



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

2018 JUN 15 AM 11:24
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
BZA-016737-2018

BZA APPLICATION FORM

Plan No: BZA-016737-2018

GENERAL INFORMATION

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

Special Permit : √ **Variance :** √ **Appeal :**

PETITIONER : 68 Sparks Street LLC - C/O James J. Rafferty, Esq.

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

LOCATION OF PROPERTY : 68 Sparks St Cambridge, MA

TYPE OF OCCUPANCY : **ZONING DISTRICT :** Residence A-1 Zone

REASON FOR PETITION :

Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

Variance: Petitioner seeks to construct a nonconforming rear addition to third and fourth floors of nonconforming two family home to accomodate an elevator and to replace sloped glass wall with a perpendicular wall. Petitioner also seeks to expand existing deck, construct entry stair and expand the foundain within the required setback.

Special Permit: Petitioner seeks to add windows on a non-conforming wall.

SECTIONS OF ZONING ORDINANCE CITED :


Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 8.000 Section 8.22.2c; 8.22.3 (Non-Conforming Structure).

Article 10.000 Section 10.30 (Variance).

Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) :


(Petitioner(s) / Owner)

James J. Rafferty

(Print Name)

Address : 675 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : June 13, 2018

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Joan von Mehren

(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 68 Sparks Street

the record title standing in the name of Joan Moore Von Mehren Qualified Personal Residence Trust

whose address is 68 Sparks Street

(Street)

CAMBRIDGE MA 02138

(City or Town)

(State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 50922 Page 157 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

Joan D. von Mehren

(Owner)

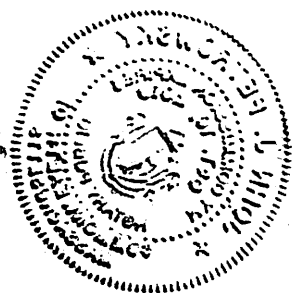
JOAN VON MEHREN

=====

On this 2nd day of May, 2018, before me, the undersigned notary public, personally appeared Joan von Mehren proved to me through satisfactory evidence of identification, which were personal recognition, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

John J. Petrowsky
Notary Public

My commission expires: 10/10/19



OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Joan Moore von Mehren Qualified ^{Personal} Residence Trust
(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 68 Sparks Street

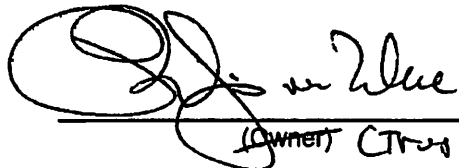
the record title standing in the name of Joan Moore Von Mehren Qualified Personal Residence Trust

whose address is 68 Sparks Street
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 50922 Page 157 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____


(Owner) (Trustee)

=====

On this 23 day of May, 2018, before me, the undersigned notary public, personally appeared Philip von Mehren proved to me through satisfactory evidence of identification, which were NYS Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public

My commission expires: 08/06/2019

JASON WAYNE CUMMINGS
NOTARY PUBLIC, State of New York
No. 01CU6235797
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 08/06/2019

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: Nirvana **PRESENT USE/OCCUPANCY:** two family
LOCATION: 68 Sparks St Cambridge, MA **ZONE:** Residence A-1 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** two family

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		<u>5,234</u>	<u>5,482</u>	<u>5,020</u>	(max.)
<u>LOT AREA:</u>		<u>10,040</u>	<u>no change</u>	<u>8,000</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		<u>.521</u>	<u>.546</u>	<u>.5</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		<u>5,020</u>	<u>no change</u>	<u>6,000</u>	(min.)
<u>SIZE OF LOT:</u>	WIDTH	<u>75.92'</u>	<u>no change</u>	<u>80'</u>	(min.)
	DEPTH	<u>132.42</u>	<u>no change</u>	<u>N/A</u>	
<u>SETBACKS IN FEET:</u>	FRONT	<u>36.4</u>	<u>no change</u>	<u>25</u>	(min.)
	REAR	<u>29.1</u>	<u>no change</u>	<u>34</u>	(min.)
	LEFT SIDE	<u>5.2</u>	<u>no change</u>	<u>15' (sum 35')</u>	(min.)
	RIGHT SIDE	<u>29.5</u>	<u>no change</u>	<u>15' (sum 35')</u>	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	<u>46.7</u>	<u>no change</u>	<u>35'</u>	(max.)
	LENGTH	<u>66.75</u>	<u>no change</u>	<u>N/A</u>	
	WIDTH	<u>46.5</u>	<u>no change</u>	<u>N/A</u>	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		<u>.682</u>	<u>.595</u>	<u>.50</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>		<u>2</u>	<u>no change</u>	<u>1</u>	(max.)
<u>NO. OF PARKING SPACES:</u>		<u>2</u>	<u>no change</u>	<u>2</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>		<u>N/A</u>	<u>no change</u>	<u>N/A</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		<u>2.75</u>	<u>21.5</u>	<u>N/A</u>	(min.)

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

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

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 require that the proposed elevator be installed inside the footprint of the existing dwelling.

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:

It would be a hardship for the layout and organization of the third and fourth floor if the elevator had to be located within the existing structure.

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

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

The increase in gross floor area is diminimus and will not adversely affect surrounding structures. The extension of the existing side deck will similarly have limited impact since it abuts the neighboring garage.

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

The use of the property as a single family dwelling will not be changed as a result of the variance being sought.

*** 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 68 Sparks 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:

Article 8.22.2(c) permits the creation of windows on non-conforming walls when, as in this case, there are no further violations of the dimensional requirements of Article 5.000.

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:

There will not be any change in traffic patterns as a result of adding windows.

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:

Adjacent uses will not be affected since the use of the property as a two family dwelling will not be changed. Moreover, the wall on which the windows are located faces a garage and is a significant distance from the abutting dwelling.

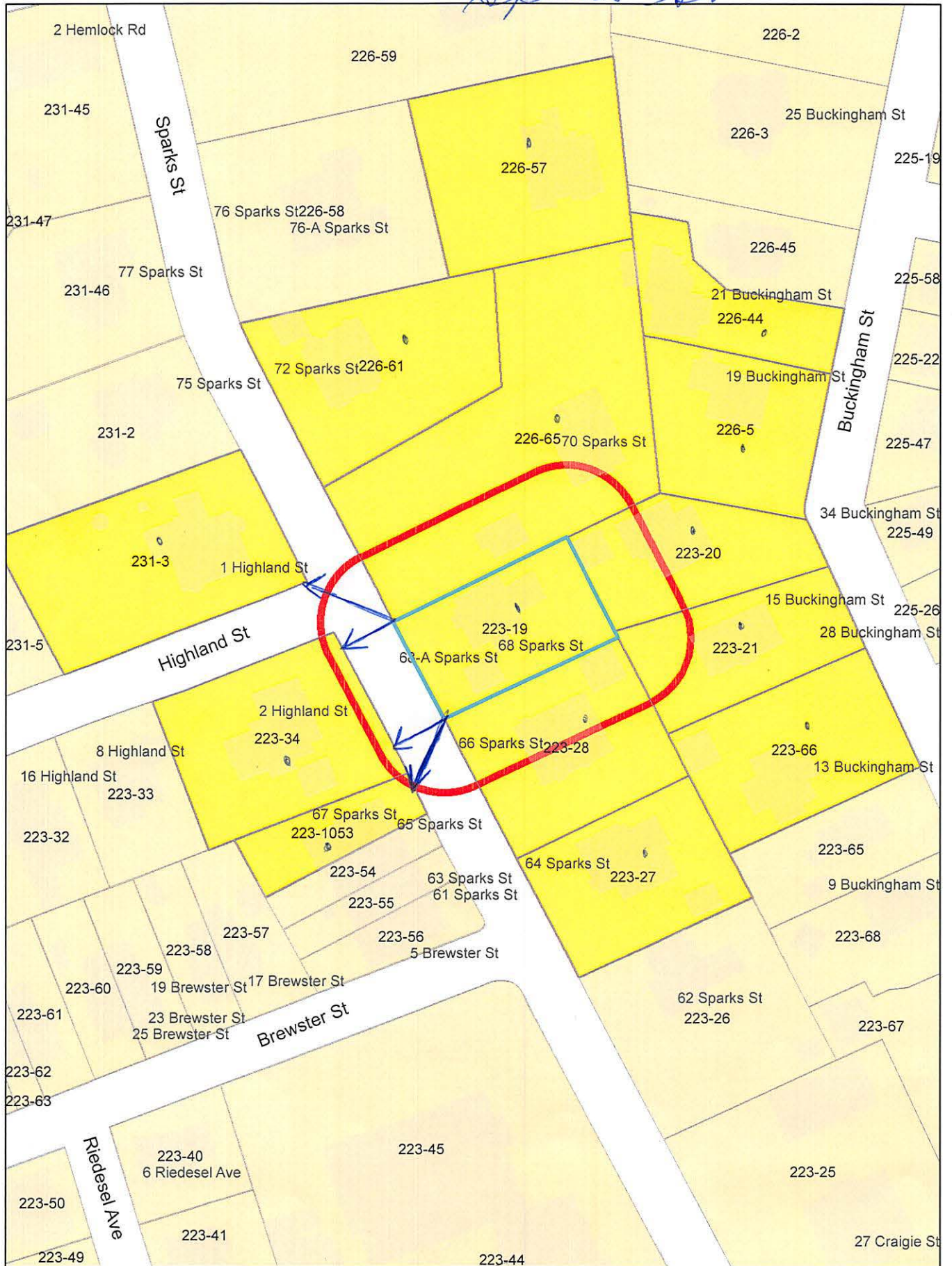
D) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

Adding windows will benefit the health, safety, and welfare of the occupants of this dwelling.

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 windows will not change the use of the property and are consistent with the residential uses in the district.

68 Sparks St.



68 Sparks St.

Petitioner

223-19
MOORE VON MEHREN, JOAN,
TR. OF JOAN MOORE VON MEHREN
QUAL.PERS RES TR.
68 SPARKS ST
CAMBRIDGE, MA 02138

223-20
MILLER, LYNNE T.
17 BUCKINGHAM ST
CAMBRIDGE, MA 02138

JAMES J. RAFFERTY, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 02139

223-27
BARRINGER, ELIZABETH PRATT & JOHN A. CLARK
64 SPARKS ST
CAMBRIDGE, MA 02138

223-28
FISHER, JOSEPH, TRUSTEE THE SPARKS TRUST
PO BOX 11270
JACKSON, WY 83002

223-34
WOODS, AMY
2 HIGHLAND ST
CAMBRIDGE, MA 02138

223-66
DONATH, JUDITH S.
13 BUCKINGHAM ST
CAMBRIDGE, MA 02138

226-5
STRAUS, DONALD R. & CAROL L. GOSS
19 BUCKINGHAM ST
CAMBRIDGE, MA 02138

226-44
SIPSER, MICHAEL & INA SIPSER
21 BUCKINGHAM ST
CAMBRIDGE, MA 02138

226-57
FRIEDMAN, BENJAMIN M. &
BARBARA C. FRIEDMAN
74 SPARKS ST
CAMBRIDGE, MA 02138

226-61
FELDMAN, NOAH,
TRUSTEE THE NOAH FELDMAN 2015 REV TR
72 SPARKS ST
CAMBRIDGE, MA 02138

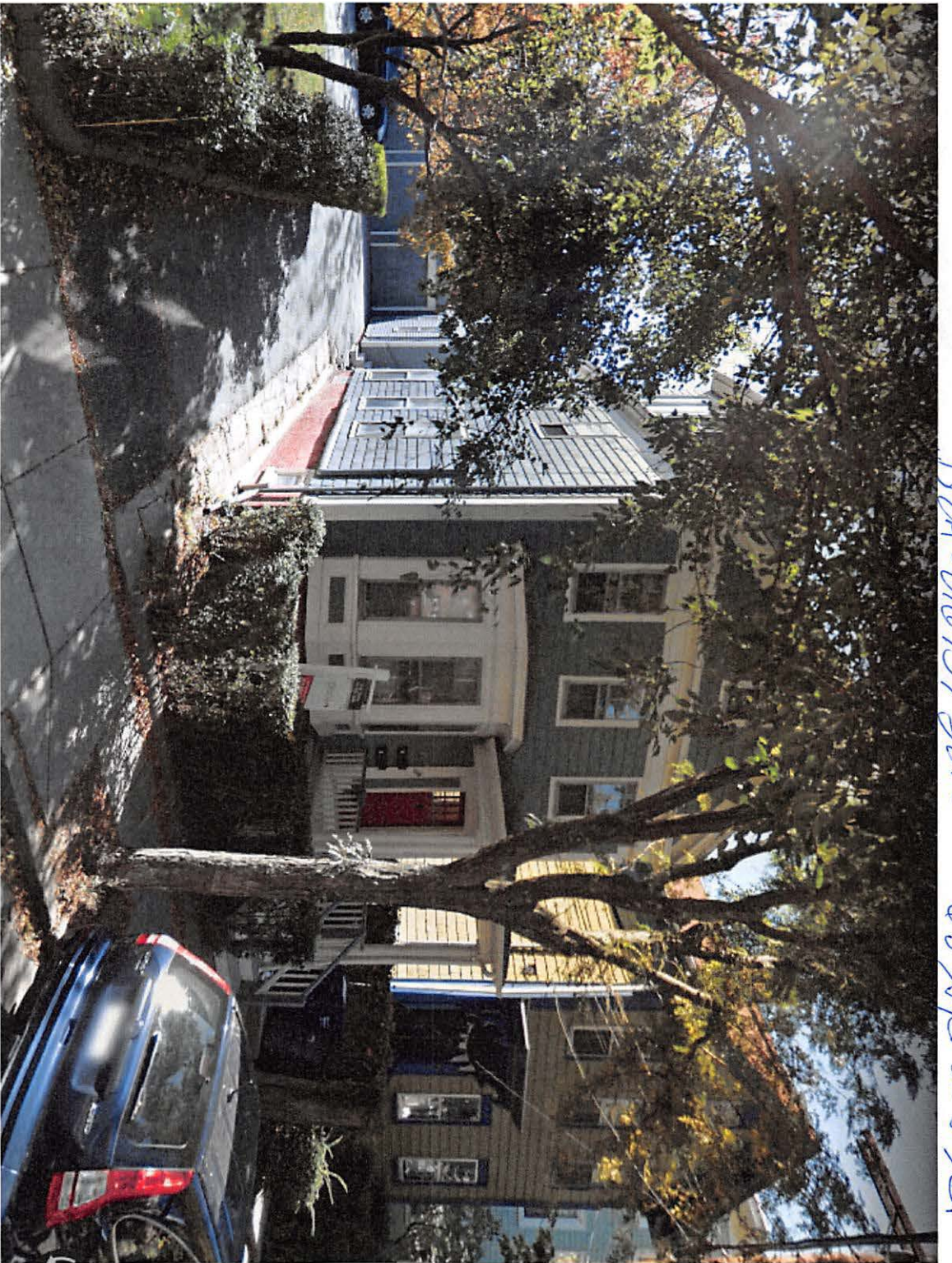
226-65
BEATRICE, ROY
70 SPARKS ST
CAMBRIDGE, MA 02138

231-3
HIGGINS, ROBERT F.
1 HIGHLAND STREET
CAMBRIDGE, MA 02138

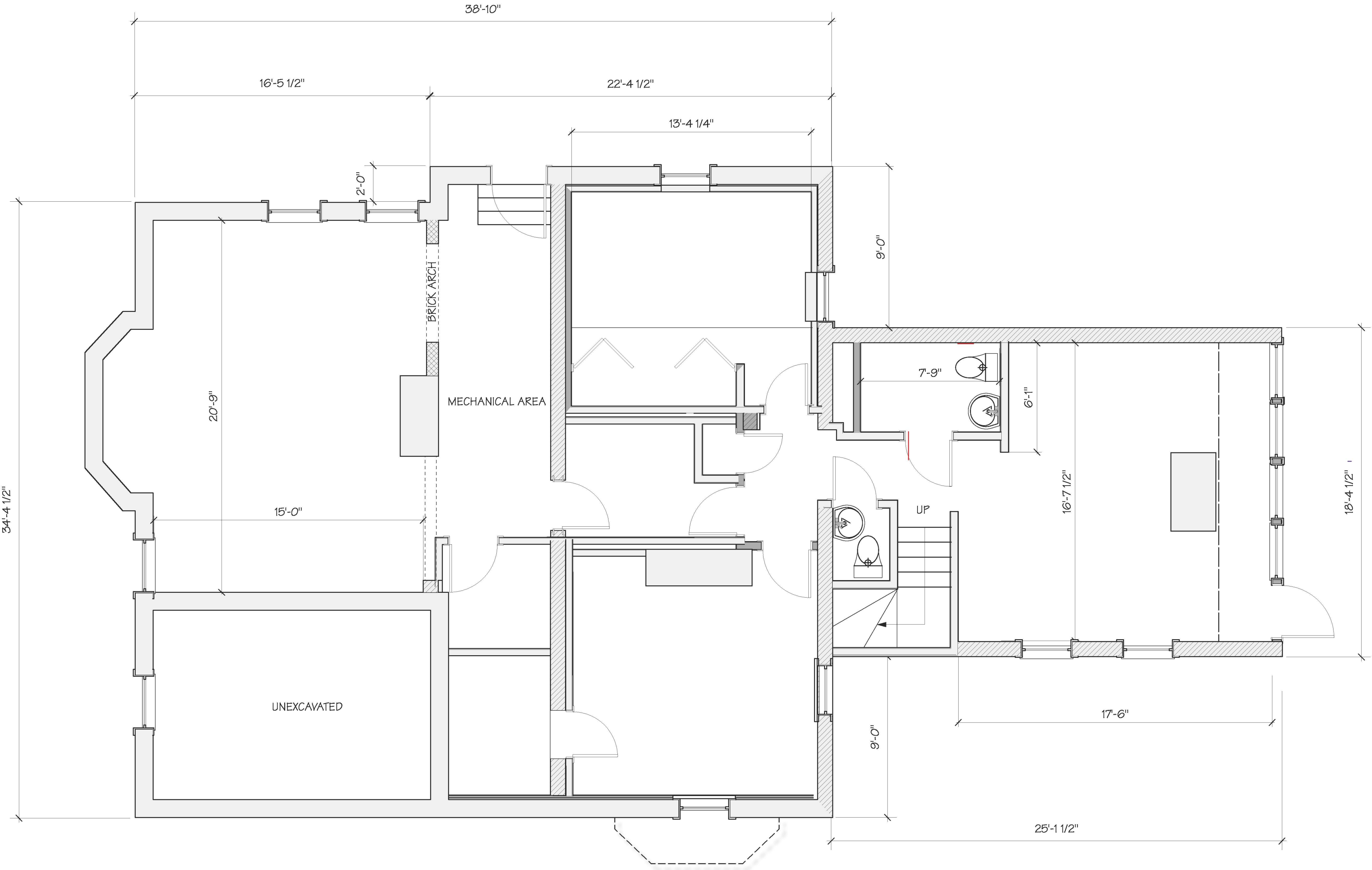
223-1053
TAGIURI, CONSUELO & RENATO TAGIURI,
TRS. 67 SPARKS STREET REALTY TRUST
67 SPARKS STREET
CAMBRIDGE, MA 02138

223-21
SICHKO, SAMUEL C. & DAVID R. PEELER
TRU 15 BUCKINGHAM STREET REALTY TRUST
15 BUCKINGHAM ST
CAMBRIDGE, MA 02138

BZA-016737-2018 68 Sparks St.



1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140
TEL 617-497-4150
FAX 617-868-1055



BASEMENT PLAN EXISTING

68 SPARKS STREET

CAMBRIDGE, MA

REVISIONS		
NO.	DATE	REVISION NOTES

CONSULTANTS

Consultant Name
Consultant Address

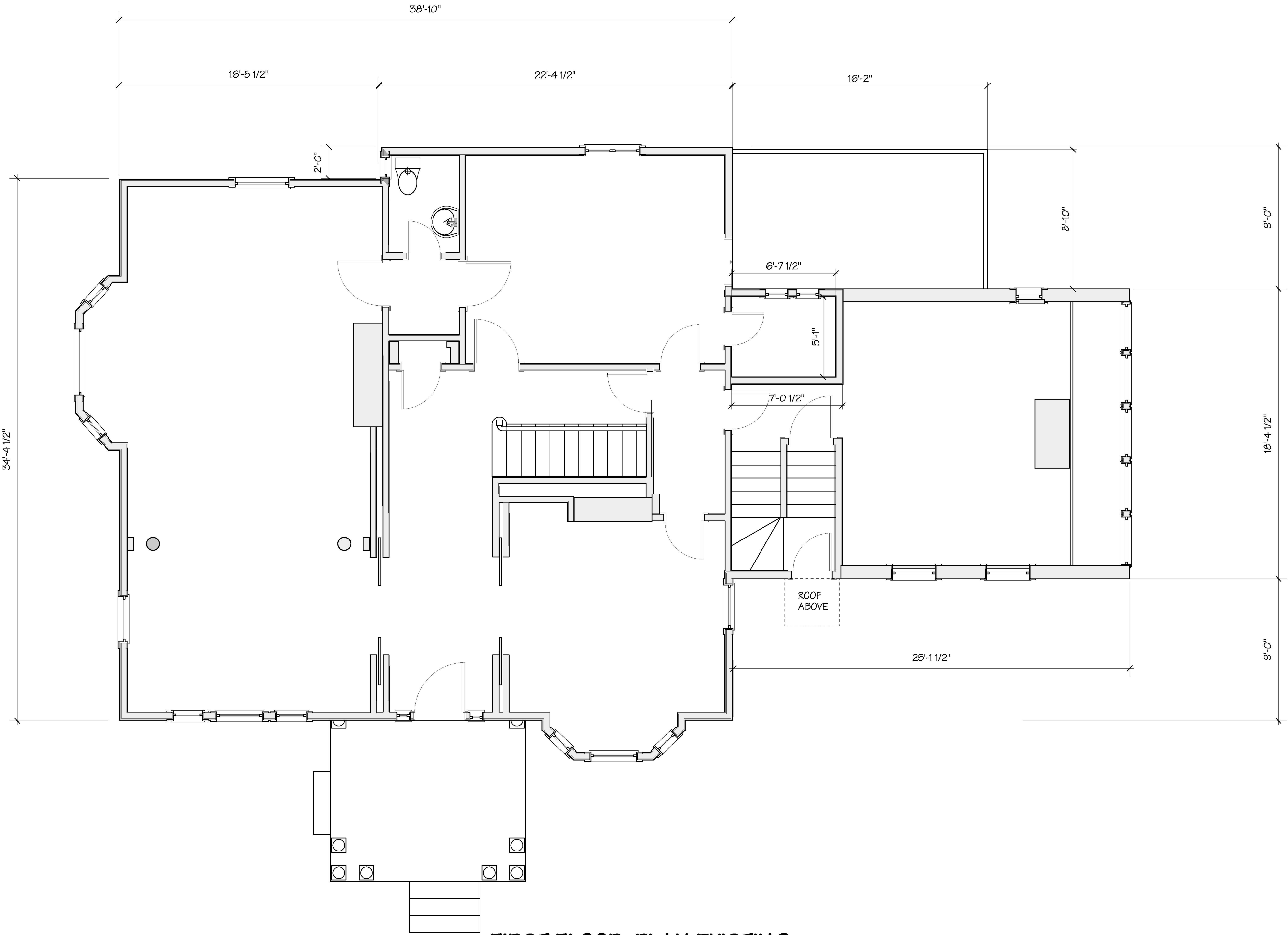
PROJECT ARCHITECT	DRAWN BY
NANCY DINGMAN	Drawn By
DATE	PROJECT JOB NUMBER
4 JUNE 18	1802

NO.	DATE	ISSUE NOTE

EXISTING
BASEMENT PLAN

EX-0

1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140
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FIRST FLOOR PLAN EXISTING

68 SPARKS STREET

CAMBRIDGE, MA

REVISIONS

NO. DATE REVISION NOTES

NO.

DATE

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Consultant Address

PROJECT ARCHITECT

DRAWN BY

NANCY DINGMAN

Drawn By

DATE

PROJECT JOB NUMBER

4 JUNE 18

1802

NO.

DATE

ISSUE NOTE

EXISTING

1ST FLOOR PLAN

A1-EX



CAMBRIDGE, MA

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Consultant Address	

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4 JUNE 18	1802

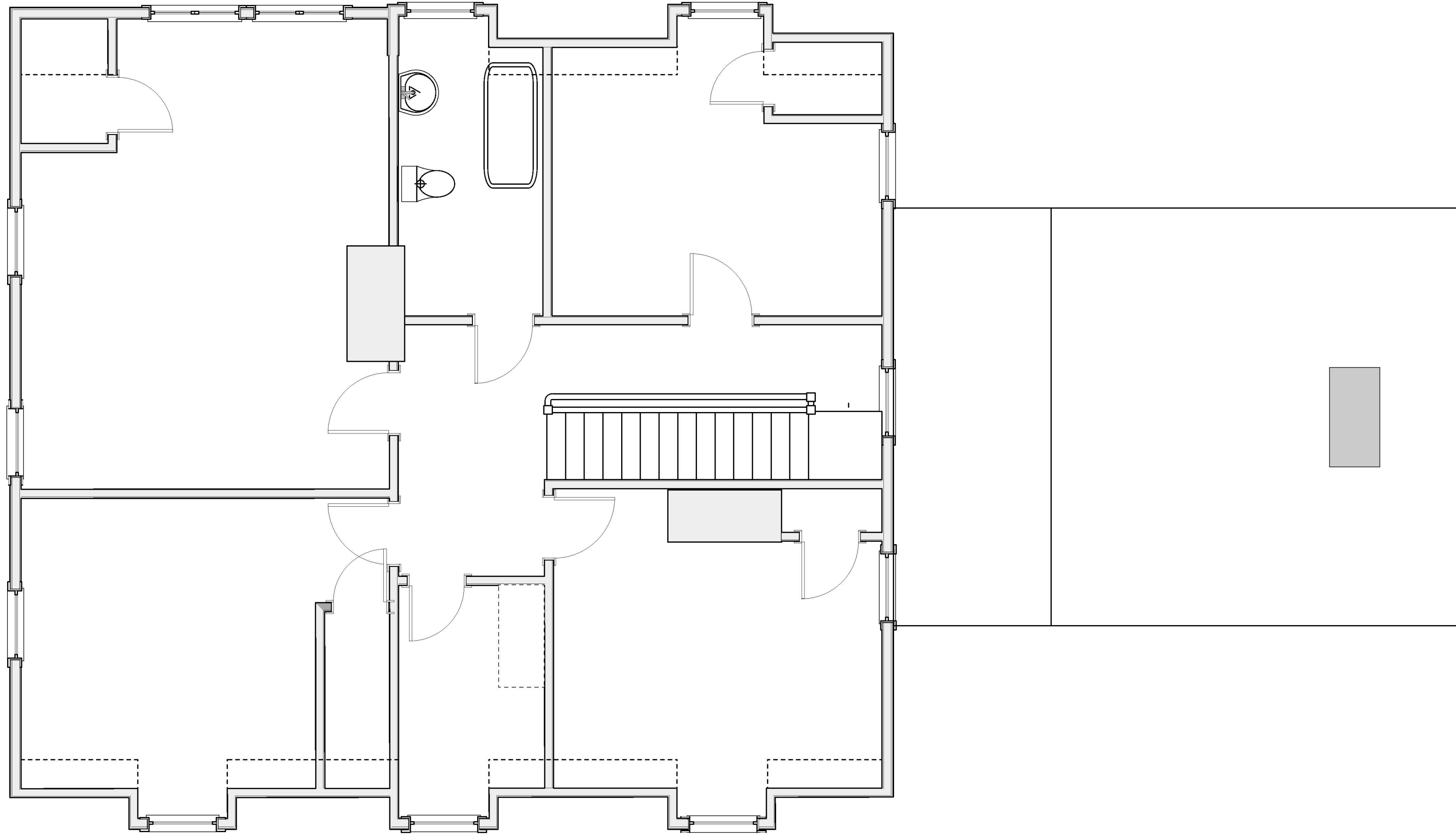
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EX -2

1950 MASSACHUSETTS AVE

68 SPARKS STREET

CAMBRIDGE, MA



THIRD FLOOR PLAN EXISTING

REVISIONS		
NO.	DATE	REVISION NOTES

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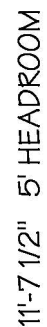
CONSULTANTS
Consultant Name
Consultant Address

PROJECT ARCHITECT	DRAWN BY
NANCY DINGMAN	Drawn By
DATE	PROJECT JOB NUMBER
4 JUNE 18	1802

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EXISTING
3RD FLOOR PLAN


EX - 3



FOURTH FLOOR PLAN EXISTING

REVISIONS

NO.	DATE	REVISION NOTES



CONSULTANTS

PROJECT ARCHITECT	DRAWN BY
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DATE	PROJECT JOB NUMBER

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4 JUNE 18	1802
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CAMBRIDGE, MA

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CONSULTANTS

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A1-0



CAMBRIDGE, MA

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CONSULTANTS	
Consultant Name	
Consultant Address	

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NANCY DINGMAN	Drawn By
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4 JUNE 18	1802

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A1-1

1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140
TEL 617-497-4150
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68 SPARKS STREET

CAMBRIDGE, MA

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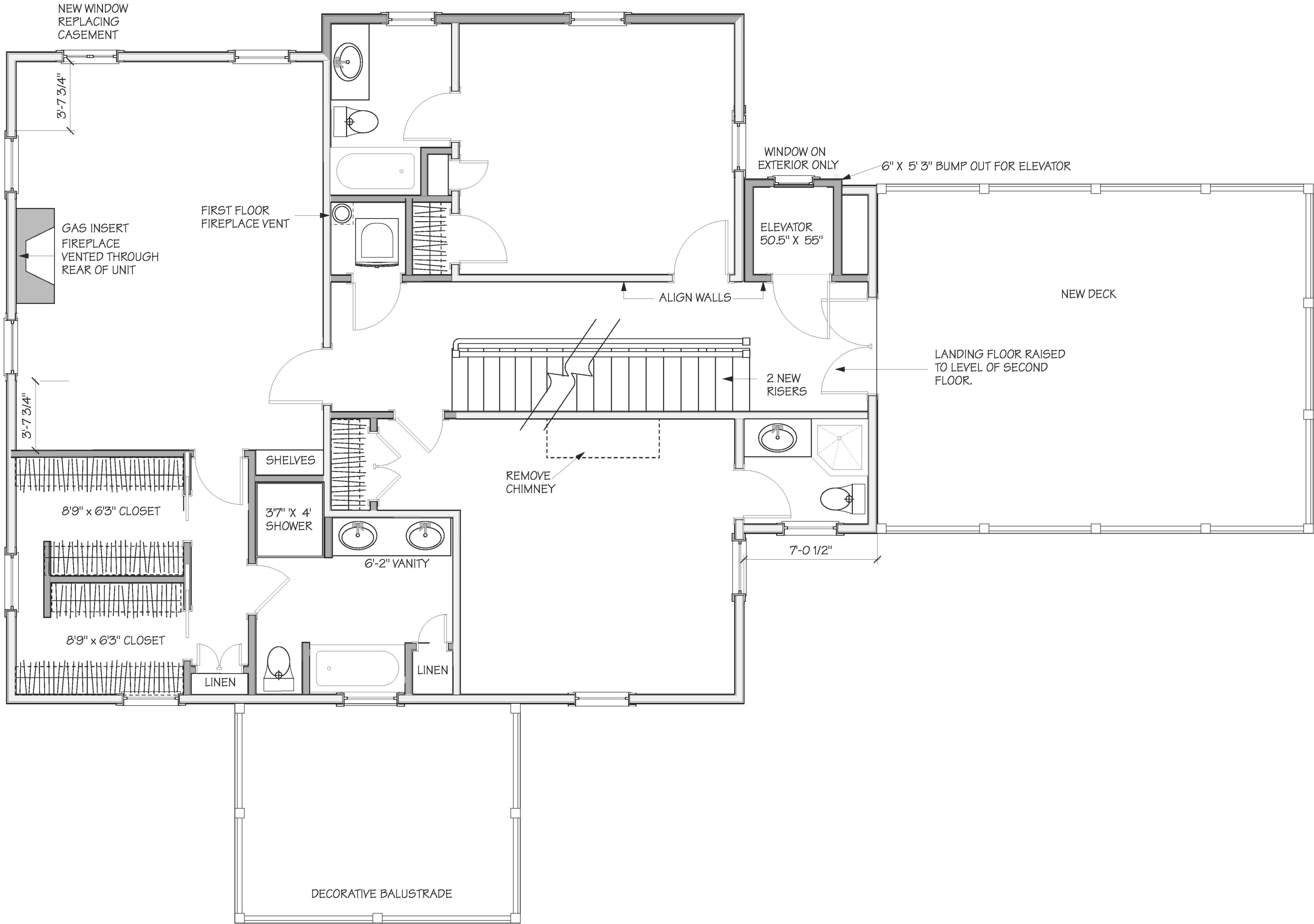
CONSULTANTS

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SECOND FLOOR PLAN

A1-2



SECOND FLOOR PLAN

1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140

68 SPARKS STREET

CAMBRIDGE, MA



5' HEADROOM LIN

REMOVE CLOSE

WINDOW ON
EXTERIOR ONLY

6" X 5' 3" BUMP OUT FOR ELEVATO

ELEVATOR
50.5" X 50.5"

FIRST FLOOR
FIREPLACE VENT

MOVE DOC

ALIGN WA

REUSE
SECOND
FLOOR
WINDOW

6' WIDE GLASS DOOR

REMOVE

NEW CLOS

5' HEADROOM LIN

THIRD FLOOR PLAN

THIRD FLOOR PLAN

A1-3

1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140
TEL 617-497-4150
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68 SPARKS STREET

CAMBRIDGE, MA

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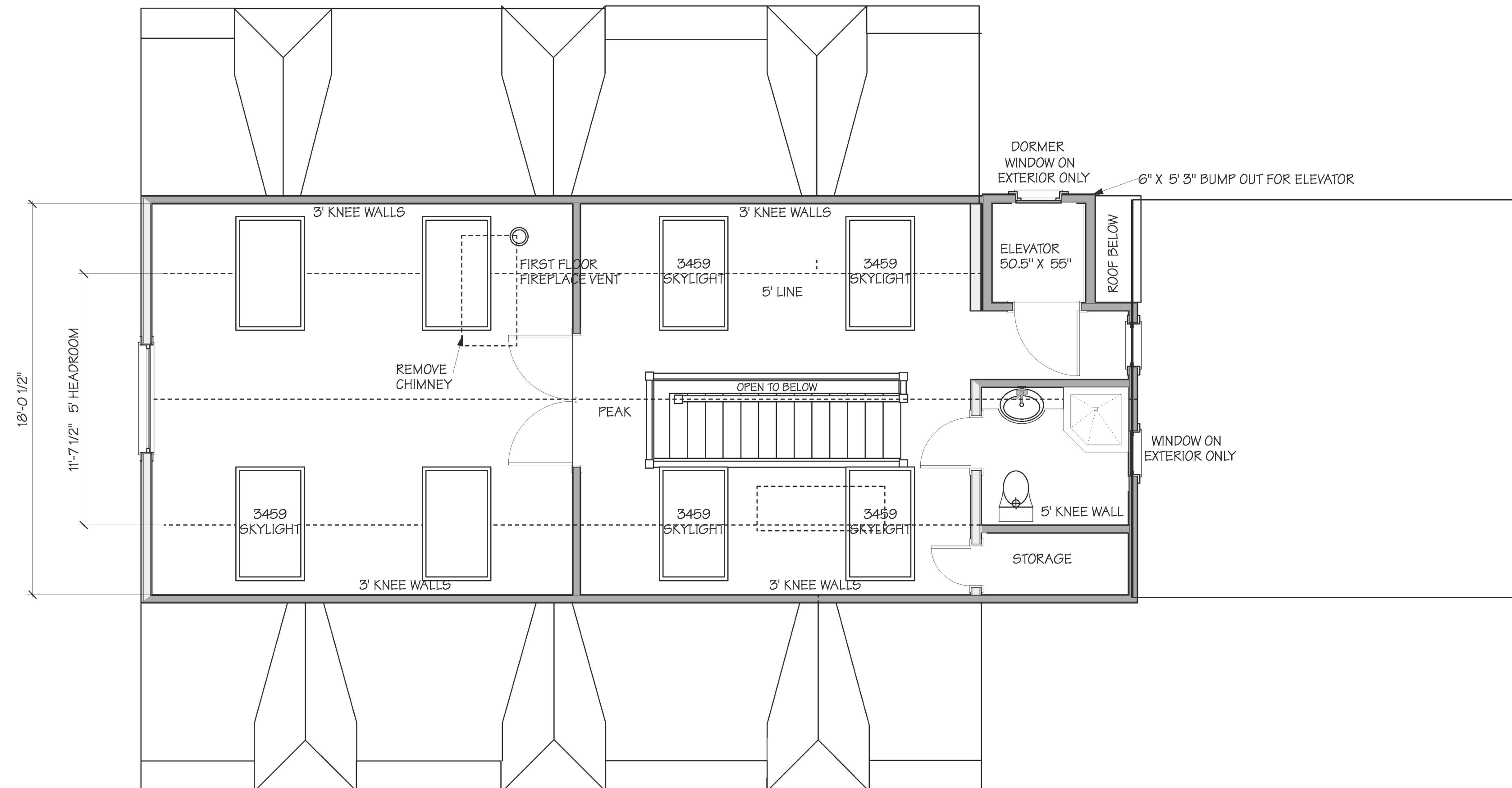
CONSULTANTS

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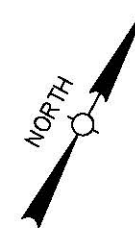
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FOURTH FLOOR PLAN

A1-4



FOURTH FLOOR PLAN



1950 MASSACHUSETTS AVE
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68 SPARKS STREET

CAMBRIDGE, MA

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EXISTING
FRONT AND REAR
ELEVATIONS

A2-EX



EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION



CAMBRIDGE, MA

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EXISTING
RIGHT SIDE ELEVATION

A2-EX2



CAMBRIDGE, MA

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A2-EX3

1950 MASSACHUSETTS AVE
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68 SPARKS STREET

CAMBRIDGE, MA

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FRONT ELEVATION
REAR ELEVATION

A2-1



REAR ELEVATION



FRONT ELEVATION

1950 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140
TEL 617-497-4150
FAX 617-868-1055



RIGHT SIDE ELEVATION

68 SPARKS STREET

CAMBRIDGE, MA

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RIGHT SIDE ELEVATION

A2-2

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68 SPARKS STREET

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LEFT SIDE ELEVATION

A2-3



LEFT SIDE ELEVATION