



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

BZA APPLICATION FORM

Plan No: BZA-017322-2020

GENERAL INFORMATION

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

Special Permit: ✓ Variance: ✓ Appeal:

PETITIONER: Richard Von Turkovich - C/O Michael Wiggins, Esq.

PETITIONER'S ADDRESS: 1 Liberty Sq. - Suite 1210 Boston, MA, MA 02109

LOCATION OF PROPERTY: 17-19 Cushing St Cambridge, MA 02140

TYPE OF OCCUPANCY: 4.31g ZONING DISTRICT: Residence B/BA-1 Zone

REASON FOR PETITION:

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Variance: To add an additional unit in the basement and obtain permission for less open space per dwelling unit.

Special Permit: To reduce the number of parking spaces to 4 and also to park within the side yard setback.

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>5.000</u>	Section <u>5.31 (Table of Dimensional Requirements).</u>
Article <u>5.000</u>	Section <u>5.26 (Conversion).</u>
Article <u>6.000</u>	Section <u>6.35 (Reduction of Parking).</u>
Article <u>4.000</u>	Section <u>6.44.1B (Parking Within The Setback).</u>
Article <u>4.000</u>	Section <u>4.31.G (Multifamily).</u>

Original Signature(s) :

Michael W. Wiggins
(Petitioner(s) / Owner)

Michael W. Wiggins, Esq.
(Print Name)

Address :

One Liberty Square Ste 1210
Boston MA 02109

Tel. No. :

617 742 5730

E-Mail Address :

mww@westonpatrick.com

Date :

8/24/20

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 Richard Von Turkovich
(OWNER)

Address: 31 Shepard Street Cambridge, MA 02138

State that I/We own the property located at 17-19 Cushing Street
which is the subject of this zoning application.

The record title of this property is in the name of Richard Von Turkovich and Myra Von Turkovich

*Pursuant to a deed of duly recorded in the date 6/21/2001, Middlesex South
County Registry of Deeds at Book 33099, Page 390; or

Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____

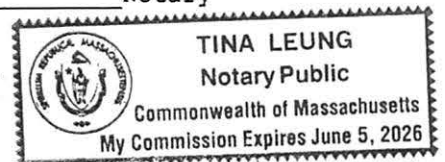
Richard Von Turkovich and Myra Von Turkovich
by Michael W. Higgins attorney duly authorized
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Suffolk

The above-name Michael W. Higgins personally appeared before me,
this 24th of August, 2020, and made oath that the above statement is true.

Tina Leung Notary
My commission expires June 5, 2026 (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 basement has high ceilings and therefore counts as floor area, but to convert it to habitable space by joining it with first floor apartment would be very difficult and impractical due to structural limitations imposed by the stair locations and configuration. A separate dwelling unit in basement would help to overcome the structural limitations upon suitable use of floor area for occupancy.

- 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 peculiar location and layout of stairs in the building and limited access between other floors and the basement makes it difficult and impractical to integrate the available living space in the basement with any other apartment in the building.

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

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

All improvements would be internal, and other than insertion of a window well for second egress and re-orientation of the back porch and stairs the building exterior envelope would not be changed at all. The total number of persons occupying the building would not vary from the number that would be permissible if the basement space were integrated with the first floor. The open space per dwelling unit would only slightly change with a 5th unit added. 4 parking spaces to be supplied, combined with public transportation close nearby would avoid any adverse effects upon parking or traffic in the neighborhood.

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

A majority of the building is located in a Commercial zone. While Residence B regulations apply because a portion of the lot is in the Residence B district, the conversion of basement space to a 5th unit in this prior nonconforming building would not change the footprint of the building or adversely affect the residential use of the immediately abutting multifamily building on Spruce Street. No overcrowding would occur and the ratio of parking spaces to number of dwelling units would actually increase.

- * 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 17-19 Cushing St Cambridge, MA 02140 (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:

The number of parking spaces to be provided will double, so that the ratio of parking spaces to the number of dwelling units will actually increase. Fencing and screening will be provided between the parking spaces and the setback from the abutting premises to the rear.

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:

The number of parking spaces to be added will alleviate parking needs in the neighborhood by adding two spaces while only adding one dwelling unit. In addition, the availability of two bus lines within a block from locus makes the provision of 4 off street spaces for the 5 dwelling units in the building more than adequate. The parking will be located in such a manner that will avoid any adverse impact on traffic on Cushing or Spruce Street.

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 abutters' concerns about traffic and parking have been fully addressed and satisfied. No overcrowding of the neighborhood by the insertion of a small dwelling unit in the basement will occur. The immediately abutting lot on Spruce contains a large nonconforming three family building which effects a smooth transition between the locus and other residences located on Spruce Street. Fencing and green screening to protect views from the yard of the immediately abutting condominium on Spruce Street will be provided.

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:

Traffic and parking will not be adversely affected at all, given that ratio of parking spaces to number of dwelling units will actually be increased.

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:

Addition of a 5th dwelling unit wholly within this prior nonconforming building most of which is located within a commercial district will not adversely affect the residential character of the lots located to the rear of the locus in this residence B district, and the locus is well buffered from the rest of the neighborhood by its location next to commercial uses and to a large multifamily building that immediately abuts it.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: Weston Patrick, P.A. **PRESENT USE/OCCUPANCY:** 4 unit
LOCATION: 17-19 Cushing St Cambridge, MA 02140 **ZONE:** Residence B/BA-1 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** 5 Unit

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		5717	5716	2500	(max.)
<u>LOT AREA:</u>		562	5662	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: 2</u>		1.01	1.01	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		1415	1132	2500	(min.)
<u>SIZE OF LOT:</u>	WIDTH	49.1	49.1	50	(min.)
	DEPTH	77.45	77.45	100	
<u>SETBACKS IN FEET:</u>	FRONT	10.8	10.8	15	(min.)
	REAR	23	23	25	(min.)
	LEFT SIDE	5.4	5.4	7.5	(min.)
	RIGHT SIDE	20.8	20.8	7.5	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	41.3	41.3	35	(max.)
	LENGTH	45.2	45.2	45.2	
	WIDTH	27	27	27	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		41.3	42.81	40	(min.)
<u>NO. OF DWELLING UNITS:</u>		4	5	2	(max.)
<u>NO. OF PARKING SPACES:</u>		2	4	5	(min./max)
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		16	n/a	10	(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.

A garage outbuilding on the locus will be demolished and removed.

The building is a three story wood frame building with brick and concrete foundation and basement floor. Except for reconfiguration of the back porch and stairs, of wood, and construction of an exterior window well, of concrete, on the right side of the building, all construction will consist of internal buildout of a basement apartment.

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'.



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2020 AUG 25 AM 11:10
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Article <u>4.000</u>	Section <u>4.31.G (Multifamily).</u>

Original Signature(s):

Michael W. Wiggins
(Petitioner(s) / Owner)

Michael W. Wiggins, Esq.
(Print Name)

Address:

One Liberty Square Ste 1210
Boston MA 02109

Tel. No.:

617 742 5730

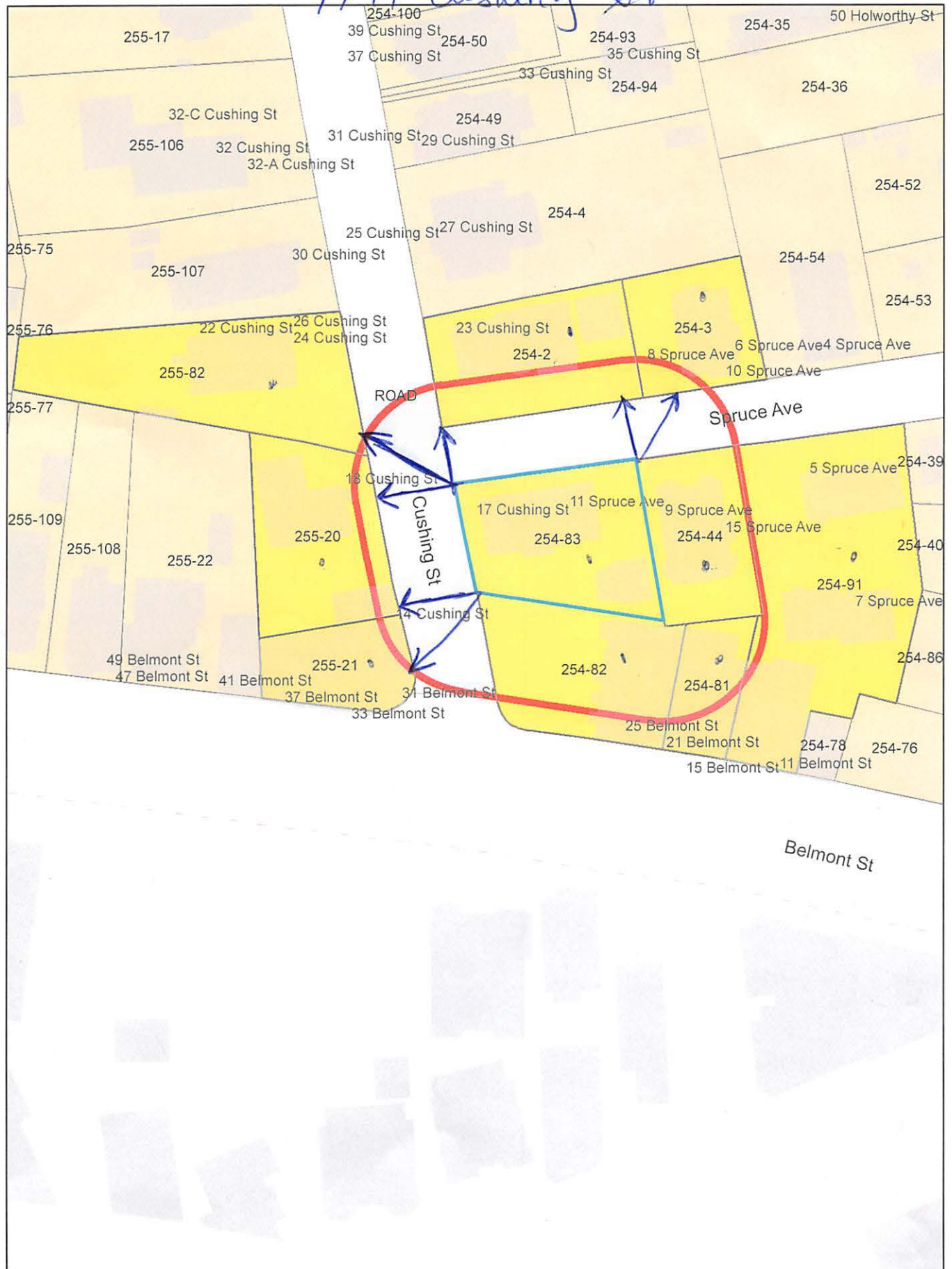
E-Mail Address:

mww@westonpatrick.com

Date:

8/24/20

17-19 Cushing St.



17-19 Cushing St.

Petitioner

254-2
KRAMAN, NADINE
23 CUSHING ST. UNIT#2
CAMBRIDGE, MA 02138

254-2
YANG, CHUOH-SHYNG
23 CUSHING ST #3
CAMBRIDGE, MA 02138

WESTON PATRICK, P.A.
C/O MICHAEL W. WIGGINS, ESQ.
ONE LIBERTY SQUARE – SUITE 1210
BOSTON, MA 02109

254-44
FURUMOTO, LAUREL
TRUSTEE THE LAUREL FURUMOTO REVOC. TR
10 LARSON CIRCLE
BURLINGTON, MA 01803

254-82
CARRIG, JAMES A., OLIVE R. MURPHY,
ROBERT W. CARRIG & NANCY JANE CARRIG
C/O THAYER & ASSOCIATES INC.
1812 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140

254-83
VON TURKOVICH, RICHARD &
MYRA VON TURKOVICH
31 SHEPARD ST
CAMBRIDGE, MA 02138

255-20
POLIMOU, ANNE M. & ELLEA POLIMOU
18 CUSHING ST
CAMBRIDGE, MA 02138-4516

255-82
NELIN, MITCHELL E.
TR. 24 CUSHING STREET REALTY TRUST
24 CUSHING ST
CAMBRIDGE, MA 02138-4516

254-44
RUSSELL, ROBERT H. III
9 SPRUCE AVENUE
CAMBRIDGE, MA 02138-0184

254-44
KAHLE, KURT VON
15 SPRUCE AVE., #15
CAMBRIDGE, MA 02138

255-21
DEFABRITIIS FAMILY, LLC,
110 STONELEIGH RD
WATERTOWN, MA 02472

254-91
HSEC REAL ESTATE LLC
162 EVELYN RD.
NEWTON, MA 02158

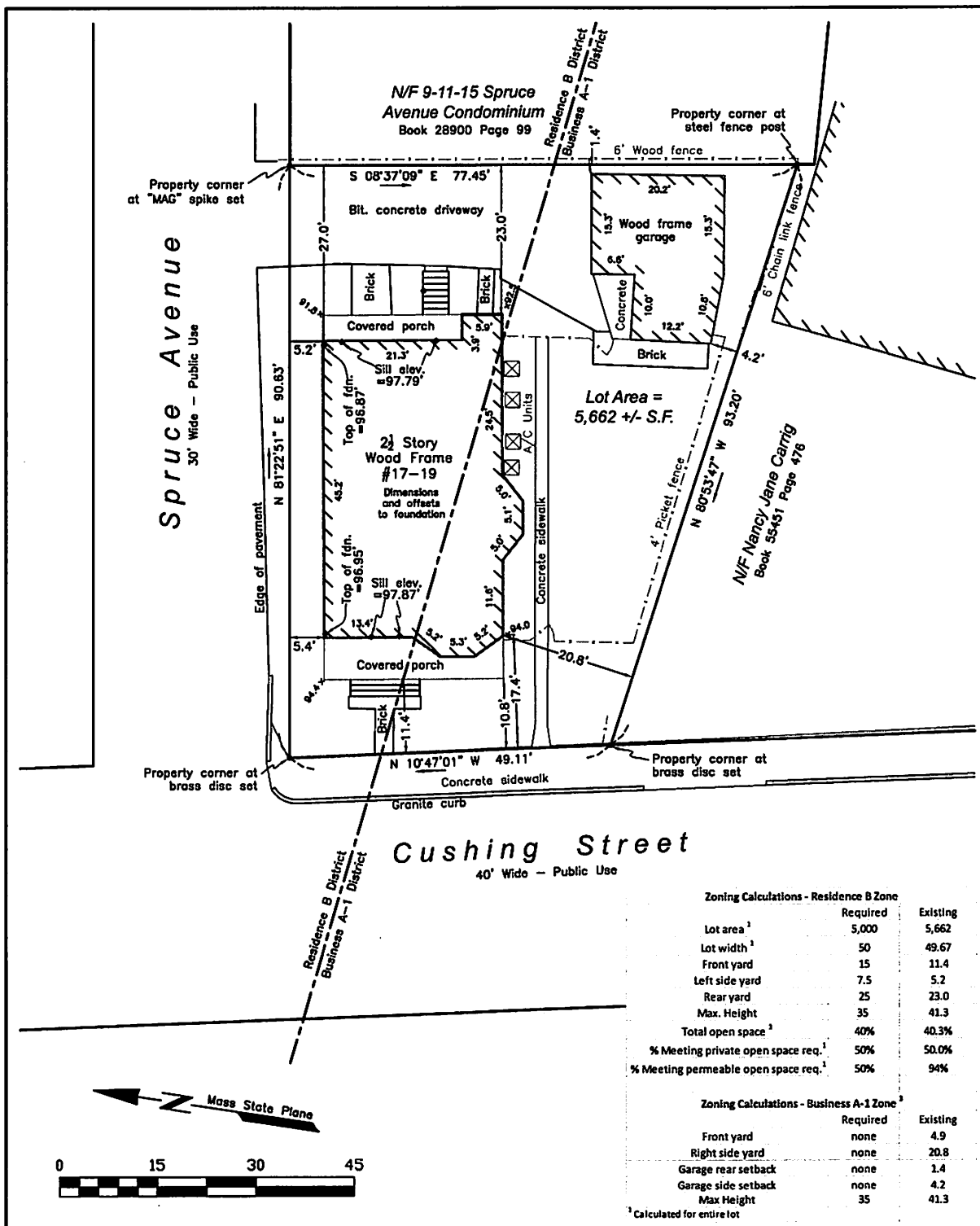
254-91
THE MCLEAN HOSPITAL CORPORATION
P.O. BOX 6240
BOSTON, MA 02114

254-3
GAO, AILING & JINCHANG LI
10 SPRUCE AVE
CAMBRIDGE, MA 02138

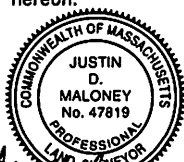
254-2
POLLARD, WILLIAM J. & LAURA D. INDIGO
23 CUSHING ST., #1
CAMBRIDGE, MA 02138

254-81
MURPHY REAL ESTATE HOLDINGS LLC
36 STANLEY RD
BELMONT, MA 02478

254-3
GUI, MING & HONG YAN
8-10 SPRUCE AVE., #8
CAMBRIDGE, MA 02140



In my professional opinion, I certify to Richard von Turkovitch and the City of Cambridge 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 property falls outside of the special flood hazard area as shown on the F.I.R.M. for Middlesex County, Massachusetts, Map #25017C0419E Dated: June 4, 2010 and that the location of the improvements are as shown hereon.



PROFESSIONAL LAND SURVEYOR

DATE: 2/9/19

Existing Conditions Plan of Land
in
Cambridge, Massachusetts
Prepared For: Richard von Turkovitch

Scale: 1" = 15'

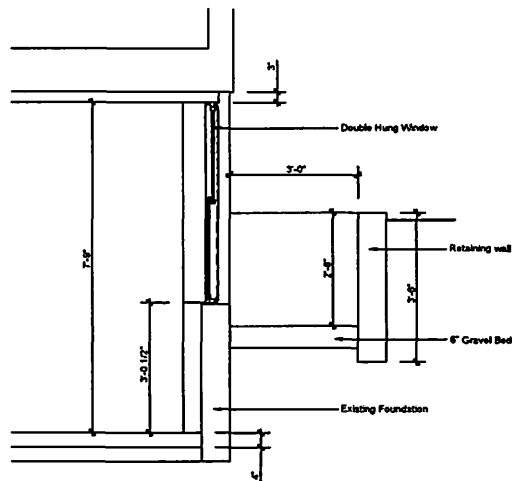
Date: February 8, 2019

MALONEY GEOSPATIAL

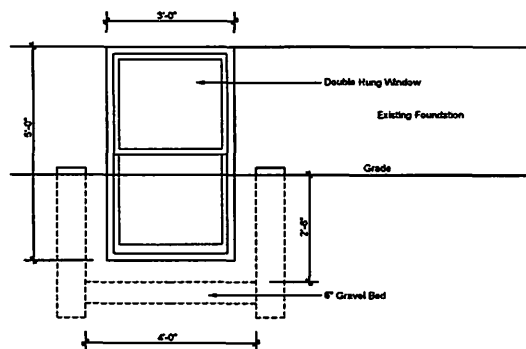
7 Walnut Road
Somerville, MA 02145

617-744-9002
maloneygeo.com

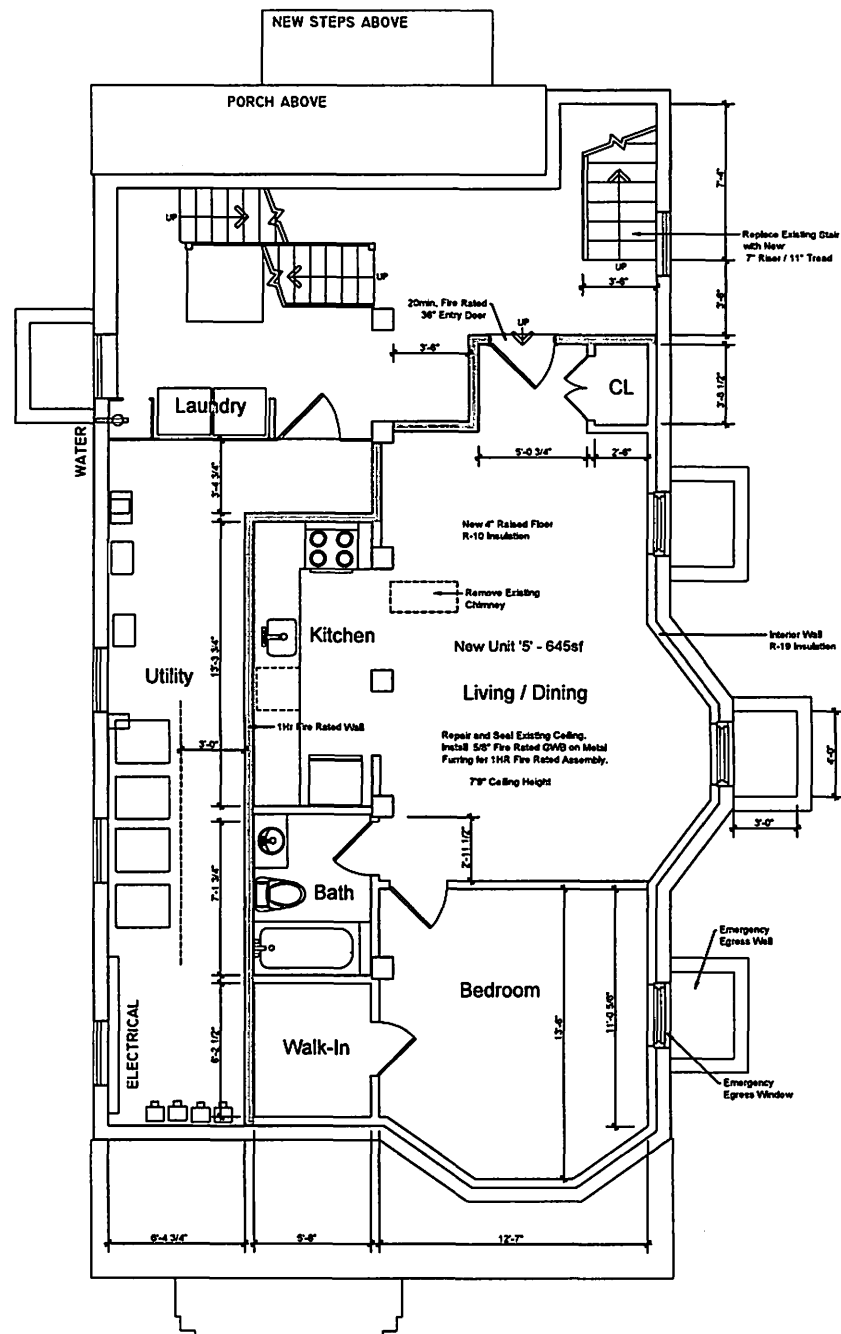
Deed recorded at Middlesex Registry of Deeds, Bk 33099 Pg 399
Plan 2234 of 1950, recorded in Book 7684 Page 162
Assessors Map 254, Lot 83
Zoning Districts: Residence B(2,458 SF) and Business A-1(3,204 SF)



2 Section Through Emergency Egress
Scale: 1/2" = 1'-0"



3 Emergency Egress Elevation
Scale: 1/2" = 1'-0"



1 Proposed Basement Plan
Scale: 1/4" = 1'-0"

Date	Revision / Issue
12/10/18	Review Set
10/10/19	BZA

Notes

Project Title
BASEMENT ALTERATIONS
17-19 Cushing Street
Cambridge, MA

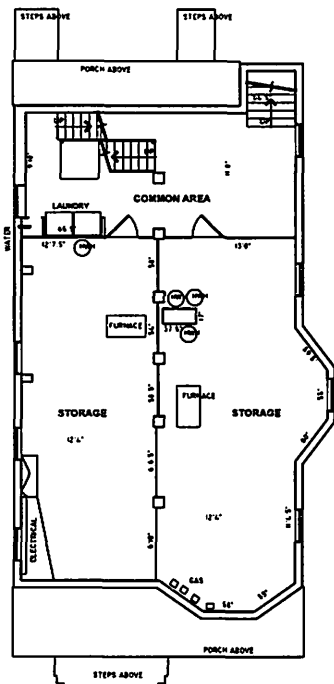
Drawing Title
Proposed Plan & Window Details

Sheet

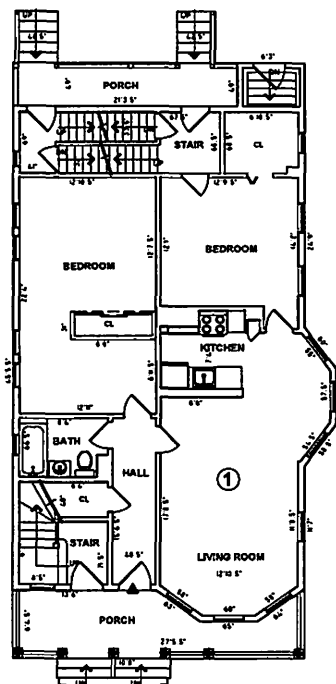
architecture sv
ARCHITECTURE DESIGN PLANNING
36 Highgate Rd, Framingham, MA 01701
Tel: (508) 277-7617
Fax: (508) 277-7621
arch@svd.com

Project	1822
Date	21 July 2020
Scale	AS NOTED

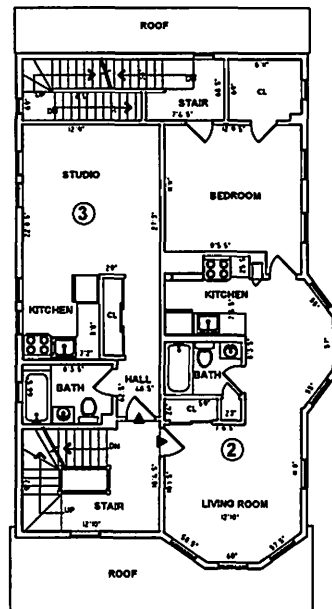
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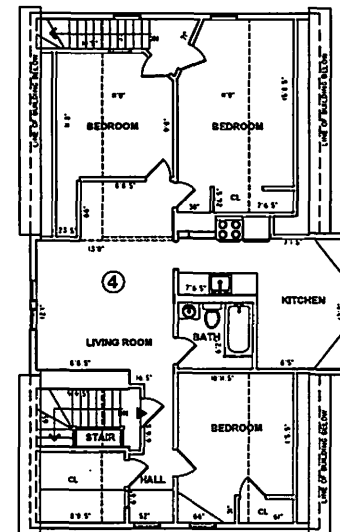
1 Existing Basement Plan
Scale: 1/8" = 1'-0"



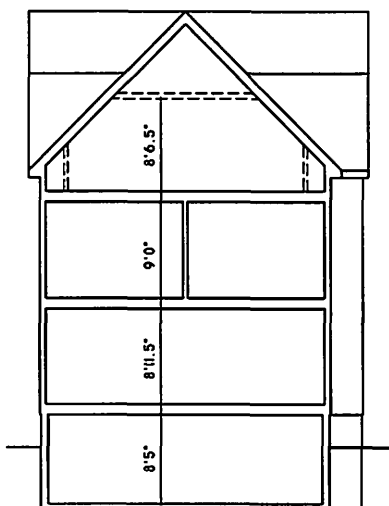
2 Existing First Floor Plan
Scale: 1/8" = 1'-0"



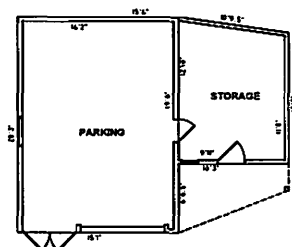
3 Existing Second Floor Plan
Scale: 1/8" = 1'-0"



4 Existing Third Floor Plan
Scale: 1/8" = 1'-0"



5 Diagrammatic Section
Scale: 1/8" = 1'-0"



6 Garage and Storage Plan
Scale: 1/8" = 1'-0"

Date	Revision / Issue
12/10/18	Review Set

Notes

Project Title
BASEMENT ALTERATIONS
17-19 Cushing Street
Cambridge, MA

Drawing Title
Existing Floor Plans
and Section

Seal

architecture sv
ARCHITECTURE DESIGN PLANNING
34 Highgate Rd, Framingham, MA 01701
Tel: (517) 277-5617
Fax: (517) 277-8421
architect@edcsout.com

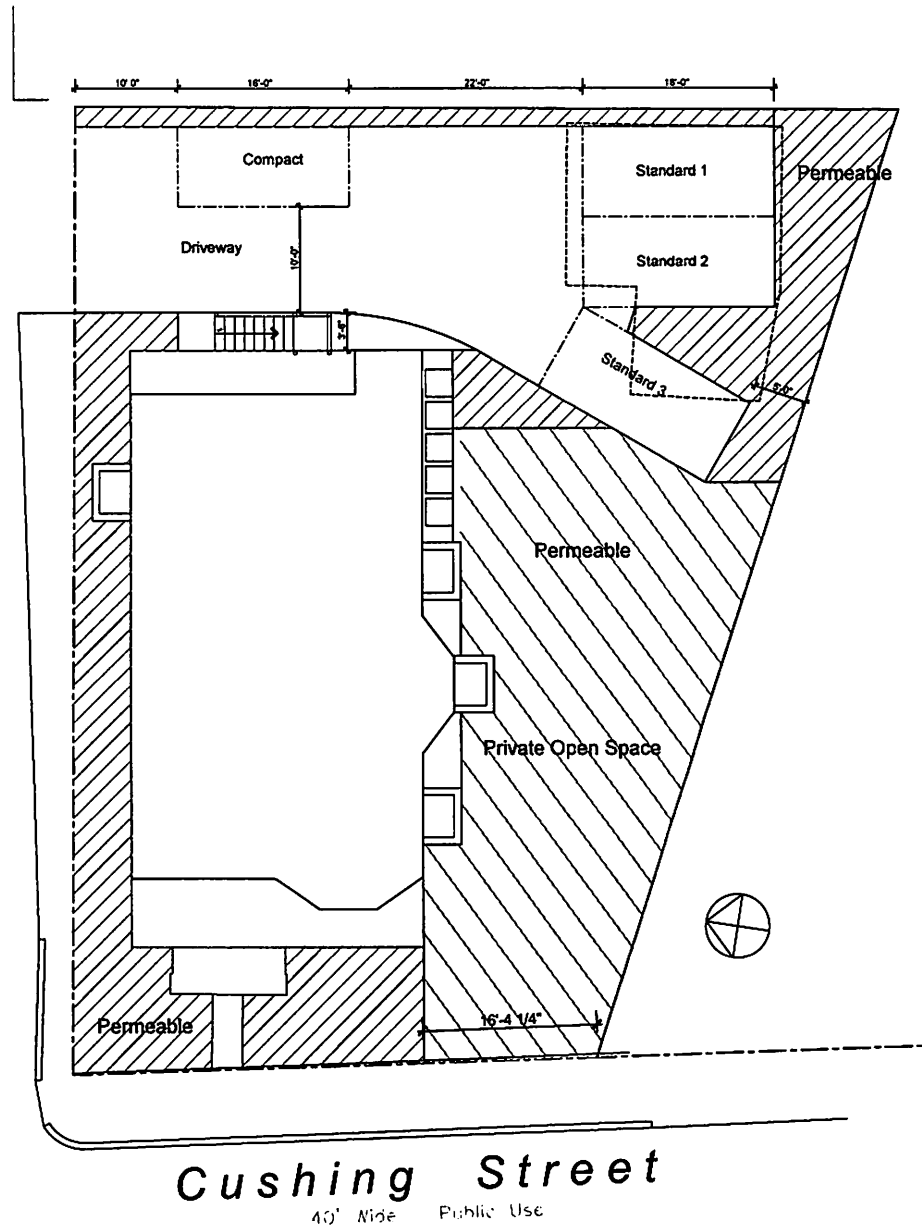
Project	1822
Date	10 October 2019
Scale	AS NOTED

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A2

ZONING CALCULATIONS & DIMENSIONAL TABLE:

ZONING DISTRICT: Residential B and Business A-1 (43.4% / 56.6%)				
Following Table uses more restrictive standards of Residential B District				
CURRENT USE:	Existing Dwelling converted for more than two families (4.31.h) - 4 Dwelling Units			
PROPOSED USE:	Existing Dwelling converted for more than two families (4.31.h) - 5 Dwelling Units			
	REQUIRED	EXISTING	PROPOSED	COMPLIANCE
(1) Max. FAR:	0.5	1.01	0.83	NON-CONFORMING
(2) Min. LOT SIZE:	5,000sf	5,862sf	NO CHANGE	CONFORMING
(3) Min. LOT SIZE for D.U.:	2,500sf	1,415sf	1,132sf	NON-CONFORMING
(4) LOT WIDTH:	50'	49.1' Front / 77.45' Rear	NO CHANGE	CONFORMING
(5) Min. YARD:				
Front, Cushing St.:	15.0'	10.8'	NO CHANGE	NON-CONFORMING
Front, Spruce Ave.:	15.0'	5.2'	NO CHANGE	NON-CONFORMING
Right Side, Cushing St.:	7.5' (20.0')	20.8'	NO CHANGE	CONFORMING
Left Side, Spruce Ave.:	7.5' (20.0')	23.0'	NO CHANGE	CONFORMING
Rear:	N/A (Sec.5.24.3)			
(6) Max. HEIGHT:	35'	41.3'	NO CHANGE	NON-CONFORMING
(7) Min. RATIO OF OPEN SPACE:	40%	42.14%	42.81%	CONFORMING
Meeting Dimensional Req.	20%	878sf = 15.51%	1,300sf = 22.98%	CONFORMING
Permeable	20%	1,508sf = 26.63%	1,124sf = 19.85%	CONFORMING
Note: All listed Open Private Space conforms to Permeable standards.				
PARKING:	5	2	4	NON CONFORMING
GROSS FLOOR AREAS:				
	EXISTING:	PROPOSED:		
Basement:	1,299sf	No Change		
First:	1,552sf	No Change		
Second:	1,294sf	No Change		
Third:	1,132sf	No Change		
Total Main Structure:	5,277sf	No Change		
Garage / Storage:	439sf	0		
TOTAL:	5,716sf	5,277sf		

Spruce Avenue
40' Wide Public Use



1 Proposed Site Plan

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

Date	Revision / Issue
12/10/18	Review Set
10/10/19	BA

Notes

Project Title
BASEMENT ALTERATIONS
17-19 Cushing Street
Cambridge, MA

Drawing Title
Proposed Site Plan & Zoning Calculations

Sheet

architecture sv
ARCHITECTURE DESIGN PLANNING
3415 Rogers Rd, Framingham, MA 01701
Tel: (517) 277-7617
Fax: (517) 277-8621
architect@alcraft.com

Project	1822
Date	22 July 2020
Scale	AS NOTED

Sheet
A3

17-19 Cushman St. BZA-017322-2020



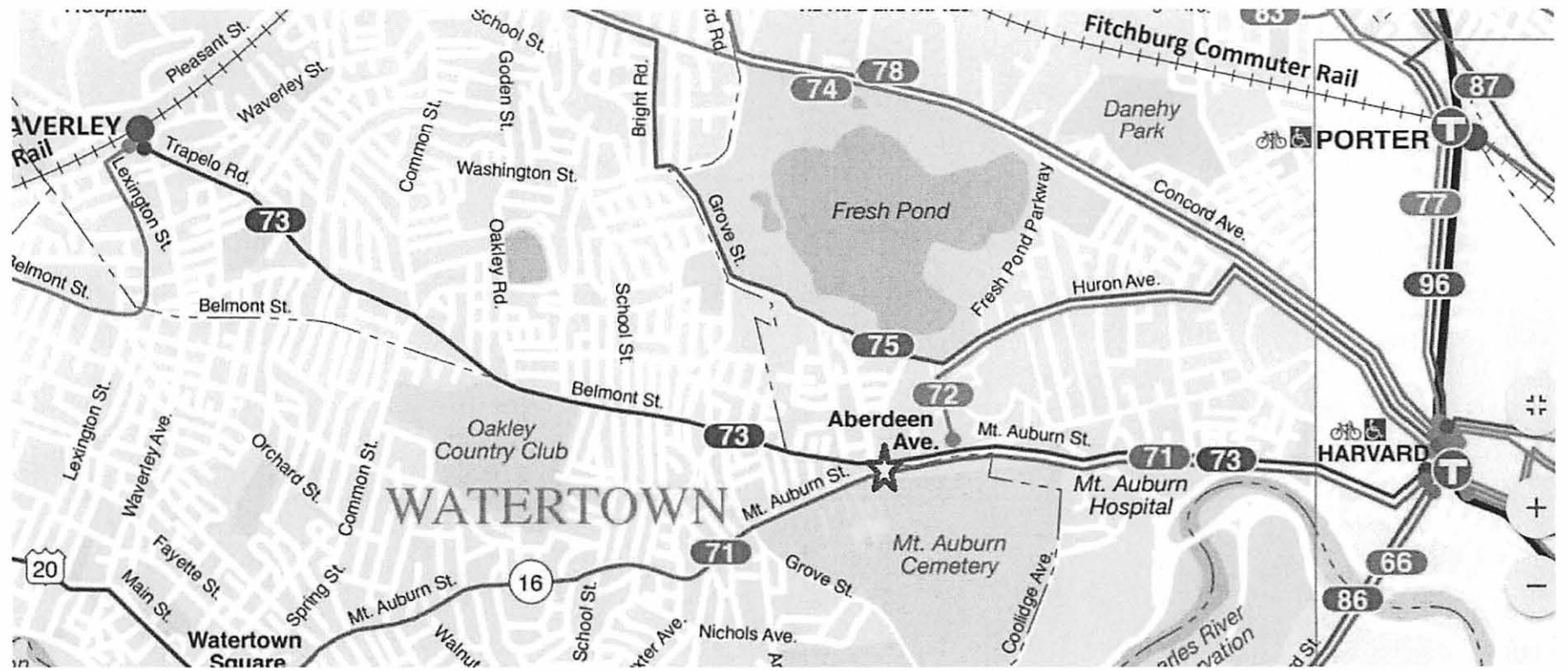


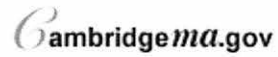




shing St





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Base Map

Aerial Photo

Size ☐ ☐ ☐

Selection

Zoom Out ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ In

Show -
within 0
filtered by

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