



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

BZA APPLICATION FORM

Plan No: BZA-011549-2016

GENERAL INFORMATION

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

Special Permit : √ Variance : √ Appeal :

PETITIONER : Ryan Wittig & Gal Zhovnirovsky - C/O Sean D. Hope, Esq.

PETITIONER'S ADDRESS : 675 Massachusetts Ave Cambridge, MA 02139

LOCATION OF PROPERTY : 33 Kinnaird St Cambridge, MA

TYPE OF OCCUPANCY : 4.35 ZONING DISTRICT : Residence C-1 Zone


REASON FOR PETITION :
 New Structure

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests Special Permit relief to allow for tandem parking, ^{and} parking within 5' of the side yard setback, ~~and to allow for an accessory unit.~~ Additionally Petitioner is requesting Variance relief to build within the front and right yard setback, ~~and allow an accessory unit.~~

SECTIONS OF ZONING ORDINANCE CITED :

- | | |
|-----------------------|---|
| Article <u>5.000</u> | Section <u>5.31</u> (Table of Dimensional Requirements). |
| Article <u>6.000</u> | Section <u>6.43.2</u> (Parking Layout). |
| Article <u>6.000</u> | Section <u>6.44.g</u> (Parking within 5' of side yard setback). |
| Article <u>4.000</u> | Section <u>4.22.1</u> (Accessory Apartments). |
| Article <u>10.000</u> | Section <u>10.40</u> (Special Permit). |

Original Signature(s) : 
 (Petitioner(s) / Owner)

Sean D. Hope
 (Print Name)

Address : 675 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : 617-492-0220

E-Mail Address : sean@hopelegal.com

Date : September 29, 2016

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 Ryan Wittig & Gal Zhovnirovsky
(OWNER)

Address: 65 Broad St. #6 Boston, MA 02109 & 333 Great River Rd. #215, Somerville, MA 02145

State that I/We own the property located at 33 Kinnaird St. Cambridge, MA 02139,
which is the subject of this zoning application.

The record title of this property is in the name of Ryan Wittig & Gal Zhovnirovsky

*Pursuant to a deed of duly recorded in the date _____, Middlesex South
County Registry of Deeds at Book _____, Page _____; 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.

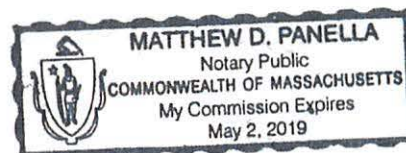
Commonwealth of Massachusetts, County of Suffolk

The above-name Ryan Wittig personally appeared before me,
this 16 of February 2018, and made oath that the above statement is true.

Matthew D. Panella Notary

My commission expires May 2 2019 (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 provisions of the Ordinance would involve a substantial hardship because the shape of the Lot is narrow such that a conforming structure that satisfied the side yard setbacks would be extremely congested and not functional for modern living standards. Additionally building within the front yard setback will allow for the existing rear yard light and air to be maintained in a manner consistent with other properties on Kinnaird Street.

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 owing to the narrow and non-conforming shape of the lot (34') that would require setback relief in order to accommodate a functional dwelling consistent with modern standards.

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

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

Desirable relief may be granted without substantial detriment to the public good because the proposed front and side yard setback requiring Variance relief are consistent with the other single and two family homes on the street. Further granting relief will allow a deteriorating property to be restored which will further enhance the street-scape.

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

Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance because the residential use is allowed within the district and is the most rational use for the lot.

*** 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

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 33 Kinnaird St 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:
With the requested relief the requirements of the ordinance will be satisfied.
- 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:
No congestion, hazard, or substantial change in the established neighborhood character will result from approval of the Special Permit because the proposed driveway width and left yard setback are unchanged and the development will significantly reduce the number of vehicles parking on the lot. Additionally the property is sited in the Residence C-1 zoning district which allows for single family dwellings many with parking spaces that are similarly within 5' of the side yard setback.
- 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:
The continued operation of or the development of adjacent uses will not be adversely affected by the accessory unit because the adjacent properties are predominately multifamily residential uses and the proposed renovation will be of a quality that is consistent with the property restoration efforts that can be seen in the surrounding neighborhood.
- 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:
No nuisance or hazard will be created nor will any detriment to the health, safety and/or welfare of the of occupants of the proposed use or the citizens of the City because the proposed additions will significantly upgrade the deteriorating dwelling to vibrant Single family dwelling with an accessory apartment adding to Cambridge's housing stock.
- 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:
The proposed addition will not impair the integrity of the district and is consistent with the intent of the ordinance by allowing for the rational use of land which will be achieved by allowing modest relief for setback and an accessory unit.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Sean Hope, Esq. **PRESENT USE/OCCUPANCY:** Single family
LOCATION: 33 Kinnaird St Cambridge, MA **ZONE:** Residence C-1 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Single Family

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	1534	2350	2550	(max.)
<u>LOT AREA:</u>	3400	3400	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	.35	.69	.75	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	3400	1700	1500	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	34'	34'	50'	(min.)
DEPTH	100'	100'	n/a	
<u>SETBACKS IN FEET:</u>				
FRONT	7.4'	5'	10'	(min.)
REAR	54.8'	49.5'	20.0'	(min.)
LEFT SIDE	11.4'	11.0'	7.5'	(min.)
RIGHT SIDE	4.3'	3.0'	7.5'	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	28'	35'	35'	(max.)
LENGTH	37.6'	42.5'	n/a	
WIDTH	18.2'	20.0'	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	15%	49%	30%	(min.)
<u>NO. OF DWELLING UNITS:</u>	1	1*	2	(max.)
<u>NO. OF PARKING SPACES:</u>	4	2	1	(min./max)
<u>NO. OF LOADING AREAS:</u>	n/a	n/a	n/a	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	n/a	n/a	n/a	(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.

*The proposed structure is for a single family home with an accessory apartment in the basement.

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



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2016 OCT -3 PM 2:51

OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

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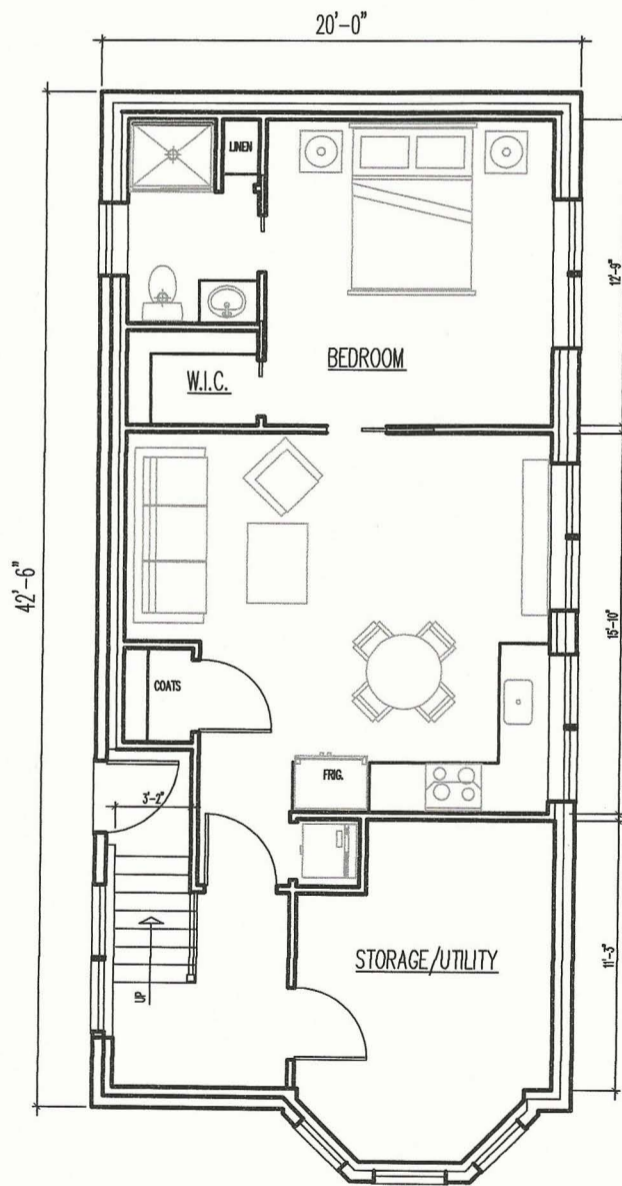
E-Mail Address : sean@hopelegal.com

Date : September 29, 2016

Lot 18
34.00'

Lot 7

Lot 5



No.
35 1/2



BASEMENT FLOOR PLAN - 850 SQ. FT.

SCALE: 1/8" = 1'-0"

JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
E info@JMAarchitects-ma.com T 978.465.2263

**33 KINNAIRD STREET, CAMBRIDGE, MA
BASEMENT FLOOR PLAN**

DATE - August 22, 2016

SCALE - 1/8" = 1'-0"

A 1

Lot 18
34.00'

Lot 7

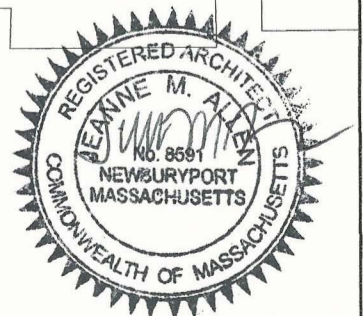
Lot 5

No. 31

No. 35 No. 35 1/2

FIRST FLOOR PLAN - 850 SQ. FT.

SCALE: 1/8" = 1'-0"



JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
E info@JMAarchitects-ma.com T 978.465.2263

33 KINNAIRD STREET, CAMBRIDGE, MA
FIRST FLOOR PLAN

DATE - August 22, 2016

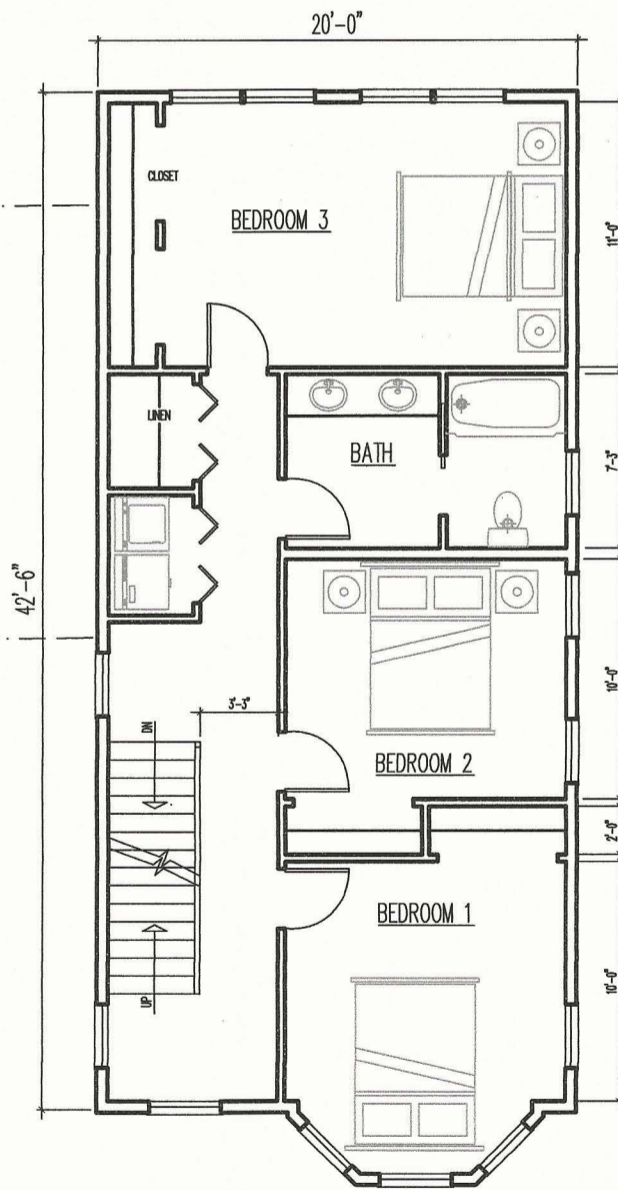
SCALE - 1/8" = 1'-0"

A 2

Lot 18
34.00'

Lot 7

Lot 5



SECOND FLOOR PLAN - 850 SQ. FT.

SCALE: 1/8" = 1'-0"

No.
35 1/2



JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
E info@JMAarchitects-ma.com T 978.465.2263

33 KINNAIRD STREET, CAMBRIDGE, MA
SECOND FLOOR PLAN

DATE - August 22, 2016

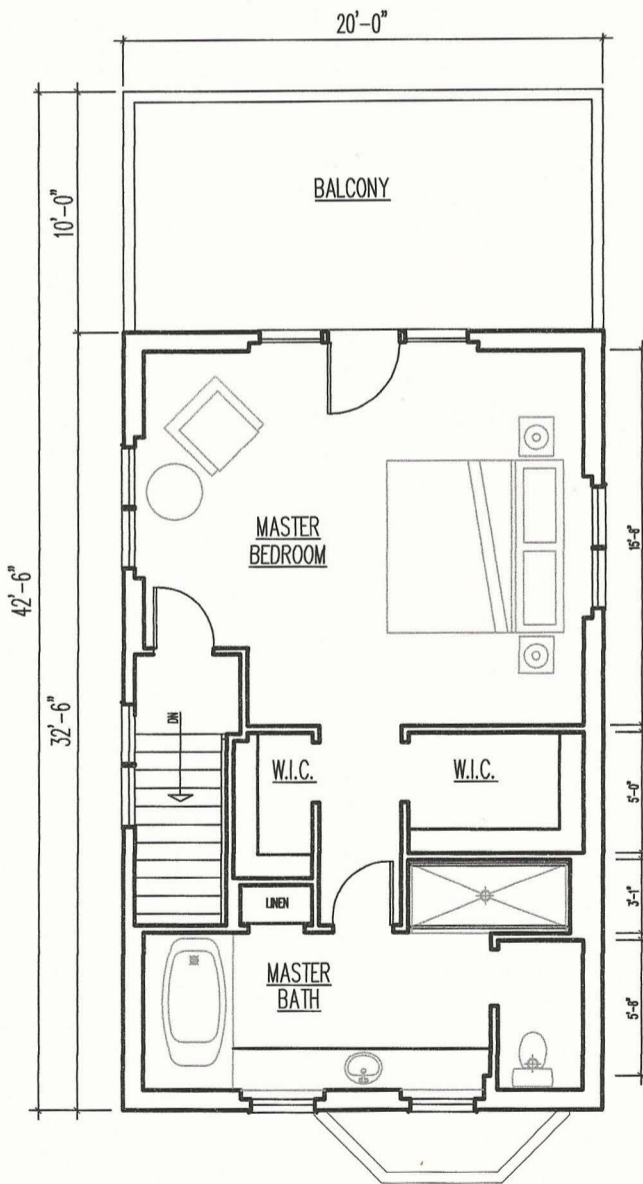
SCALE - 1/8" = 1'-0"

A 3

Lot 18
34.00'

Lot 7

Lot 5



No.
35 1/2



THIRD FLOOR PLAN - 650 SQ. FT.

SCALE: 1/8" = 1'-0"

JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
E info@JMAarchitects-ma.com T 978.465.2263

33 KINNAIRD STREET, CAMBRIDGE, MA
THIRD FLOOR PLAN

DATE - August 22, 2016

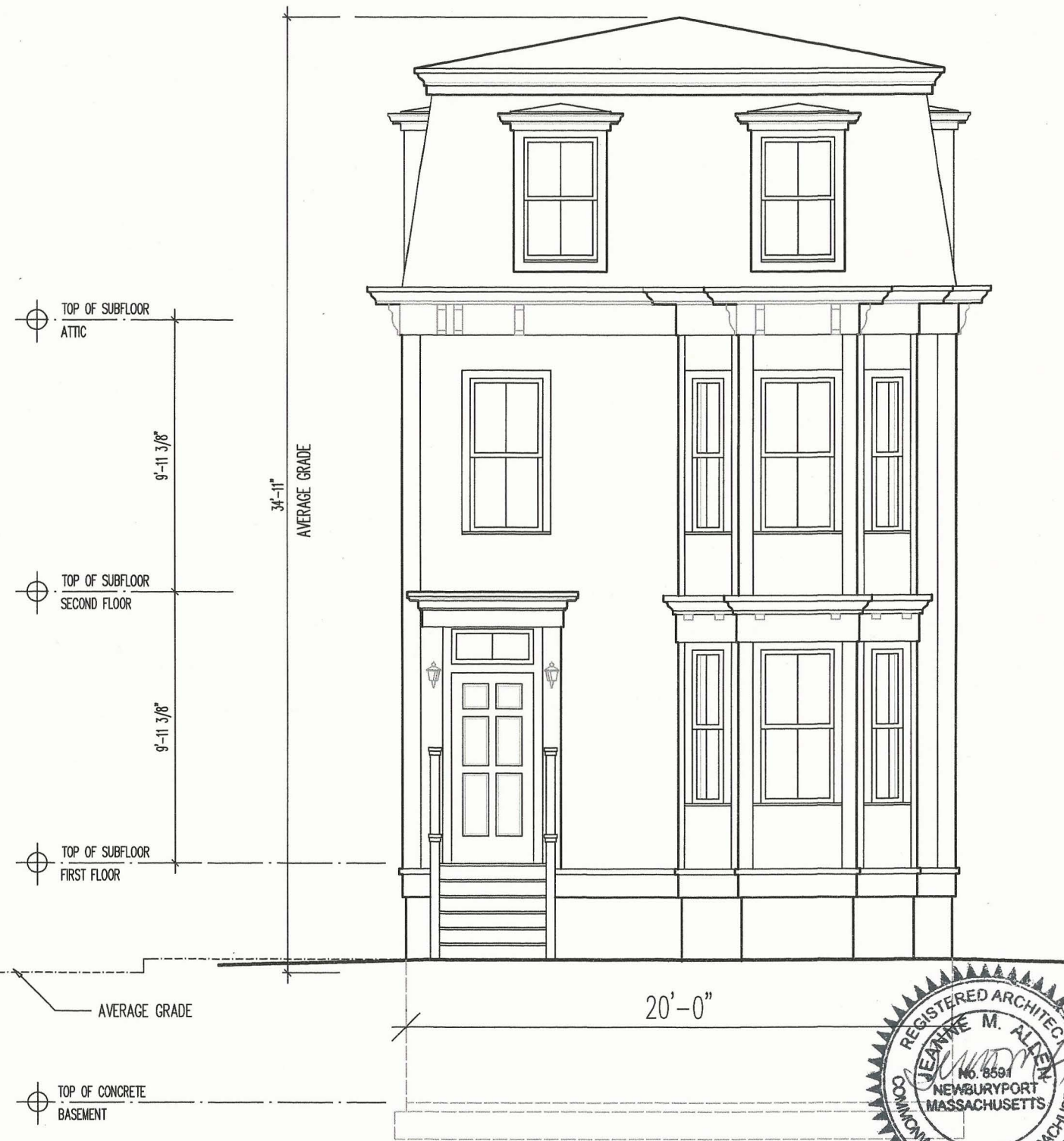
SCALE - 1/8" = 1'-0"

A 4



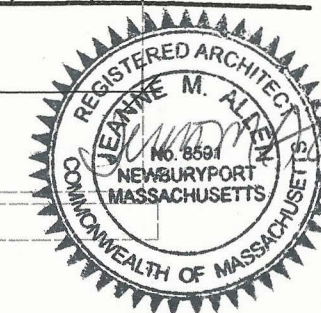
REAR ELEVATION

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



FRONT ELEVATION

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



JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
E info@JMAarchitects-ma.com T 978.465.2263

33 KINNAIRD STREET, CAMBRIDGE, MA
PROPOSED REAR & FRONT ELEVATION

DATE · AUGUST 22, 2016

SCALE · 3 / 16" = 1' - 0"

A 5



RIGHT SIDE ELEVATION

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



JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
 E info@JMAarchitects-ma.com T 978. 465. 2263

33 KINNAIRD STREET, CAMBRIDGE, MA
PROPOSED RIGHT SIDE ELEVATION

DATE - AUGUST 22, 2016

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

A 6



LEFT SIDE ELEVATION

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



JMA Architects, Inc.

Four New Street, Newburyport, MA 01950
 E info@JMAarchitects-ma.com T 978.465.2263

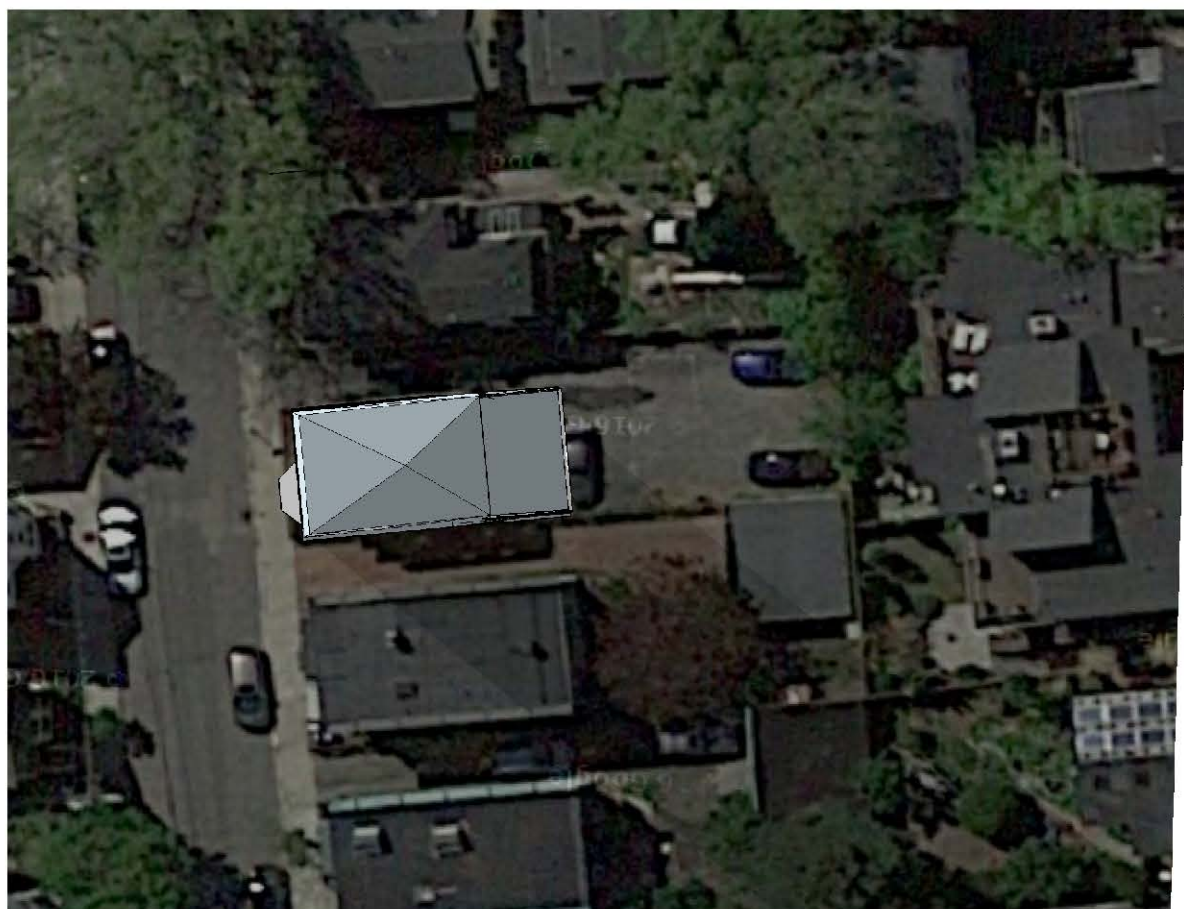
33 KINNAIRD STREET, CAMBRIDGE, MA
LEFT SIDE ELEVATION

DATE - AUGUST 22, 2016

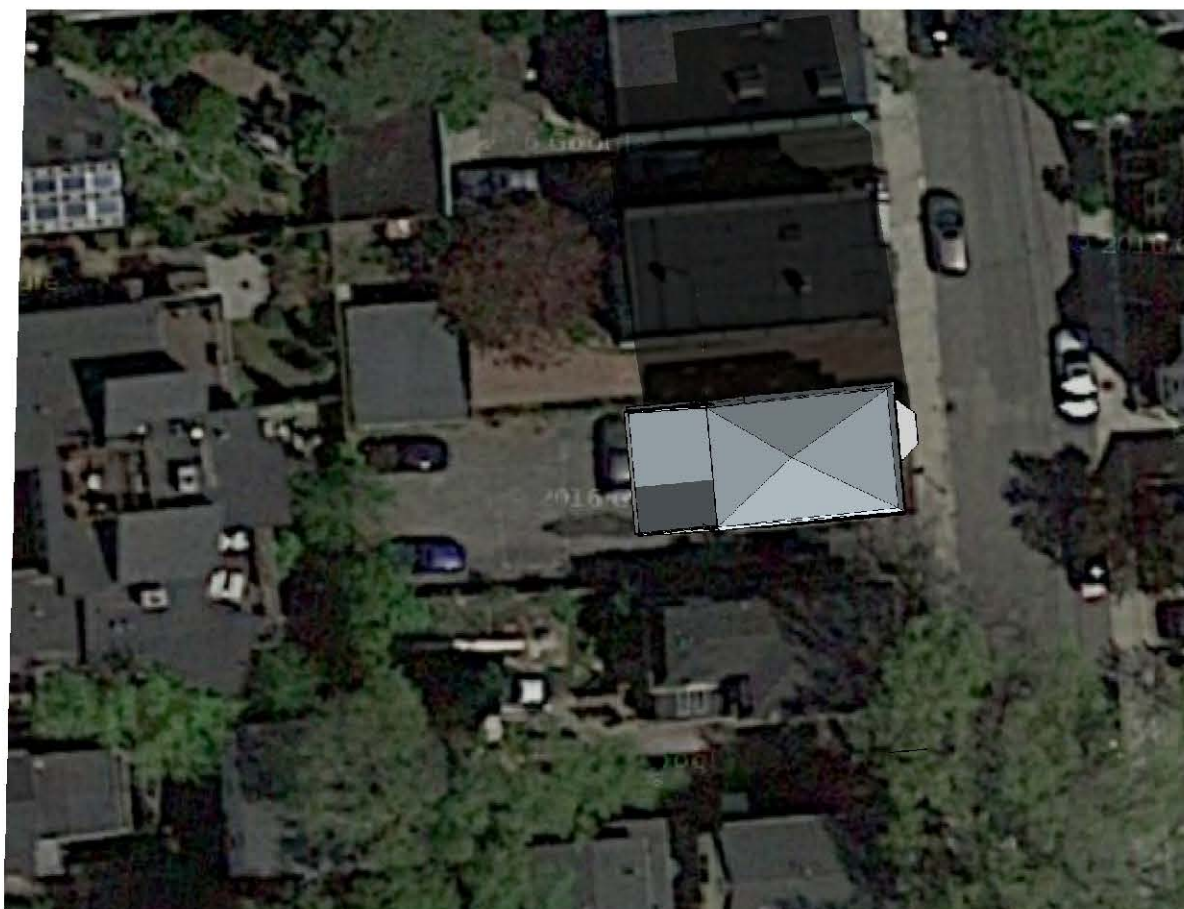
SCALE - 3/16" = 1'-0"

A 7

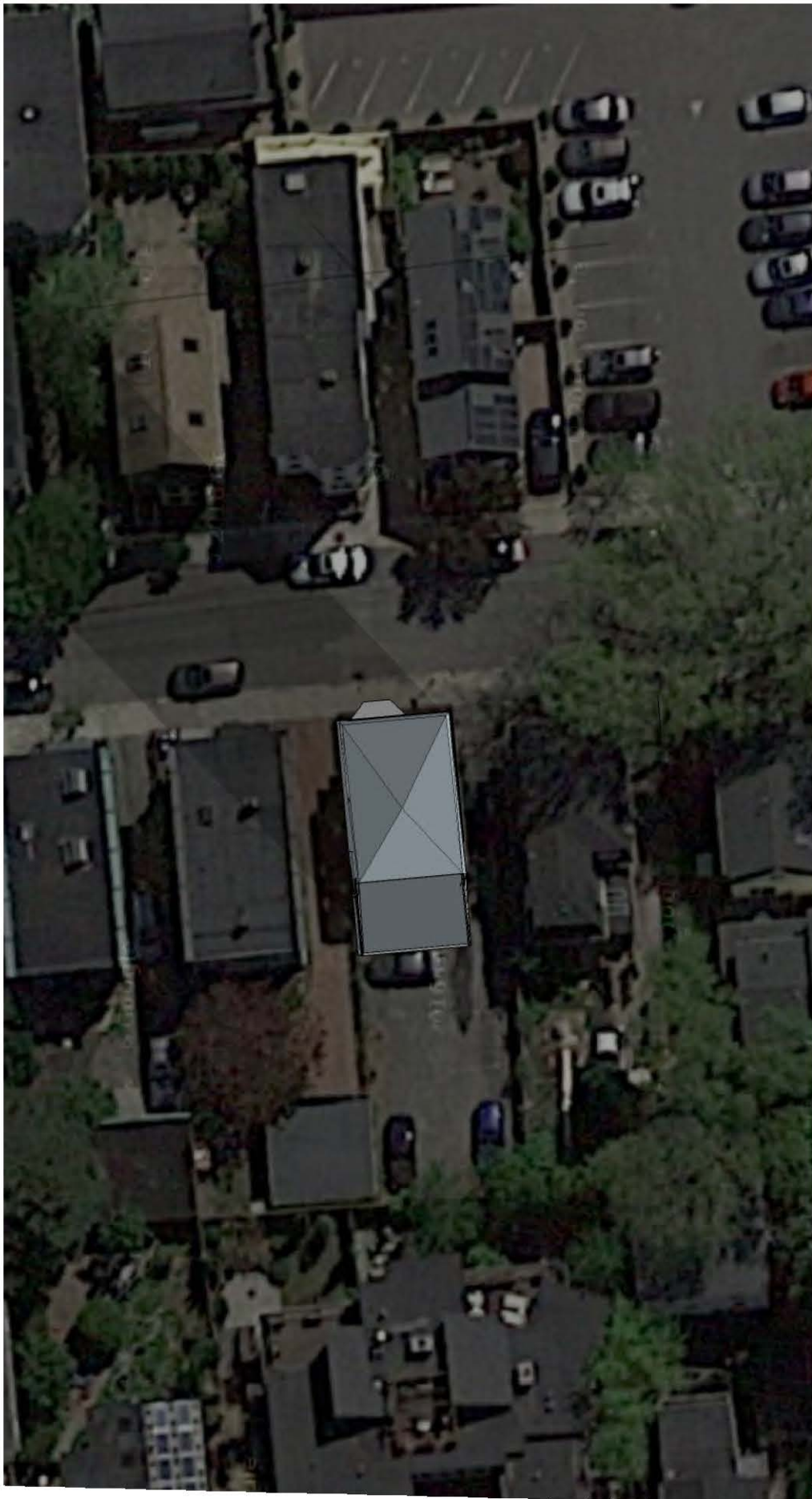
January 8 AM



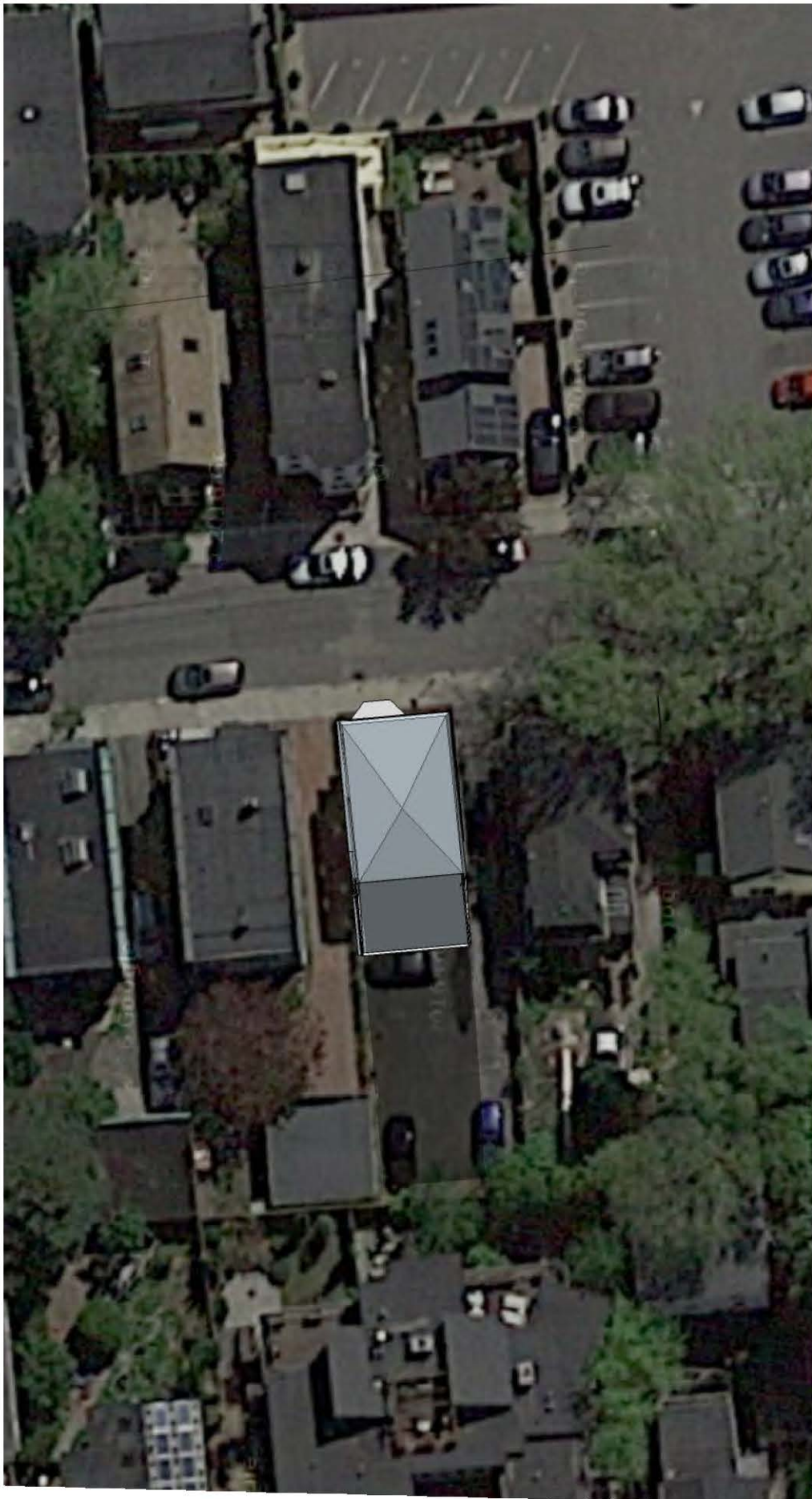
January Noon



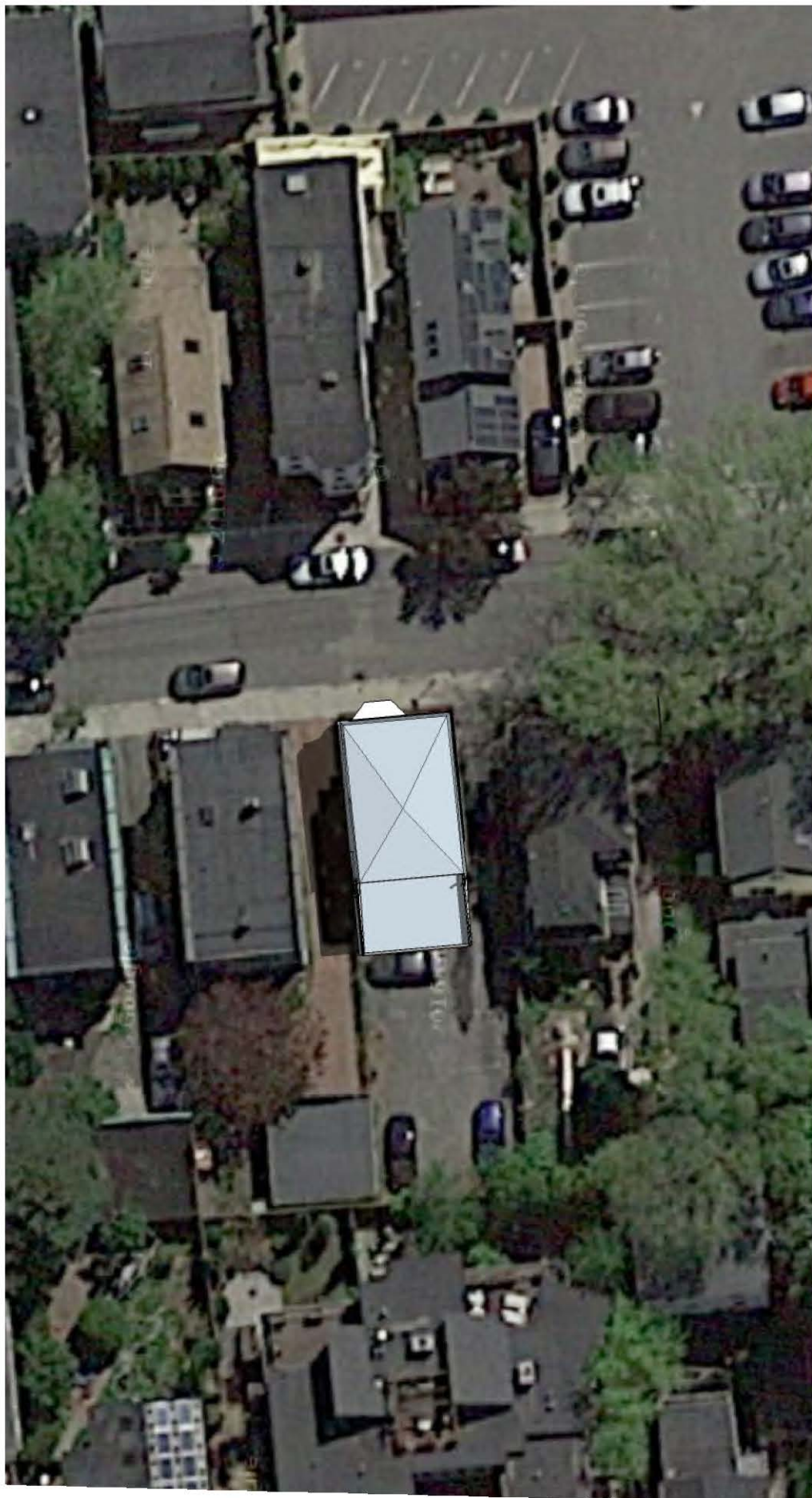
January 4 PM



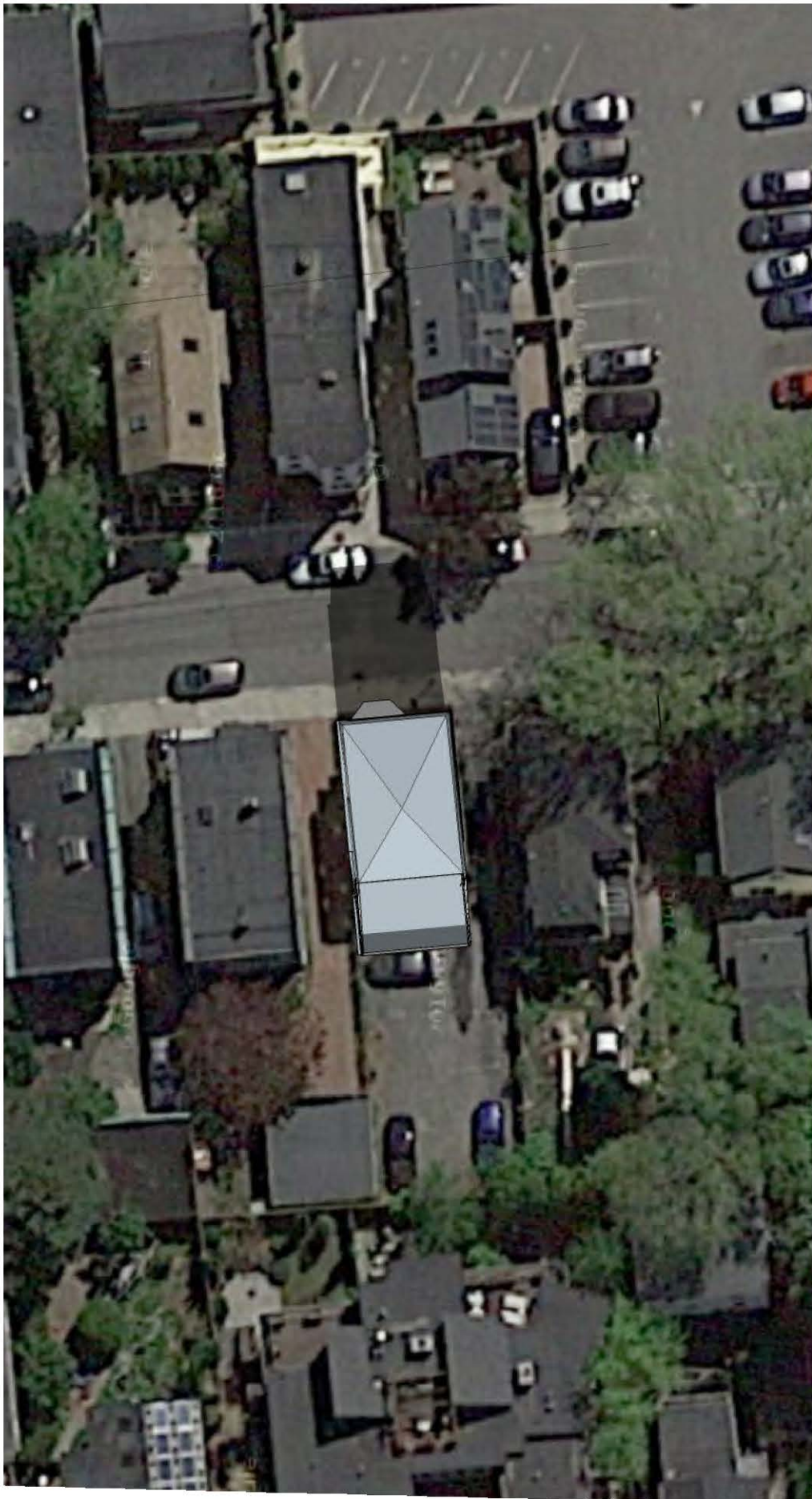
June 8 AM



June Noon



June 4 PM



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 Ryan Wittig & Gal Zhovnirovsky
(OWNER)

Address: 65 Broad St. #6 Boston, MA 02109 & 333 Great River Rd. #215, Somerville, MA 02145

State that I/We own the property located at 33 Kinnaird St. Cambridge, MA 02139,
which is the subject of this zoning application.

The record title of this property is in the name of Ryan Wittig & Gal Zhovnirovsky

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

[Handwritten Signature]
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

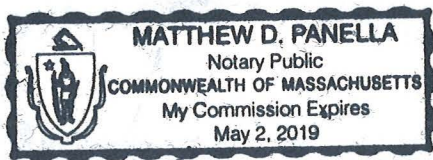
Commonwealth of Massachusetts, County of Suffolk

The above-name Ryan Wittig personally appeared before me,
this 16 of February 2016, and made oath that the above statement is true.

[Handwritten Signature] Notary

My commission expires May 2 2019 (Notary Seal).

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



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Commonwealth of Massachusetts, County of Suffolk

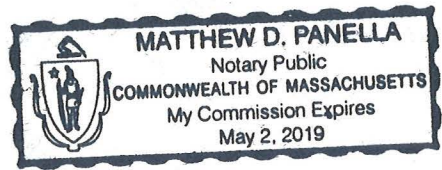
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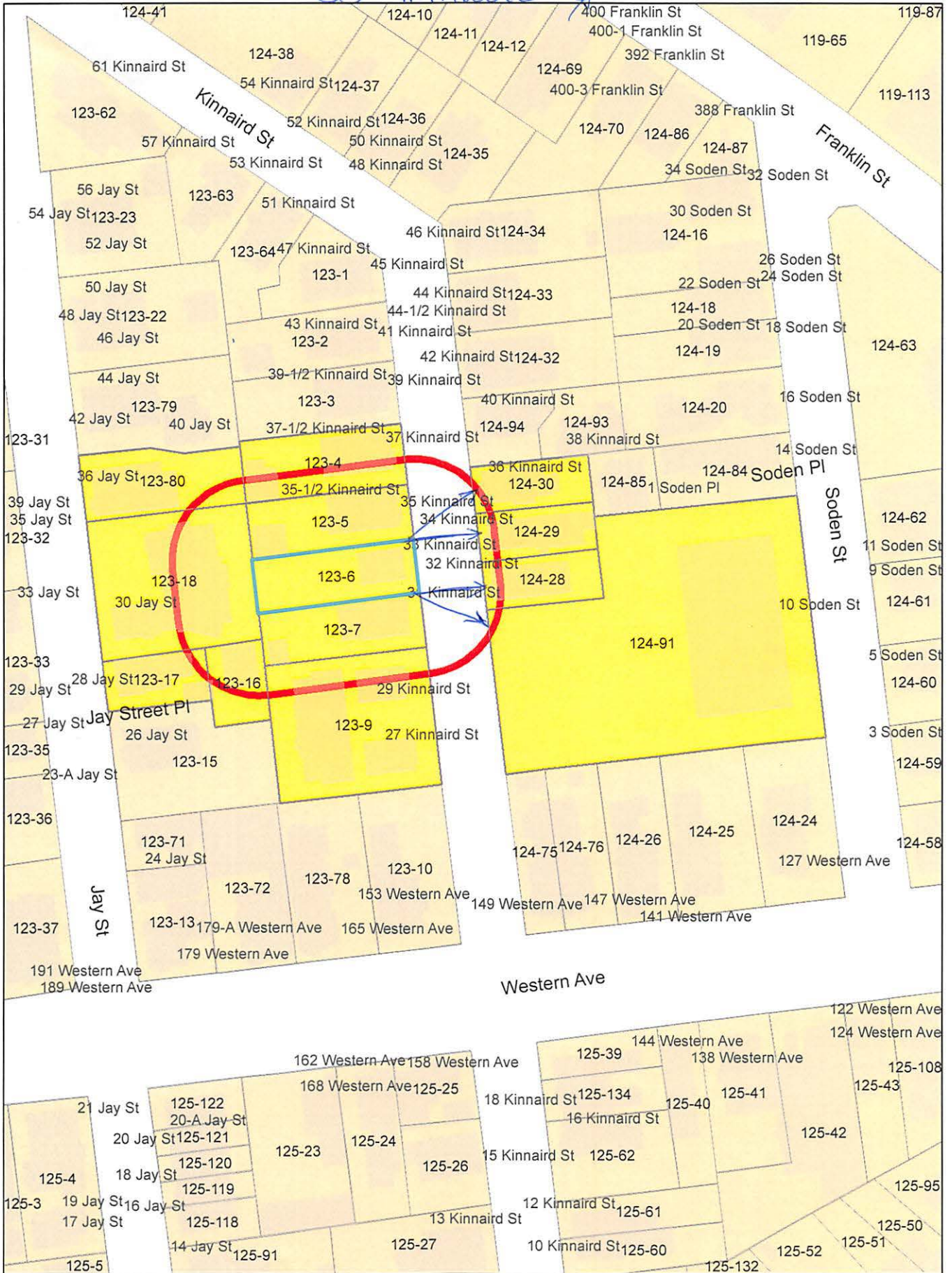
Notary

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33 Kinnaird St



33 Kinnaird St.

Petitioner

123-4
COHEN, DAVID
37 KINNAIRD ST
CAMBRIDGE, MA 02139

123-5
TS KINNAIRD, LLC.
38 WEBB ST
LEXINGTON, MA 02420

SEAN D. HOPE, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 0239

124-29
KINNAIRD ST. ASSOCIATES, LLC
34 KINNAIRD ST.
CAMBRIDGE, MA 02139

124-30
LUCAS, LEONARD A. & SUSAN E. LUCAS
36 KINNAIRD ST
CAMBRIDGE, MA 02139

124-91
FERRARO, ANTHONY L.
TRUSTEE OF 10 SODEN ST. TRUST
64 FLETCHER ROAD
BELMONT, MA 02478

123-6
DAILEY, WALTER J., A LIFE ESTATE
33 KINNAIRD ST
CAMBRIDGE, MA 02139

123-7
TELINGATOR, CYNTHIA J.
31 KINNAIRD ST
CAMBRIDGE, MA 02139

123-9
CARPENTER, THOMAS H. &
NANCY WEILAND CARPENTER
27-29 KINNAIRD ST., #1
CAMBRIDGE, MA 02139

123-9
MURPHY, MATTHEW T.
27-29 KINNAIRD ST #5
CAMBRIDGE, MA 02139

123-9
KWOKA, JOHN E.
27 KINNAIRD STREET., UNIT #6
CAMBRIDGE, MA 02139

123-9
SCHLISSEL, SCOTT J. & CAROLE VINCENT
27-29 KINNAIRD ST. UNIT #2
CAMBRIDGE, MA 02139

123-18
RIGOPULOS, PETER C.
30 JAY ST. UNIT#3
CAMBRIDGE, MA 02139

123-18
SONENBERG, JANET
30 JAY ST. UNIT#1
CAMBRIDGE, MA 02139

123-18
KLAUSEN, JYTTE
30 JAY ST. UNIT#2
CAMBRIDGE, MA 02139

123-17
MADRICK, ROBERT & DYLAN BLACK
28 JAY ST
CAMBRIDGE, MA 02139

123-9
BRAITHWAITE, GAVIN J. C. &
MARY ANGELA CARINI, TRUSTEE
27 KINNAIRD ST., #3
CAMBRIDGE, MA 02139

123-16
MARSTALL, CHRIS B. & RACHEL C. CALDWELL
1 JAY STREET PL
CAMBRIDGE, MA 02139

124-28
CANE, DAVID A. & ALETA FEINSOD CANE
TRUSTEES, CANE FAMILY NOM TRUST
32 KINNAIRD ST
CAMBRIDGE, MA 02139

123-18
SIGMAN, MICHAEL &
CHRISTINE SIGMAN, TRUSTEES
4899 MONTROSE BLVD, #1505
HOUSTON, TX 77006

123-9
DICKSON, LISA C.
27-29 KINNAIRD ST., #4
CAMBRIDGE, MA 02139

123-80
WILSON, JUDITH C. A LIFE ESTATE
36 JAY ST
CAMBRIDGE, MA 02139



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., Shary Page Berg, 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 33 Kinnaird Street

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.**
CHC review completed.
 - 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 October 5, 2016

Received by Uploaded to Energov

Date October 5, 2016

Relationship to project BZA 11549-2016

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

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