAL
 831 Mass Avenue, Cambridge, MA.
 617) 349-6100

2022 APR -7 PM 12:24
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

CASE NO: 159246

LOCATION: 30 Fairmont Avenue Residence C-1 Zone
 Cambridge, MA

PETITIONER: Janice Ye
 C/o Adam Glassman, R.A.

PETITION: Variance: Installation of a guardrail for a new below grade exterior stair.

Special Permit: Exclusion of the converted basement area from the existing non-conforming FAR and the creation of a new rear wall opening for a new egress door.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
 Art. 8.000, Sec. 8.22.2.C (Non-Conforming Structure).
 Art. 10.000, Sec. 10.30 (Variance). & Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: January 27, 2022 & February 3, 2022

DATE OF PUBLIC HEARING: February 10, 2022

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR	<input checked="" type="checkbox"/>
JIM MONTEVERDE – VICE-CHAIR	<input checked="" type="checkbox"/>
CONSTANTINE ALEXANDER	<input checked="" type="checkbox"/>
ANDREA A. HICKEY	<input type="checkbox"/>
LAURA WERNICK	<input type="checkbox"/>

ASSOCIATE MEMBERS:

SLATER W. ANDERSON	<input type="checkbox"/>
ALISON HAMMER	<input type="checkbox"/>
JASON MARSHALL	<input type="checkbox"/>
MATINA WILLIAMS	<input checked="" type="checkbox"/>
WENDY LEISERSON	<input checked="" type="checkbox"/>

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner’s property, the layout, and other characteristics as well as the surrounding district.

Case No. BZA-159246
Location: 30 Fairmont Avenue
Petitioner: Janice Ye – C/O Adam Glassman, R.A.

On February 10, 2022, Petitioner Janice Ye appeared before the Board of Zoning Appeal with her architect Adam Glassman, GCD Architects, requesting a variance in order to install a guardrail for a new below grade exterior stair and a special permit in order to exclude the converted basement area from the existing non-conforming FAR and to create a new rear wall opening for a new egress door. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Section 8.22.2.C, and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Glassman stated that the proposal was to finish a section of the basement in order to enlarge a unit. The existing basement on the left half of the building, a five-unit building, is all unfinished. The right side has two finished areas which are duplexed with the units above. The proposed left side basement with duplex would make the unit more comfortable and more functional. He stated that in order to facilitate egress from the basement space, the proposal was to install an egress door and a railed stairway in the setback. He stated that this proposed work needed a special permit and a variance respectively. He stated that the proposal also included a request for a special permit for the exclusion of the basement GFA from FAR in order to finish the space. Seeking relief for exclusion of the basement would result in a net gain of 0 FAR. Otherwise, without exclusion, they would be increasing already nonconforming FAR from a 1.42 to a 1.9. With the exclusion of the basement, they would remain at the 1.19. He stated that the proposed work would cause no negative impacts to the neighborhood.

The Chair asked if any member of the public wished to be heard on the matter and no one indicated such. The Chair read several letters of support from neighbors.

After discussion, the Chair moved, with regard to the variance, that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner’s submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner; that the Board find that a literal enforcement would prevent the owners from converting the obsolete bulkhead into a safe and convenient, below grade access stair, to serve the new habitable space in the basement and would provide for a code-compliant entry and exit from the basement area; that the Board find that the hardship owed to the size and shape of the structure and the lot, which predated the current zoning; that the Board find that the current property was encumbered by the Ordinance, and that any petitions of this nature would require some relief from the Board; that the Board find that desirable relief could be granted without substantial detriment to the public good; that the Board find the relief requested was fair and modest, and that the guardrail was in a location that was appropriate, that any other location would also require some relief from the Board, and that the relief was fair and reasonable; that the Board find that desirable relief could be granted without nullifying or substantially

derogating from the intent and purpose of the Ordinance; that the Board find that the purpose of the proposed stairway and the guardrail was to provide safe and convenient access and egress to and from the newly created basement living space on duplex Unit #1; that the Board find that there would be no increase in the neighborhood density, no new noise or light pollution created, no loss of open space, no nuisance of any kind that would result from this very modest proposal, which was in keeping with the use and character of the property and the neighborhood in general; that the Board find that the proposed work was modest and would maintain the intent of the Ordinance to provide safe and code-compliant access and egress from a habitable space.

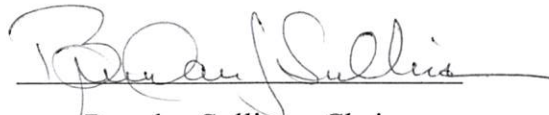
The Chair further moved that the Board specifically find that based upon all the information presented, there are circumstances involving a substantial hardship relating to the property within the meaning of M.G.L. c. 40A §10 and that the Board grant the variance based on the further finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner on the condition that the work proceed as per the submitted application, including the supporting statements, dimensional form, and drawings as initialed by the Chair at the February 10, 2022 hearing.

The five-member Board voted unanimously in favor of granting the variance as conditioned (Sullivan, Monteverde, Alexander, Williams, and Leiserson). Therefore, the variance is granted as conditioned.

After discussion, the Chair moved, with regard to the Special Permit, that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that the requirements of the Ordinance could be met; that the Board find that neither the modest exclusion of the new basement habitable space nor the rear wall door opening would have any negative impact on the abutters or the character of the neighborhood; that the Board find that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character; that the Board find that continued operation of or development of adjacent uses, as permitted in the Ordinance, would not be adversely affected by what was being proposed; that the Board note the letters of support from abutters; that the Board find that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, and in fact it would be an enhancement to provide a safe and code-compliant entry and exit from the basement area; that the Board find that the proposed use would not impair the integrity of the district or adjoining district, or derogate from the intent and purpose of the Ordinance to provide safe, reliable and updated, habitable space.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board. The five-member Board voted unanimously in favor of granting the special permit (Sullivan, Monteverde, Alexander, Williams, and Leiserson). Therefore, the special permit is granted.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.


Brendan Sullivan, Chair

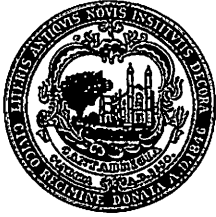
Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 4-7-22 by Marie Pacheco Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: _____ City Clerk.



**CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS, 02139
617-349-6100**

NOTICE OF DECISION

DECISION FILED WITH THE OFFICE OF THE CITY CLERK ON: **04/07/2022**

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court or Land Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty calendar days from the above date, and a copy thereof shall be filed with the Cambridge City Clerk's office by that same date.

PREMISES: 30 Fairmont Ave
 Cambridge, MA 02139

PETITIONER: Janice Ye

PETITION: Variance: The installation of a guardrail for a new below grade exterior stair.

 Special Permit: Exclusion of the converted basement area from the existing non-conforming FAR and the creation of a new rear wall opening for a new egress door.

DECISION: Granted

CASE NO: BZA-159246

*** For full details, please refer to the decision available at Inspectional Services Department.**



CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS, 02139
617-349-6100

04/07/2022

Janice Ye
Care of Adam Glassman, R.A. / GCD Architects
2 Worthington Street
cambridge MA 02138

Case No: BZA-159246

Care of Adam Glassman, R.A. / GCD Architects

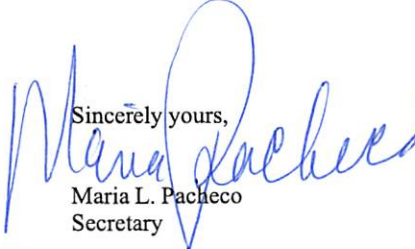
We enclose the decision of the Board of Zoning Appeal as it pertains to the premises located at 30 Fairmont Ave, Cambridge, MA 02139.

A copy of this decision has been filed with the office of the City Clerk on 04/07/2022. When twenty days have passed, you MUST:

1.	<u>HAVE THIS DECISION COMPLETED AND SIGNED BY THE CITY CLERK, CITY HALL -</u> 795 Mass Avenue, Cambridge, Ma. (In the space provide on the decision)
2.	<u>FILE THE DECISION WITH THE REGISTRY OF DEEDS</u> Middlesex County Courthouse, 208 Cambridge Street, Cambridge, MA. (There is usually a fee, payable to the Registry of Deeds and the book and page number is required by the Registry).
3.	<u>SUPPLY THE BOARD OF ZONING APPEAL WITH DOCUMENTATION OF SUCH</u> <u>FILING</u> - (with the Registry of Deeds).

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court or Land Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days of the above date, and a copy thereof shall be filed with the Cambridge City Clerk's office by that same date.

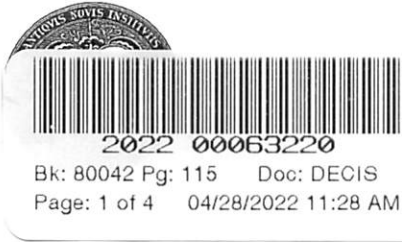
If you have any questions, please phone me at 349-6100.

Sincerely yours,

Maria L. Pacheco
Secretary

Section 10.35 of the Zoning Ordinances:

If the rights authorized by a variance are not exercised within one year of the date of granting of such variance (two years for a special permit), they shall lapse and may be reestablished only after notice and new hearing pursuant to this Section 10.30.

Per
Michelle



CITY OF CAMBRIDGE
Massachusetts
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA.
617) 349-6100

2022 APR -7 PM 12:24
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 159246

LOCATION: 30 Fairmont Avenue / Residence C-1 Zone
Cambridge, MA

PETITIONER: Janice Ye
C/o Adam Glassman, R.A.

78149-50

PETITION: Variance: Installation of a guardrail for a new below grade exterior stair.

Special Permit: Exclusion of the converted basement area from the existing non-conforming FAR and the creation of a new rear wall opening for a new egress door.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.2.C (Non-Conforming Structure).
Art. 10.000, Sec. 10.30 (Variance). & Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: January 27, 2022 & February 3, 2022

DATE OF PUBLIC HEARING: February 10, 2022

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR
JIM MONTEVERDE – VICE-CHAIR
CONSTANTINE ALEXANDER
ANDREA A. HICKEY
LAURA WERNICK

✓
✓
✓

ASSOCIATE MEMBERS:

SLATER W. ANDERSON
ALISON HAMMER
JASON MARSHALL
MATINA WILLIAMS
WENDY LEISERSON

✓
✓

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout, and other characteristics as well as the surrounding district.

Case No. BZA-159246
Location: 30 Fairmont Avenue
Petitioner: Janice Ye – C/O Adam Glassman, R.A.

On February 10, 2022, Petitioner Janice Ye appeared before the Board of Zoning Appeal with her architect Adam Glassman, GCD Architects, requesting a variance in order to install a guardrail for a new below grade exterior stair and a special permit in order to exclude the converted basement area from the existing non-conforming FAR and to create a new rear wall opening for a new egress door. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Section 8.22.2.C, and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Glassman stated that the proposal was to finish a section of the basement in order to enlarge a unit. The existing basement on the left half of the building, a five-unit building, is all unfinished. The right side has two finished areas which are duplexed with the units above. The proposed left side basement with duplex would make the unit more comfortable and more functional. He stated that in order to facilitate egress from the basement space, the proposal was to install an egress door and a railed stairway in the setback. He stated that this proposed work needed a special permit and a variance respectively. He stated that the proposal also included a request for a special permit for the exclusion of the basement GFA from FAR in order to finish the space. Seeking relief for exclusion of the basement would result in a net gain of 0 FAR. Otherwise, without exclusion, they would be increasing already nonconforming FAR from a 1.42 to a 1.9. With the exclusion of the basement, they would remain at the 1.19. He stated that the proposed work would cause no negative impacts to the neighborhood.

The Chair asked if any member of the public wished to be heard on the matter and no one indicated such. The Chair read several letters of support from neighbors.

After discussion, the Chair moved, with regard to the variance, that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner’s submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner; that the Board find that a literal enforcement would prevent the owners from converting the obsolete bulkhead into a safe and convenient, below grade access stair, to serve the new habitable space in the basement and would provide for a code-compliant entry and exit from the basement area; that the Board find that the hardship owed to the size and shape of the structure and the lot, which predated the current zoning; that the Board find that the current property was encumbered by the Ordinance, and that any petitions of this nature would require some relief from the Board; that the Board find that desirable relief could be granted without substantial detriment to the public good; that the Board find the relief requested was fair and modest, and that the guardrail was in a location that was appropriate, that any other location would also require some relief from the Board, and that the relief was fair and reasonable; that the Board find that desirable relief could be granted without nullifying or substantially

derogating from the intent and purpose of the Ordinance; that the Board find that the purpose of the proposed stairway and the guardrail was to provide safe and convenient access and egress to and from the newly created basement living space on duplex Unit #1; that the Board find that there would be no increase in the neighborhood density, no new noise or light pollution created, no loss of open space, no nuisance of any kind that would result from this very modest proposal, which was in keeping with the use and character of the property and the neighborhood in general; that the Board find that the proposed work was modest and would maintain the intent of the Ordinance to provide safe and code-compliant access and egress from a habitable space.

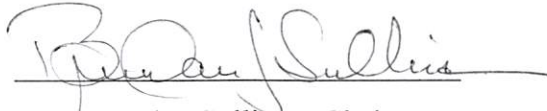
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The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.


Brendan Sullivan, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 4-7-22 by Marisa Pacheco Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: 4/28/2022 Arthur d Wilson City Clerk.

APR 28 2022
CERTIFIED COPY
Arthur d Wilson
City Clerk

