

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Kenneth Froot

PETITIONER'S ADDRESS: 33 Fayerweather Street, Cambridge MA 02138

LOCATION OF PROPERTY: 33 Fayerweather Street, Cambridge MA 02138

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: A-1

REASON FOR PETITION:

<u> X </u> Additions	<u> </u> New Structure
<u> </u> Change in Use/Occupancy	<u> </u> Parking
<u> </u> Conversion to Addi'l Dwelling Unit's	<u> </u> Sign
<u> </u> Dormer	<u> </u> Subdivision
<u> </u> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Owner seeks to addition to an existing non-conforming structure.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5.000 Section 5.31 (Table of Dimensional Requirements)

Article 10.000 Section 10.30 (Variance)


Article 8.000 Section 8.22.3c (Enlargement of Non-Conforming Structure).

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)

Kenneth Froot

(Print Name)

Address: 33 Fayerweather Street, Cambridge MA 02138

Tel. No.: 617-495-6677

E-Mail Address: kfroot@gmail.com

Date: 1/3/2018

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 Kenneth Froot

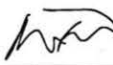
(OWNER)

Address: 33 Fayerweather Street, Cambridge, MA 02138

State that I/We own the property located at 33 Fayerweather Street, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of Kenneth Froot

*Pursuant to a deed of duly recorded in the date 1/3/1995, Middlesex South County Registry of Deeds at Book 94, Page 34; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.



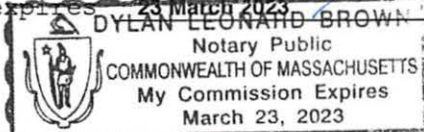
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

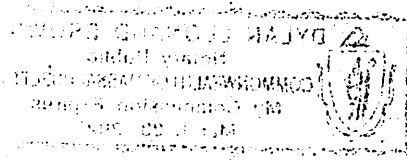
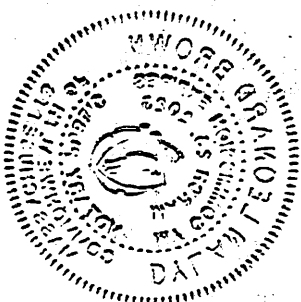
Commonwealth of Massachusetts, County of Middlesex

The above-name Kenneth A. Froot personally appeared before me, this 4 of January, 2018, and made oath that the above statement is true.

My commission expires 23 March 2023 (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:

The nonconforming condition of the building limits the petitioner's ability to utilize the amount of gross floor area permitted on the lot to accommodate his newly blended family.

- 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 hardship is directly related to a previous addition that made the height of the structure nonconforming.

- C)** **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

- 1)** Substantial detriment to the public good for the following reasons:

The public good will not suffer since the proposed addition will not be visible from the streetscape. In addition, modern updates to the house exterior will be in keeping with other additions to historic properties in the surrounding neighborhood.

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

The modification proposed will not nullify the intent of the ordinance because it satisfies all stipulated dimensional requirements beyond the previously-approved variances: case #5294 and #2870.

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

BZA APPLICATION FORM
DIMENSIONAL INFORMATION

APPLICANT: Kenneth Froot PRESENT USE/OCCUPANCY: Existing one-family detached dwelling converted for two families

LOCATION: 33 Fayerweather Street, Cambridge MA 02138 ZONE: A-1

PHONE: 617-495-6677 REQUESTED USE/OCCUPANCY: Existing one-family detached dwelling converted for two families

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>TOTAL GROSS FLOOR AREA:</u>	<u>6,878 SF</u>	<u>7,223 SF</u>	<u>9,826 SF</u> (max.)
<u>LOT AREA:</u>	<u>19,652 SF</u>		<u>8,000 SF</u> (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	<u>.35</u>	<u>.37</u>	<u>.5</u> (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>9,826 SF</u>	<u>no change</u>	<u>6,000 SF</u> (min.)
<u>SIZE OF LOT:</u>			
WIDTH	<u>113 FT</u>		<u>80 FT</u> (min.)
DEPTH	<u>166 FT</u>		
<u>Setbacks in Feet:</u>			
FRONT	<u>22 FT (variance granted 1955)</u>	<u>no change</u>	<u>25 FT</u> (min.)
REAR	<u>45 FT</u>	<u>39 FT</u>	<u>25 FT</u> (min.)
LEFT SIDE	<u>4 FT (variance granted 1955)</u>	<u>no change</u>	<u>15 FT, sum to 35FT</u> (min.)
RIGHT SIDE	<u>25 FT</u>	<u>no change</u>	<u>15 FT, sum to 35FT</u> (min.)
<u>SIZE OF BLDG.:</u>			
HEIGHT	<u>36.6 FT (variance granted 1986)</u>	<u>no change</u>	<u>35 FT</u> (max.)
LENGTH			
WIDTH			
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	<u>85%</u>	<u>85%</u>	<u>50%</u> (min.)
<u>NO. OF DWELLING UNITS:</u>	<u>2</u>	<u>no change</u>	<u>2</u> (max.)
<u>NO. OF PARKING SPACES:</u>	<u>6</u>	<u>no change</u>	<u>1 per d.u.</u> (min./max)
<u>NO. OF LOADING AREAS:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u> (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>3 FT</u>	<u>no change</u>	<u>10 FT</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.

wood frame construction proposed.

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'.

BZA APPLICATION FORM

GENERAL INFORMATION

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Special Permit: _____ Variance: X

2018 JAN -9 PM 1:56
Appeal:
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Kenneth Froot

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Address: 33 Fayerweather Street, Cambridge MA 02138

Tel. No.: 617-495-6677

E-Mail Address: kfroot@gmail.com

Date: 1/3/2018



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: Ute Weber Date: 1/12/18
(Print)

Address: 33 Fayerweather St.

Case No. BZA-015369-2018

Hearing Date: 2/1/18

Thank you,
Bza Members



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>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 33 Fayerweather Street (rear house)

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 CHC review.
- ☐ 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 January 9, 2018

Received by Uploaded to Energov

Date January 9, 2018

Relationship to project BZA 15369-2018

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.

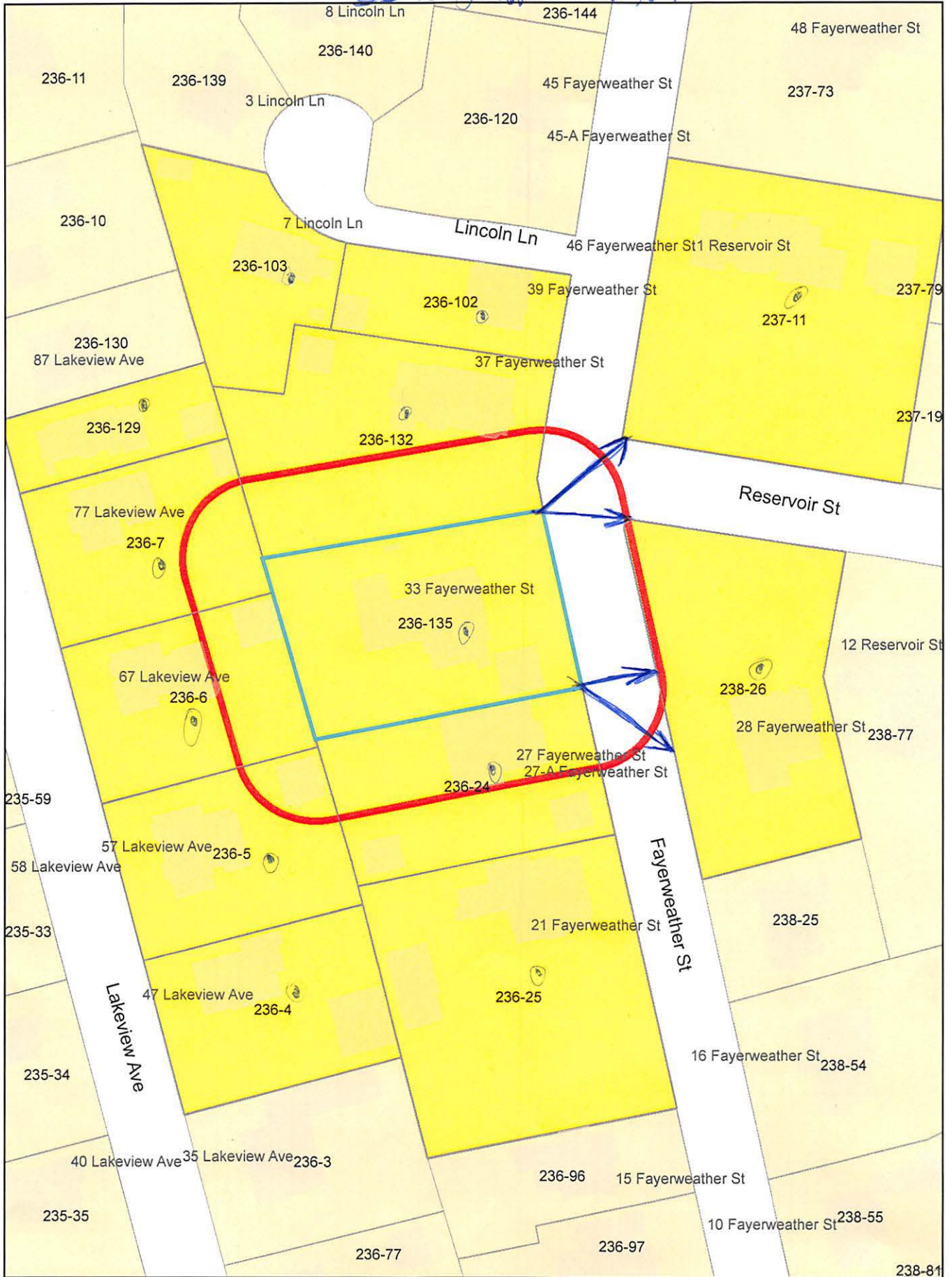
Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that 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>

33 Fayerweather St.



33 Fayerweather St.

236-4
HOWER, ROBERT & KIRA HOWER
47 LAKEVIEW AVE
CAMBRIDGE, MA 02138

236-5
PEASE, LORI K. & ROLAND F. PEASE
57 LAKEVIEW AVENUE
CAMBRIDGE, MA 02138

Petitioner
VICTORIA McGOVERN, REP.
741 MT. AUBURN STREET
WATERTOWN, MA 02472

236-7
KULICK, NEIL M. & CLAIRE LAPORTE
77 LAKEVIEW AVE
CAMBRIDGE, MA 02138

236-24
VIGIER, FRANCOIS C. D. & MONA SERAGELDIN
27 FAYERWEATHER ST
CAMBRIDGE, MA 02138

Owner
236-135
FROOT, KENNETH A.
31-33 FAYERWEATHER ST, UNIT B
CAMBRIDGE, MA 02138

236-102
PERETZ, ANNE L.
39 FAYERWEATHER ST
CAMBRIDGE, MA 02138

236-103
KANEB, LISA
7 LINCOLN LN
CAMBRIDGE, MA 02138

236-129
WALTON, PHILIP A. & ALLISON P. WALTON
83 LAKEVIEW AVE
CAMBRIDGE, MA 02138

236-132
FISHER, KATHLEEN & ROBERT E. GRUBER
TR. OF THE GRUBER & FISHER LIV TR.
37 FAYERWEATHER ST
CAMBRIDGE, MA 02138

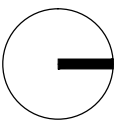
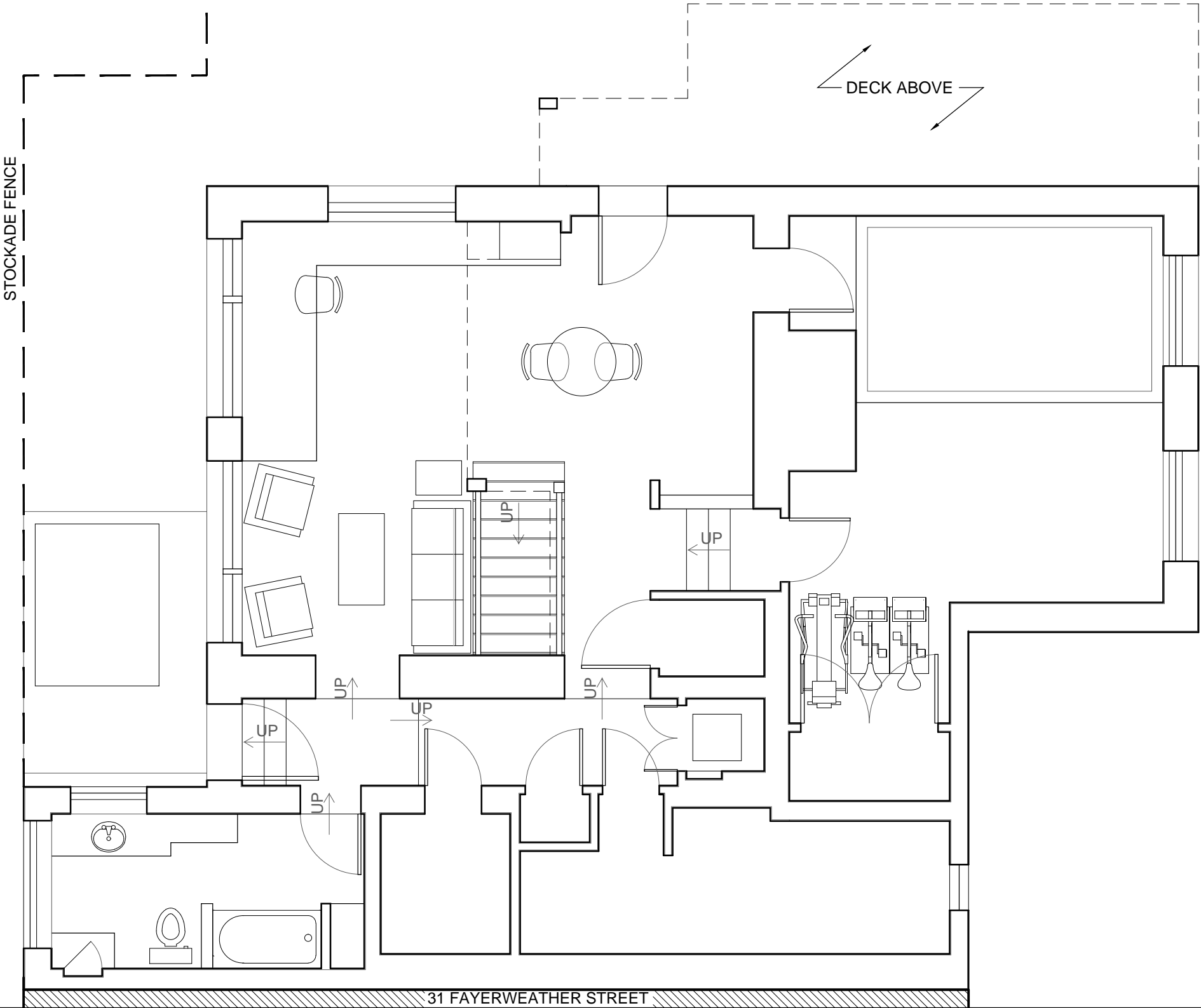
236-135
STEVENSON, HOWARD H. &
FREDERICKA O. STEVENSON
31 FAYERWEATHER ST., UNIT A
CAMBRIDGE, MA 02138

236-25
BARROWS, TIMOTHY A. &
MARGARET A. FLANAGAN
C/O PAUL MCCOY FAMILY
31 ST. JAMES AVE. SUITE 740
BOSTON, MA 02116

237-11
NOMINEE TRUST SERVICES, LLC
46 FAYERWEATHER ST
CAMBRIDGE, MA 02138

238-26
KESHISHIAN, VARTAN &
SEDA EBRAHIMI-KESHISHIAN
28 FAYERWEATHER ST
CAMBRIDGE, MA 02138

236-6
CROWLEY, CATHERINE T.
67 LAKEVIEW AVE
CAMBRIDGE, MA 02138

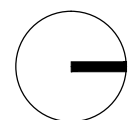
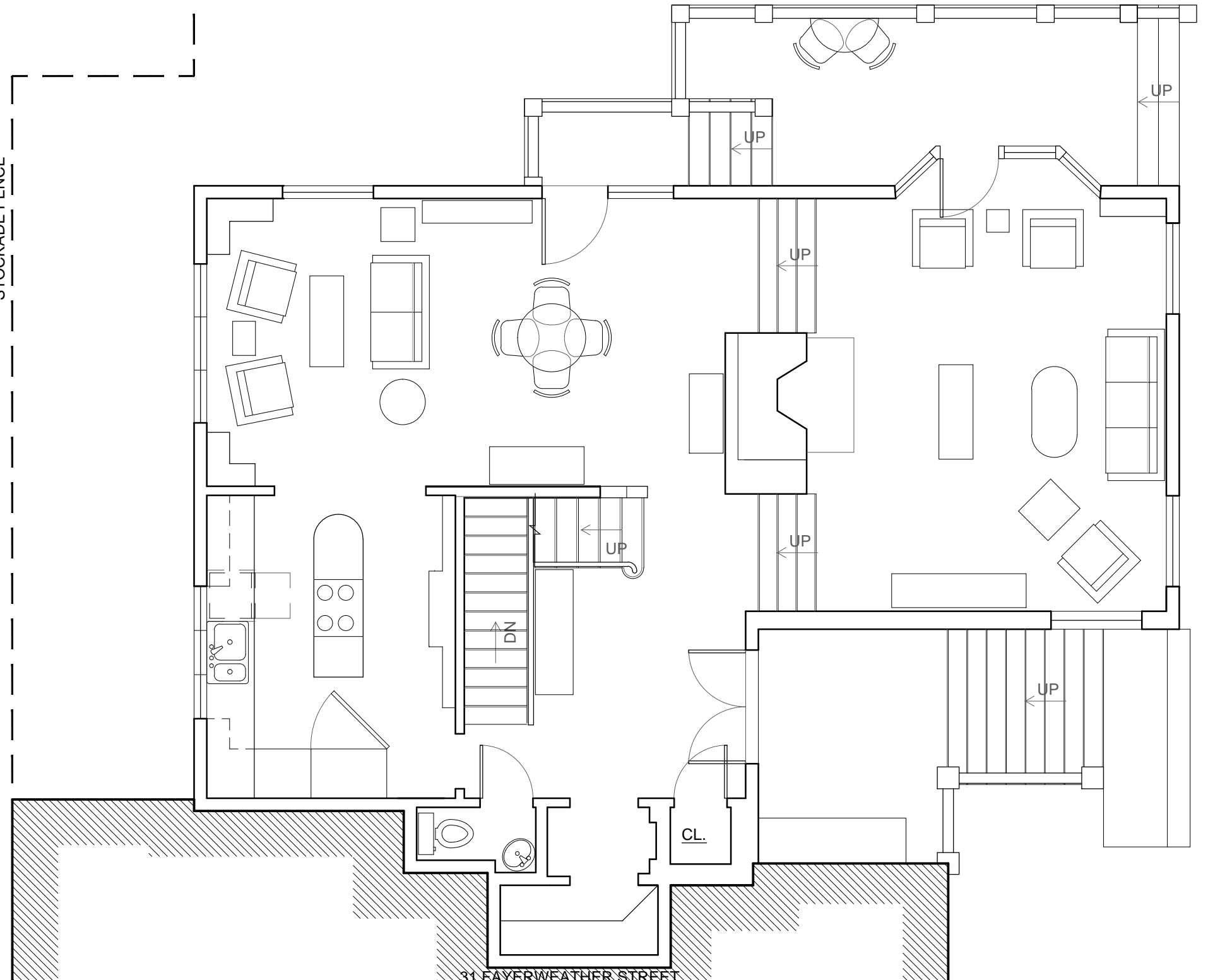


01

EXISTING
BASEMENT PLAN

SCALE: 3/16"=1'-0"

STOCKADE FENCE



01

EXISTING
LEVEL 1 PLAN

SCALE: 3/16"=1'-0"

STOCKADE FENCE

DECK BELOW

31 FAYERWEATHER STREET

EXISTING
LEVEL 2 PLAN

SCALE: 3/16"=1'-0"

01

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS

1/3/2018

STOCKADE FENCE

31 FAYERWEATHER STREET

SKYLIGHT
ABOVE

EXISTING
LEVEL 3 PLAN

SCALE: 3/16"=1'-0"

01

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS

1/3/2018

STOCKADE FENCE

SKYLIGHT

EXISTING
ROOF PLAN

SCALE: 3/16"=1'-0"

31 FAYERWEATHER STREET

738 FAYERWEATHER STREET GARDEN HOUSE

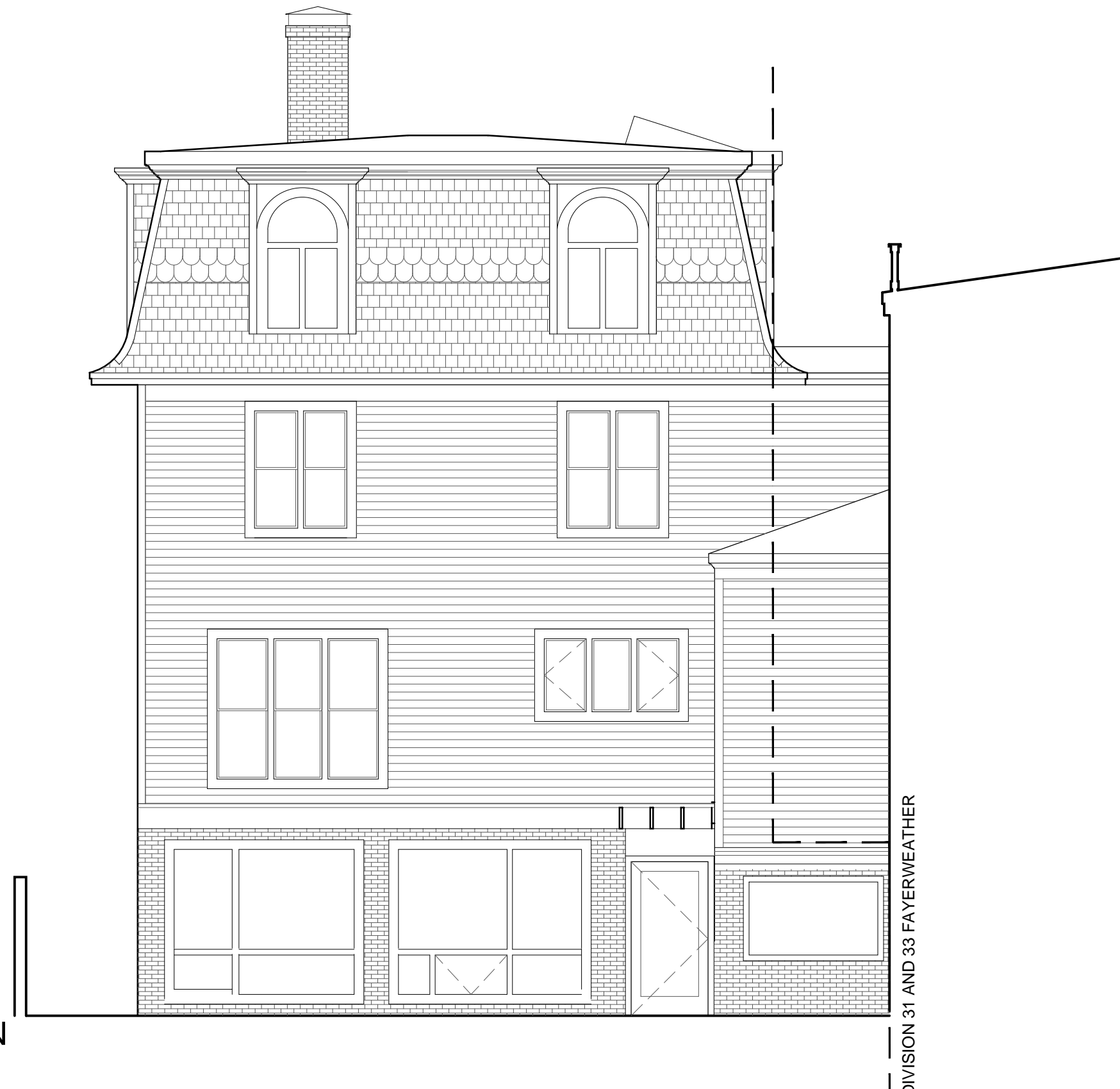
33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS

1/3/2018



01 EXISTING
NORTH ELEVATION
SCALE: 3/16"=1'-0"



01

EXISTING
SOUTH ELEVATION

SCALE: 3/16"=1'-0"

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS

1/3/2018



01

EXISTING
WEST ELEVATION

SCALE: 3/16"=1'-0"

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS

1/3/2018

NEW DECK
ABOVE

EXTENT OF ADDITION

UP

UP

UP

↑

↑

SCALE: 3/16"=1'-0"

© MARYANN THOMPSON ARCHITECTS

NEW WINDOWS, THESE LOCATIONS

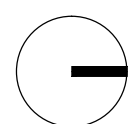
EXISTING STOCKADE FENCE

EXTENT OF ADDITION

NEW DECK

NEW VESTIBULE WITH
GLASS EXTERIOR DOORS

31 FAYERWEATHER STREET



01

LEVEL 1 PLAN

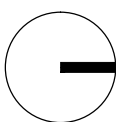
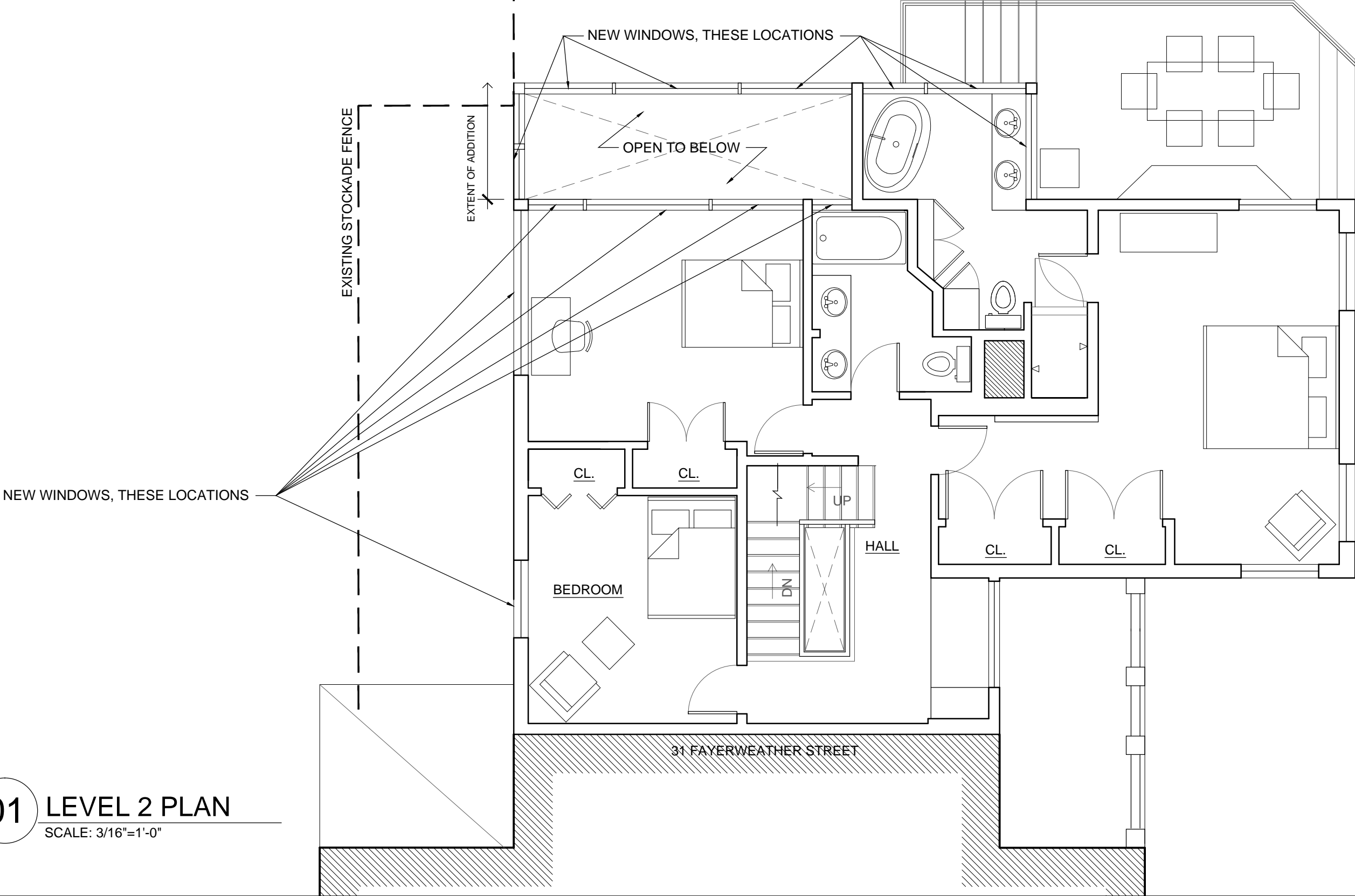
SCALE: 3/16"=1'-0"

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

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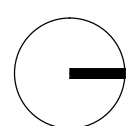
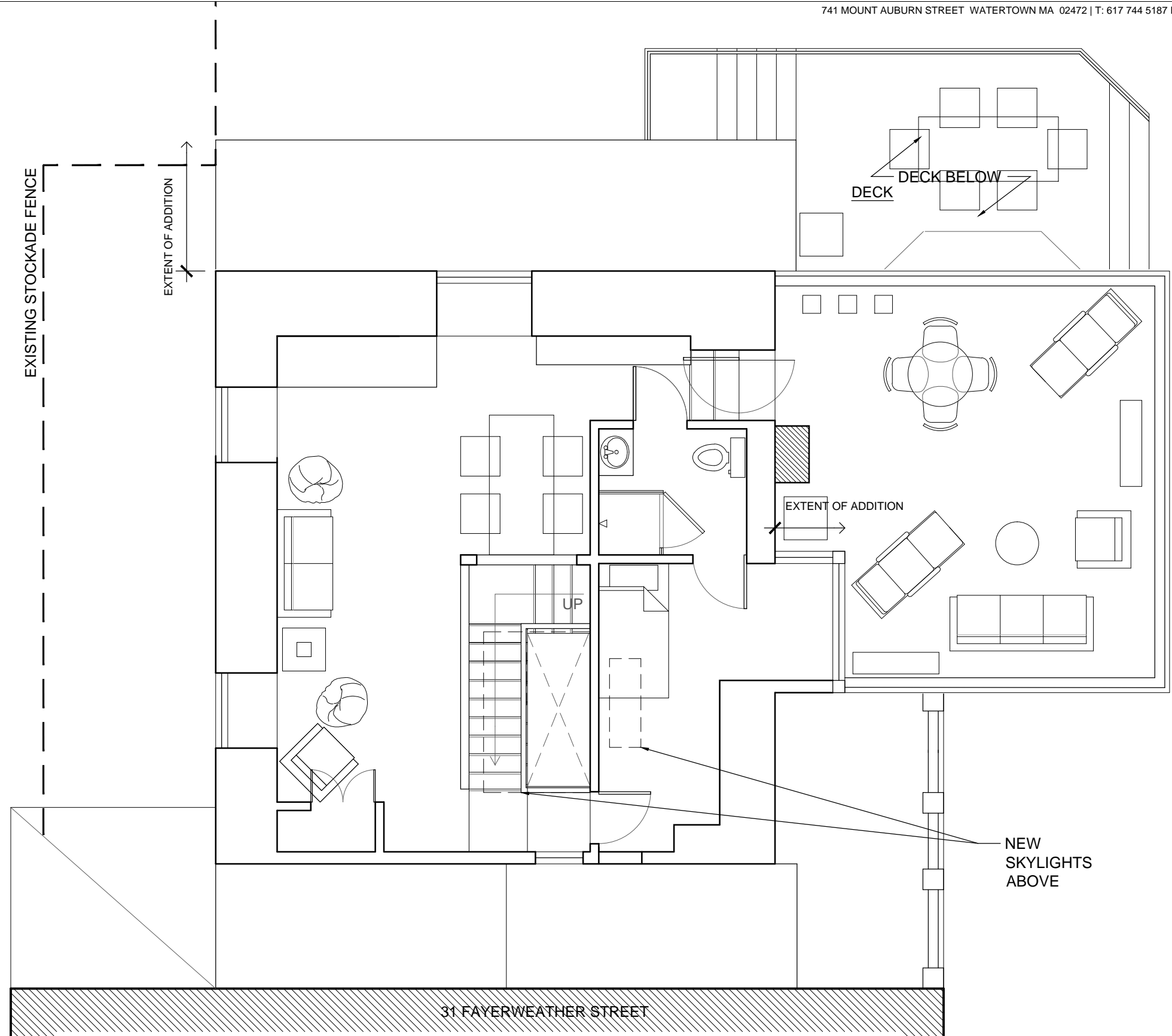
1/3/2018



01

LEVEL 2 PLAN

SCALE: 3/16"=1'-0"



01

LEVEL 3 PLAN

SCALE: 3/16"=1'-0"

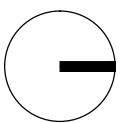
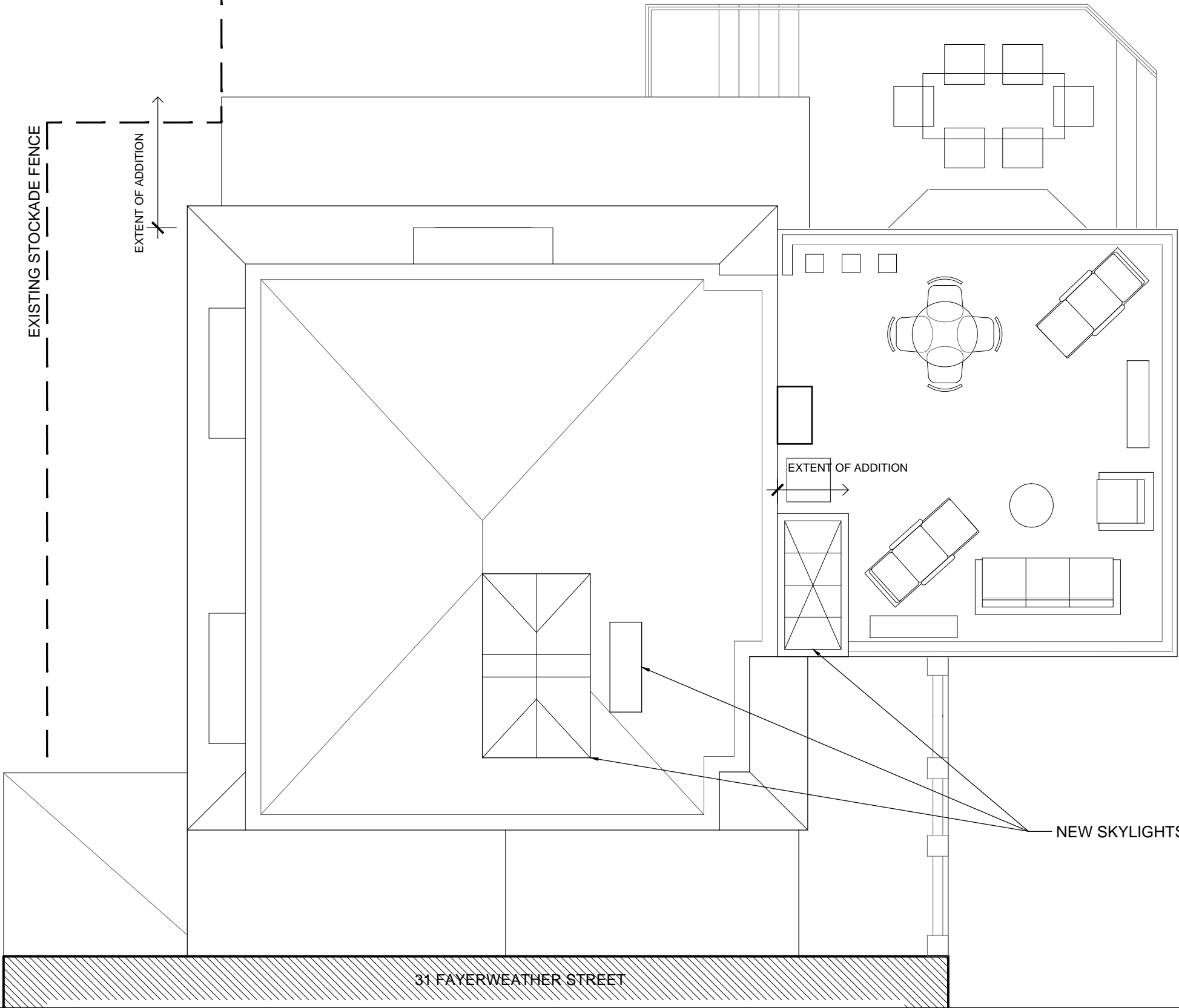
31 FAYERWEATHER STREET

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

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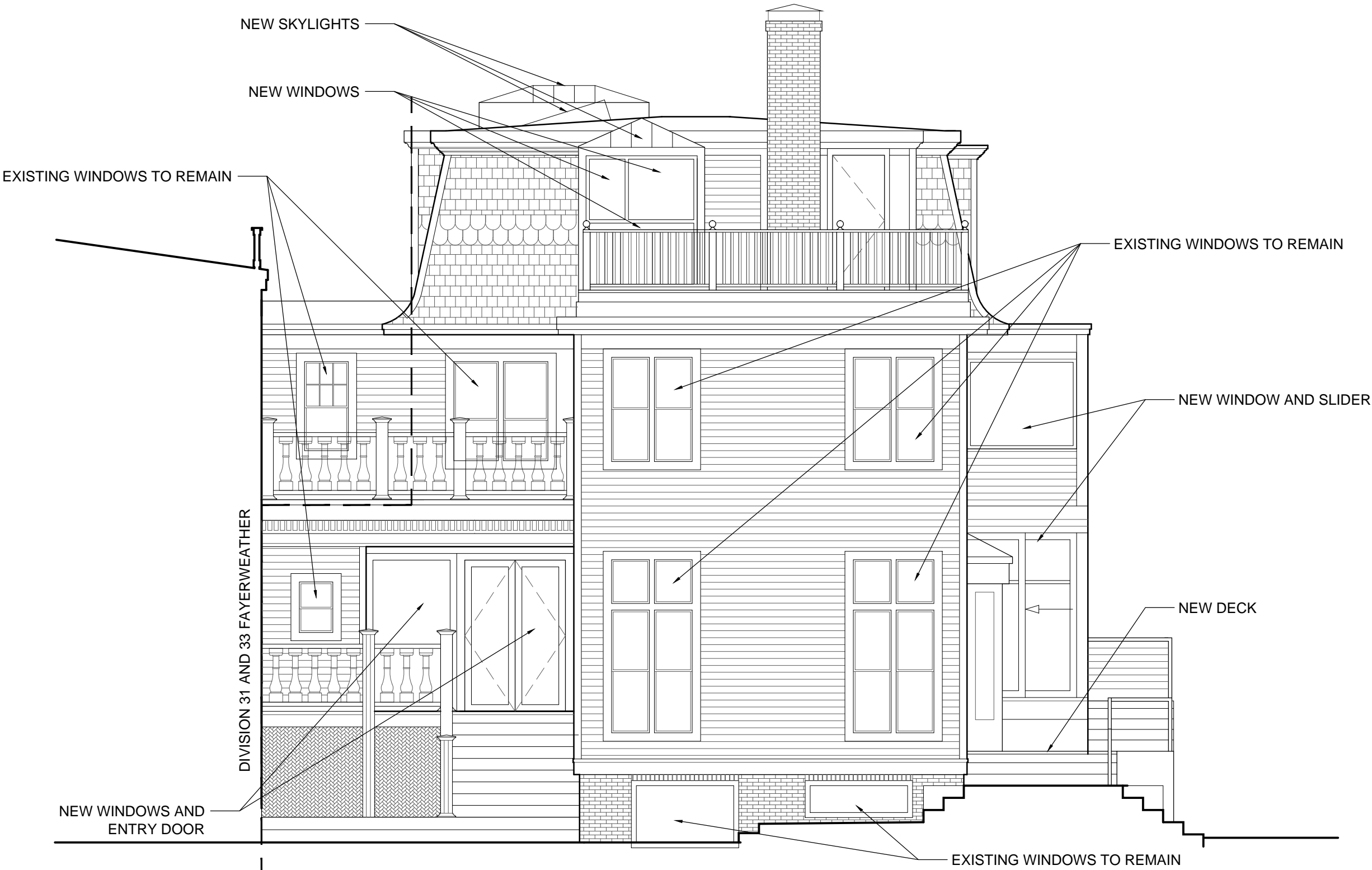
1/3/2018



01

ROOF PLAN

SCALE: 3/16"=1'-0"

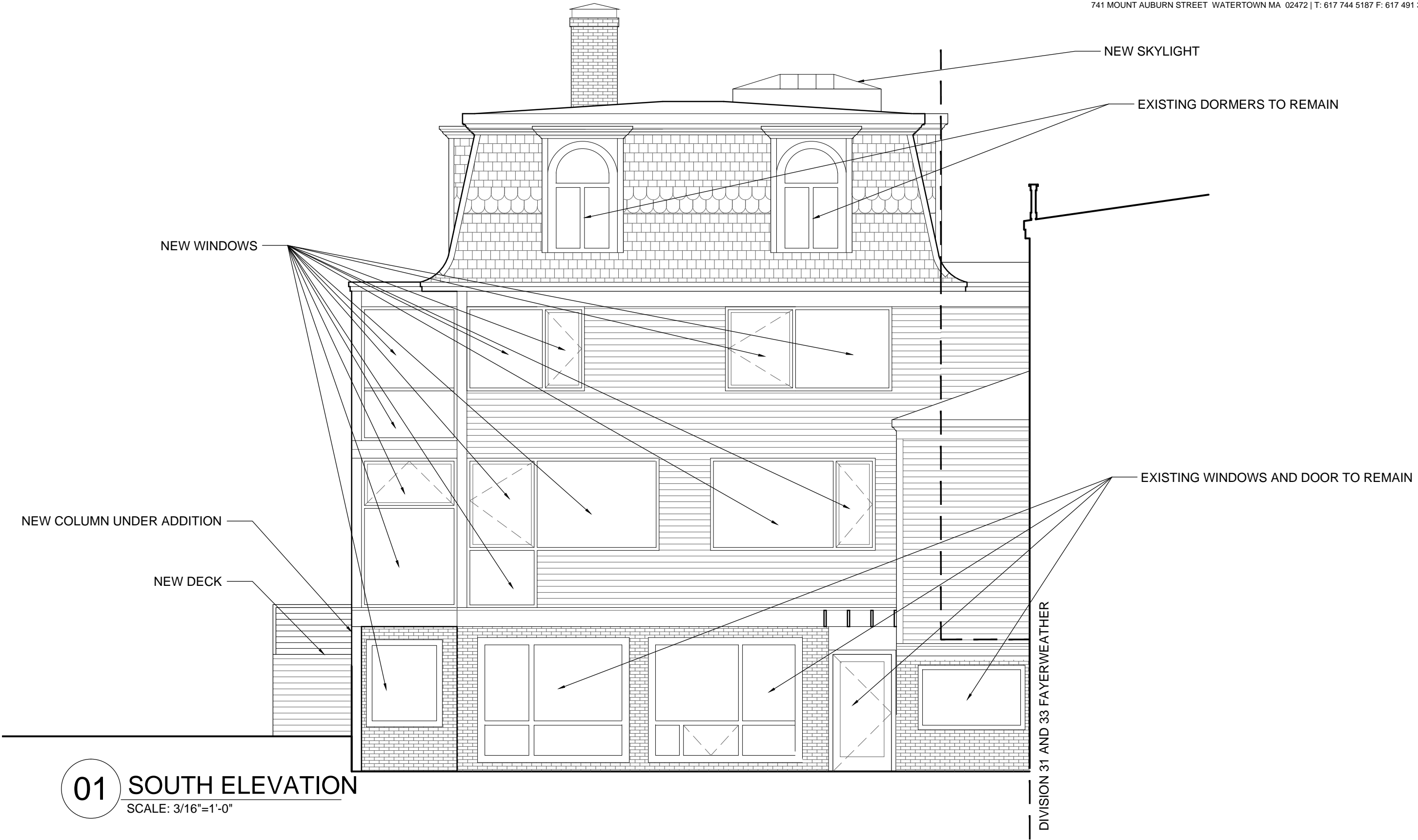


01 NORTH ELEVATION

SCALE: 3/16"=1'-0"

738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

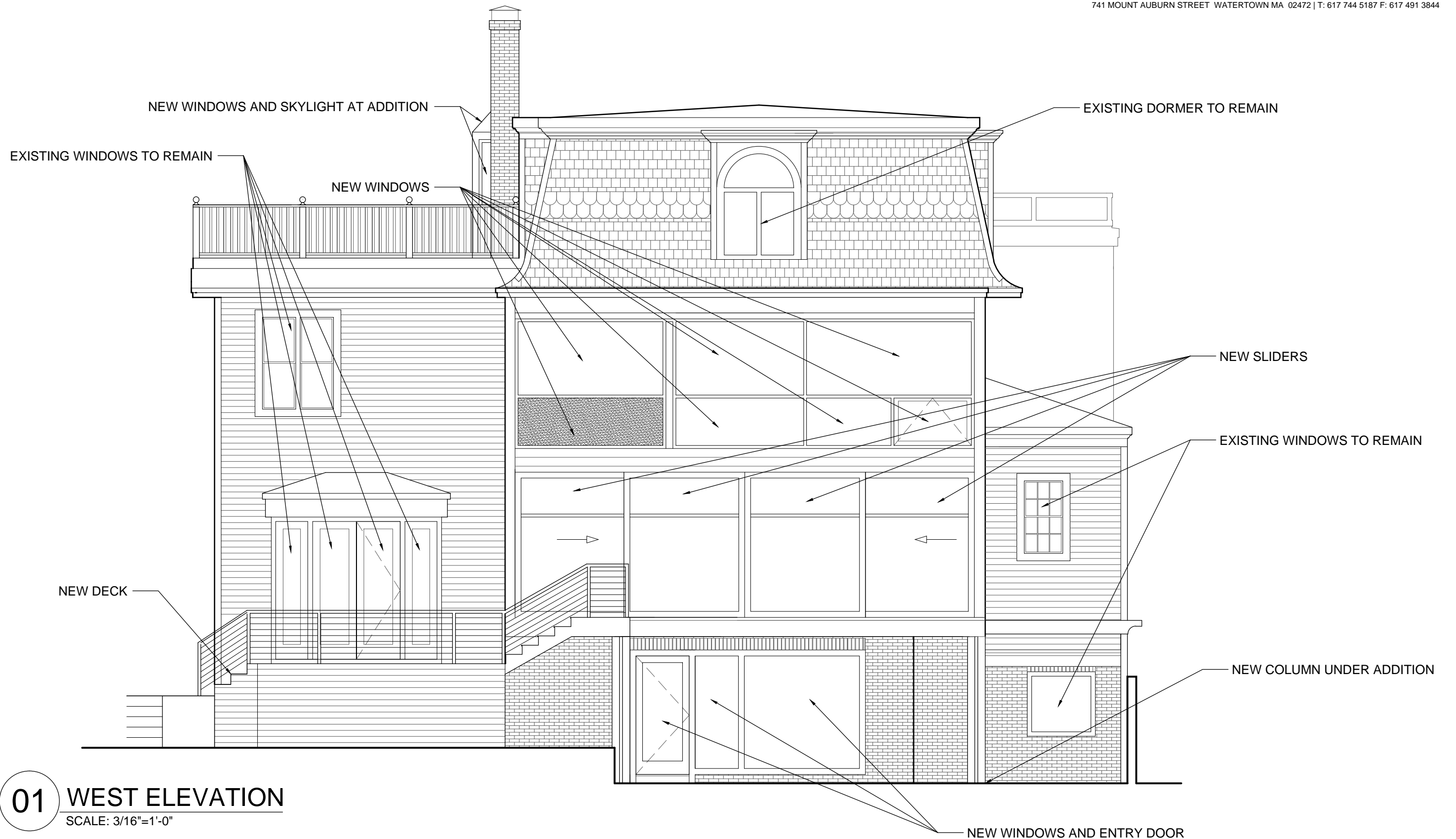


01 SOUTH ELEVATION
SCALE: 3/16"=1'-0"

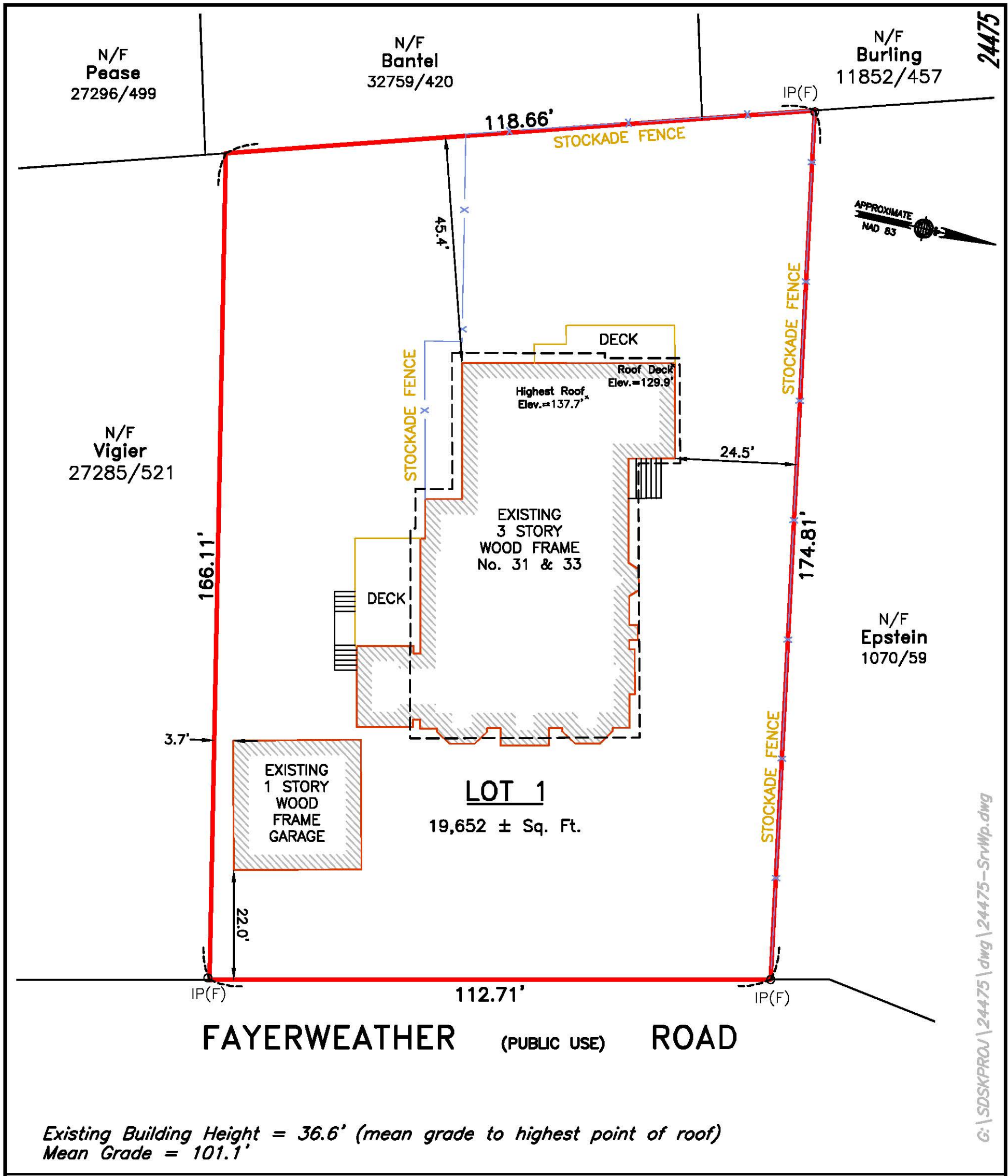
738 FAYERWEATHER STREET GARDEN HOUSE

33 FAYERWEATHER STREET, CAMBRIDGE, MA

© MARYANN THOMPSON ARCHITECTS



01 WEST ELEVATION
SCALE: 3/16"=1'-0"



IN MY PROFESSIONAL OPINION, I CERTIFY TO KENNETH FROOT AND THE CITY OF CAMBRIDGE BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE STRUCTURE FALLS WITHIN FLOOD ZONE "X" AS SHOWN ON THE F.I.R.M. MAP FOR CAMBRIDGE, MASSACHUSETTS, PANEL # 25017-C0419E DATED: JUNE 4, 2010 AND THAT THE LOCATION OF THE EXISTING HOUSE IS AS SHOWN HEREON.

PROFESSIONAL LAND SURVEYOR

DATE: _____

Plot Plan of Land IN Cambridge, Mass.

Prepared For: Larocque Architecture
& Planning

Scale: 1" = 20' Date: July 29, 2013

SCHOFIELD BROTHERS OF NEW ENGLAND, INC.
ENGINEERING SURVEYING PLANNING

1071 WORCESTER ROAD
FRAMINGHAM, MASSACHUSETTS 01701
Phone: (508) 879-0030 Fax: (508) 879-1797
Email: mail@schofieldbros.com

Copyright © 2013, By Schofield Brothers of New England Inc.

Deed Recorded at Middlesex South Registry of Deeds
Land Court Doc. No. 696839 (Master Deed);
Book 94, Page 34 (Unit Deed); LC Plan 14479C
Assessors Block 236, Lot 135
Zoning District: Residence A-1

24475



NORTH/EAST ELEVATION



NORTH ELEVATION



NORTH/WEST ELEVATION



WESTELEVATION



WEST ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION