

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 DEC 15 PM 1:53

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 203324

General Information

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

Special Permit: _____

Variance: X

Appeal: _____

PETITIONER: Charles Valois

PETITIONER'S ADDRESS: 19 Jay Street, Cambridge, MA 02139

LOCATION OF PROPERTY: 17-21 JAY ST., Unit 19, Cambridge, MA

TYPE OF OCCUPANCY: 3- Family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Exception to FAR for expanding roof cover over entrance steps/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Expanding roof cover over entrance steps from 15" x 7' unsupported to 4' x 10' supported.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000	Section: 8.22.3 (Non-Conforming Structure).
Article: 10.000	Section: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

CHARLES B. VALOIS

(Print Name)

Address:

19 JAY STREET, CAMBRIDGE MA

Tel. No.

978-496-0117

E-Mail Address:

induce_hi@yahoo.com

Date: December 14, 2022

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 RIZVANA BHAIWALA, CHARLES B. VALOIS
(OWNER)

Address: 19 JAY STREET CAMBRIDGE MA 02139

State that I/We own the property located at 19 JAY STREET, which is the subject of this zoning application.

The record title of this property is in the name of BHAIWALA, RIZVANA & CHARLES VALOIS TRUSTEES

*Pursuant to a deed of duly recorded in the date 6/4/2012, Middlesex South County Registry of Deeds at Book 59225, Page 254; or Middlesex Registry District of Land Court, Certificate No. _____ Book Page .

Rizwana Charles
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

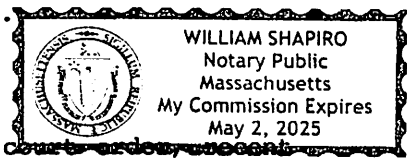
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Rizwana Bhaiwala/ Charles Valois personally appeared before me, this 27 of OCT, 2022, and made oath that the above statement is true.

William Shapiro Notary

My commission expires 5/2/25 (Notary Seal).



• If ownership is not shown in recorded deed, e.g. if by 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:

none

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:

none

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

Cover does not contribute to greater runoff.

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

FAR is increased by 0.01 to grandfathered existing FAR

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

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Charles Valois
Location: 17-21 JAY ST., Unit 19, Cambridge, MA
Phone: 978-496-0117

Present Use/Occupancy: 3- Family
Zone: Residence C-1 Zone
Requested Use/Occupancy: 3-Family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
TOTAL GROSS FLOOR AREA:		4389	4429	3783	(max.)
LOT AREA:		5044	5044	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		0.87	0.88	0.75	
LOT AREA OF EACH DWELLING UNIT		1681	1681	1500	
SIZE OF LOT:	WIDTH	100.35	100.35	50	
	DEPTH	50.3	50.3	none	
SETBACKS IN FEET:	FRONT	15	15	15	
	REAR	7.5	7.5	25	
	LEFT SIDE	12	12	7.5	
	RIGHT SIDE	10	10	7.5	
SIZE OF BUILDING:	HEIGHT	20	20	35	
	WIDTH	50.3	50.3	none	
	LENGTH	38	38	none	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		0.4	0.4	0.30	
NO. OF DWELLING UNITS:		3	3	none	
NO. OF PARKING SPACES:		2	2	2	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		12	12	none	

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

17 Jay Street

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'.

Calculation of FAR for 19 Jay Street deck roof rebuild:

Land Use CONDOMINIUM

Land Area 0.12 acres / 5044 sq.ft.

Address 17-21 JAY ST #17, PID 186994

Living Area 1364 sq.ft.

Address 17-21 JAY ST #19 , PID 186996

Living Area 1540 sq.ft.

Address 17-21 JAY ST #21, PID 188923

Living Area 1320 sq.ft.

FINISHED ATTIC:

660 sq.ft. gross area

165 sq.ft. living area

Total gross area existing:

4224 sq.ft. without attic, Existing FAR = 0.84

4884 sq.ft. with finished attic as gross, Existing FAR = 0.97

4389 sq.ft. with finished attic as living, Existing FAR = 0.87

Total gross area with 40 sq.ft. addition deck with roof:

4264 sq.ft. without attic, Proposed FAR = 0.85

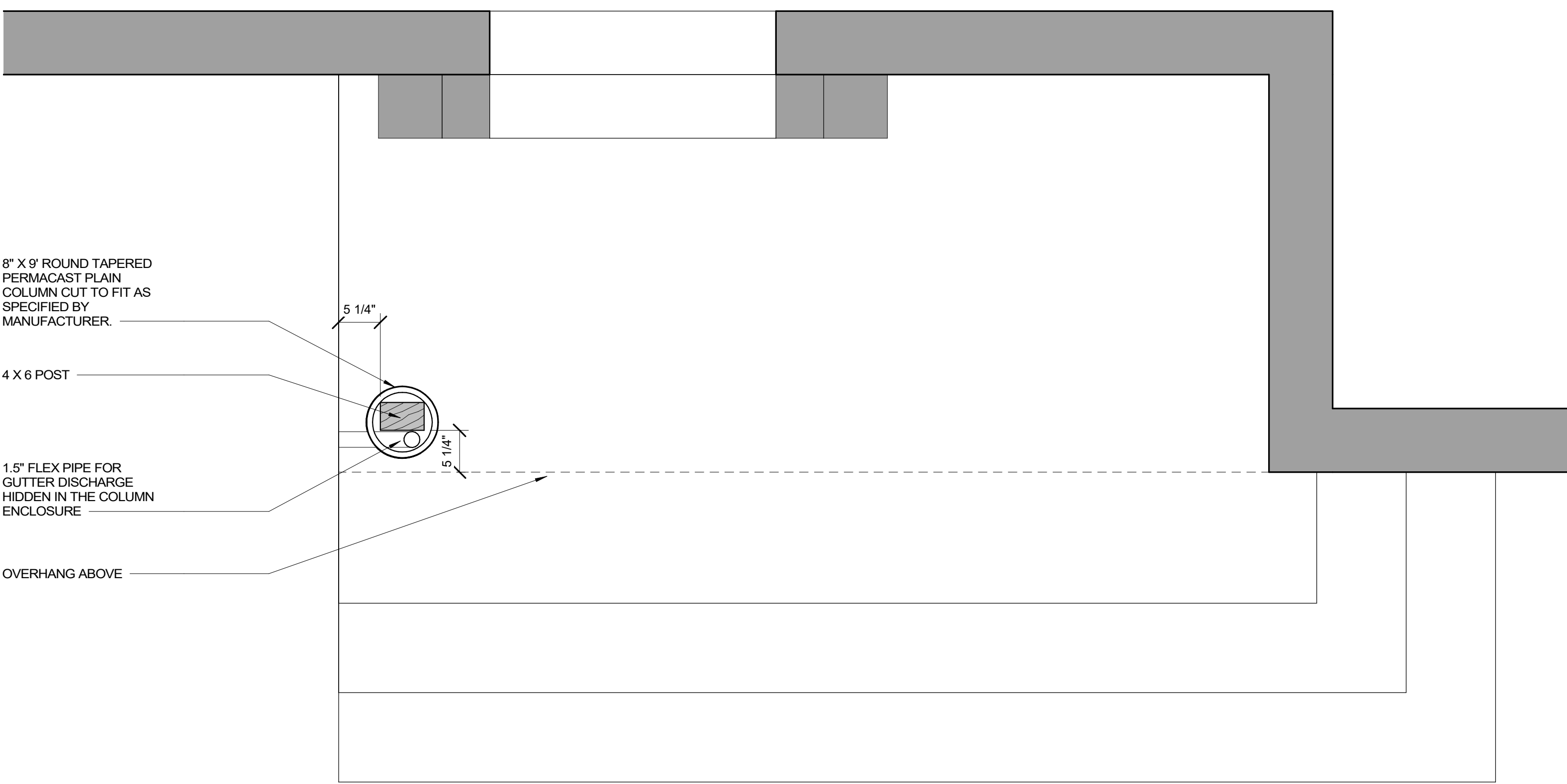
4924 sq.ft. with finished attic as gross, Proposed FAR = 0.98

4429 sq.ft. with finished attic as living, Proposed FAR = 0.89

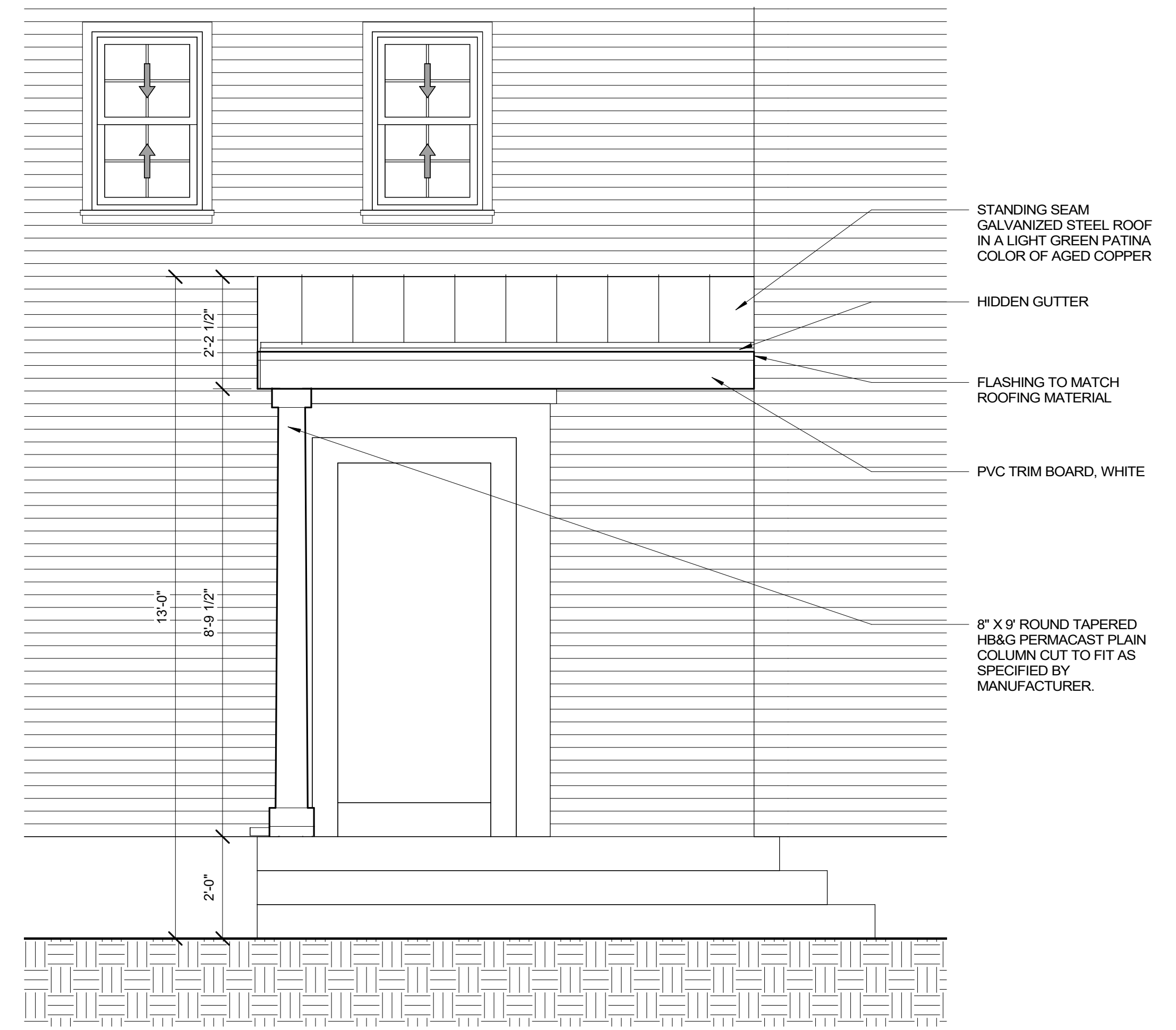
SEAL

PROJECT NUMBER:
2212
PROJECT LOCATION:
**19 JAY STREET
CAMBRIDGE, MA.
02139**
DRAWING REVISIONS
ISSUED DATE: 11/17/2022
NO. REVISIONS

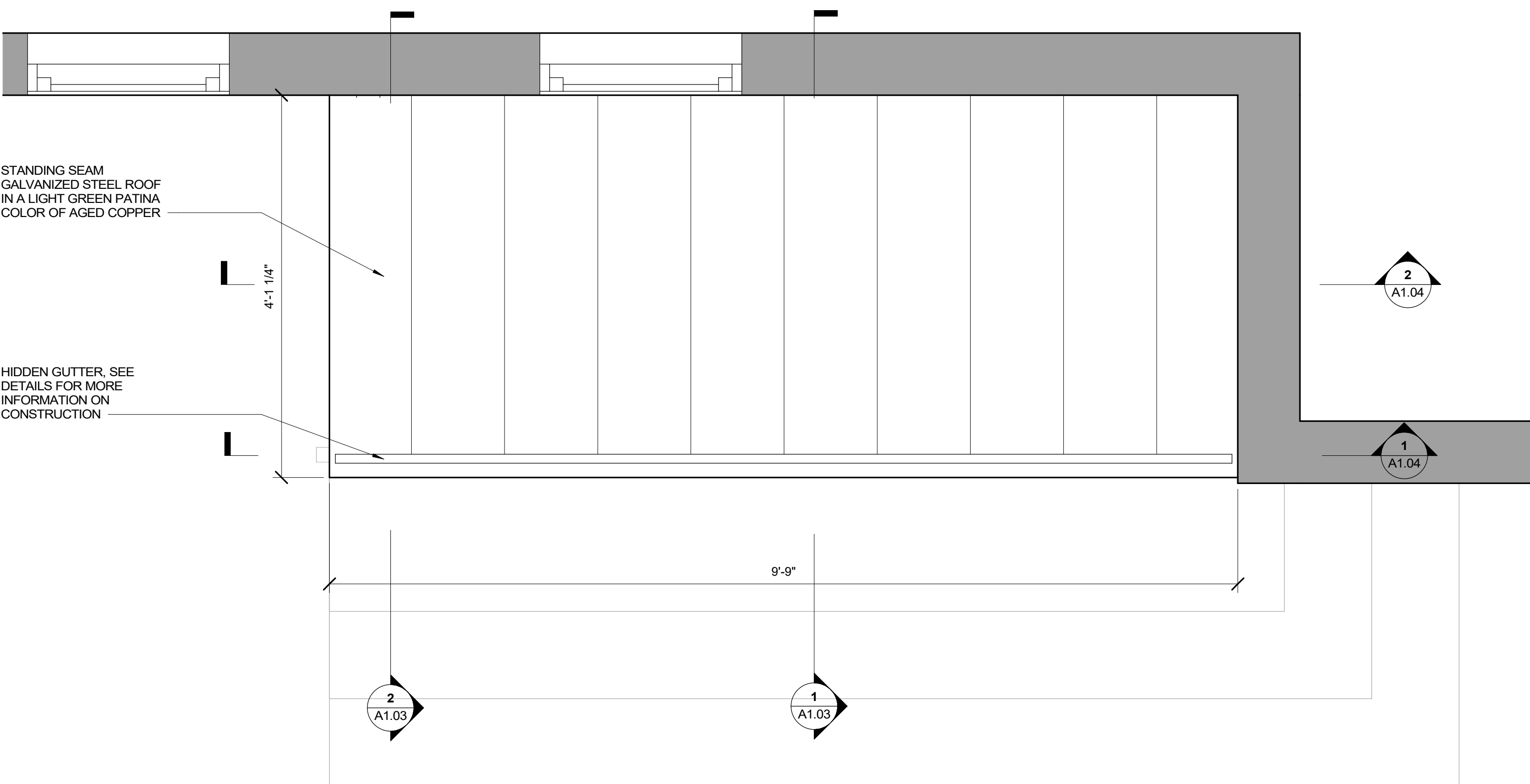
PROPOSED PLANS AND ELEVATIONS
CAMBRIDGE ENTRY ROOF
SHEET NUMBER
A1.01



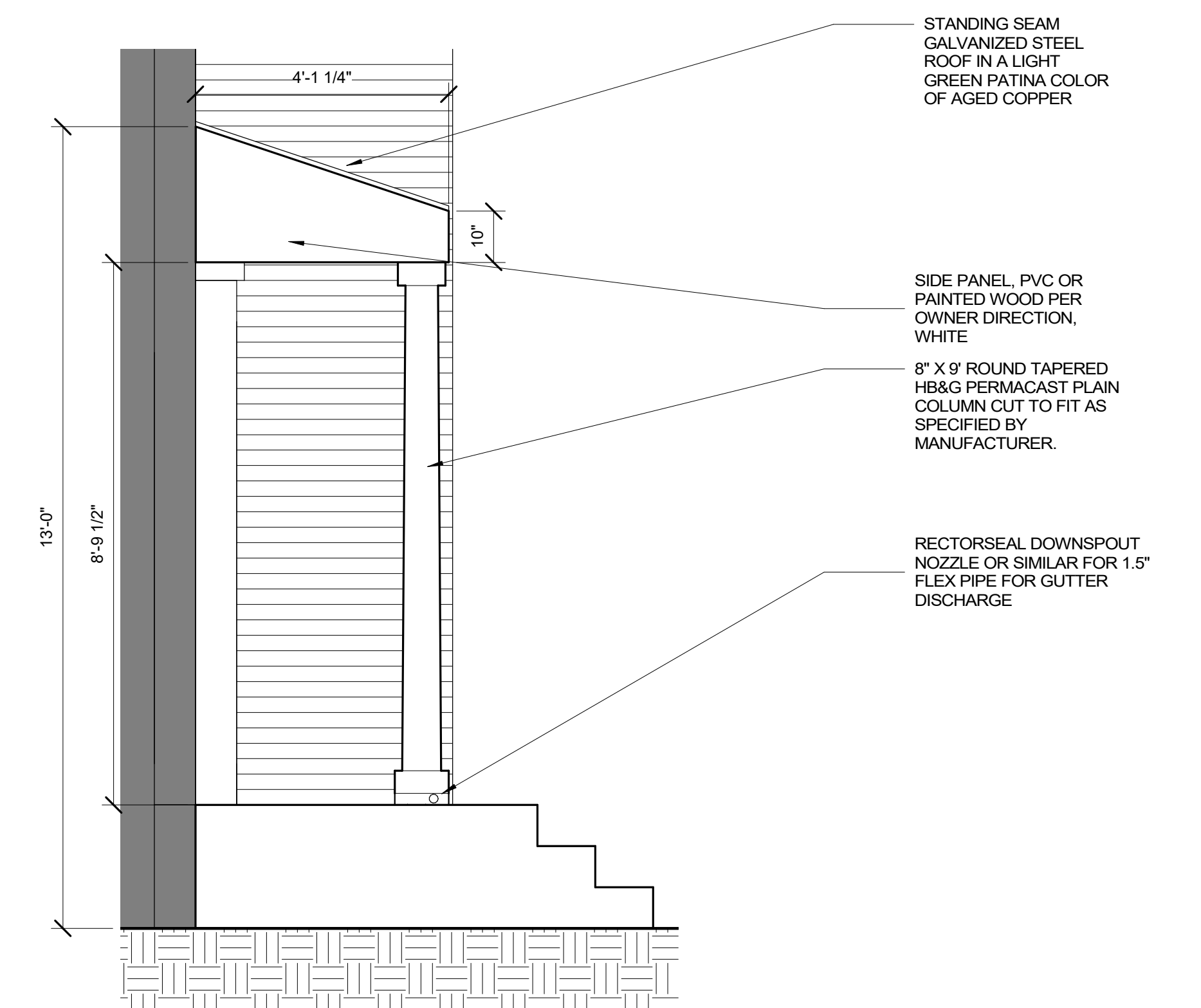
1 OVERHANG POST
A1.01 Scale: 1" = 1'-0"



3 FRONT ELEVATION
A1.01 Scale: 1/2" = 1'-0"



2 OVERHANG PLAN VIEW
A1.01 Scale: 1" = 1'-0"



4 SIDE (EAST) ELEVATION
A1.01 Scale: 1/2" = 1'-0"

STRUCTURAL HANGER NOTES:

A. ALL CONVENTIONAL LUMBER TO USE FULLY NAILED METAL JOIST HANGERS. SELECT APPROPRIATE HANGER FOR INTENDED USE BY MANUF. RECOMMENDATIONS.

STRUCTURAL FRAMING NOTES:

- A. CONTRACTOR TO CONSULT ENGINEER DURING CONSTRUCTION IF CONDITIONS VARY FROM DESIGN AND SHOWN ON THE PLANS.
- B. ALL NEW EXTERIOR WALL FRAMING TO BE 2X6 SPF #2 @ 16" O.C., USE JOIST BLOCKING ABOVE AND BELOW ALL INTERIOR WALLS AS WELL AS EVERY 8' MINIMUM.
- C. ALL NEW INTERIOR PARTITION FRAMING TO BE 2X4 SPF #2 @ 16" O.C. U.N.O.
- D. CONTRACTOR IS RESPONSIBLE FOR TEMPORARY SUPPORT DURING BEAM INSTALLATION.
- E. PRESSURE TREATED LUMBER IS TO BE USED WHEN IN CONTACT WITH CONCRETE, OR WHEN EXPOSED TO THE ELEMENTS.
- F. ALL FASTENERS OR HANGERS IN CONTACT WITH P.T. MATERIAL ARE TO BE HOT DIPPED ZINC COATED GALVANIZED STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER PER R317.3.1.
- G. SCREWED MEMBERS ARE TO BE SCREWED TOGETHER FROM BOTH SIDES WITH FASTENMASTER "TLOKxx" TIMBER LOK SCREWS SPACED 16" O.C. STAGGERED TOP & BOTTOM, W/ (2) SCREWS AT EACH END, UNLESS NOTED OTHERWISE. SCREWS TO BE FULL WIDTH OF THE BEAM.
- H. PILOT HOLES FOR LAG BOLTS ARE TO BE 7/8" OF THE SHANK DIAMETER, AND DRILLED NO LESS THAN 7/8" OF THE ENTIRE EMBEDMENT DEPTH.
- I. ALL NAILING AND FASTENING SHALL BE IN ACCORDANCE WITH TABLE R602.3(1), FASTENING SCHEDULE FOR STRUCTURAL MEMBERS, IN THE 2015 INTERNATIONAL BUILDING CODE.
- J. ALL BEAMS ARE TO BE BRACED EVERY 10' O.C. MAX. UNLESS NOTED OTHERWISE.
- K. ALL JOISTS ARE TO BE BRACED WITH SOLID BLOCKING AT ENDS AND EVERY 8' O.C. MAX. UNLESS NOTED OTHERWISE. ALL INTERIOR WALL SHALL HAVE SOLID BLOCKING ABOVE AND BELOW.
- L. ALL HORIZONTAL JOINTS SHALL OCCUR OVER COMMON FRAMING MEMBERS OR COMMON BLOCKING AND ATTACHED PER NAILING SCHEDULE.
- M. BUILT-UP BEAMS (3 PIECES MAXIMUM U.N.O.) USING LVL'S AND CONVENTIONAL FRAMING LUMBER SHALL BE FULLY SPIKED TOGETHER WITH 3-10D NAILS AT 12" O.C. FOUR-PLY BUILT-UP LVL'S ARE TO BE SPIKED TOGETHER WITH (3) SIMPSON SDS 1/4"x6" SCREWS @ 12" O.C., OR AS OTHERWISE NOTED ON THE DRAWINGS, OR AS RECOMMENDED BY THE MANUFACTURER. SEE DRAWINGS FOR SPECIFIC NAILING/ BOLTING FOR SIDE LOADED MEMBERS.

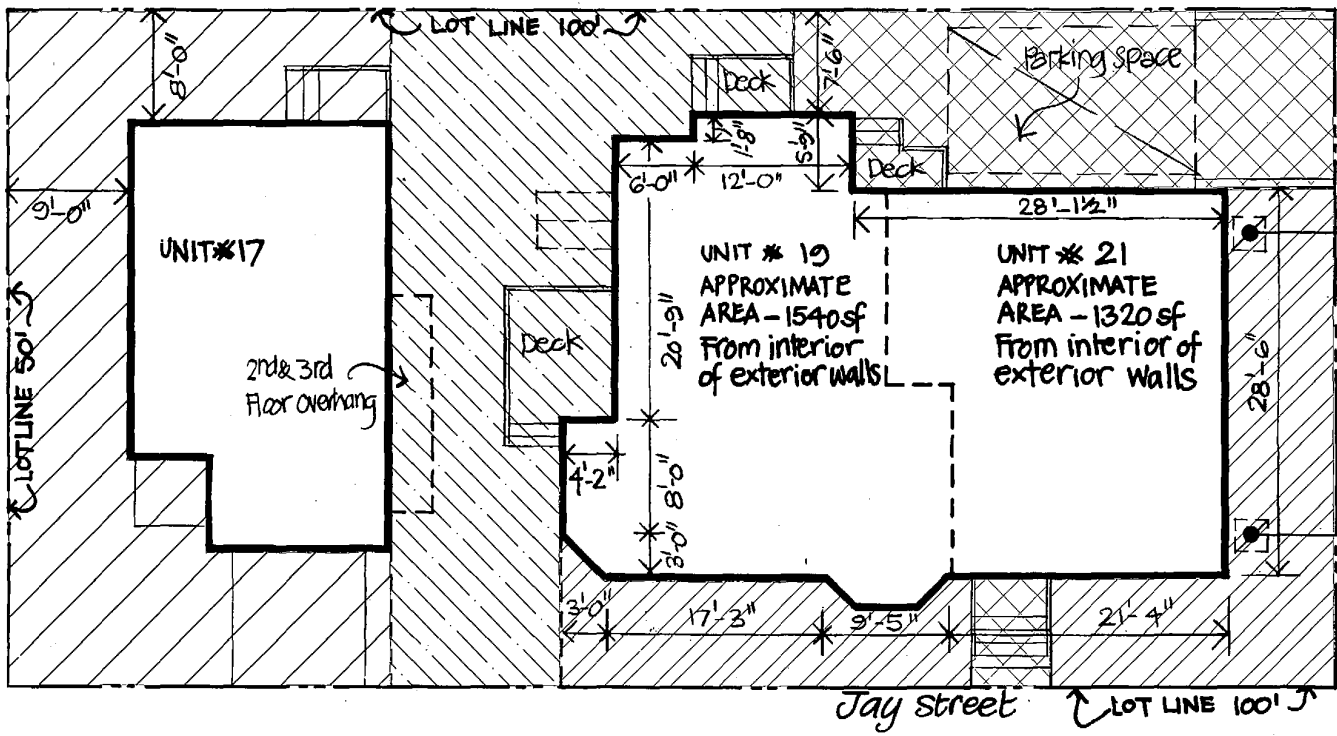
STRUCTURAL LUMBER NOTES:

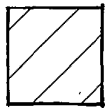

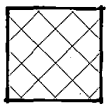

- N. ALL FRAMING LUMBER SHALL BE HEM-FIR GRADE NO. 2 OR S.P.F. (SPRUCE, PINE, FIR) GRADE NO. 1/2 OR APPROVED EQUAL (UNLESS OTHERWISE SPECIFIED) AND SHALL MEET THE REQUIREMENTS OF THE "AMERICAN FOREST AND PAPER ASSOC." THE MINIMUM ALLOWABLE BENDING STRESS (Fb) SHALL BE 875 P.S.I. THE MINIMUM ALLOWABLE COMPRESSION STRESS (Fc) SHALL BE 1150 P.S.I. THE MINIMUM ALLOWABLE MODULUS OF ELASTICITY (E) SHALL BE 1,400,000 P.S.I. OTHER FRAMING MATERIAL FOR INTERIOR NON-LOAD BEARING STUDS MAY BE SUBSTITUTED ONLY UPON APPROVAL OF THE ENGINEER.
- O. PLYWOOD LOWER THAN 2" BELOW BOTTOM SILL PLATE AND PLYWOOD IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED (P.T.).



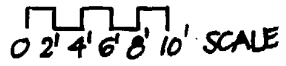
1 OVERHANG FRAMING PLAN
Scale: 1 1/2" = 1'-0"

1.05/10
1.29.08
7/24/08



-  Exterior space for exclusive use of UNIT #17.
-  Exterior space for exclusive use of UNIT #19.
-  Exterior space for exclusive use of UNIT #21.
-  Area to be maintained by UNITS #19 & 21.

SITE PLAN 17-19-21 Jay Street Condominium



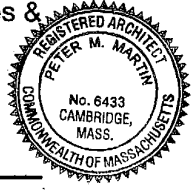
I, Peter M. Martin, architect, do hereby certify that this site plan of the 17-19-21 Jay St. Condominium, Cambridge, MA, fully and accurately depicts the layout, location, dimensions, and approximate area.

Peter Martin
7/24/08



I hereby certify that the plan was prepared in accordance with the rules & regulations of Massachusetts Registries of Deeds as amended January 1, 1976.

Peter Martin
7/24/08



FLOOR PLANS 17-19-21 JAY STREET CONDOMINIUM

Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 639 of 2008
Rec'd 7.29 2008
at 1 PM 08 MP M

Attest
Eugene C. Burns
Register



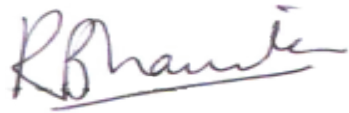
17-19-21 Jay Street, Cambridge, MA-02139 Condo Association

November 29, 2022

To whom it may concern:

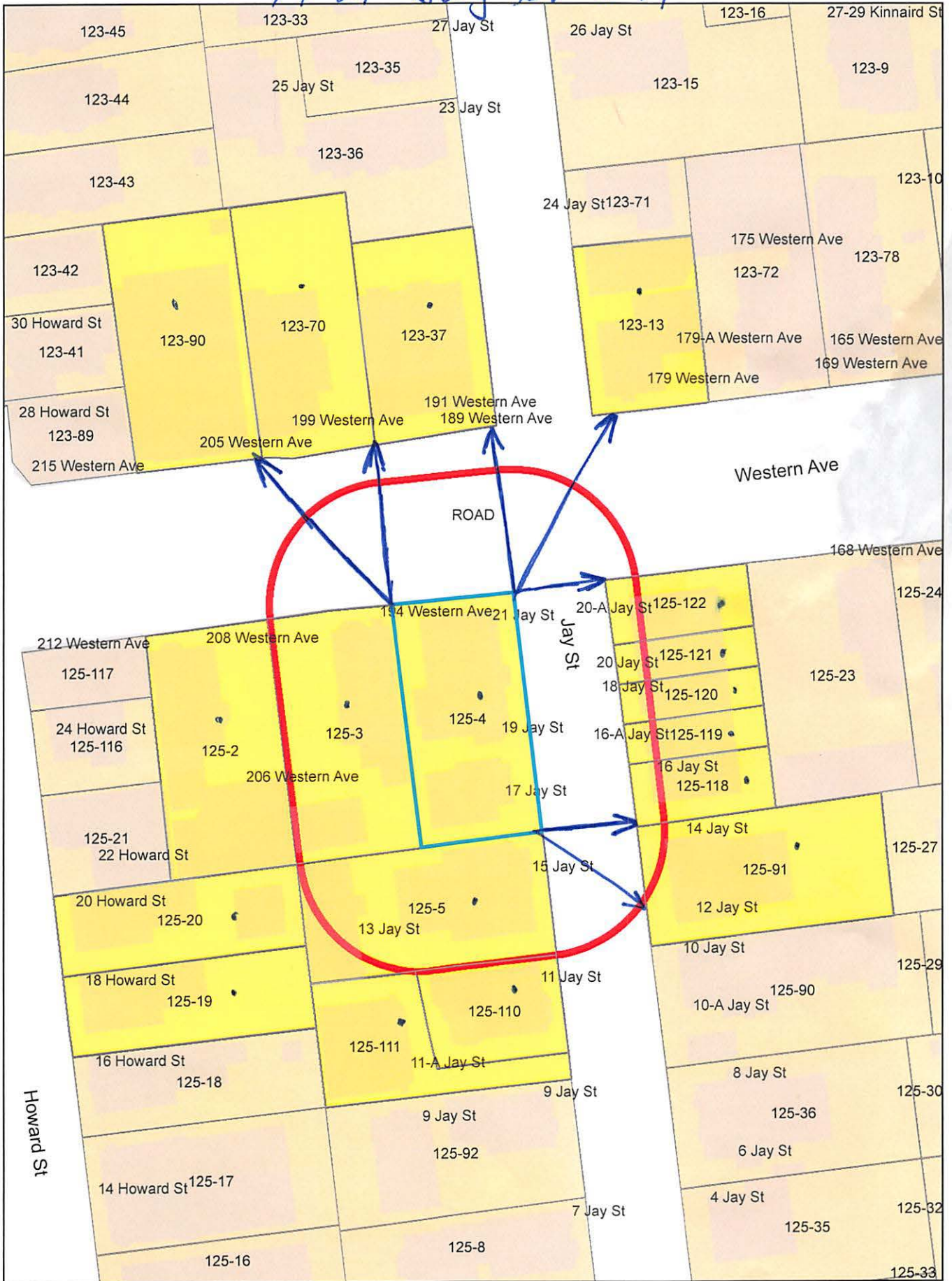
The owners and tenants living at 17,19 and 21 Jay Street have been notified of the proposed construction of the entrance that is being rebuilt at 19 Jay Street. The condo association members have approved of the work that is to be done.

Trustee of the association:

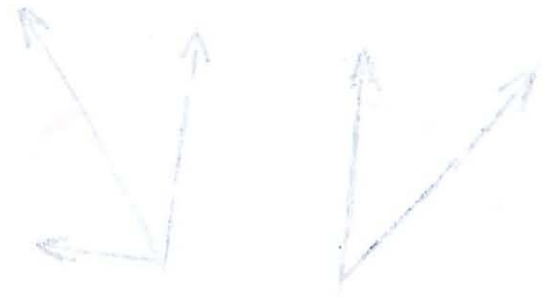
A handwritten signature in black ink, appearing to read "RBhaiwala", written over a horizontal line.

Rizvana Bhaiwala

17-21 Jay St #19



Handwritten text at the top of the page, possibly a title or date, which is difficult to decipher due to blurriness.



17-29 Jay St #19 Petitioner

125-110
SCHNYDER, SABINE & MAHER GHAMLOUSH
11 JAY ST. UNIT#1
CAMBRIDGE, MA 02139

125-111
KEDERSHA, NANCY L.
11A JAY ST #1
CAMBRIDGE, MA 02139

125-4
BHAIWALA, RIZVANA &
CHARLES B. VALOIS, TRUSTEES
19 JAY ST #19
CAMBRIDGE, MA 02139

125-119
COX, CHARLES C.
16A JAY ST
CAMBRIDGE, MA 02139

125-121
KAHN, GABRIEL
711 WEST END AVE. APT 5HS
NEW YORK, NY 10025

125-5
CLARKE, MARTIN E
TRUSTEE OF THE CLARKE FAMILY TRUST
15 JAY ST
CAMBRIDGE, MA 02139

125-110
SLOBODIAN, QUINN & MICHELLE STERLING
11 JAY ST., #3
CAMBRIDGE, MA 02139

125-122
MUELLER, KENNETH & SHU-LIN MUELLER
20A JAY ST
CAMBRIDGE, MA 02139

123-90
CAMBRIDGE CITY OF
C/O CAMBRIDGE HOSPITAL
1493 CAMBRIDGE ST
CAMBRIDGE, MA 02139

125-19
PELLETIER, JOSEPH F. & REBECCA P. LAY
18 HOWARD ST
CAMBRIDGE, MA 02139

125-120
DING, JIEWEI
18 JAY ST
CAMBRIDGE, MA 02139

123-37
GRAHAM, SAUNDRA
189 WESTERN AVE
CAMBRIDGE, MA 02139-4637

123-70
MUZYKEWICZ, MARCY
199 WESTERN AVE #2
CAMBRIDGE, MA 02139

123-70
BAO, CHANNA & GUO NU BAO
199 WESTERN AVE., #1
CAMBRIDGE, MA 02139

123-70
BARENTS, BRANDY DYER &
KEVIN PATRICK BARENTS
199 WESTERN AVENUE, UNIT #3
CAMBRIDGE, MA 02139

125-4
BHAIWALA, RIZVANA &
CHARLES VALOIS TRUSTEES
19 JAY ST
CAMBRIDGE, MA 02139

125-4
BOREAS, LLC
369 CONGRESS ST FLR #6
BOSTON, MA 02210

125-111
OBERHOLZER, FELIX & LISA OBERHOLZER-GEE
TRS, THE FELIX OBERHOLZER REV LIV TR
11A JAY ST., #3
CAMBRIDGE, MA 02139

125-20
WINCHEL DANIEL D & LAY SARAH D TRS
20 HOWARD ST
CAMBRIDGE, MA 02139

123-13
TOLMAN, WARREN & CAROLYN TOLMAN
30 STONELEIGH CIR
WATERTOWN, MA 02472

125-2
BRADSHAW, PATRICIA
208 WESTERN AVE
CAMBRIDGE, MA 02139

125-111
BRADLEY, KAANTA C. &
ALICE S. KAANTA TRUSTEES
240 RUTLEDGE RD
BELMONT, MA 02478

125-3
RAYCE REALTY LLC
28 WESTERN AVE
CAMBRIDGE, MA 02139

125-91
CONRAD DONALD MAURA A MCCARTHY TRS
12-14 JAY ST
CAMBRIDGE, MA 02139

125-118
MONTGOMERY MARTIN &
DENISE MONTGOMERY LIFE ESTATE
16 JAY ST
CAMBRIDGE, MA 02139

125-110
CHEN XING
11 JAY ST - UNIT 2
CAMBRIDGE, MA 02139

123-90
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

123-90
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER



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: CHARLES B. VALOFS Date: Jan 5, 2023
(Print)

Address: 17-21 Jay Street - Unit 19

Case No. BZA-203324

Hearing Date: 1/26/23

Thank you,
Bza Members



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2023 JAN 31 PM 12:26

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

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

RE: Case # BZA-203324

Address: 17-21 Jay Street

Owner, Petitioner, or Representative: Charles Valois
(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: 1-30-23

Charles Valois
Signature

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES

February 6, 2023

2023 FEB -6 P 3:09

Via Email and Courier

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Attn: Maria Pacheco, Zoning Administrator

Re: BZA Case No. 203324-2022—17-19-21 Jay Street, Unit 19, Cambridge

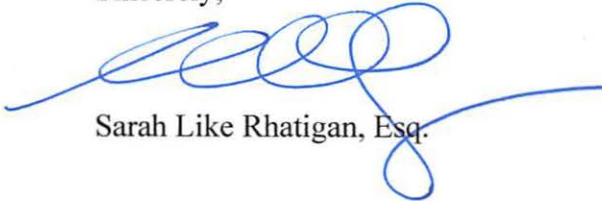
Dear Ms. Pacheco:

This firm represents the Petitioners in the above referenced matter. In connection with the hearing scheduled for Thursday, February 9th, please find enclosed here for filing the following additional materials in support of this variance Application:

- a) Revised Application – Dimensional Table and Supplemental Narrative
- b) Proposed Site Plan – Unit 19, 17-19-21 Jay Street
- c) Assessors Map – 17-19-21 Jay Street
- d) Photographs - Unit 19, 17-19-21 Jay Street and surrounding area
- e) BZA Decision - Unit 19, 17-19-21 Jay Street – recorded April 13, 2005

Thank you for your assistance.

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Charles Valois

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Charles Valois
Location: 17-21 JAY ST, Unit 19, Cambridge, MA
Phone: 978-496-0117

Present Use/Occupancy: 3-Family
Zone: ~~Residence C-1 Zone~~
Requested Use/Occupancy: 3-Family

Business A-3

* REVISED * 2/6/23

		Existing Conditions	Requested Conditions	Ordinance Requirements	
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LOT AREA:		5044	5044	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		0.87	0.88	0.75	(max.)
LOT AREA OF EACH DWELLING UNIT		1681	1681	1500	(min.)
SIZE OF LOT:	WIDTH	100.35	100.35	50	(min.)
	DEPTH	50.3	50.3	none	-
SETBACKS IN FEET:	FRONT	25 7.5	25 7.5	25 10	(min.)
	REAR	25 N/A	25 N/A	25	(min.)
	LEFT SIDE	25 9.0	25 9.0	25 11	(min.)
	RIGHT SIDE	25 7.5	25 7.5	25 13	(min.)
SIZE OF BUILDING:	HEIGHT	20 30.0	20 30.0	35	(max.)
	WIDTH	50.3 25/35	50.3 25/35	none	-
	LENGTH	38 35/25	38 35/25	none	-
RATIO OF USABLE OPEN SPACE TO LOT AREA:		0.4	0.4	0.30	(min.)
NO. OF DWELLING UNITS:		3	3	none 3	(max.)
NO. OF PARKING SPACES:		2 4	2 4	2 0	-
NO. OF LOADING AREAS:		0	0	0	-
DISTANCE TO NEAREST BLDG. ON SAME LOT		25 10.6	25 10.6	none 10	(min.)

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

17 Jay Street is a detached single-family structure. 19-21 Jay Street is a detached two-family structure.

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

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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:

~~none~~ *SEE ATTACHED.*

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:

~~none~~ *SEE ATTACHED.*

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

Cover does not contribute to greater runoff. *SEE ATTACHED.*

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

FAR is increased by 0.01 to ~~grandfathered existing FAR~~. *SEE ATTACHED.*

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

p.5 of BZA Application Supporting Statement for a Variance:

A) Literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

BACKGROUND:

The Petitioners purchased this condominium unit, in a Business A-3 District in Cambridgeport at the corner of Western Avenue and Jay Street, in 2016. They were the second owners of this unit, which had been created after a renovation and expansion of the property in 2005. The BZA had granted a variance to allow for two, 2-story additions to the original 19th Century home (in which Unit 19 is located) and the construction of a third stand-alone unit (17 Jay Street) on the lot. The variance was necessary to allow for the total FAR of 0.87 and encroachment into setbacks. A true and accurate copy of which is attached to this Application.

From the inception of their ownership of Unit 19, the Petitioners experienced problems with water, ice and snow accumulation on their main entry landing and stairs. The main entry landing and stairs were (and are) located directly under an area of gabled roof that has no gutter and meets the lower roof. As a result of these unusual conditions of the roof design and the location of the main entry to their Unit, water, freezing rain, and snow fall and accumulate directly on the landing and result in a build-up of moisture, ice, and snow, that lead to extremely dangerous conditions for those accessing the Unit.

The Petitioners worked with an architect to design an historically sensitive, modest roof covering over their main entry stoop in order to shelter this area from the elements. However, when applying for a building permit to allow for the work, they learned that the area under the proposed roof would count towards the property's Gross Floor Area, and in doing so, would result in a further increase in GFA in further noncompliance with the allowable FAR for the District.

The proposed roof extends 4 feet, 1 ¼ inch out from the exterior side wall of the home and extends 9 feet, 9 inches wide and will thus add 480 square feet to the property's total Gross Floor Area, and 0.01 to the total FAR. In all other respects, the proposed roof complies with dimensional requirements and does not create any additional nonconformities.

LITERAL ENFORCEMENT WOULD INVOLVE SUBSTANTIAL HARDSHIP REQUIRING VARIANCE:

This mid-19th Century structure is of a unique and unusual shape, due to the modifications that have been made to it over time, including most recently the 2005 additions and reconfigurations of the main entry to this Unit. The property is already preexisting, nonconforming as to GFA/FAR, resulting in even the most modest improvement (addition of a small roof over the entry) requires a variance. The Petitioner would for these reasons face substantial hardship if the Board were to deny a variance. A literal enforcement of the Ordinance in this instance would leave the Petitioners without any viable options to remedy the dangerous egress situation.

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 structure but not affecting generally the zoning district in which it is located for the following reasons:

The hardship described in this application is owing to the following unique circumstances: (a) the oddly-shaped, multiple-roofed, 19th Century historic structure, (b) the location of the main entry (to Unit 19) situated directly under an area of the gabled roof (with no gutter) where it meets the lower roof of the 2005 addition, and (c) the fact that the property as expanded over the years already exceeds the allowable GFA/FAR, resulting in even a small increase in GFA requiring a variance. These circumstances are extremely unique to this property and generally do not affect other properties in the District.

C) Desirable relief may be granted without either:

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

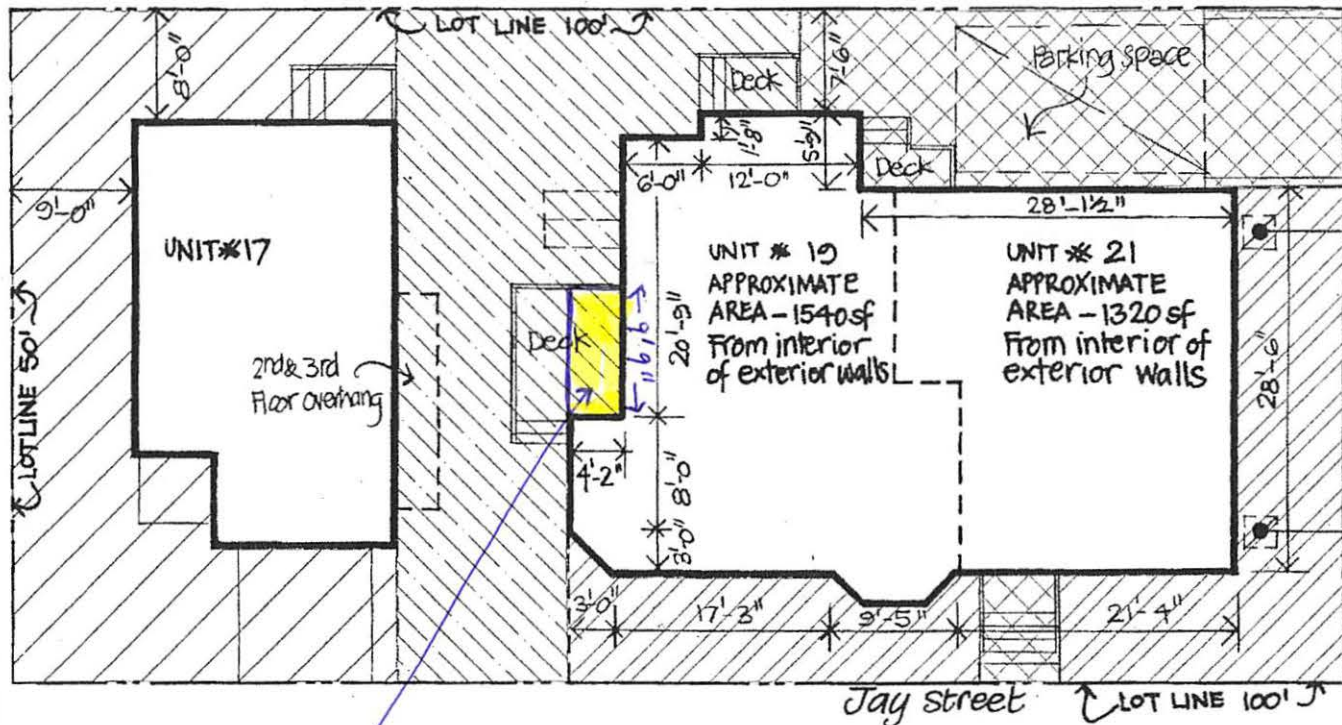
The variance relief being requested is modest, does not entail any allowance of new nonconformities, but merely allows for small roof to be constructed in an area that will be flush to the exterior wall of the home, and largely unseen by abutters to the property. The modest roof will be unobtrusive and consistent with conditions seen throughout the densely built neighborhood. This new roofed area will not be conducive to boisterous outdoor parties or other nuisances for the neighbors. There is therefore no detriment to the public good in granting this minimal relief. In addition, the roofed entry will result in vastly improving the safety of access and egress to the Unit.

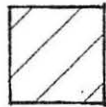
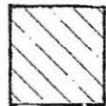
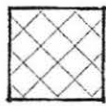

2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this ordinance of the following reasons:

Consistent with the stated intent and purpose of the Ordinance, as detailed in Section 1.30 of Article 1.000 Preamble of the Zoning ordinance as well as M.G.L Ch. 40A Zoning Section 10 Variances, the proposed project will:

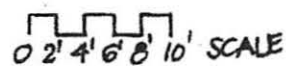
- Encourage the rational use of land throughout the city, including the encouragement of appropriate economic development;
- Create quality housing within close proximity to public transportation, for the benefit of the Property, the neighborhood and the City;
- Not substantially impact the abutters, the established neighborhood character of this residential block of Cambridgeport, nor cause congestion hazard, or negative impacts in terms of traffic or patterns of access or egress;
- Not result in use or activity not otherwise permitted in the Ordinance;
- Not result in negative impacts listed in the Section 1.3 regarding traffic, population density, blight and pollution; and
- Encourage the preservation of and reuse of preexisting structures

PROPOSED ROOF OVER ENTRY LANDING FOR UNIT 19



-  Exterior space for exclusive use of UNIT #17.
-  Exterior space for exclusive use of UNIT #19.
-  Exterior space for exclusive use of UNIT #21.
-  Area to be maintained by UNITS #19 & 21.

SITE PLAN 17-19-21 Jay Street Condominium



New Proposed Roof

I, Peter M. Martin, architect, do hereby certify that this site plan of the 17-19-21 Jay St. Condominium, Cambridge, MA, fully and accurately depicts the layout, location, dimensions, and approximate area.

Peter Martin
7/24/08



I hereby certify that the plan was prepared in accordance with the rules & regulations of Massachusetts Registries of Deeds as amended January 1, 1976.

Peter Martin
7/24/08



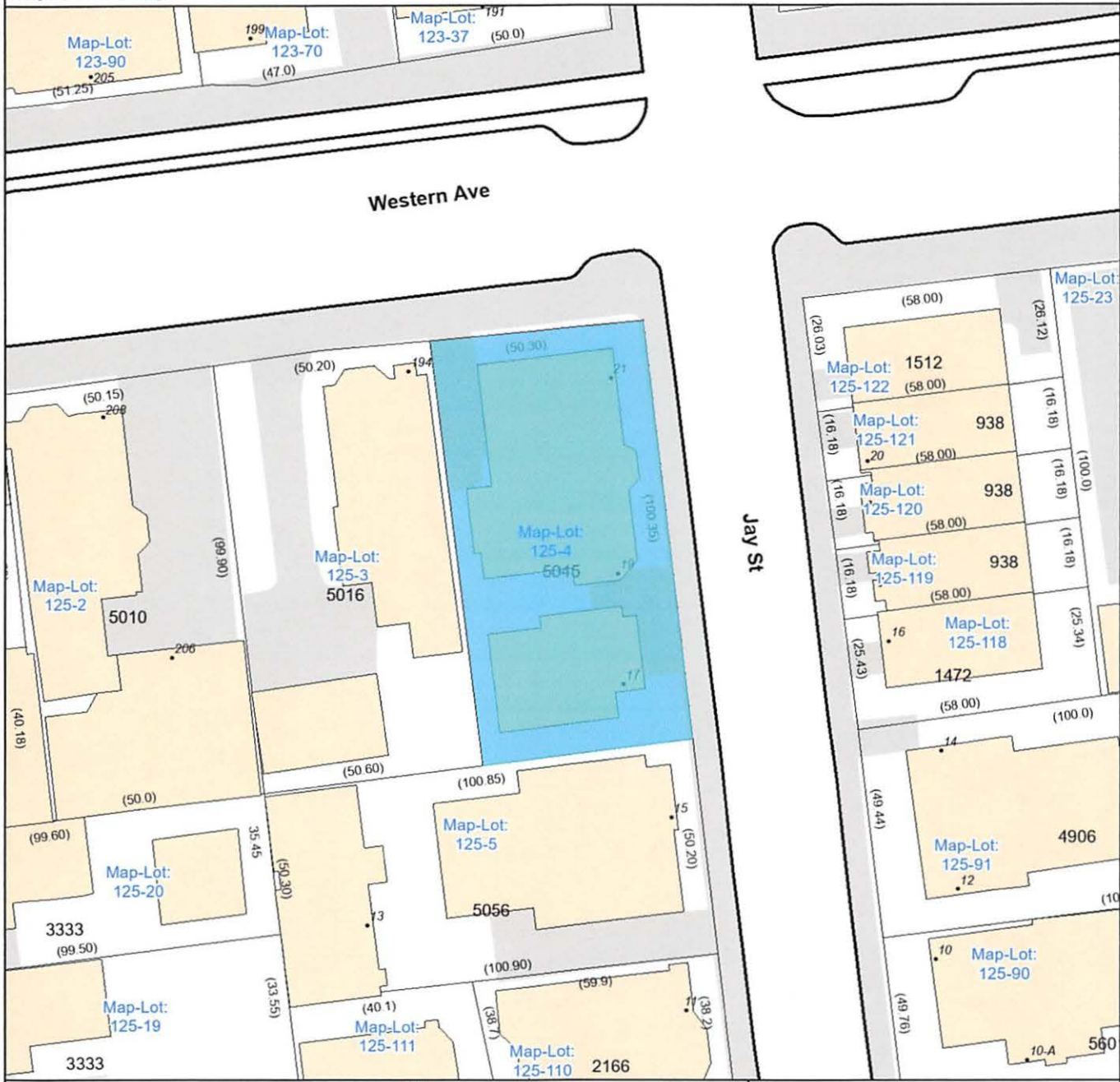
Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 639 of 2008
Rec'd 7.29 2008
at 1 H 08 M P M

Attest
Eugene C. Brown
Register

1.05.10

1.29.08

PL. 4037



City of Cambridge
Massachusetts

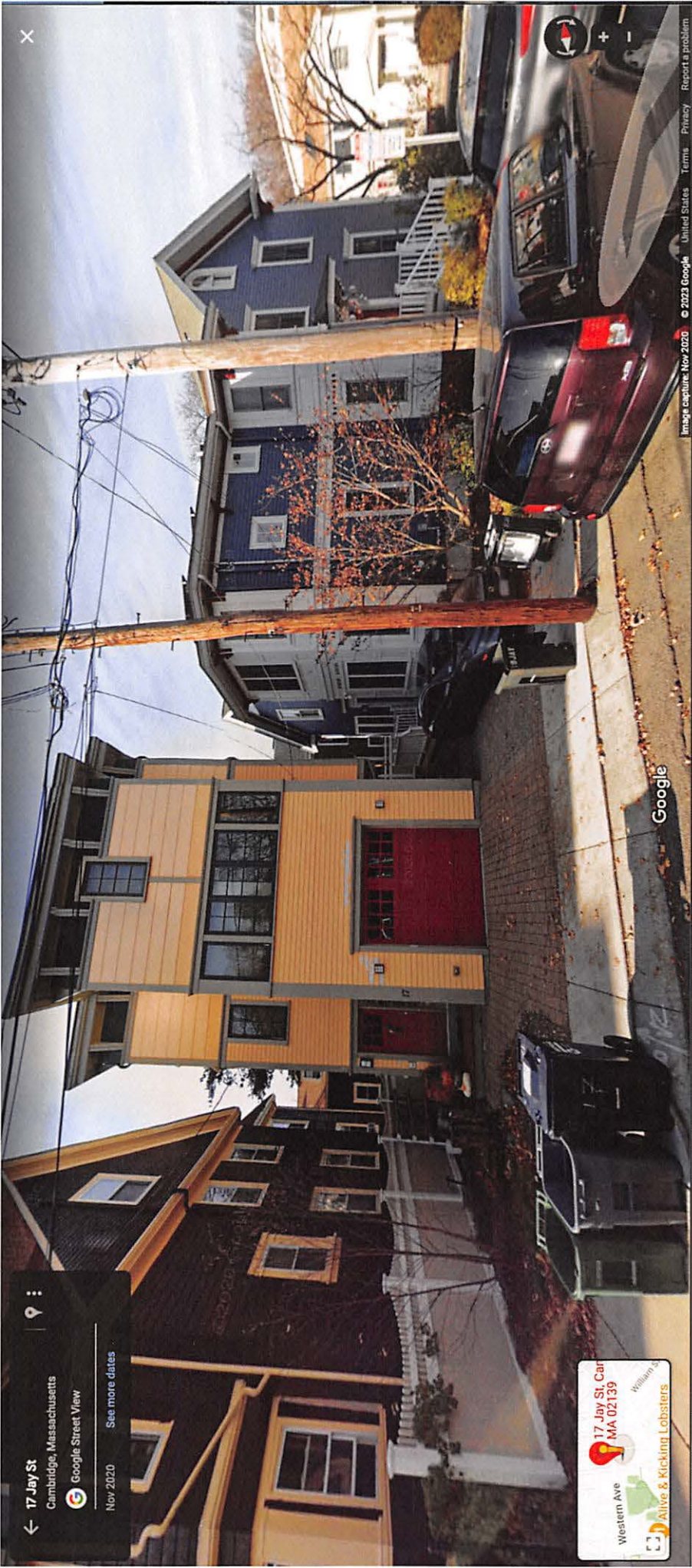
1" = 35 ft

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 - Alleys
 - Other Paved Surface
 - Public Footpath





X

← 17 Jay St

Cambridge, Massachusetts

Nov 2020

Google Street View

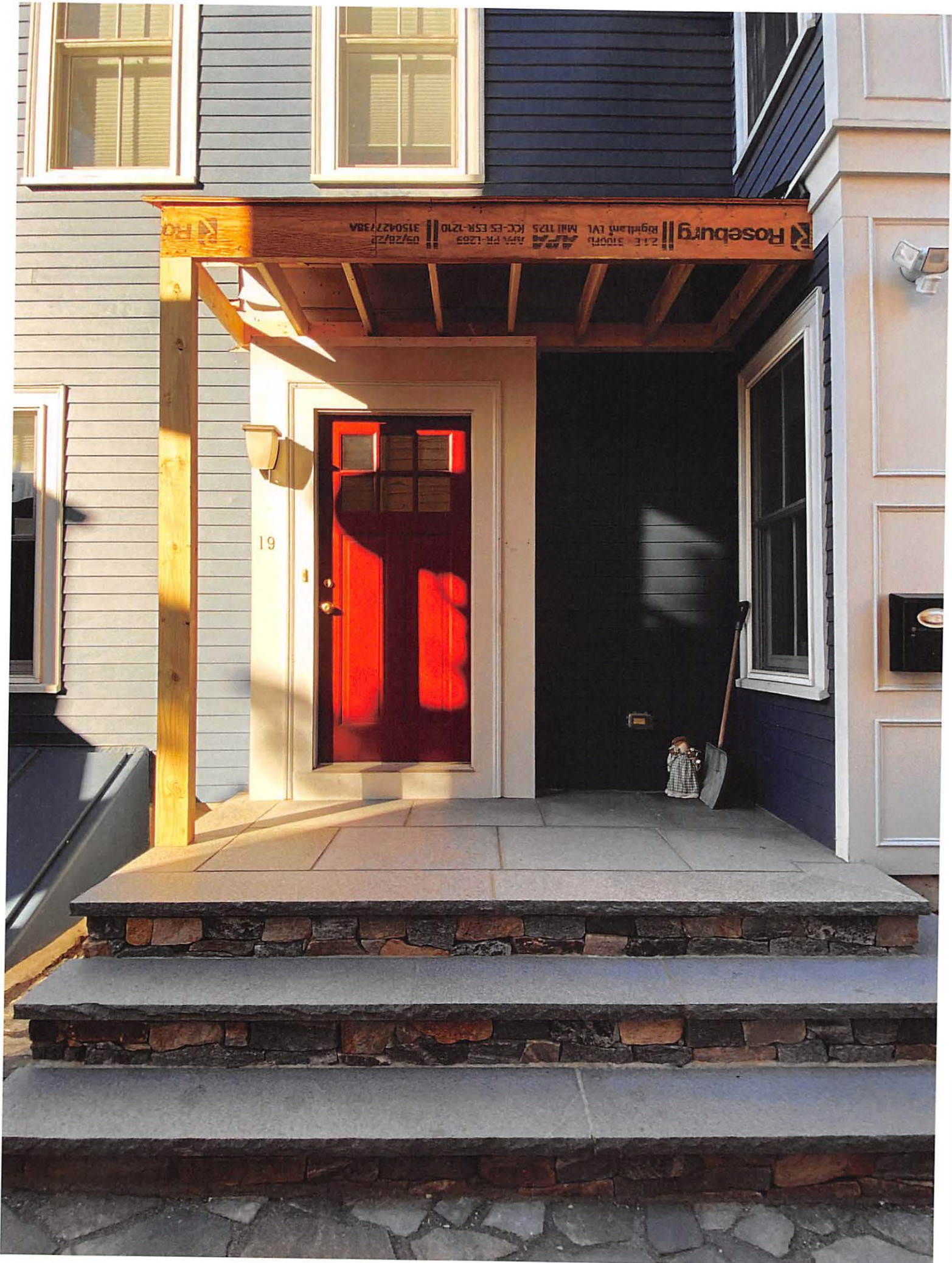
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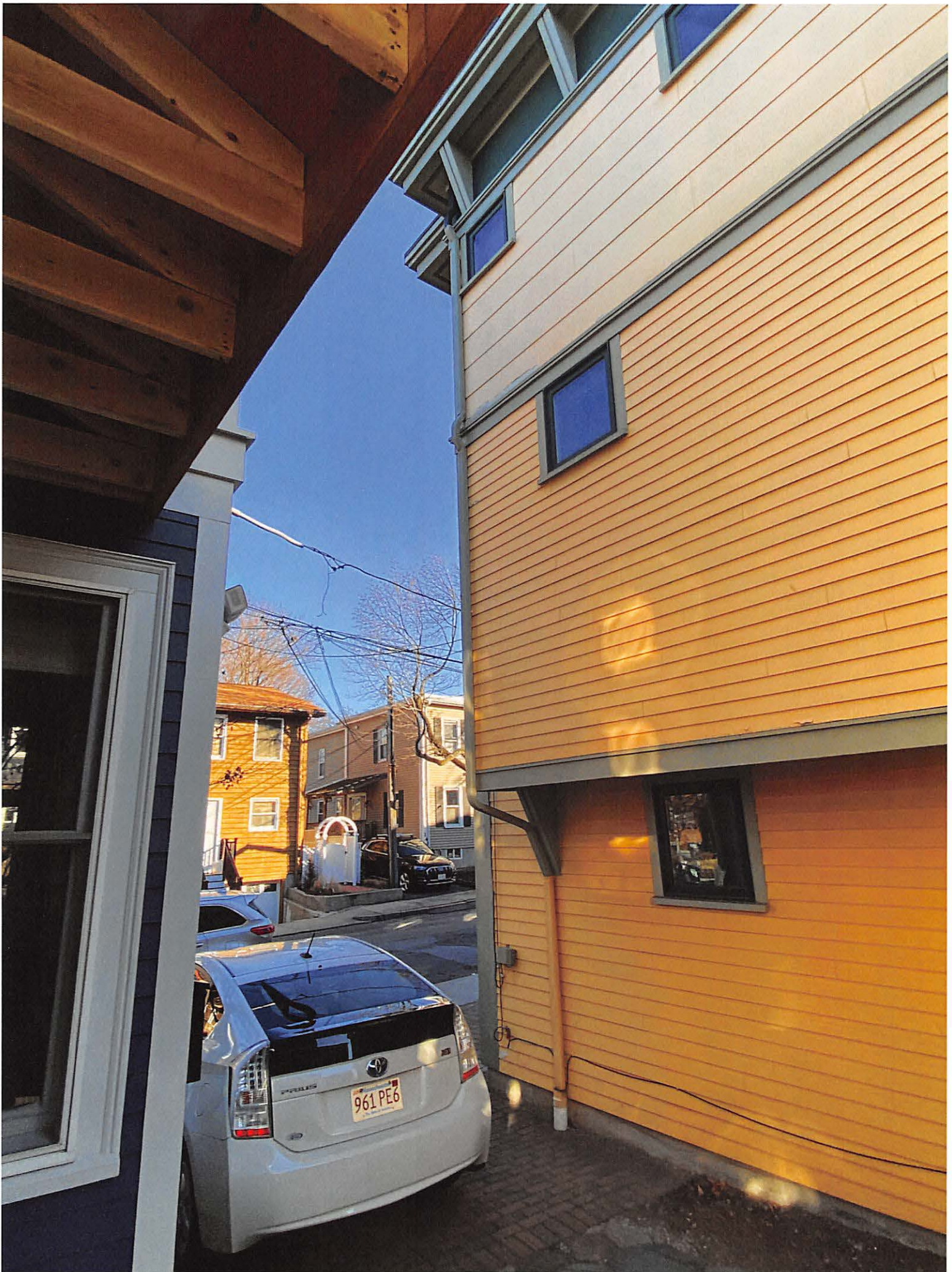
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Western Ave
17 Jay St, Cambridge, MA 02139
William S
Alive & Kicking Lobsters















City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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



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Page: 1 of 3 04/13/2005 03:53 PM

MARGINAL REFERENCE REQUESTED

BOOK 19207 PAGE 320

CASE NO: 9036

LOCATION: 19 Jay Street Business A-3 Zone
Cambridge, MA

PETITIONER: John & Josiane Barnes
and owners

PETITION: Variance: To construct two 2-story addition and to create an additional detached dwelling.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements)

DATE OF PUBLIC NOTICE: January 21, 2005 & January 28, 2005

DATE OF PUBLIC HEARING: February 10, 2005

MEMBERS OF THE BOARD:	THOMAS SIENIEWICZ - CHAIR	<input checked="" type="checkbox"/>
	JENNIFER PINCK - VICE CHAIR	<input type="checkbox"/>
	SUSAN SPURLOCK	<input type="checkbox"/>
	KEEFE B. CLEMONS	<input checked="" type="checkbox"/>
	CONSTANTINE ALEXANDER	<input checked="" type="checkbox"/>

ASSOCIATE MEMBERS:	MARC TRUANT	<input type="checkbox"/>
	BRENDAN SULLIVAN	<input type="checkbox"/>
	CHRISTOPHER CHAN	<input checked="" type="checkbox"/>
	PAUL D. GRIFFIN	<input type="checkbox"/>
	EDWARD W. WAYLAND	<input checked="" type="checkbox"/>
	TIMOTHY HUGHES	<input type="checkbox"/>

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2005 MAR 14 A 11:00

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

JOHN A. BARNES
19 JAY ST
CAMBRIDGE, MA 02139

Case No. 9036
Location: 19 Jay Street
Petitioner: John and Josiane Barnes

On February 10, 2005, Petitioners John and Josiane Barnes and their architect, Peter Martin appeared before the Board of Zoning Appeal requesting a variance to construct two 2-story additions and to create an additional detached dwelling. The Petitioner submitted plans and photographs.

Mr. Martin stated that the lot contains a two family dwelling in a poor state of repair. He stated that as part of a reconfiguration and rehabilitation of the building a small addition was being requested that needed setback relief. He stated that even with this addition, the lot was still underdeveloped and the Petitioners wished to build a second single-family house on the lot, which required some floor area ratio and setback relief. He stated that the open space and parking requirement would be fulfilled. He stated that the proposed house would fill a gap on the streetscape.

Konstantin and Eunji Cho Mantzouranis of 20A Jay Street spoke in favor of the proposal.

The Chair asked if anyone wished to speak in favor of or in opposition to the proposal, no one indicated such.

After discussion, the Chair moved that the Board find that a hardship exists at 19 Jay Street that relates to peculiar and particular conditions at this property in that the property is a corner lot, burdened by two front yard setbacks; the lot is underdeveloped, compared to neighboring properties, which are of a much higher density; the proposed development of this lot will bring it into greater conformance with the patterns of urban design and settlement in the district. The Chair moved that the Board find that the proposed additions and construction at this lot will not be particularly obtrusive. The Chair moved that the Board find an additional hardship that relates to this large 19th century structure being badly in need of renovation, and that these proposed additions and constructions will facilitate the restoration and renovation of this historic structure and will bring the configuration of this building up to practical 21st century standards and make it code compliant. The Chair moved, based on those findings of hardship, that the Board grant the variance on the condition that the work be consistent with a drawing submitted in support of this application entitled "Proposed Renovations, Additions, and New Construction, the Barnes House, at 19 Jay Street, Cambridge, Mass.," created by Peter Martin, architect, dated the 22nd of December 2004.

