

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: x Appeal: _____

PETITIONER: S&H Construction c/o Alex Slive

PETITIONER'S ADDRESS: 26 New St. #2 Cambridge, MA 02138 P#617-876-8286

LOCATION OF PROPERTY: 120 Magazine St.

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: Residential zc

REASON FOR PETITION:

<input checked="" type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Other: <u> Rebuild demolished structure </u>	

2018 OCT 30 AM 10:49
OFFICE OF THE CITY CLERK
CAMBRIDGE MASSACHUSETTS

DESCRIPTION OF PETITIONER'S PROPOSAL:

In light of the fact that a greater percentage of the main structure of 120 Magazine Street was demolished by the contractor than was originally intended/approved by the City of Cambridge, and now in violation, we are re-applying for a variance to proceed with construction as approved by the City of Cambridge (permit #BLDR-074563-2018) to construct/restore demolished portion of home on new foundation (existing) with dormer in violation of dimensional requirements. Previously approved application BZA-012376-2017 was for front historic portion of house to remain and current application is amended to reflect partial demolition of front portion that has occurred.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5.00 Section 5.31 (table of dimensional requirements)
Article 8.00 Section 8.22.3 (non conforming structure)
Article Section

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

Original Signature(s): *Alex Slive*
 (Petitioner(s)/Owner)
 Alex Slive
 (Print Name)

ALEX SLIVE

Address: 26 New St. #2 Cambridge, MA 02138
 S&H CONSTRUCTION, INC.

Tel. No.: 617-876-8286

E-Mail Address: alexs@shconstruction

Date: October 29, 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 Wendy S. Holding + Lindsay A. MacIndoe
(OWNER)

Address: 11 Salem Street, Cambridge MA 02189

State that I/We own the property located at 120 Magazine Street,
which is the subject of this zoning application.

The record title of this property is in the name of _____

*Pursuant to a deed of duly recorded in the date 9/6/16, Middlesex South
County Registry of Deeds at Book 67961, Page 23; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Wendy Holding + Lindsay MacIndoe
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

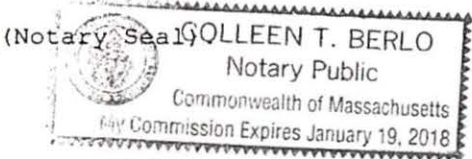
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Suffolk

The above-name Wendy Holding + Lindsay MacIndoe personally appeared before me,
this 14th of December 20 14, and made oath that the above statement is true.

Colleen T. Berlo Notary

My commission expires 1/19/18



• 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:

Existing third floor stairs were not code compliant due to 6'-3" of clear headroom at upper landing.

- 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:

Existing third floor stair does not have required headroom at upper landing to meet code. Third floor stairs were reconfigured resulting in enlarged North dormer. Existing South dormer is being reduced to adhere more closely to dormer guidelines by setting front wall of dormer back from outside wall of house.

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

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

Front Historic portion of house will be (re)built and renovated/restored. It will visually enhance public good aesthetically from views on public streets and ways.

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

The proposed structure will be renovated/rebuilt to fit respectfully in the existing neighborhood fabric. Front Historic home will be re-built/restored with modifications to dormers as it was in previous application.

- *** 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: Alex Slive of S&H Construction **PRESENT USE/OCCUPANCY:** Multi Family Res.

LOCATION: 120 Magazine St. **ZONE:** C

PHONE: 617-876-8286 **REQUESTED USE/OCCUPANCY:** Multi Family Res.

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>TOTAL GROSS FLOOR AREA:</u>	3213 sf	3213 sf	2318 sf (max.)
<u>LOT AREA:</u>	3863 sf		5000 sf (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	.83	.83	.60 (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	3863	3863	(min.)
<u>SIZE OF LOT:</u>			
WIDTH	45'		50' (min.)
DEPTH	86.3'		100'
<u>Setbacks in Feet:</u>			
FRONT	7.8' & 2.0'	7.8' & 2.0'	10' (min.)
REAR	NA	NA	NA (min.)
LEFT SIDE	East 13.8'	East 13.8'	7.5' (sum 20) (min.)
RIGHT SIDE	South 19.8'	South 18.8'	7.5' (sum 20) (min.)
<u>SIZE OF BLDG.:</u>			
HEIGHT	32'-4"	32'-4"	35'-0" (max.)
LENGTH	63.75'	63.75'	NA
WIDTH	22'	22'	NA
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	47%	47%	36% (min.)
<u>NO. OF DWELLING UNITS:</u>	2	2	(max.)
<u>NO. OF PARKING SPACES:</u>	2	2	2 (min./max)
<u>NO. OF LOADING AREAS:</u>	NA	NA	NA (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	NA	NA	NA (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.

NA

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



EXISTING SOUTH ELEVATION 1



EXISTING SOUTH ELEVATION 2

FOLEY FIORE ARCHITECTURE

316 Cambridge Street Cambridge MA 02141 617.547.8002

1 20 MAGAZINE ST. - EXISTING PHOTOS

10 April 2017

BZA Submission



EXISTING EAST ELEVATION 1



EXISTING EAST ELEVATION 2



EXISTING NORTH ELEVATION 1



EXISTING NORTH ELEVATION 2



EXISTING WEST ELEVATION 1



EXISTING WEST ELEVATION 2











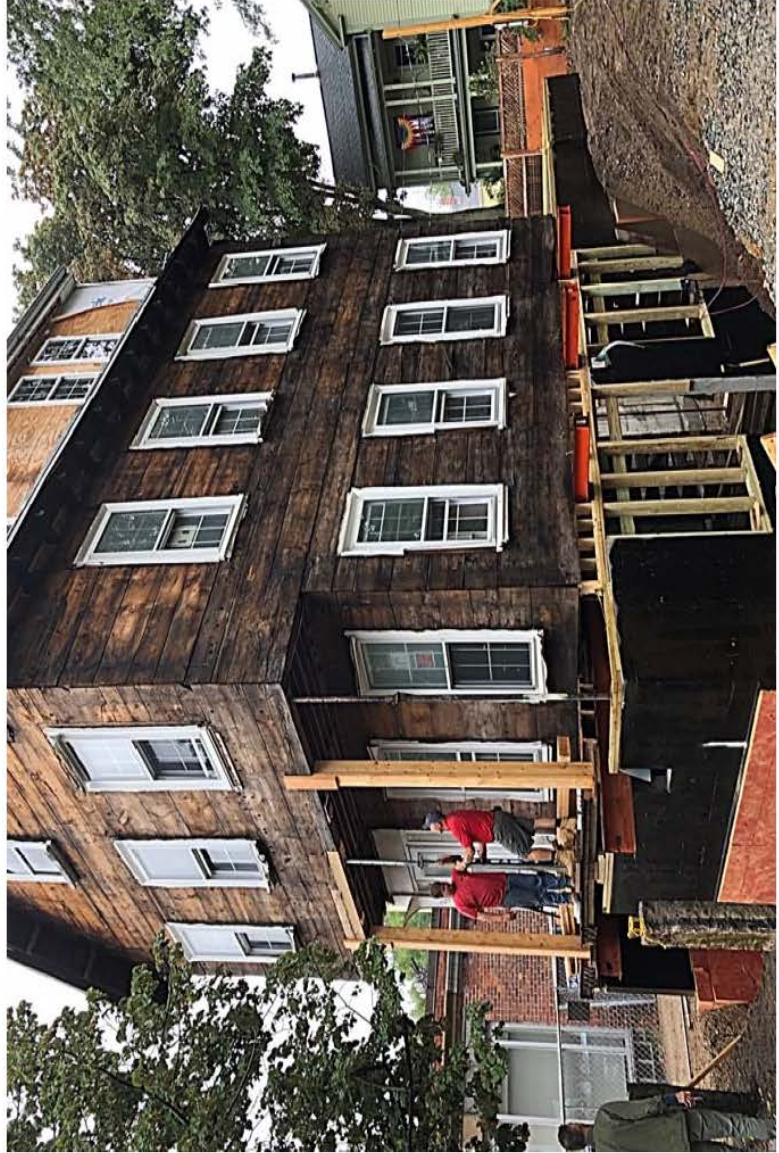














Amended

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: X Appeal:

PETITIONER: S&H Construction c/o Alex Slive

PETITIONER'S ADDRESS: 26 New St. #2 Cambridge, MA 02138 P#617-876-8286

LOCATION OF PROPERTY: 120 Magazine St.

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: Residential C zone

REASON FOR PETITION:

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

DESCRIPTION OF PETITIONER'S PROPOSAL:

To Reconstruct a pre-existing non-conforming building with additions previously approved by BZA (application BZA-012376-2017). Relief from parking requirements for multi family parking requirements.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5.00 Section 5.31 (table of dimensional requirements)

Article 8.00 Section 8.22.3 (non conforming structure)

Article 6.00 Section 6.36.1 (Schedule of parking and loading requirements)

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):

Alex Slive
(Petitioner(s)/Owner)

Alex Slive

(Print Name)

Address:

 26 New St. #2 Cambridge, MA 02138

Tel. No.:

 617-876-8286

E-Mail Address:

 alexslive@shconstruction

Date: October 29, 2018

Amended 11/1/18

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 financial hardship would be felt by homeowners if application is denied as new foundation has been poured and the building is partially constructed.

- 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:

Due to structural deficiencies part of the existing building was demolished to the first floor as stated by S&H Construction.

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

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

Front Historic portion of house will be (re)built and renovated/restored. It will visually enhance public good aesthetically from views on public streets and ways.

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

The proposed structure will be renovated/rebuilt to fit respectfully in the existing neighborhood fabric. Front Historic home will be re-built/restored with modifications to dormers as it was in previous application.

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

Amended 11/1/18

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 120 Magazine St. (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:

Two parking spaces can be provided by re-instatement of previous parking conditions :

- 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:

Conditions are pre-existing no changes will take place

- 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:

Conditions are pre-existing no changes will take place

- 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:

Conditions are pre-existing no changes will take place

- 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:

Conditions are pre-existing no changes will take place

Amended 11/1/18

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Alex Slive of S&H Construction **PRESENT USE/OCCUPANCY:** Multi Family Res.

LOCATION: 120 Magazine St. **ZONE:** C

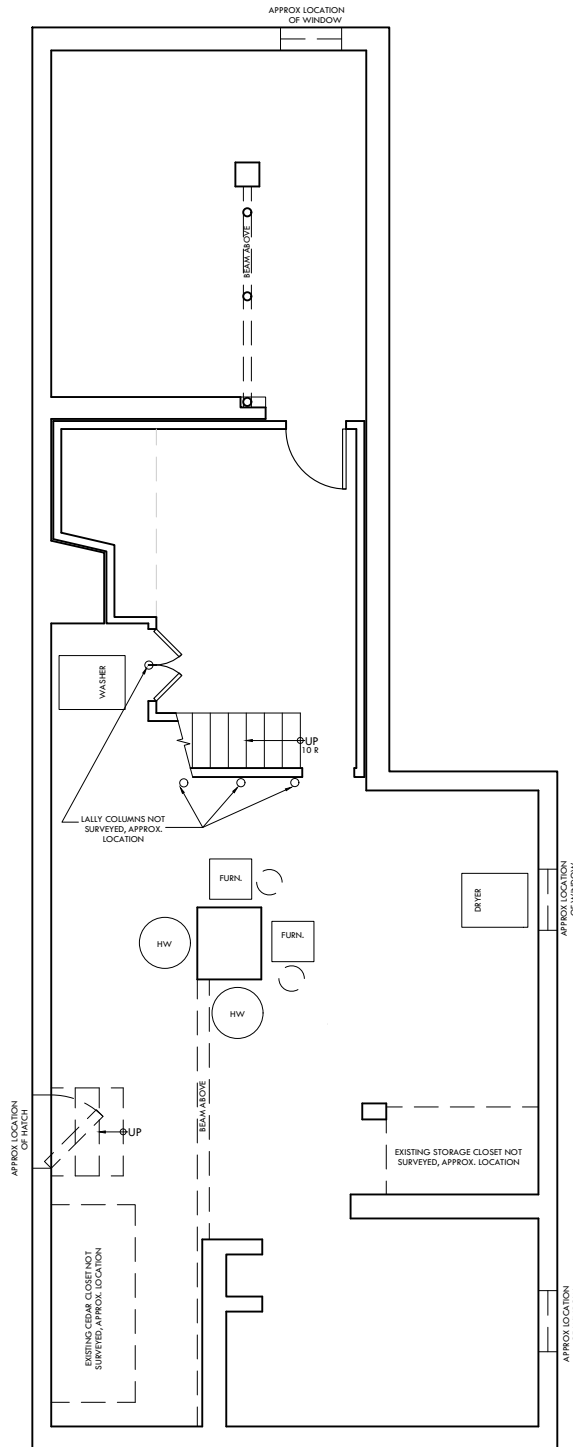
PHONE: 617-876-8286 **REQUESTED USE/OCCUPANCY:** Multi Family Res.

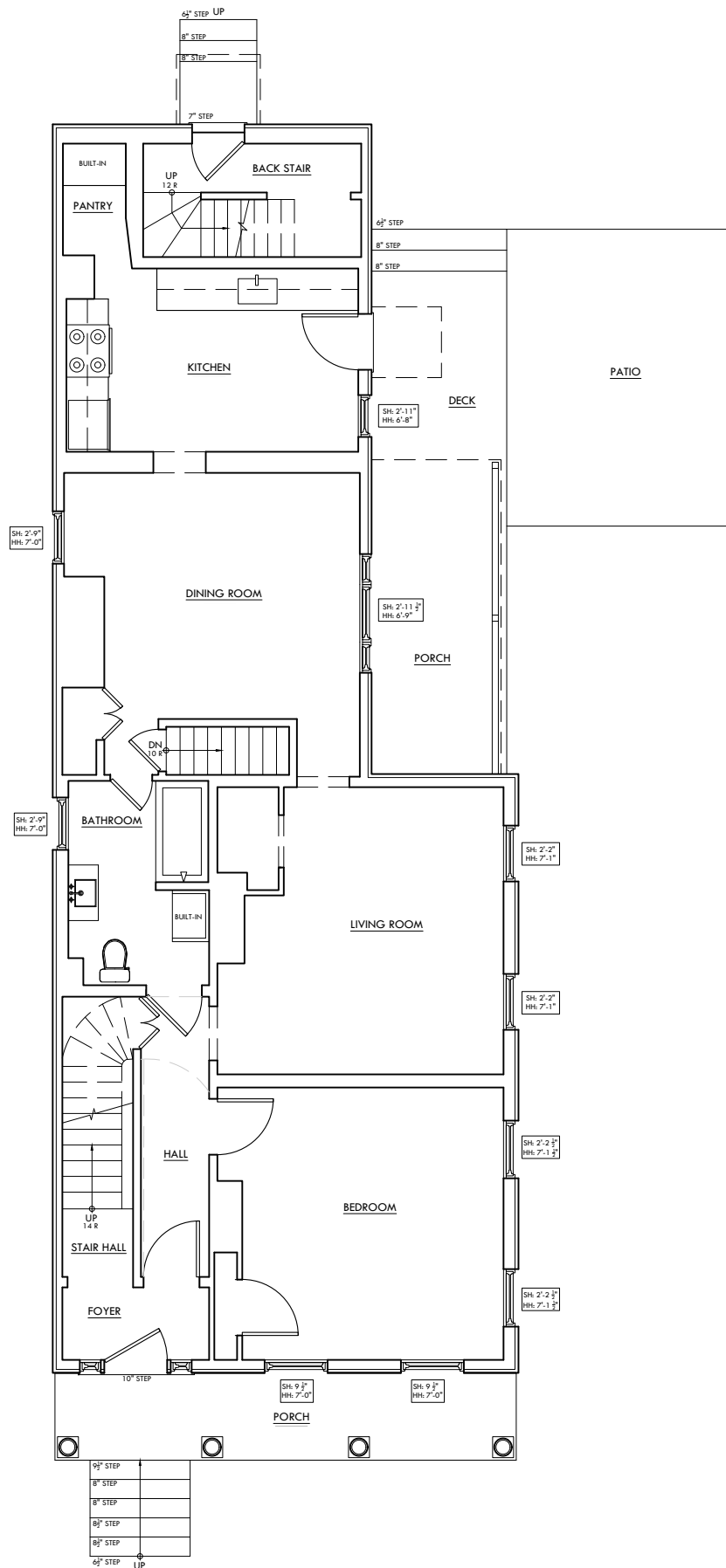
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<u>LOT AREA:</u>	3863 sf		5000 sf (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	.52	.83	.60 (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	3863	3863	(min.)
<u>SIZE OF LOT:</u>	WIDTH	45'	50' (min.)
	DEPTH	86.3'	100'
<u>Setbacks in Feet:</u>	FRONT	7.8' & 2.0'	10' (min.)
	REAR	NA	NA (min.)
	LEFT SIDE	East 13.8'	7.5' (sum 20) (min.)
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<u>SIZE OF BLDG.:</u>	LENGTH	63.75'	NA
	WIDTH	22'	NA
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<u>NO. OF LOADING AREAS:</u>	NA	NA	NA (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	NA	NA	NA (min.)

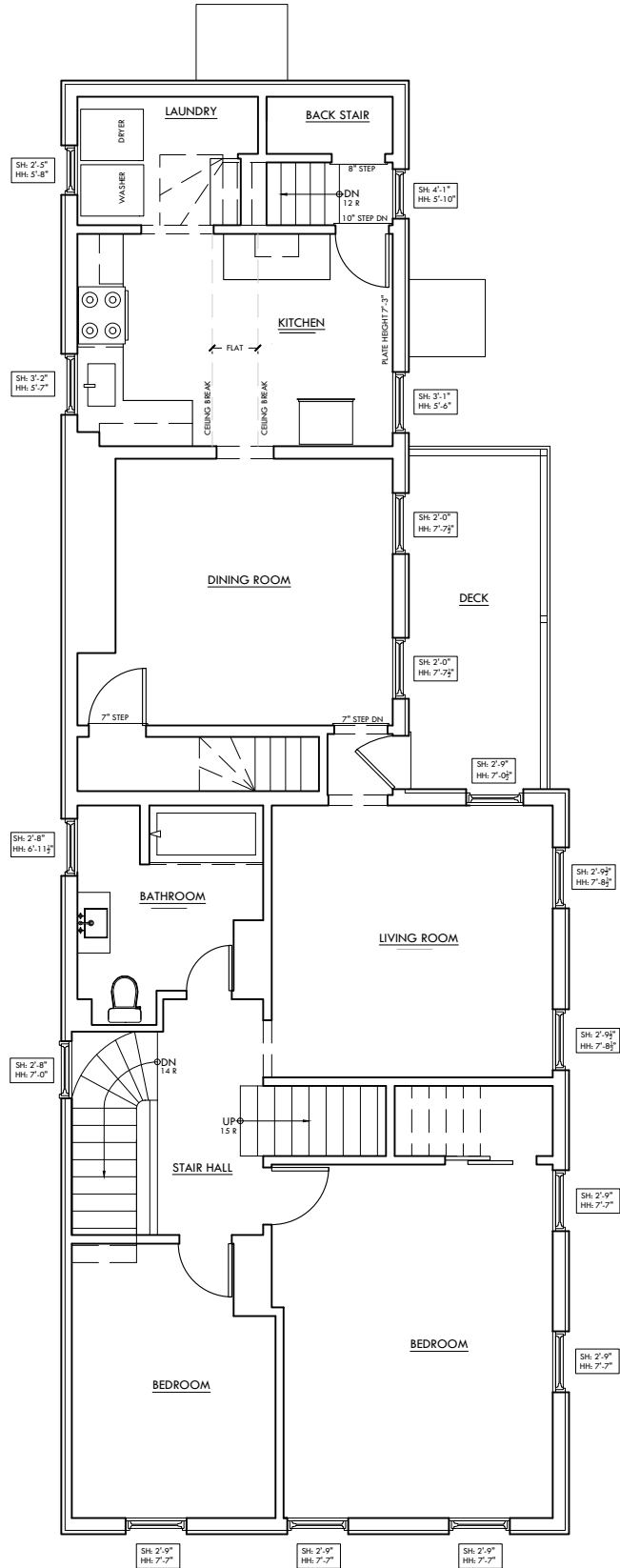
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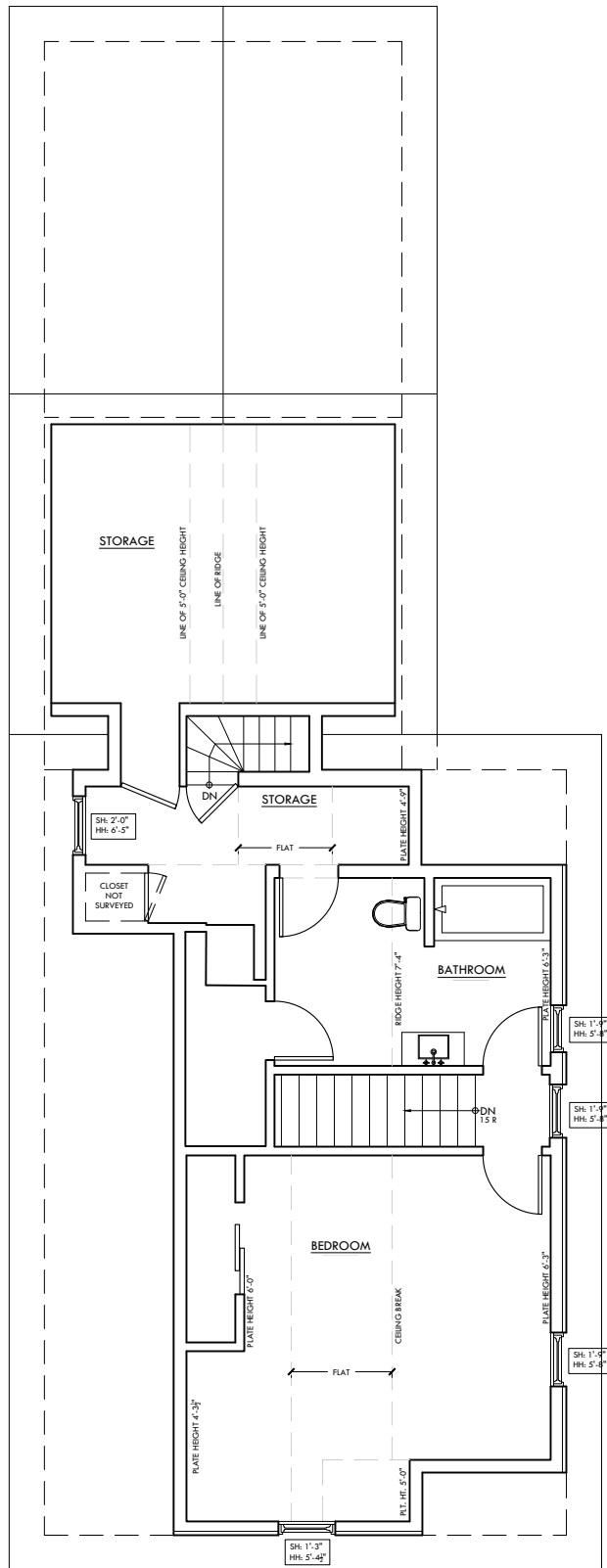
NA

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
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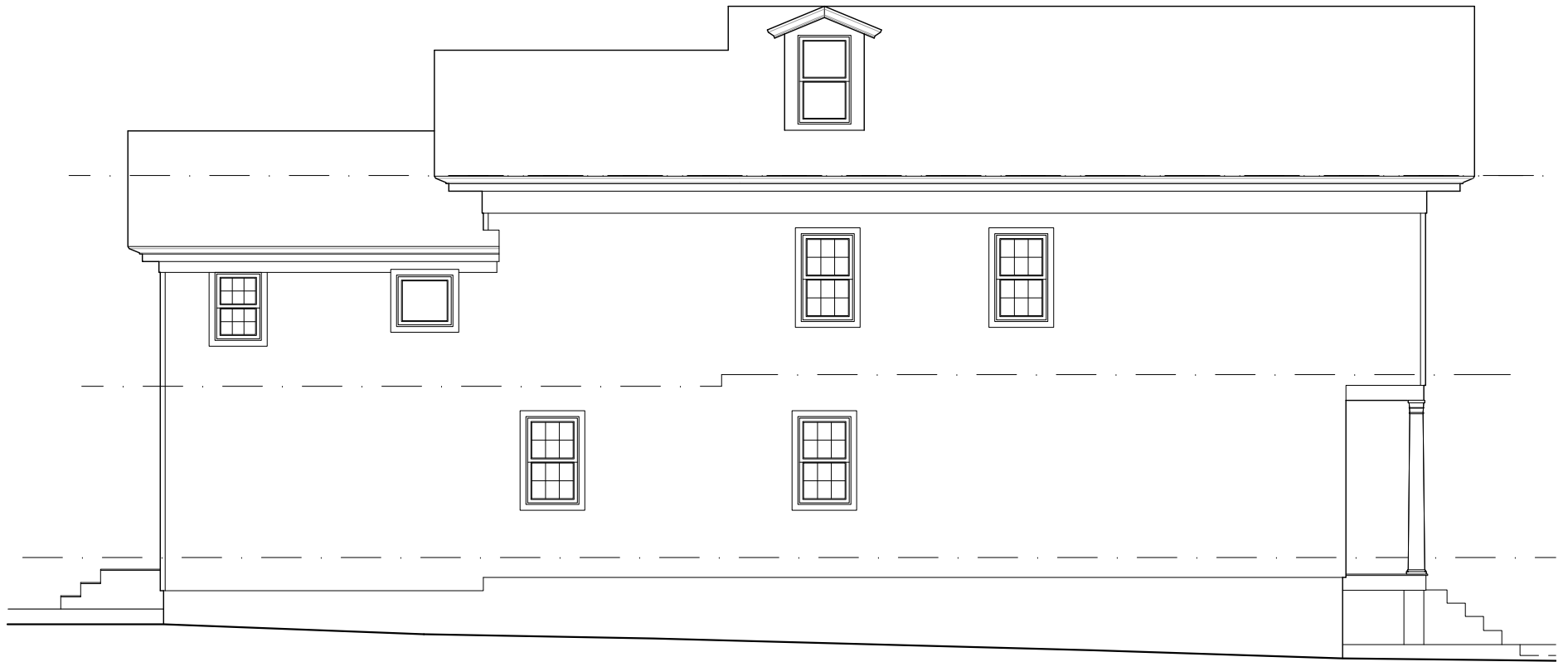
WEST



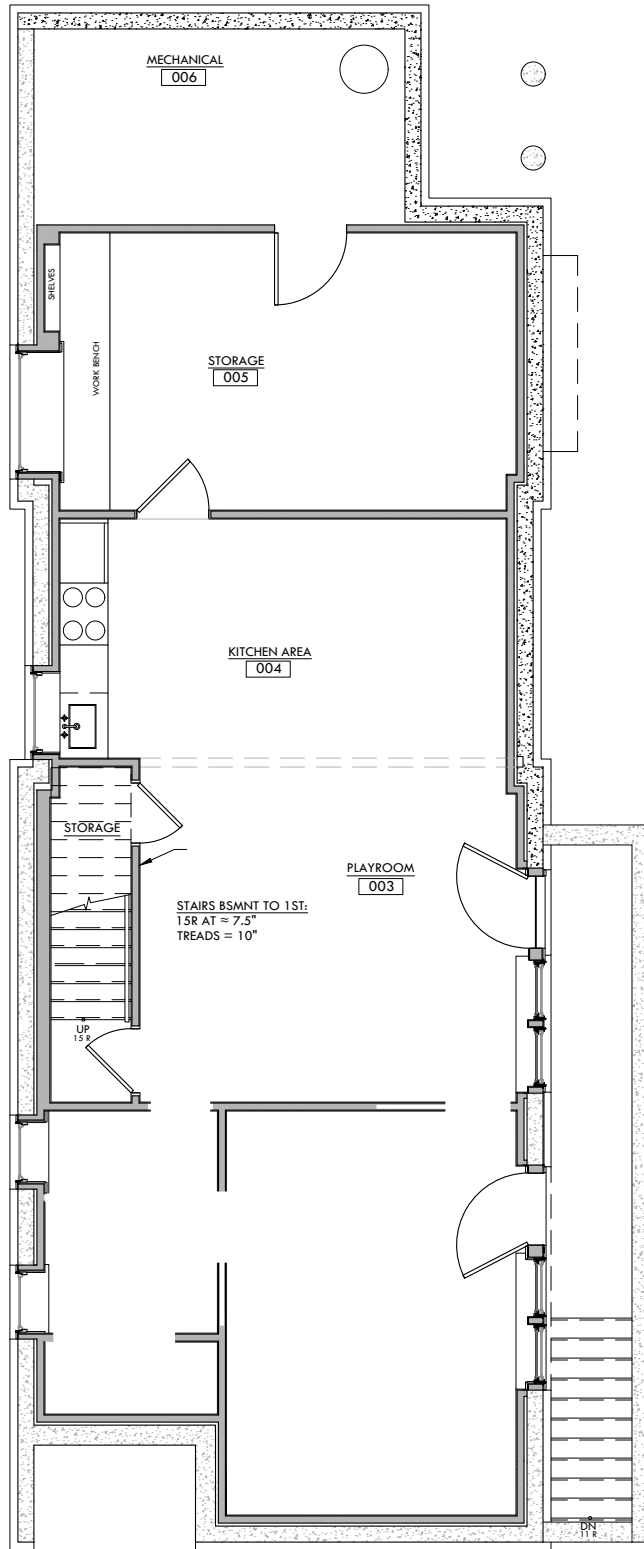
EAST

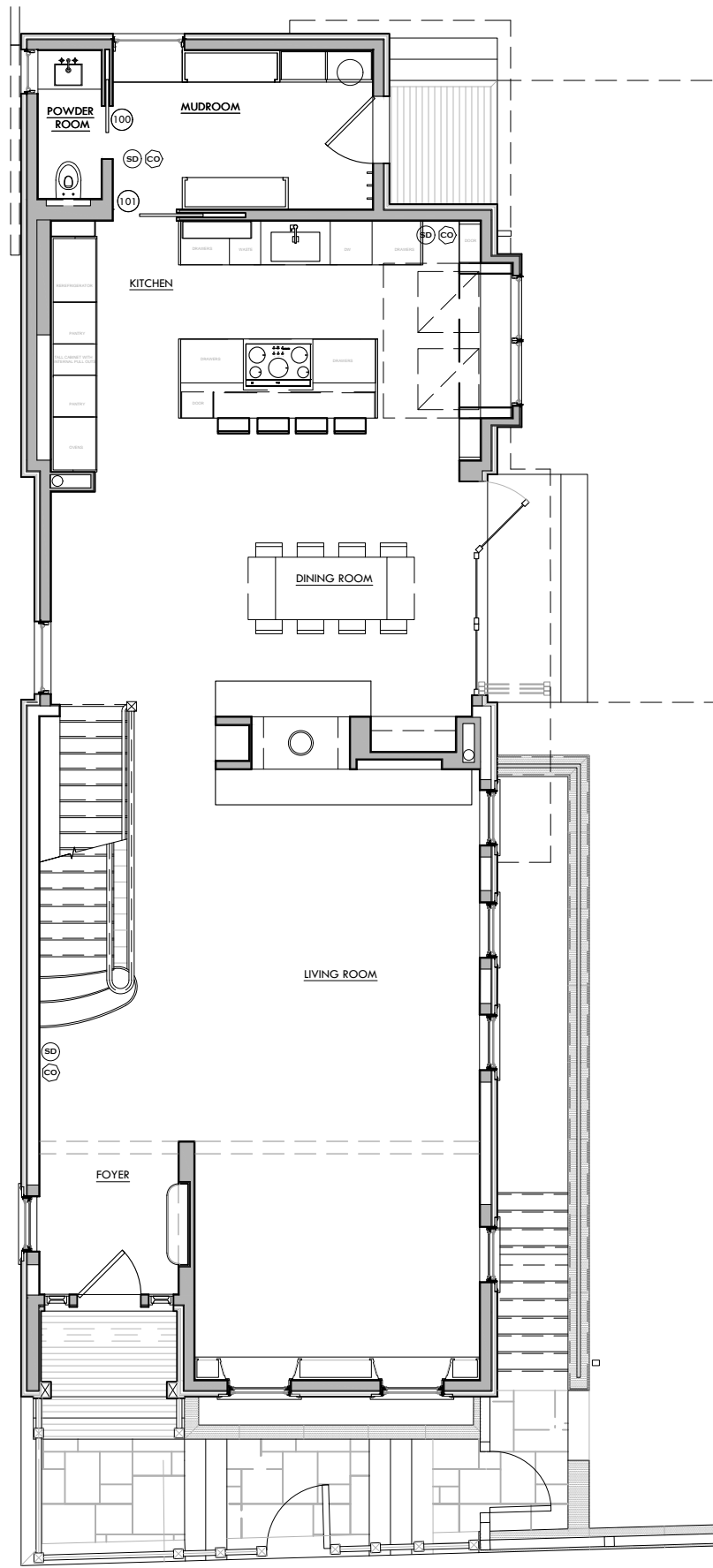


SOUTH



NORTH



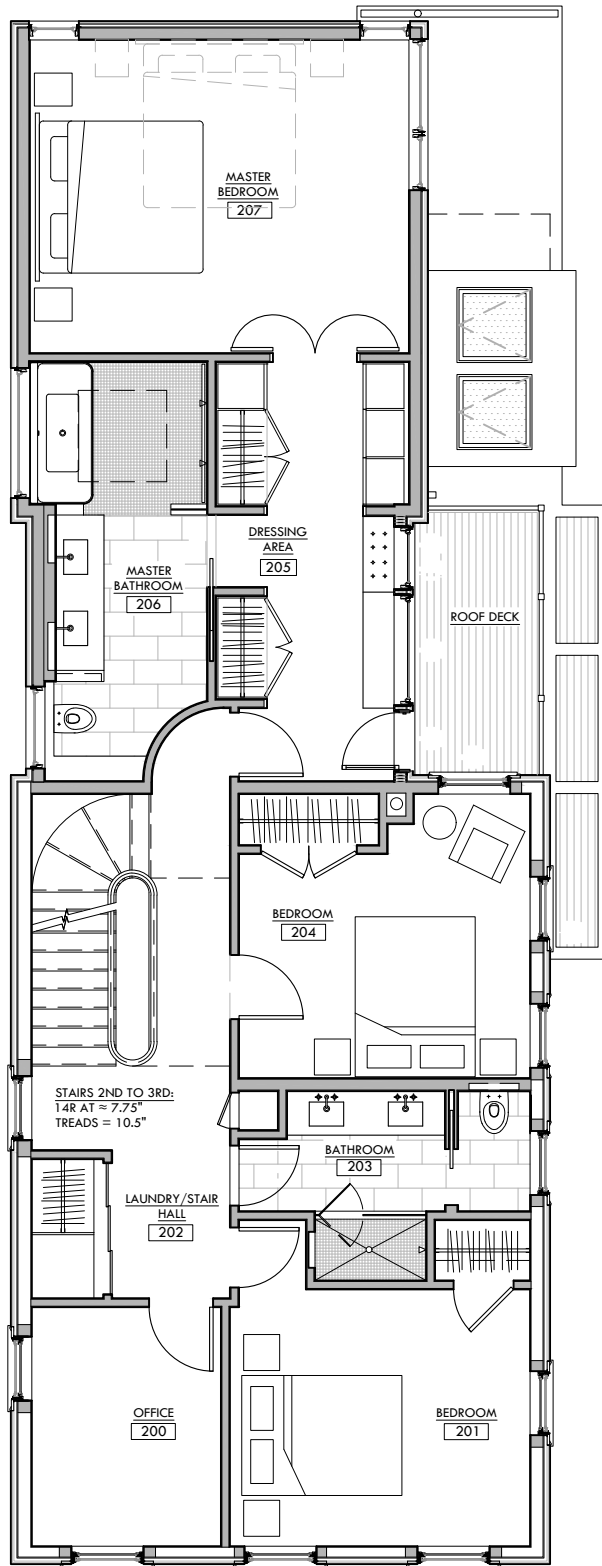


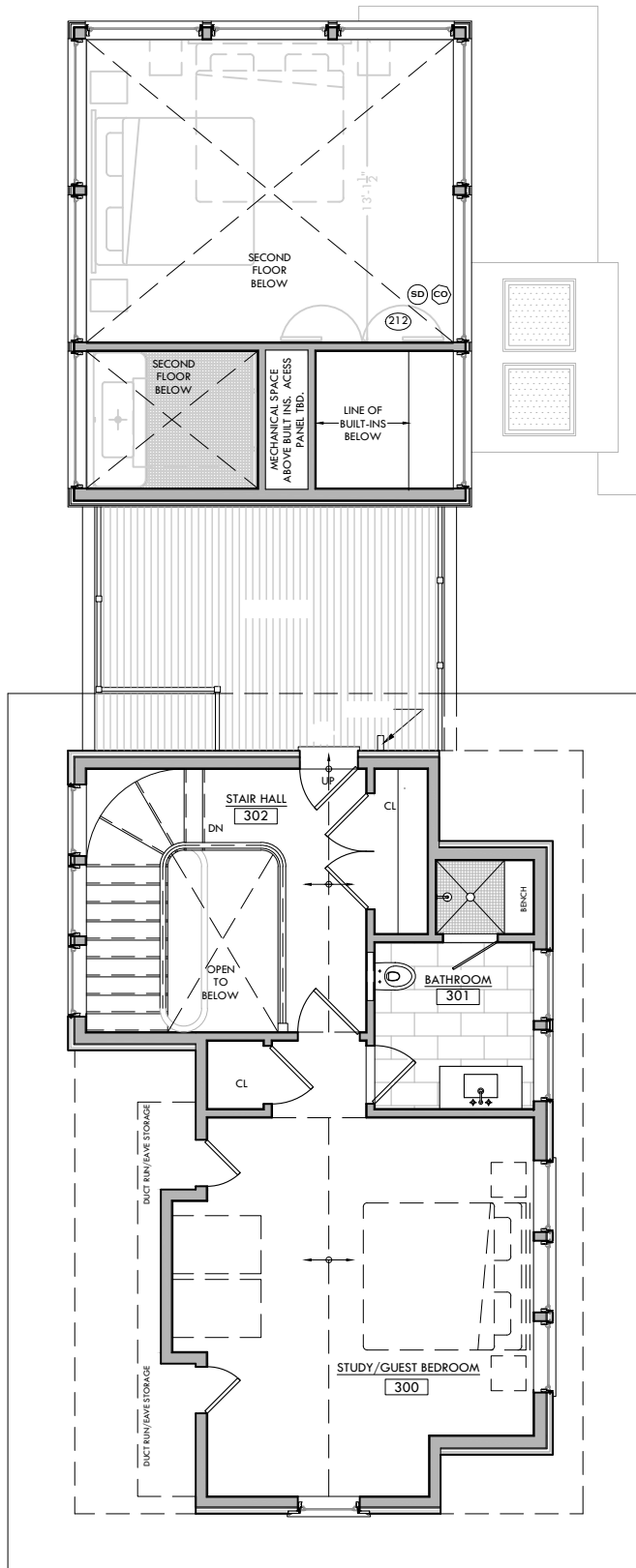
FOLEY FIORE ARCHITECTURE

316 Cambridge Street Cambridge MA 02141 617.547.8002

120 MAGAZINE STREET

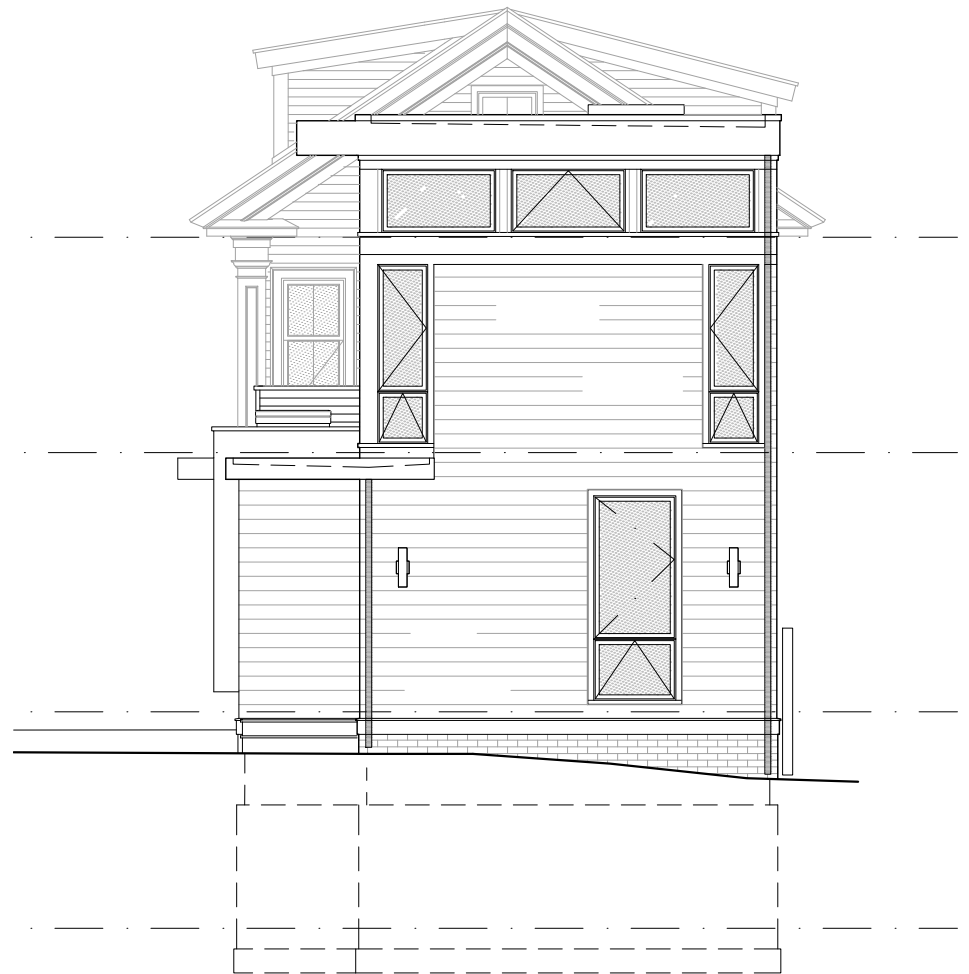
Proposed 1st Floor Plan $\frac{1}{8}'' = 1'-0''$







WEST



EAST

FOLEY FIORE ARCHITECTURE

316 Cambridge Street Cambridge MA 02141 617.547.8002

120 MAGAZINE STREET

Proposed Exterior Elev. $\frac{1}{8}'' = 1'-0''$



SOUTH

FOLEY FIORE ARCHITECTURE

316 Cambridge Street Cambridge MA 02141 617.547.8002

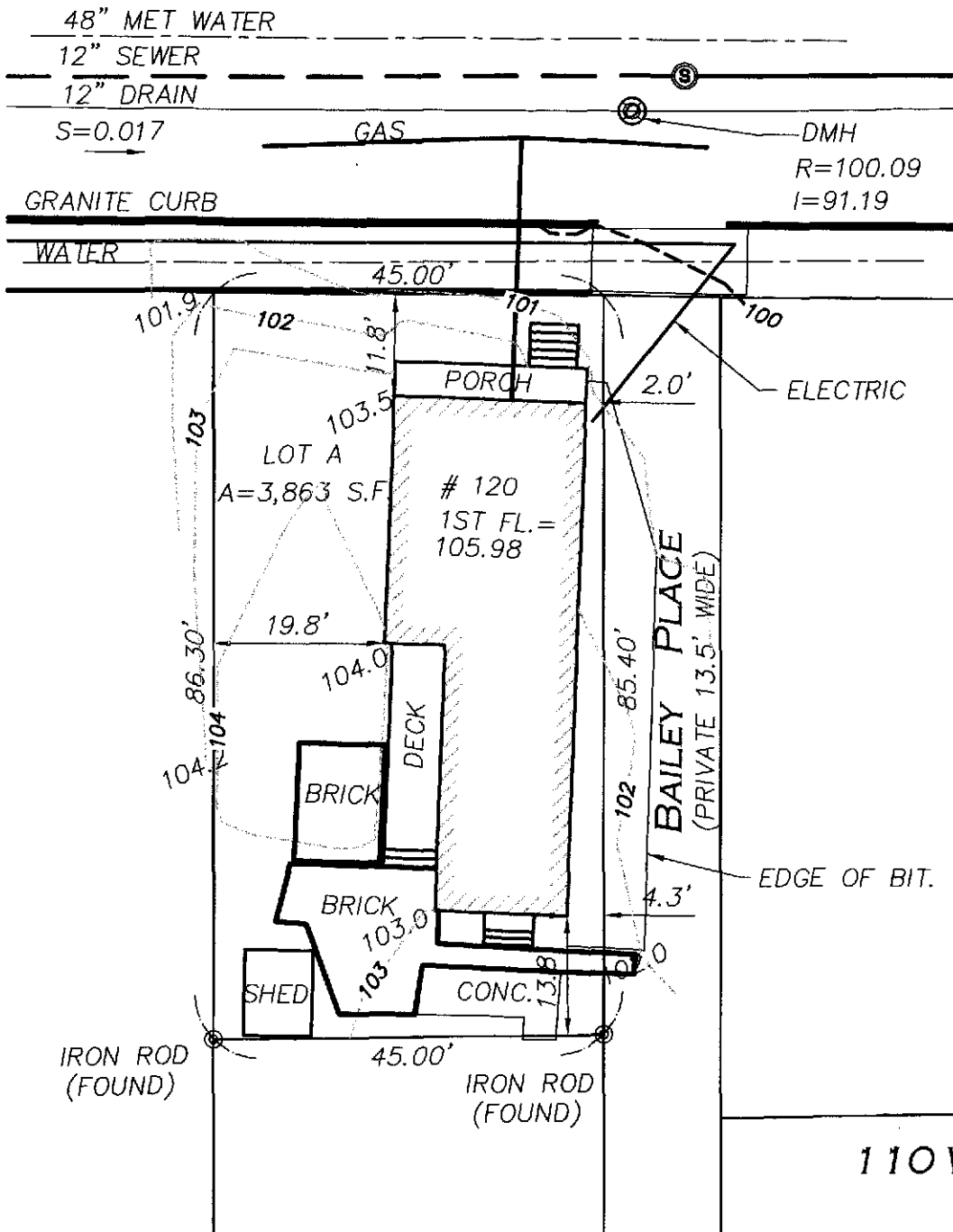
120 MAGAZINE STREET

Proposed Exterior Elev. $\frac{1}{8}'' = 1'-0''$



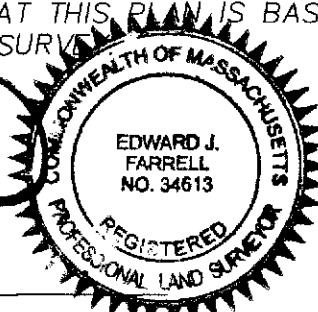
NORTH

MAGAZINE STREET



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY

[Handwritten Signature]



4-17-18

EDWARD J. FARRELL P.L.S. DATE

OWNER OF RECORD

WENDY HOLDING & LINDSAY MACINDOE
BOOK 67961 PAGE 23 M.S.R.D.

PLAN REFERENCES

PLAN # 666 OF 1954

NOTE:

ELEVATIONS BASED ON AN ASSUMED DATUM.

**PLOT PLAN
120 MAGAZINE STREET
CAMBRIDGE, MASS.**

SCALE: 1" = 20' APRIL 17, 2018

Prepared By

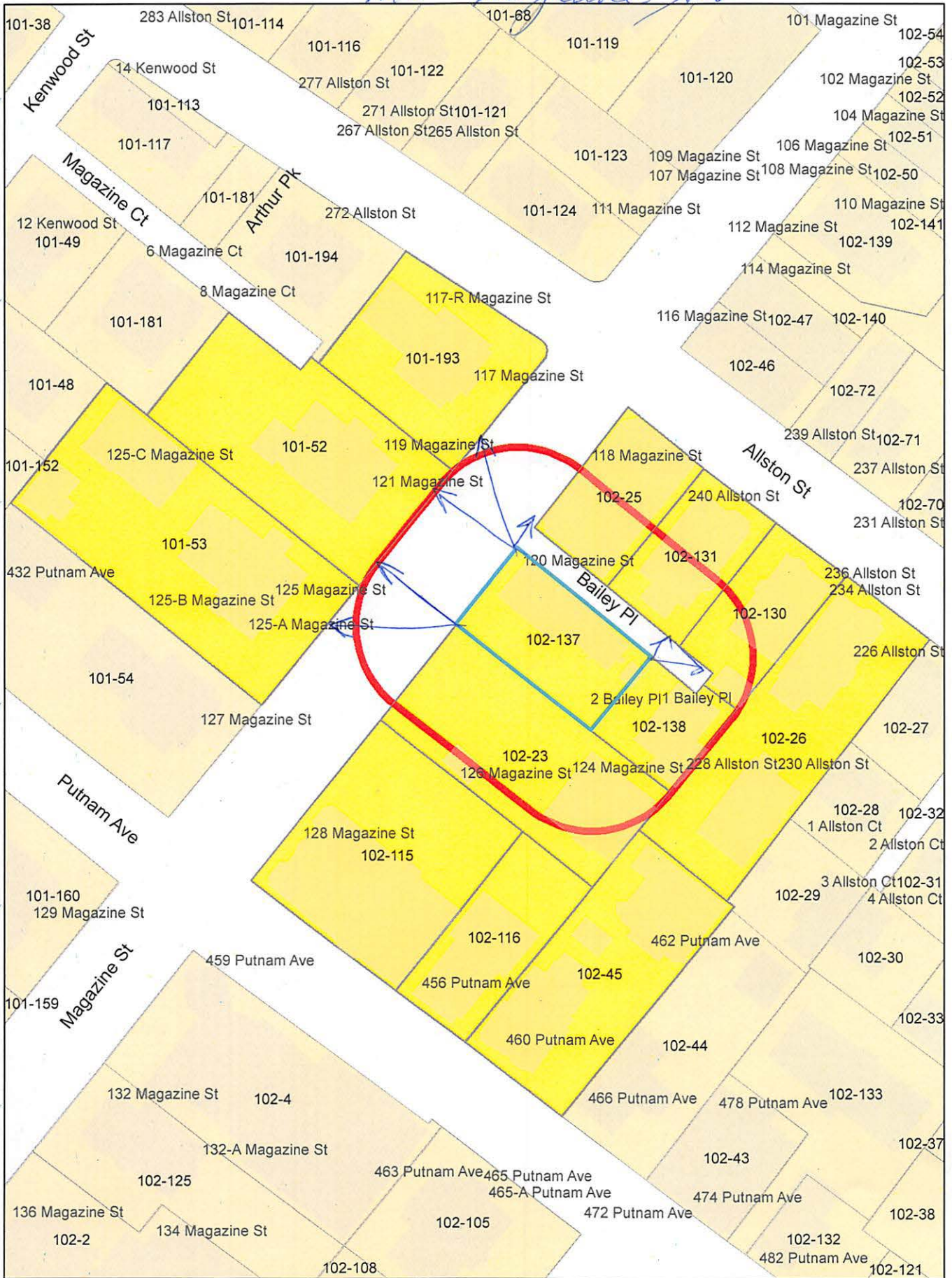
EDWARD J. FARRELL

PROFESSIONAL LAND SURVEYOR

110 WINN STREET ~ SUITE 203 ~ WOBURN, MA.

(781)-933-9012

120 Magazine St.



150 Magazine St
Petitioners

101-52
TUCKER, EMILY & EMILY D. HOWE
119-121 MAGAZINE ST.
CAMBRIDGE, MA 02139

101-53
KING, GREGORY D. & DEBRA L. AMERY
125 MAGAZINE ST. UNIT#3
CAMBRIDGE, MA 02139

S&H CONSTRUCTION
C/O ALEX SLIVE
26 NEW STREET #2
CAMBRIDGE, MA 02138

101-53
GLADSTONE, MICHAEL
125 MAGAZINE ST UNIT #B
CAMBRIDGE, MA 02139

101-193
DOWNING, ROBERT E. & HEATHER E. GRAHAM
115 MAGAZINE ST
CAMBRIDGE, MA 02139

101-193
KONIAK, SUSAN P.
115-117 MAGAZINE ST, #117A
CAMBRIDGE, MA 02139

101-193
ELLENBERGER, CAROLYN L.
117B MAGAZINE ST
CAMBRIDGE, MA 02139

102-23
DAVIDOFF, DONALD & SUSAN J. TARLOW
124-126 MAGAZINE ST., UNIT A
CAMBRIDGE, MA 02139

102-23
TARLOW, RITA ELLEN
124-126 MAGAZINE ST., UNIT B
CAMBRIDGE, MA 02139

102-25
HARGREAVES, GEORGE
C/O HARGREAVES ASSOCIATES, INC
970 TENNESSEE ST
SAN FRANCISCO, CA 94107

102-26
CLARK, ROSE, S. & ELLEN DONATO &
FRANK DONATO
228 ALLSTON ST
CAMBRIDGE, MA 02139

102-45
RICE, EDWARD J. & DIANNE RICE
460 PUTNAM AVE
CAMBRIDGE, MA 02139

102-116
TUMARKIN, TOBY & ELIZABETH HOPE
TUMARKIN TRUSTEES
790 RIVERSIDE DR., UNIT 8D
NEW YORK, NY 10032

102-130
YUNG CHANG CHEN
236 ALLSTON STREET
CAMBRIDGE, MA 02139

102-131
CYRUS LLC
5 FOLSOM POND RD
WAYLAND, MA 01778

102-137
HOLDING, WENDY S. & LINDSAY A. MACINDOE
11 SALEM ST
CAMBRIDGE, MA 02139

102-138
SOMMERS, ELIZABETH A. & LOOCIE S. BROWN
1 BAILEY PL
CAMBRIDGE, MA 02139

102-115
BELLISARIO, CATHERINE C.,
TRUSTEE OF D&M REALTY TRUST
1 FLORENCE ST., APT #3
CAMBRIDGE, MA 02139

102-115
BELLISARIO, DAVID P.
1 FLORENCE ST
CAMBRIDGE, MA 02139

102-115
PURDY, ROBERT
128 MAGAZINE STREET, UNIT #15
CAMBRIDGE, MA 02139

102-115
DANILA, NICOLAS
128 MAGAZINE ST., #14
CAMBRIDGE, MA 02139

102-115
SCHMIDT, AARON J.
128 MAGAZINE ST. UNIT#12A
CAMBRIDGE, MA 02139

102-115
KESSLER, BELINDA VALENTI &
JEFFREY C. KESSLER
557 LELAND AVE
SAN FRANCISCO, CA 94134

102-115
HIBBEN, EDWARD
128 MAGAZINE ST., #11
CAMBRIDGE, MA 02139

102-115
ISMAL, AYMAN
128 MAGAZINE ST. UNIT#10
CAMBRIDGE, MA 02139

102-115
MCINERNEY, MEGHAN L.
128 MAGAZINE ST. UNIT#9
CAMBRIDGE, MA 02139

102-115
KIM, PETER, YANG SUN KIM & ERICA KIM
128 MAGAZINE ST. UNIT#8
CAMBRIDGE, MA 02139

102-115
GONG, NAN-WEI & CHIA-WEI LIN
266 PEARL ST., #A
CAMBRIDGE, MA 02139

102-115
SILVA, BERNARD N.,
TRUSTEE OF F&D TRUST
51 PRINCE ST #3
CAMBRIDGE, MA 02139

101-53
CHAPIN, A. LYMAN & SUZANNE H. CHAPIN
125 MAGAZINE ST., #A
CAMBRIDGE, MA 02139

120 Magazine St

102-115

BANDAR, RAYMOND B., TRUSTEE THE
WOODLAND ST 2011 REALTY TRS
6 WOODLAND ST
ARLINGTON, MA 02476

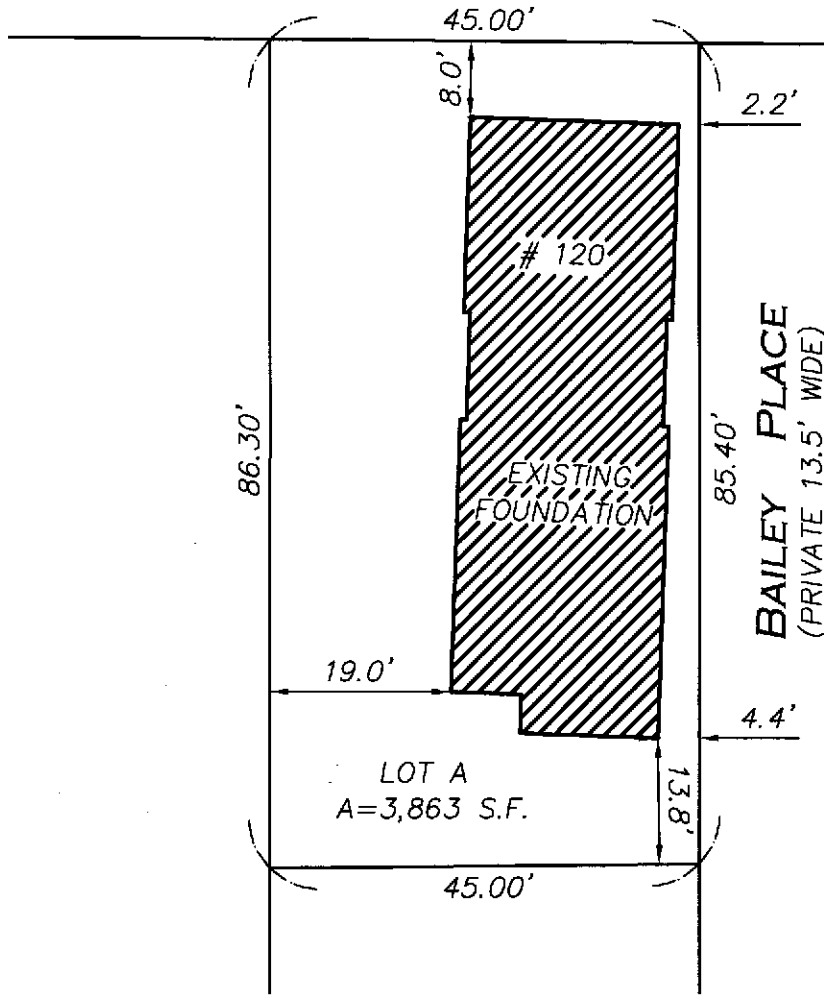
102-115

BELLISARIO, CATHERINE C., TRUSTEE
C/O CATHERINE C. BELLISARIO
1 FLORENCE ST.APT#3
CAMBRIDGE, MA 02139

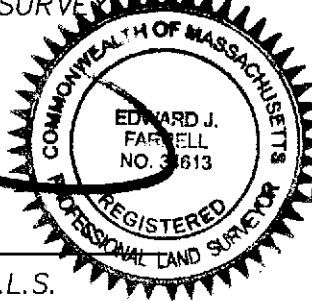
102-115

KHANGURA, NAVTEJ &
CITY OF CAMBRIDGE TAX TITLE
651 FRANKLIN ST., #3
MOUNTAIN VIEW, CA 94041

MAGAZINE STREET



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY.



8-16-18

EDWARD J. FARRELL P.L.S.

DATE

**AS BUILT
FOUNDATION LOCATION
120 MAGAZINE STREET
CAMBRIDGE, MASS.**

OWNER OF RECORD

WENDY HOLDING & LINDSAY MACINDOE

BOOK 67961 PAGE 23 M.S.R.D.

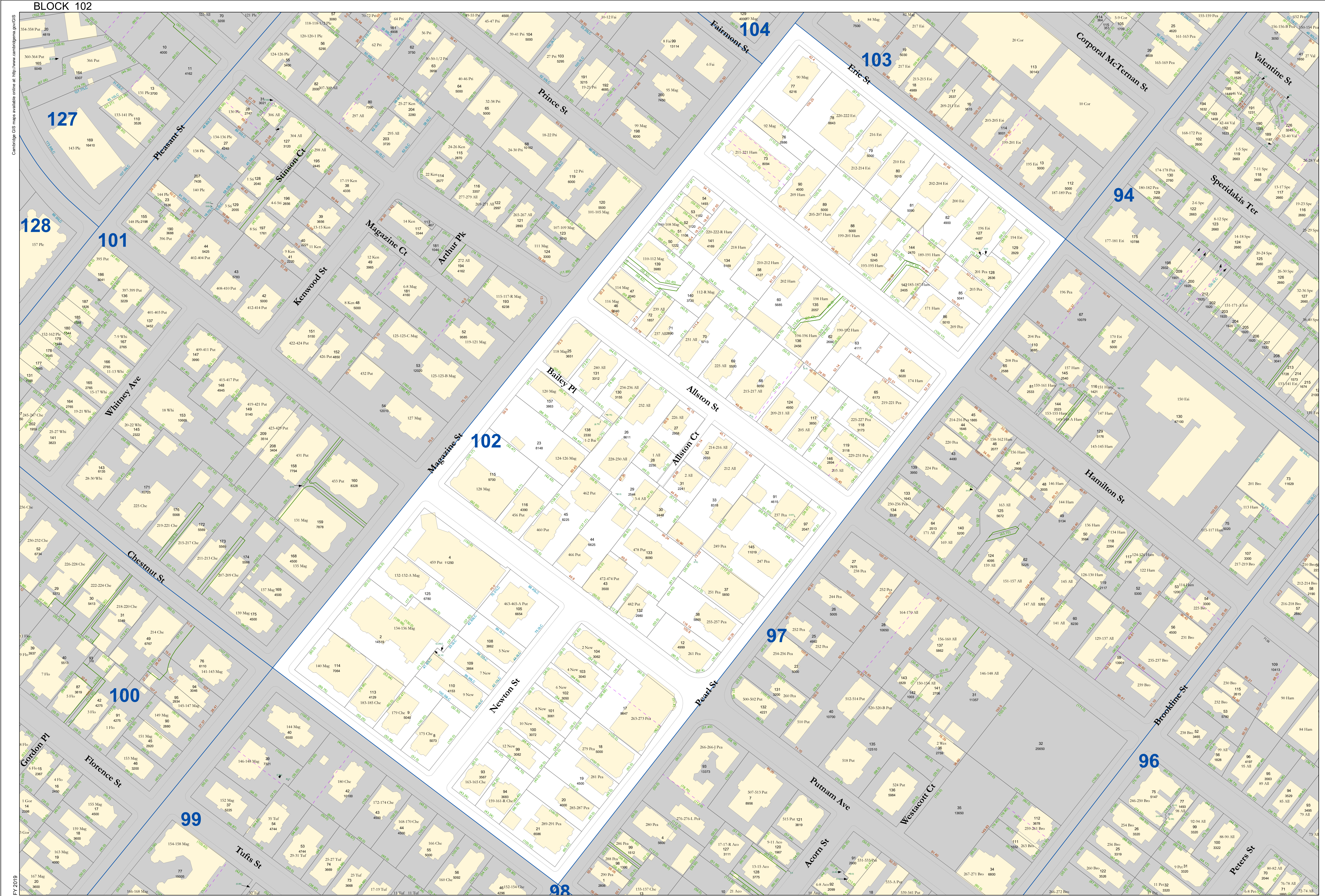
PLAN REFERENCES

PLAN # 666 OF 1954

SCALE: 1" = 20' AUGUST 16, 2018

Prepared By

**EDWARD J. FARRELL
PROFESSIONAL LAND SURVEYOR
110 WINN STREET ~ SUITE 203 ~ WOBURN, MA.
(781)-933-9012**



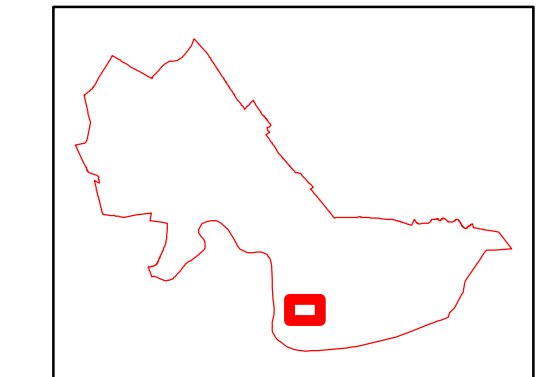
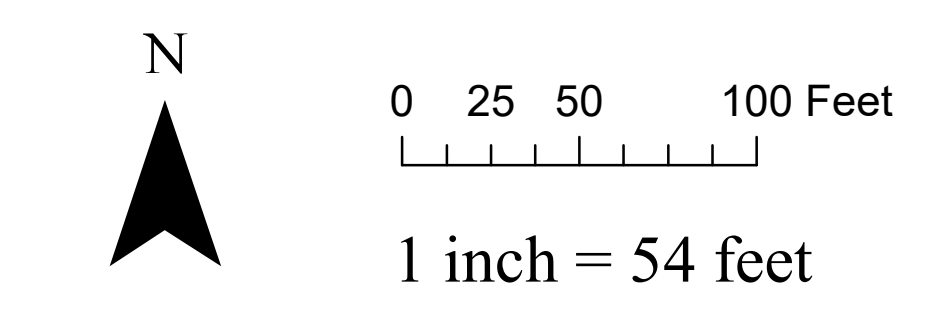
City of Cambridge
Assessing Department
795 Massachusetts Ave.
Cambridge, MA 02139

- Buildings
- Water
- Sub-Parcel Line
- Easement
- Block Line
- Lot Line
- City Boundary
- Railway

10 Lot Number
102 Block Number
10 Cam Street Number
(125.0) Deed Dimension

100 Parcel size in Sq. Ft.
44.0LC Land Court Dimension
65.0 Survey Dimensions

DISCLAIMER:
All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1920 to 2018 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.
The City of Cambridge assumes no legal responsibility for information shown on this map.



Parcel Block Map
102

FY 2019

Cambridge GIS maps available online at: <http://www.cambridgegis.com>