



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*

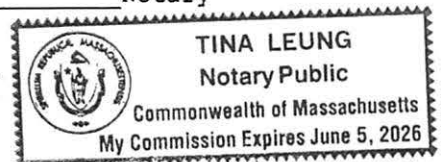
*Written evidence of Agent's standing to represent petitioner may be requested.

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

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'.

Pacheco, Maria

From: Michael W. Wiggins <mww@westonpatrick.com>
Sent: Monday, December 7, 2020 9:09 AM
To: Daglian, Sisia; Pacheco, Maria
Subject: ZBA Hearing December 10 - 17-19 Cushing Street
Attachments: Status of Neighborhood Support- 17-19 Cushing Street (002).pdf; letter of support from 18 Cushing Street.pdf; letter of support from 23 Cushing Street Unit 1.pdf; Letter of Support from 23 Cushing Street Unit 2.pdf; Letter of Support from 9-11 Spruce Avenue Unit 9.pdf; letter of support from 9-11 Spruce Avenue Unit 11.pdf

Good morning,

Please add the attached documents to the file and make them available to the Board and on line for the hearing on Thursday, including the graphic entitled Status Of Neighborhood Support and letters of support from the owners of 18 Cushing Street, 23 Cushing Street Units 1 and 2 and 9-11 Spruce avenue Units 9 and 11. Please also include for the hearing the map we submitted to the file earlier that shows nearby bus lines.

Mike Wiggins

Michael W. Wiggins
Weston Patrick, P.A.
One Liberty Square, Suite 1210
Boston, MA 02109-4825
Tel. 617-880-6300
Direct Line 617 880 6313
Fax 617 742-5734
Email mww@westonpatrick.com

The above message is a PRIVATE communication that may contain privileged or confidential information. If you receive it in error, please do not read, copy or use it and do not disclose or forward it to other. Please immediately notify the sender by reply email and then delete the message from your system. Thank you.

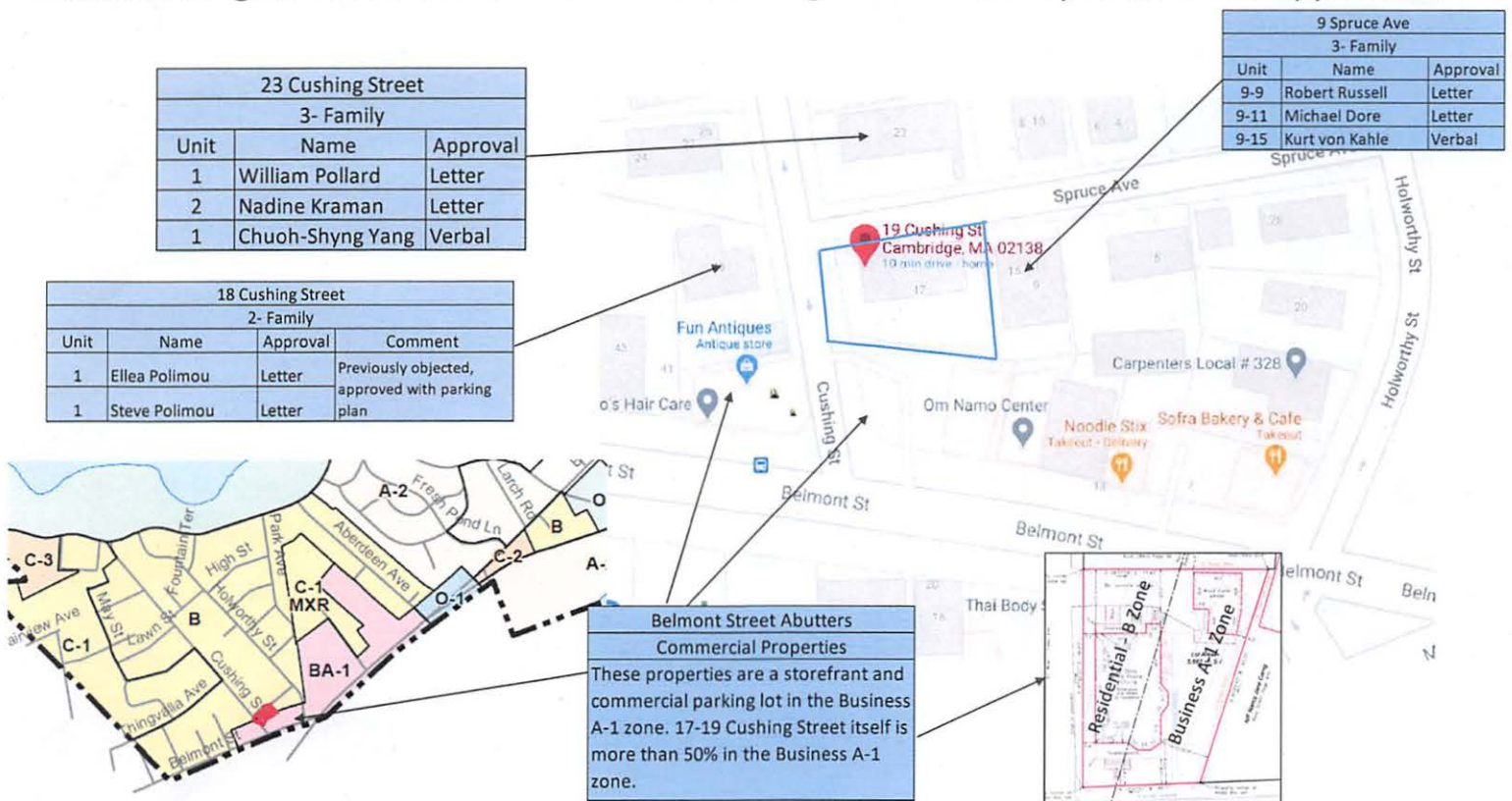
To ensure compliance with IRS requirements, please be advised that any U.S. federal tax advice that may be included in this communication is not intended or written to be used, and may not be used by any taxpayer, for the purpose of avoiding any federal tax or tax penalties. Any advice in this message is intended only for your use, and cannot be relied upon by any other person or used for any other purpose with the sender's written consent.

Status of Neighborhood Consent for 17-19 Cushing Variance and Special Permit Application

23 Cushing Street		
3- Family		
Unit	Name	Approval
1	William Pollard	Letter
2	Nadine Kraman	Letter
1	Chuoh-Shyng Yang	Verbal

18 Cushing Street			
2- Family			
Unit	Name	Approval	Comment
1	Ellea Polimou	Letter	Previously objected,
1	Steve Polimou	Letter	approved with parking plan

9 Spruce Ave		
3- Family		
Unit	Name	Approval
9-9	Robert Russell	Letter
9-11	Michael Dore	Letter
9-15	Kurt von Kahle	Verbal



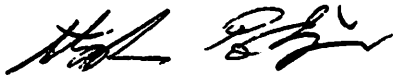
July 8 2020

Board of Zoning Appeal
831 Mass Ave
Cambridge, MA 02139

Dear Board of Zoning Appeal:

Richard von Turkovich presented his plans to build an additional dwelling unit in the basement of 17-19 Cushing Street, and his plan to demolish the garage on his property and provide parking for 4 vehicles. We have reviewed the plans and have no objection to the project proceeding as designed.

Sincerely,



Steven Polimou
18 Cushing Street
Cambridge, MA 02138-4516

Ellea Polimou

Phone:

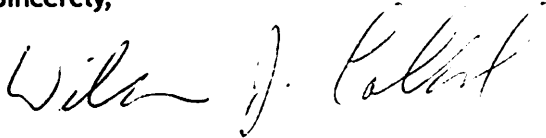
July 15 2020

Board of Zoning Appeal
831 Mass Ave
Cambridge, MA 02139

Dear Board of Zoning Appeal:

Richard von Turkovich presented his plans to build an additional dwelling unit in the basement of 17-19 Cushing Street, and his plan to demolish the garage on his property and provide parking for 4 vehicles. We have reviewed the plans and have no objection to the project proceeding as designed.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Pollard".

William Pollard
23 Cushing Street Unit 1
Cambridge, MA 02138-4516

July 15 2020

Board of Zoning Appeal
831 Mass Ave
Cambridge, MA 02139

Dear Board of Zoning Appeal:

Richard von Turkovich presented his plans to build an additional dwelling unit in the basement of 17-19 Cushing Street, and his plan to demolish the garage on his property and provide parking for 4 vehicles. We have reviewed the plans and have no objection to the project proceeding as designed.

Sincerely,

A handwritten signature in black ink, appearing to read "Nadine Kraman", with a long horizontal flourish extending to the right.

Nadine Kraman
23 Cushing Street Unit 2
Cambridge, MA 02138-4516

**9 Spruce Avenue
Cambridge, MA 02138-4521**

rustynet@comcast.net

617.515.9522



July 15, 2020

City of Cambridge
Board of Zoning Appeal
831 Mass. Ave.
Cambridge, MA 02139

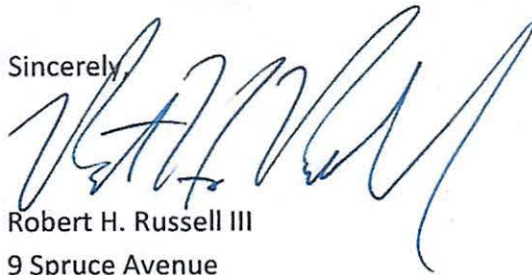
RE: Petition of 17-19 Cushing Street for Variance (Case # BZA-017246-2020)

Dear Chairwoman Alexander and members of the Board:

Richard von Turkovich has presented to me his plans to build an additional dwelling unit in the basement of his property at 17-19 Cushing Street, Cambridge, and his plan to demolish the garage on the property to provide parking for up to 4 vehicles. I have reviewed the plans and have no objection to the project proceeding as designed. Mr. von Turkovich has agreed that, as part of this renovation and landscaping project (as submitted and approved by the Board), no trees on his property will be removed.

Thank you for considering my comments.

Sincerely,



Robert H. Russell III
9 Spruce Avenue
Cambridge, MA 02138-4516

cc: Richard von Turkovich

Nov 17 2020

Board of Zoning Appeal
831 Mass Ave
Cambridge, MA 02139

To whom it may concern on the Cambridge Board of Zoning Appeal:

Richard von Turkovich plan to build an additional dwelling unit in the basement of 17-19 Cushing Street, and add provided parking for 4 vehicles is welcomed by us the owners of 11 Spruce Ave. We have reviewed the plans and have no objection to the project. In fact we agree this will help the parking situation and improve the look of our neighborhood. Please feel free to contact us regarding this issue or if more detail is required from us by your Board.

Thank you sincerely,

A handwritten signature in black ink, appearing to read "Michael Dore", written in a cursive style.

Michael Dore for Laurel Furumoto, Trustee
9-11 Spruce Ave – Unit 11
Cambridge, MA 02138-4516



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

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

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

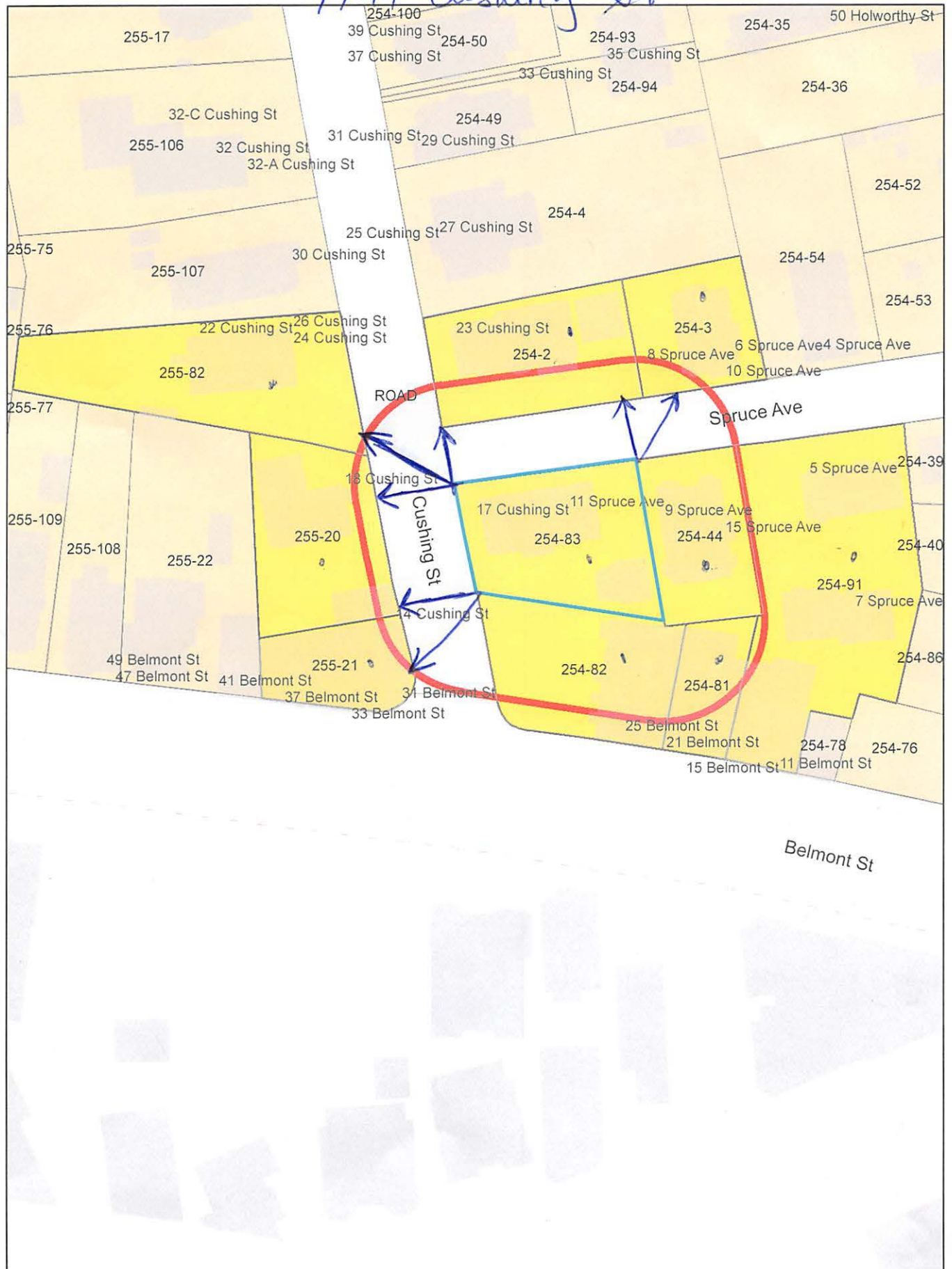
E-Mail Address:

mww@westonpatrick.com

Date:

8/24/20

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

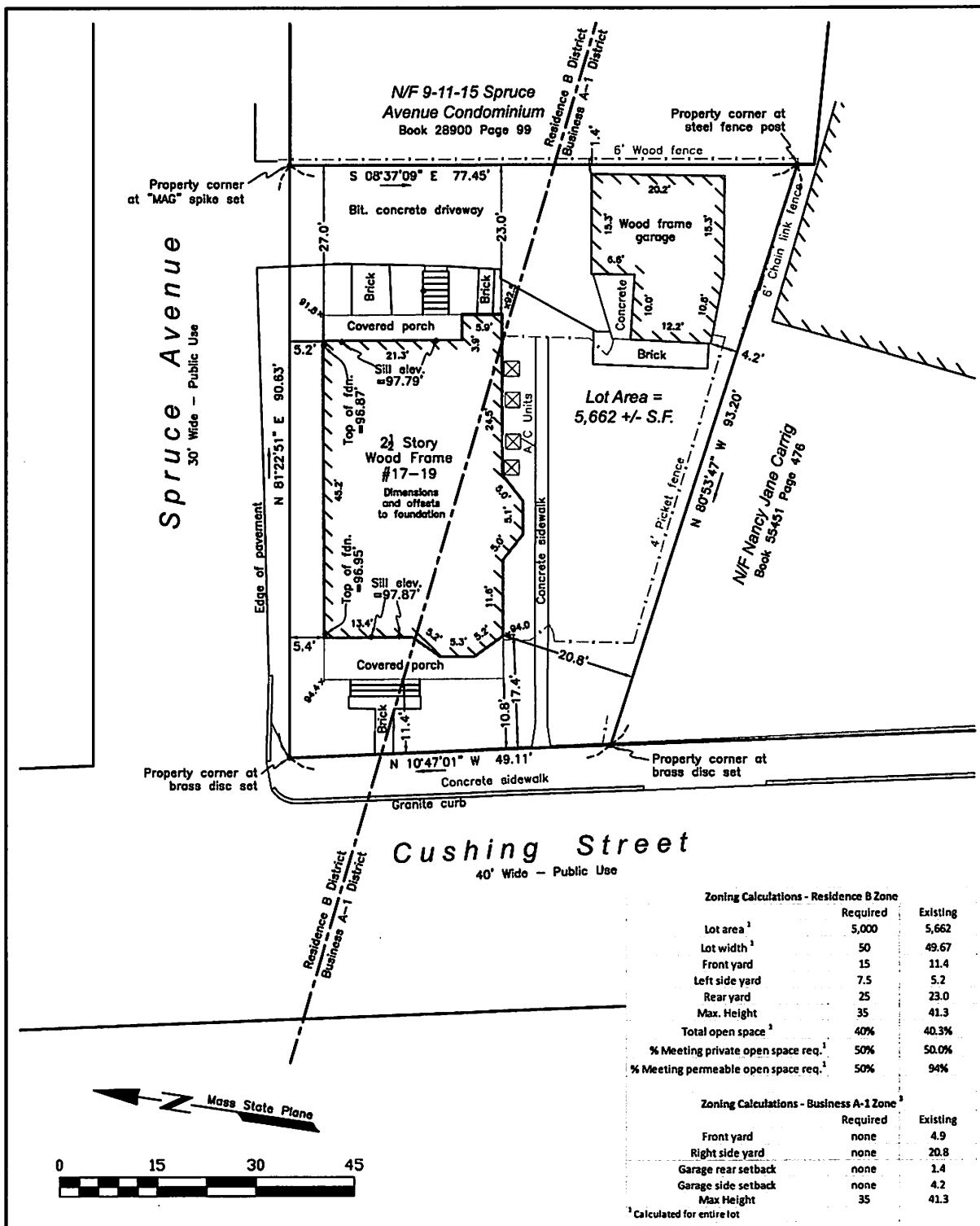
254-91
THE MCLEAN HOSPITAL CORPORATION
P.O. BOX 6240
BOSTON, MA 02114

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

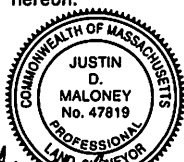
254-2
POLLARD, WILLIAM J. & LAURA D. INDIGO
23 CUSHING ST., #1
CAMBRIDGE, MA 02138

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'

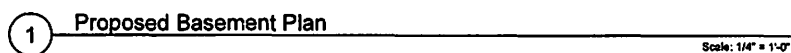
Date: February 8, 2019

MALONEY GEOSPATIAL

7 Walnut Road
Somerville, MA 02145

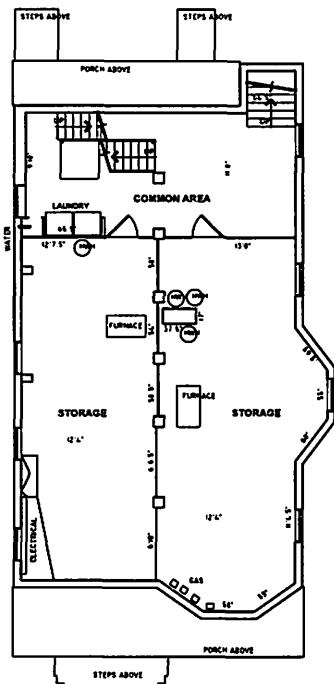
617-744-9002
maloneygeo.com

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)

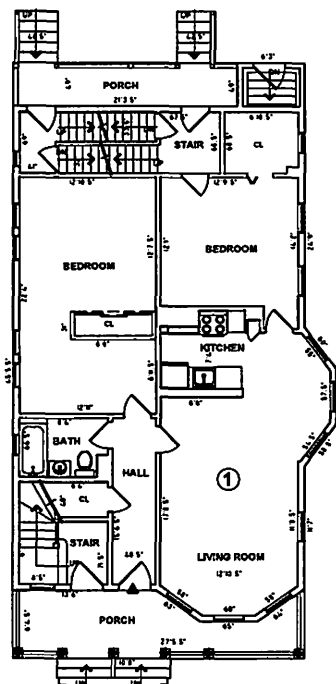


Sheet

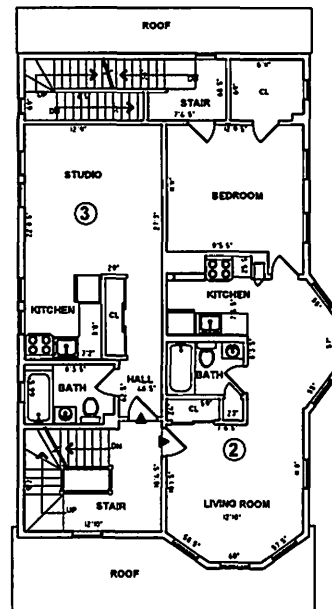
A1



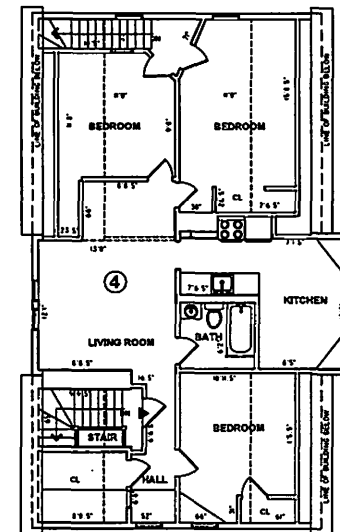
1 Existing Basement Plan
Scale: 1/8" = 1'-0"



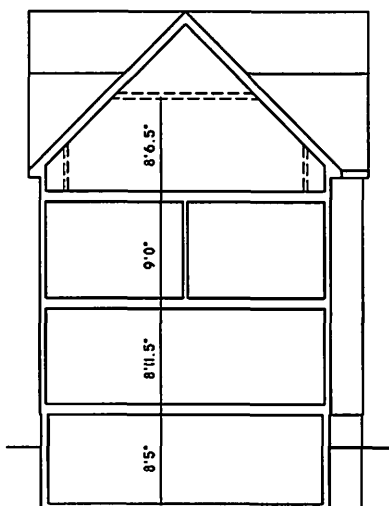
2 Existing First Floor Plan
Scale: 1/8" = 1'-0"



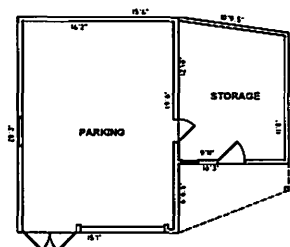
3 Existing Second Floor Plan
Scale: 1/8" = 1'-0"



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

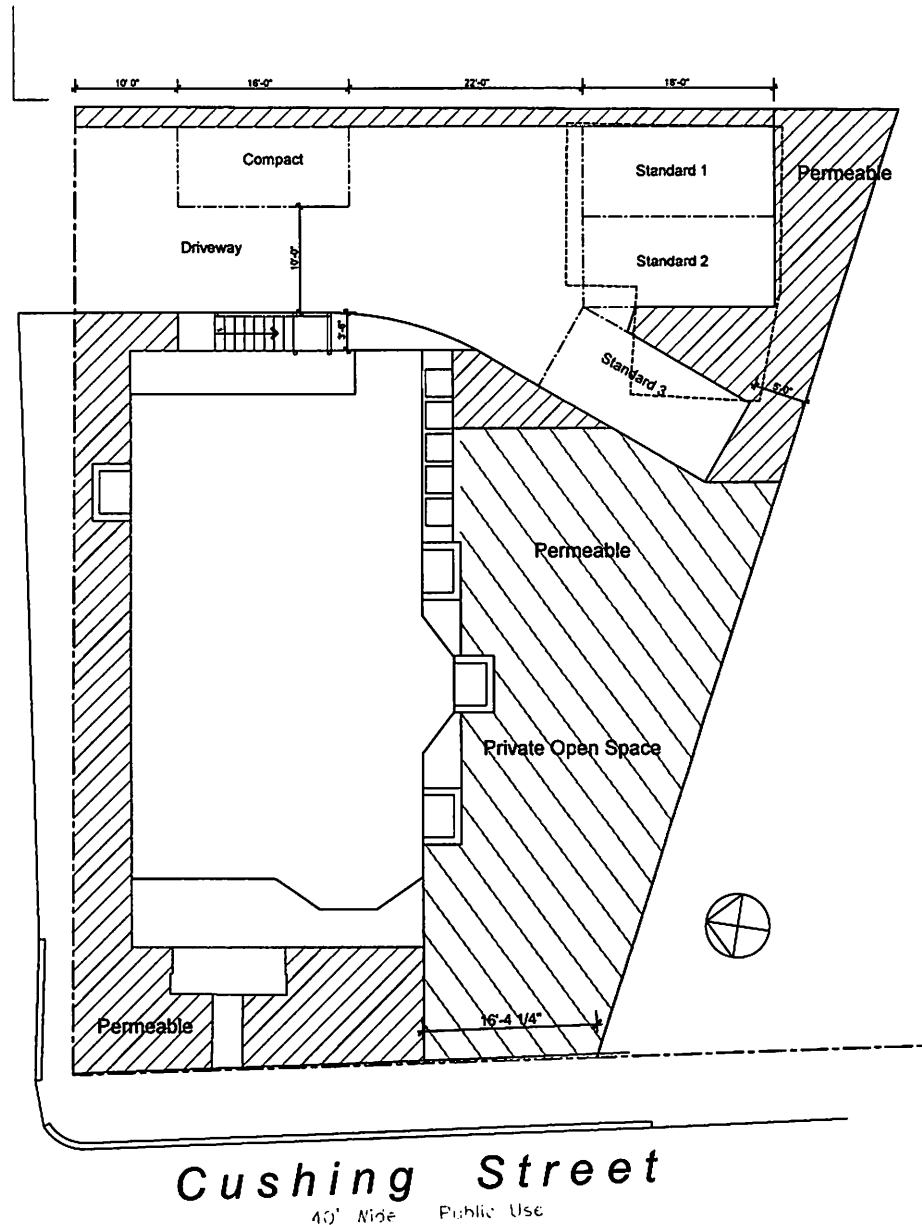
Project	1822
Date	10 October 2019
Scale	AS NOTED

Sheet
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	BZA

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@alcatraz.com

Project	1822
Date	22 July 2020
Scale	AS NOTED

Sheet
A3

17-19 Cushman St. BZA-017322-2020



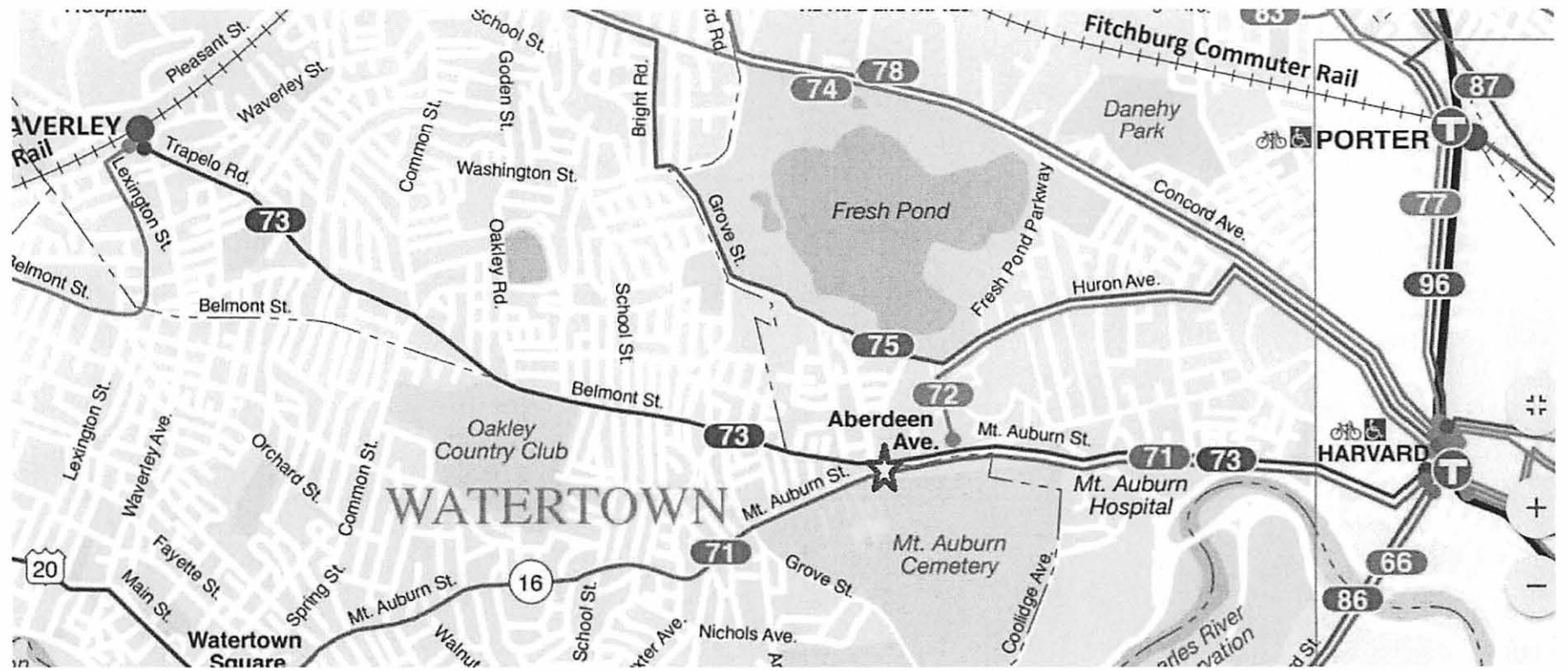


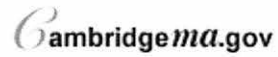




shing St





[CITY MANAGER](#)[CITY COUNCIL](#)[MAYOR'S OFFICE](#)[DEPARTMENTS](#)[JOBS](#)[NEWS](#)[PUBLICATIONS](#)[HOME](#)

Base Map

Aerial Photo

Size ☐ ☐ ☐

Zoom Out ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ In

Selection

Show -

within 0

filtered by

Create Mailing Label

© 2005 City of Cambridge, MA | [search](#) | [publications](#) | [jobs](#) | [contact](#) | [disclaimer](#) | [Privacy Statement](#) | [Feedback](#)

General Purpose Viewer v2.0.0 [production] © 2005, 2006 AppGeo



City of Cambridge

MASSACHUSETTS

2020 OCT -2 AM 10:50

BOARD OF ZONING APPEALS

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA 017322-2020

Address: 17-19 Cushing St

☐ Owner, ☐ Petitioner, or ☒ Representative: Michael W. Higgins ATTY
for Richard VonTurkovich
(Print Name)

hereby waives the required time limits for holding a public hearing as required by
Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts,
Massachusetts General Laws, Chapter 40A. The ☐ Owner, ☐ Petitioner, or ☐
Representative further hereby waives the Petitioner's and/or Owner's right to a
Decision by the Board of Zoning Appeal on the above referenced case within the time
period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of
Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the
federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C.
§1455(a), or any other relevant state or federal regulation or law.

Date: 10/1/2020

Michael W. Higgins
Attorney for Richard VonTurkovich
Signature fully authorized



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: RICHARD VON TURKOVICH Date: 9-22-2020
(Print)

Address: 17-19 Cushing St.

Case No. BZA-017322-2020

Hearing Date: 10/8/20

Thank you,
Bza Members

WESTON | PATRICK

September 29, 2020

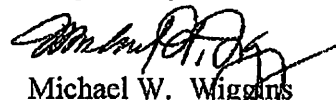
Via email to mpacheco@cambridgema.gov
Constantine Alexander, Chair
Zoning Board of Appeal
City of Cambridge
851 Massachusetts Avenue
Cambridge, MA 02141

RE: 17-19 Cushing Street
BZA #017322-2020

Dear Mr. Alexander:

On behalf of my client Richard Von Turkovitch I write to apologize for the oversight in not putting up the sign panel for the above case at least 14 days ahead of the hearing scheduled for October 8, 2020. Mr. Von Turkovich picked up the panel right after we learned from the Zoning Board office that it was ready. He promptly delivered it to his property manager with instructions to put it in place at the front of the property. Unfortunately, the manager failed to timely follow the instructions, and Mr. Von Turkovich, who was out of state on a business trip last week, did not learn that it had not been put into place until Ms. Pacheco informed me that you had noticed it was missing. We will respectfully request on October 8 that the Board permit a continuance in order to allow us to cure the notice defect. At the same time we will respectfully request that the hearing on the earlier request for a variance, in case #017246-2020, which had been continued to October 22, be continued again to a new date that will be 2 weeks beyond the continued date for the current case #017322-2020. My client will of course waive the right to have a decision rendered on either case within 65 days of the filing of the petition. Again, I am sorry for the oversight, and appreciate any consideration the Board can give to continuing the hearing to a later date.

Respectfully submitted,


Michael W. Wiggins

MWW:hs

* * * * *

(8:12 p.m.)

Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea Hickey, Slater Anderson,
Jim Monteverde and Jason Marshall

CONSTANTINE ALEXANDER: Okay, the next case on our
agenda is 20 Union Street, but we've already decided that
case under the capable stewardship of Mr. Sullivan. The one
after that is Case Number 017322 -- 17-19 Cushing Street.

And the Chair will advise the Board that we're going to have
to continue this case.

SISIA DAGLIAN: I think Michael Higgins wanted to
speak.

CONSTANTINE ALEXANDER: Say it again?

SISIA DAGLIAN: I think Michael Higgins had said
he wanted to speak. Michael Higgins, a lawyer, is on the --

CONSTANTINE ALEXANDER: Oh yeah, he wants to
speak? Okay, I -- Mr. Higgins, [2:36:06 Chair and Sisia say
Higgins, Notes say Wiggins, speaker doesn't say his name.]
you're on. You can speak if you like. We have your letter
in the file, but feel free to add to it or whatever you wish
to say.

1 MICHAEL WIGGINS: Thank you, Mr. Chairman. Yes --
2 as I mentioned in my letter to you, we -- unfortunately my
3 client's manager, who's managing the property, didn't follow
4 through the instructions he was given, and so the sign panel
5 was not put up more than 14 days before tonight's hearing.

6 So we would respectfully request, and I also want
7 to apologize for wasting some time here. But we'd request
8 that this case be continued to a convenient date that the
9 Board wants to set. We want -- we would deal with whatever
10 date you find appropriate.

11 CONSTANTINE ALEXANDER: Okay. I should advise
12 other Board members that to follow up on Mr. Wiggins's
13 comments, a sign was posted on the structure.
14 Unfortunately, the sign advertised a hearing for last July.

15 This case was originally going to be continued
16 until a date in July, and then with COVID there were no
17 hearings in July. And so, the case was rescheduled, and I
18 guess the old file -- the old sign was hanging around, and
19 your manager put that up rather than the sign that he should
20 have put up.

21 Anyway, with that -- Sisia, what's the next date?

22 SISIA DAGLIAN: Well, November both dates have

1 three continued cases already.

2 CONSTANTINE ALEXANDER: I think the first one of
3 December.

4 SISIA DAGLIAN: December 10, yeah.

5 CONSTANTINE ALEXANDER: What's the date?

6 SISIA DAGLIAN: December 10.

7 CONSTANTINE ALEXANDER: December 10. December 10
8 work for you, Mr. Wiggins?

9 MICHAEL WIGGINS: Well, it's my birthday, but I'll
10 be happy to be here.

11 CONSTANTINE ALEXANDER: [Laughter] Well, wea

12 MATINA WILLIAMS: Well, I have to give you special
13 consideration because it's your birthday. [Laughter] Okay.
14 The Chair moves this is a case heard actually, so can
15 everybody make December 10? Brendan is nodding yes; how
16 about the other members of the Board?

17 JANET GREEN: Yes.

18 CONSTANTINE ALEXANDER: Janet says yes. Jim?

19 JIM MONTEVERDE: Yes.

20 CONSTANTINE ALEXANDER: Did we lose Jim?

21 JIM MONTEVERDE: No, I'm here. I'm available.

22 CONSTANTINE ALEXANDER: It's okay with you?

1 JIM MONTEVERDE: Yes.

2 CONSTANTINE ALEXANDER: Okay. And who is the
3 fifth number?

4 SISIA DAGLIAN: Jason.

5 CONSTANTINE ALEXANDER: Hm?

6 SISIA DAGLIAN: Is it Jason?

7 CONSTANTINE ALEXANDER: Who?

8 BRENDAN SULLIVAN: I don't think this is a case
9 heard, is it?

10 CONSTANTINE ALEXANDER: This is a case heard. We
11 spent a lot of time on it. Originally, we heard the
12 original case.

13 MICHAEL WIGGINS: Mr. Chairman?

14 CONSTANTINE ALEXANDER: Yes.

15 MICHAEL WIGGINS: Yeah, just to clarify, yeah, the
16 original case, it has a different case number, because --

17 CONSTANTINE ALEXANDER: Oh, that's right. I m
18 sorry, you're right.

19 JIM MONTEVERDE: This is --

20 CONSTANTINE ALEXANDER: You're right.

21 JIM MONTEVERDE: -- this is new.

22 MICHAEL WIGGINS: That was 01746, and then when we

1 came that was scheduled for July, and then we came in and at
2 that point we said we're going to -- we need a special
3 permit, so we filed the new case.

4 And at that time, we asked that you continue the
5 old case, in case we needed to fall back on the variance.
6 And we asked -- and that was continued to October 22, I
7 believe.

8 We would want -- and I don't know if this is
9 premature, but we would want as a backup for that case to be
10 continued to two weeks beyond the December 10.

11 CONSTANTINE ALEXANDER: Okay. And you're right,
12 I'm sorry, this is a new case. I was thinking of the old
13 case, but right. So let's -- so the case will be continued.
14 I'm going to move the case be continued until December 10 as
15 a case not heard. So we don't need any -- the same people.

16 The Chair moves that we continue this case, the
17 case that we have before us tonight, until 7:00 p.m. on
18 December 10, subject to the following conditions:

19 First, that the petitioner sign a waiver of time
20 for decision, as he has done in connection with your old
21 case. That must be done within seven days from today. If
22 it's not done, the case will be automatically dismissed. So

1 you have to make sure your client or you on behalf of your
2 client signs a waiver of time for decision.

3 Second, that a new posting sign reflecting the new
4 date, December 10, and the new time, 7:00 p.m. be posted and
5 maintained -- this one wasn't -- for the 14 days prior to
6 that hearing date.

7 And lastly to the extent that there are new plans
8 /specs/dimensional forms, they must be in our files no later
9 than 5:00 p.m. on the Monday before December 10.

10 All those in favor? Brendan?

11 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
12 continuance.

13 JIM MONTEVERDE: Jim Monteverde, yes to the
14 continuance.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Yes to the continuance.

17 BRENDAN SULLIVAN: I think Jason is on this as
18 well.

19 CONSTANTINE ALEXANDER: Yeah, there's a fifth one.

20 BRENDAN SULLIVAN: Yeah, Jason?

21 JASON MARSHALL: I think it is me.

22 CONSTANTINE ALEXANDER: Yeah, it is. Yeah.

1 You're on this case.

2 JASON MARSHALL: Jason Marshall, yes.

3 CONSTANTINE ALEXANDER: You can be available;
4 fine. Thank you.

5 CONSTANTINE ALEXANDER: And the Chair votes yes as
6 well

7 [All vote YES]

8 So this case has been continued until December 10.
9 And you want to continue the case, the old case, Mr.
10 Counsel?

11 MICHAEL WIGGINS: Yes, yes.

12 CONSTANTINE ALEXANDER: What date?

13 MICHAEL WIGGINS: I would. Yeah. That case -- we
14 had it continued to two weeks after this, so I would like to
15 have it be in early January for good.

16 CONSTANTINE ALEXANDER: The first -- it would be
17 the first hearing in January, because we're not going to
18 have -- we're not going to hear a case on Christmas Eve.

19 SISIA DAGLIAN: That would be January 14.

20 CONSTANTINE ALEXANDER: January 14. Now this is a
21 case heard, this one, so we need to all five --

22 SEAN O'GRADY: That was the 01746 case.

1 CONSTANTINE ALEXANDER: Yeah. The original case
2 that was misadvertised, that was continued until July and
3 never heard. So that case is the one we're going to
4 continue, you want to be continued. Am I right?

5 MICHAEL WIGGINS: Yes.

6 CONSTANTINE ALEXANDER: Okay.

7 SEAN O'GRADY: Is that on the agenda tonight, Gus?
8 So we'll have to take the --

9 CONSTANTINE ALEXANDER: No, it's not in the agenda
10 --

11 COLLECTIVE: No.

12 SEAN O'GRADY: Well, I'm not sure you can do
13 anything with it until it comes --

14 CONSTANTINE ALEXANDER: Yeah, you're right. We
15 don't have it. So I'm thinking we're not going to be able
16 to continue this case, the old case, not the one we're --
17 the new one.

18 BRENDAN SULLIVAN: This is Brendan Sullivan. So
19 Michael, I think what you'd have to do is this is to be
20 heard in two weeks is you don't have to show up. But if you
21 just send in a letter requesting a continuance of that --
22 the old case -- to the January 14, 2021 date, that would

1 probably suffice.

2 CONSTANTINE ALEXANDER: And then at our next
3 meeting -- our next regular meeting, we will take an action
4 based on your request.

5 MICHAEL WIGGINS: Thank you very much, I
6 appreciate it. And Mr. Chairman, just to make a note here,
7 I think I already have signed a waiver for this case
8 tonight. Maria sent it to me, and I --

9 CONSTANTINE ALEXANDER: Oh, she has? Fine. If
10 you signed it, we're all set. I just want to be sure that
11 you do do it, that's all.

12 MICHAEL WIGGINS: Very well.

13 CONSTANTINE ALEXANDER: Maria didn't advise me
14 that she received it, but I take your word for it. But the
15 vote still stands if she hasn't received it. You might want
16 to check with her tomorrow and make sure that she has it.
17 Because otherwise you're going to bump up against the seven
18 days and the case gets dismissed. Okay?

19 MICHAEL WIGGINS: I certainly will.

20 CONSTANTINE ALEXANDER: All right. With that, we
21 can move on to the next case in our agenda.

22 JIM MONTEVERDE: Mr. Chair, can I request a five-

1 minute break?

2 CONSTANTINE ALEXANDER: Sure. Let's -- I'll give
3 you more, five more; a 10-minute break.

4 JIM MONTEVERDE: Thank you.

5 CONSTANTINE ALEXANDER: Say 20; we'll start again
6 at 8:30.

7 [BREAK]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22