



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

BZA APPLICATION FORM

Plan No: BZA-017268-2020

GENERAL INFORMATION

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

Special Permit : v Variance : v Appeal :

PETITIONER : Lauree E. Mansour C/O Sean D. Hope Esq.

PETITIONER'S ADDRESS : 907 Mass Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 17 Clay St Cambridge, MA

TYPE OF OCCUPANCY : 4.22.1 ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :


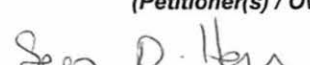
Other: accessory apartment

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests Variance relief to demolish and reconstruct existing carriage house exceeding the allowable height for accessory structures and Special Permit relief to convert carriage house to an accessory apartment.

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>4.000</u>	Section <u>4.22.1 (Accessory Apartments).</u>
Article <u>5.000</u>	Section <u>5.31 (Table of Dimensional Requirements).</u>
Article <u>10.000</u>	Section <u>10.30 (Variance).</u>
Article <u>10.000</u>	Section <u>10.40 (Special Permit).</u>

Original Signature(s) : 
 (Petitioner(s) / Owner)

 (Print Name)

Address : 907 Massachusetts Avenue
Cambridge, MA 02139
 Tel. No. : 617-492-020
 E-Mail Address : sean@hopelegal.com

Date : February 21, 2020

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 LAUREE E. MANSOUR
(OWNER)

Address: 17 CLAY STREET, CAMBRIDGE, MA 02140

State that I/We own the property located at 17 CLAY STREET, CAMBRIDGE, MA which is the subject of this zoning application.

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

LAUREE E. MANSOUR AND HAIHAM S. MANSOUR, WIFE AND HUSBAND AND TENANTS BY THE ENTIRETY

*Pursuant to a deed of duly recorded in the date 7/8/2004, Middlesex South County Registry of Deeds at Book 43248, Page 486; or Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.

LE MANSOUR
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

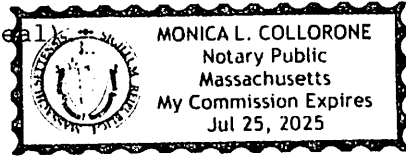
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Suffolk

The above-name Lauree Mansour personally appeared before me, this 13th of February 2020, and made oath that the above statement is true.

[Signature] Notary

My commission expires 7/25/25 (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

DIMENSIONAL INFORMATION

APPLICANT: Hope Legal law Offices **PRESENT USE/OCCUPANCY:** Residential
LOCATION: 17 Clay St Cambridge, MA **ZONE:** Residence B Zone
PHONE: 6174920220 **REQUESTED USE/OCCUPANCY:** Residential

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	1662sf	2119sf	2850sf	(max.)
<u>LOT AREA:</u>	6000sf	6000sf	5000sf	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	.28	.35	.5/.35	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	6000sf	3000sf	2500sf	(min.)
<u>SIZE OF LOT:</u>	WIDTH	50'	50'	(min.)
	DEPTH	120'	120'	n/a
<u>SETBACKS IN FEET:</u>	FRONT	12.1'	12.1'	(min.)
	REAR	54.5'	54.5'	(min.)
	LEFT SIDE	12.5'	12.5'	(min.)
	RIGHT SIDE	15'	15'	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	26'	26'	(max.)
	LENGTH	52'	52'	n/a
	WIDTH	20'	20'	n/a
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	56%	61%	40%	(min.)
<u>NO. OF DWELLING UNITS:</u>	1	2	2	(max.)
<u>NO. OF PARKING SPACES:</u>	3	2	1	(min./max)
<u>NO. OF LOADING AREAS:</u>	n/a	n/a	n/a	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	n/a	n/a	n/a	(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.

* carriage house: existing 178sf and proposed 275sf.

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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

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

The Petitioners have owned the Property at 17 Clay Street for the past 16 years and are active members in the Cambridge Community. The proposal to convert an existing non-conforming carriage house into an accessory apartment is to allow them to age in place when their primary residence is too large for their needs.

Although the proposed conversion meets the Special Permit requirements for an accessory apartment (Pursuant to article 4.22.1) the poor structural condition of existing carriage house with no foundation and its siting extremely close to the rear property line makes restoration of the carriage house impractical. Petitioners' proposal to demolish and rebuild the accessory structure changes the requested relief from a Special Permit to a Variance although the structure will be in greater conformance with the zoning ordinance providing the required 5' setback for accessory structures.

A literal enforcement of the provisions of the Ordinance would make the request conversion (renovation and restoration) of the existing Carriage House impractical and cause a substantial hardship without the requested relief. The hardship is owing both to the poor structural condition of the carriage house and the siting of the carriage house on the lot.

- 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 Hardship is owing in part to the non-conforming positioning of the Carriage House on the lot and poor condition of the accessory structure. Without improving the rear yard setback construction would be severely constrained if not infeasible.

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

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

The proposed conversion will not be a detriment to the public good because the accessory structure will be moved further away from the rear property line, no windows are being proposed on the rear facade and the proposed conversion will restore an outdated accessory structure to residential use adding to Cambridge's housing stock of renovated dwellings.

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

The relief requested is consistent with the intent and purpose of Ordinance which calls for the most rational use of land throughout the city (article 1.03). The proposed conversion restores an underutilized accessory structure in a manner that is compatible with the existing neighborhood character as opposed constructing a second freestanding dwelling which could be built on the lot due to its large lot size.

*** 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 Clay St Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

No congestion, hazard, or substantial change in the established neighborhood character will result from the conversion of the preexisting non-conforming garage into an accessory apartment because proposed accessory apartment will largely be shielded from the public way, there are no proposed windows or openings facing the abutting rear neighbor and the proposed conversion will upgrade the dwelling with modern amenities and systems allowing for the owners to age in place.

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 continued operation of or the development of adjacent uses will not be adversely affected because the proposed conversion to an accessory apartment is consistent with the residential character of the neighborhood and adjacent residential uses. Additionally, the Cambridge City Council in 2018 adopted an amendment to the Accessory Dwelling Provisions (article 4.22) specifically allowing for conversion of accessory structures by special permit consistent with relief requested in this application.

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:

No nuisance or hazard will be created nor will any detriment to the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City for the reasons stated previously and because the proposed use is consistent with the allowed residential uses in the district, the proposed density on the lot will be less than the district maximum and due to the size of the lot the Petitioner could construct a much larger free-standing single family that would have far greater impact to the neighborhood.

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:

The proposed accessory apartment will not impair the integrity of the district and is consistent with the intent of the ordinance by allowing for the renovation and modernization of Cambridge's accessory structure at a scale that is compatible with existing neighborhood character.

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:



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2020 FEB 26 PM 2:40
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017268-2020

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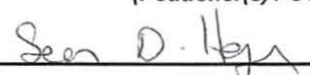
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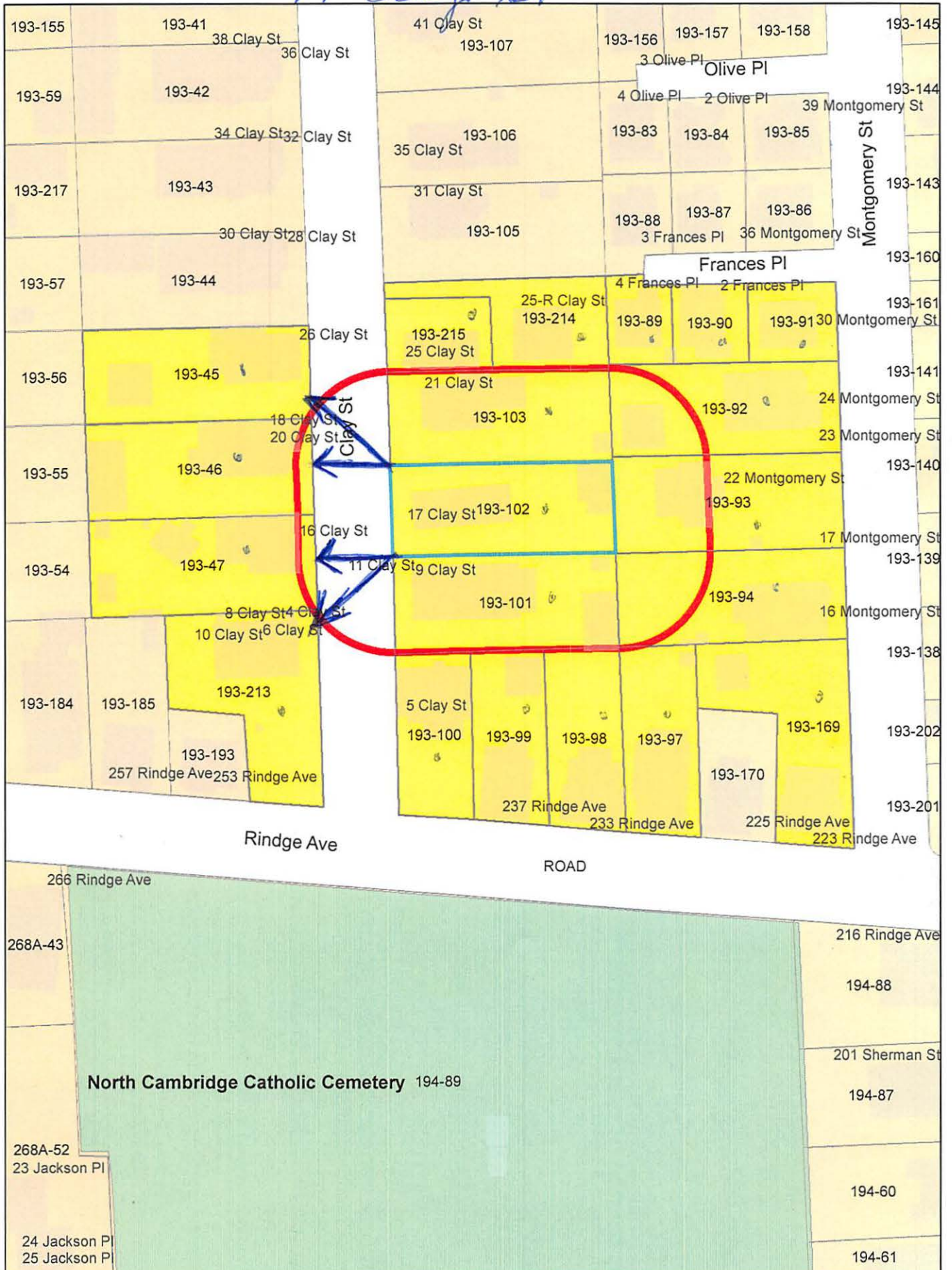
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Original Signature(s) : 
 (Petitioner(s) / Owner)

 (Print Name)

Address : 907 Massachusetts Avenue
Cambridge, MA 02139
 Tel. No. : 617-492-020
 E-Mail Address : sean@hopelegal.com

Date : February 21, 2020

17 Clay St.



17 clay st.

Petitioner

193-90
SIMPSON, LILLIAN
2 FRANCES PL
CAMBRIDGE, MA 02140

193-102
MANSOUR, LAUREE E. & HAITHAM S. MANSOUR
17 CLAY ST
CAMBRIDGE, MA 02140

SEAN D. HOPE, ESQ.
907 MASS AVENUE
CAMBRIDGE, MA 02139

193-91
WONG, FOLK-MAN & MONERA WONG
30 MONTGOMERY ST
CAMBRIDGE, MA 02140-2411

193-97
RILEY, ROBERT M. & SABRINA C. RILEY
229 RINDGE AVE
CAMBRIDGE, MA 02140

193-100
HIRSCH, CAROLE S. & NEVILLE J. TRAYNOR
5 CLAY ST
CAMBRIDGE, MA 02140

193-101
RICHARD, ADELINE M., A LIFE ESTATE
11 CLAY STREET
CAMBRIDGE, MA 02140-2421

193-89
ARSENAULT, PHILIP G.
TRS PHILIP G. ARSENAULT TRUST
4 FRANCES PL
CAMBRIDGE, MA 02140

193-93
TEVLIN, DENNIS F. & JANET TEVLIN
22 MONTGOMERY ST
CAMBRIDGE, MA 02140-2411

193-99
TALUKDAR, ASRAF
237 RINDGE AVE
CAMBRIDGE, MA 02140

193-169
MCKENZIE, JUDITH A & MARIE MCKENZIE
TRUSTEE OF KODY TRUST
223 RINDGE AVE
CAMBRIDGE, MA 02140-3211

193-47
ARSENAULT, WILLIAM A. A LIFE ESTATE
16 CLAY ST
CAMBRIDGE, MA 02140

193-92
DONALDSON, WILLIAM B & HOLLIS T
24 MONTGOMERY ST
CAMBRIDGE, MA 02140

193-94
KENNEY, FRANCIS J., JR
16 MONTGOMERY ST
CAMBRIDGE, MA 02140

193-98
DRUMMOND, ISMARTILAH &
BARRY DRUMMOND
233 RINDGE AVE
CAMBRIDGE, MA 02140-3211

193-213
ARSENAULT, REMOND A. &
FLEURETTE M. ARSENAULT
10 CLAY ST
CAMBRIDGE, MA 02140

193-214
GILLESPIE, KATHLEEN
25R CLAY STREET.
CAMBRIDGE, MA 02140

193-215
GEARY, ANNA C.,
ESTATE OF C/O KATHLEEN GILLESPIE
25 R CLAY ST.
CAMBRIDGE, MA 02140-2421

193-46
PROPP, KAREN
18-20 CLAY ST., UNIT #3
CAMBRIDGE, MA 02140

193-46
BERGMANN, SASHA M.
218 LEXINGTON AVE
CAMBRIDGE, MA 02138

193-46
BEN-ANAT, ELI & VERED BEN-ANAT
18-20 CLAY ST., UNIT #2
CAMBRIDGE, MA 02140

193-45
SHOWSTACK, SARA A.
26 CLAY ST
CAMBRIDGE, MA 02140

193-103
POKLOP, LAURIE L. & JILL L. WITTMER
21 CLAY ST
CAMBRIDGE, MA 02140

PLAN OF LAND

LOCATED AT
17 CLAY STREET
CAMBRIDGE, MA

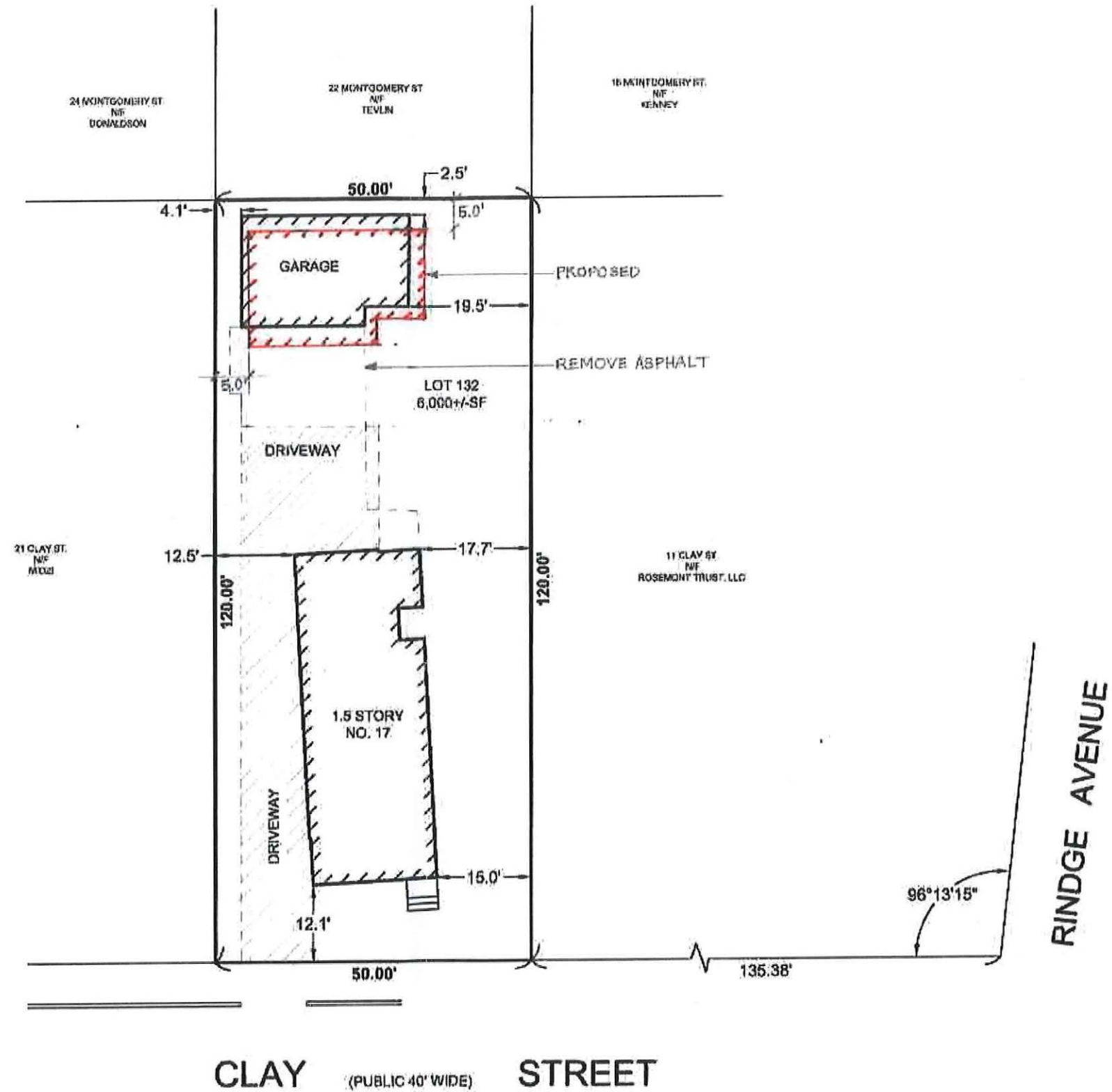
PREPARED FOR:
LAUREE AND HAITHAM MANSOUR

SCALE: 1 INCH = 20 FEET



MASSACHUSETTS
SURVEY
CONSULTANTS

14 SUMNER STREET
GLOUCESTER, MA 01830
617.888-0733
WWW.MASSACHUSETTSURVEY.COM



REFERENCES

DEED: BOOK 43248, PAGE 486
PLAN: PLAN BOOK 28, PLAN 19

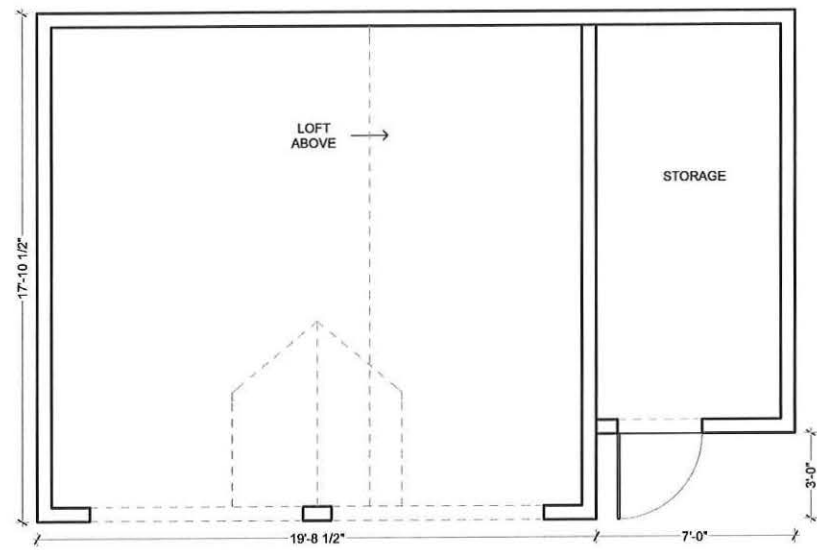
NOTES

THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND IN SEPTEMBER OF 2019 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THOMAS BERNARDI P.L.S.

DATE: SEPTEMBER 19, 2019



Existing 1st Floor Plan

1/4" = 1'-0" ①



Existing Front Elevation

1/4" = 1'-0" ②

BZA Application

SMART ARCHITECTURE
625 Mount Auburn Street, Suite 208 Cambridge, MA 02138

Mansour Residence
17 Clay Street
Cambridge, MA 02140

Job number	as noted
Scale	02.10.20
Date	
Drawn by	aj
Checked by	

Proposed Carriage House Elevations

A-X.0



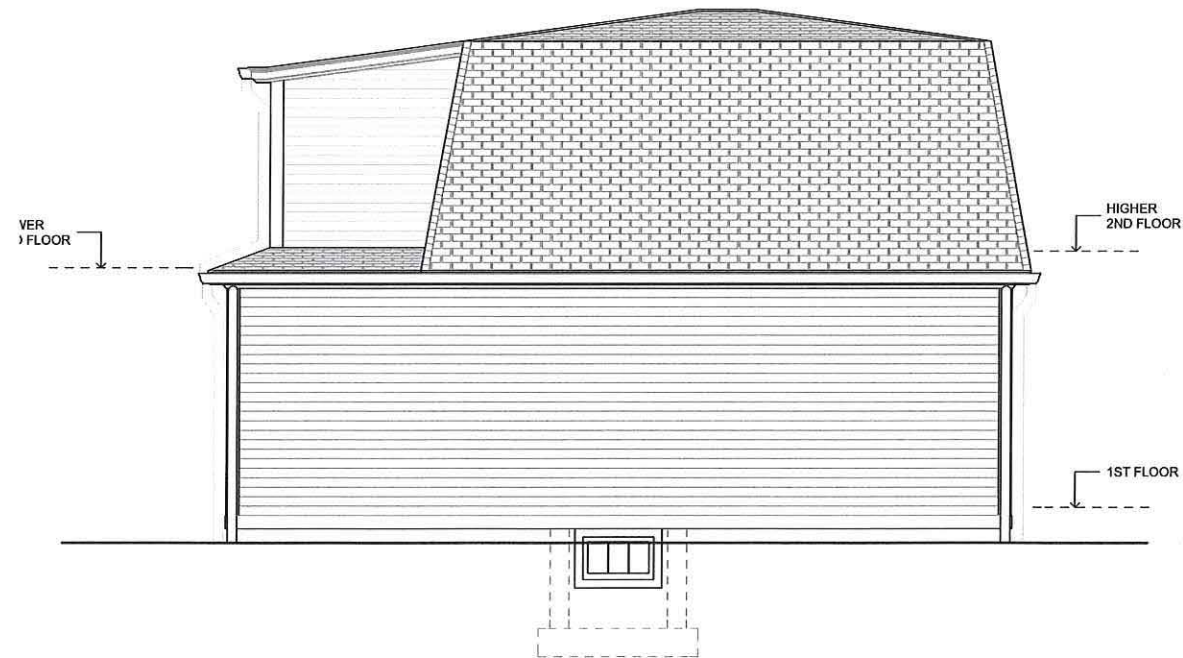
Proposed Front(West) Elevation

1/4" = 1'-0" ①



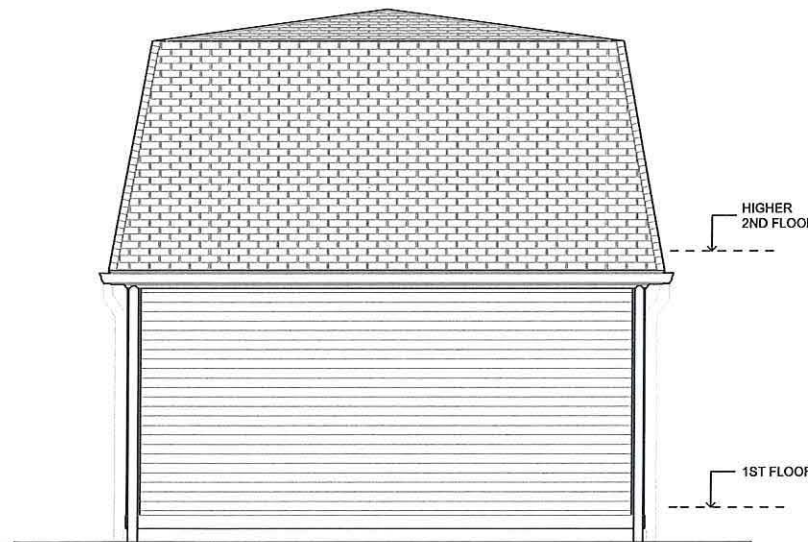
Proposed Side(South) Elevation

1/4" = 1'-0" ②



Proposed Back(East) Elevation

1/4" = 1'-0" ③



Proposed Side(North) Elevation

1/4" = 1'-0" ④

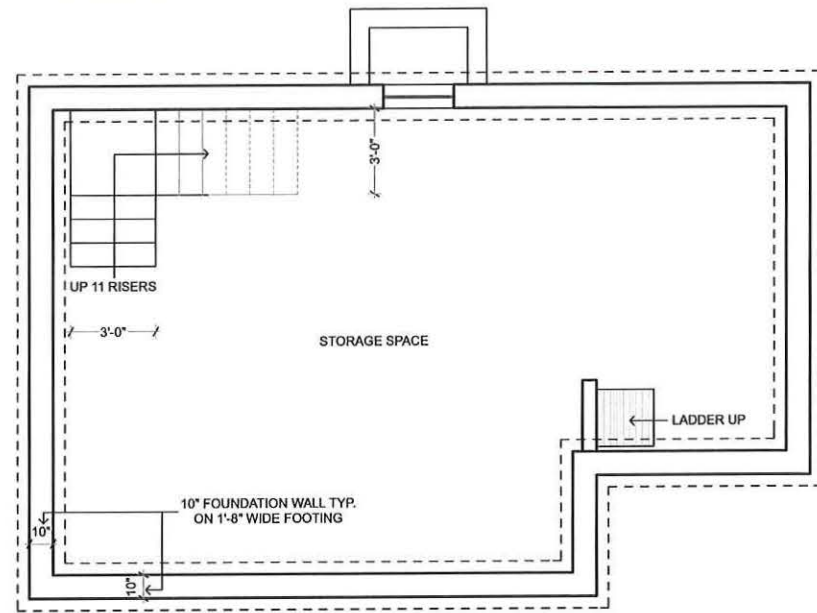
SMART ARCHITECTURE
625 Mount Auburn Street, Suite 208 Cambridge, MA 02138

Mansour Residence
17 Clay Street
Cambridge, MA 02140

Job number
Scale as noted
Date 02.10.20
Drawn by aj
Checked by

Proposed Carriage House Elevations

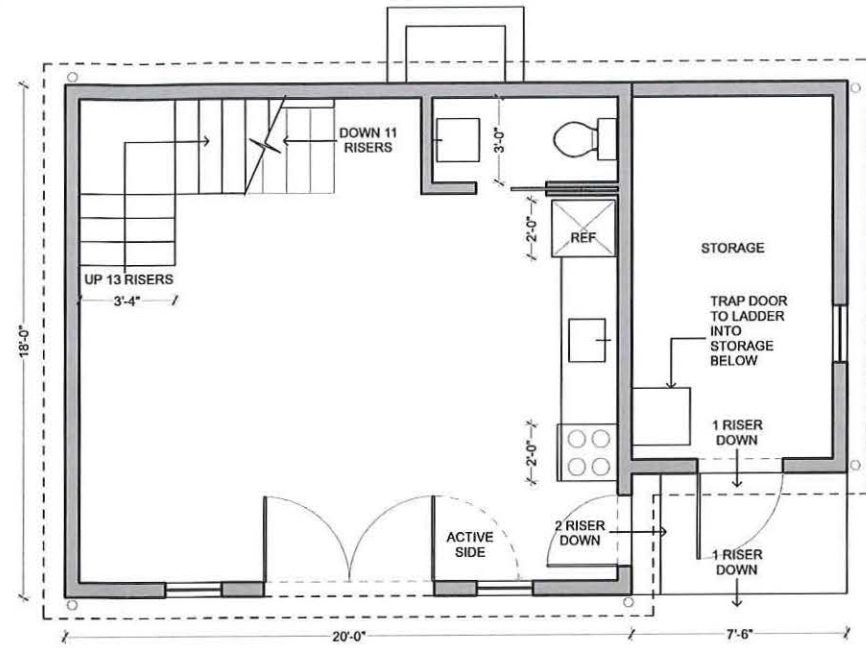
A-3.0



Proposed Foundation Plan

1/4" = 1'-0"

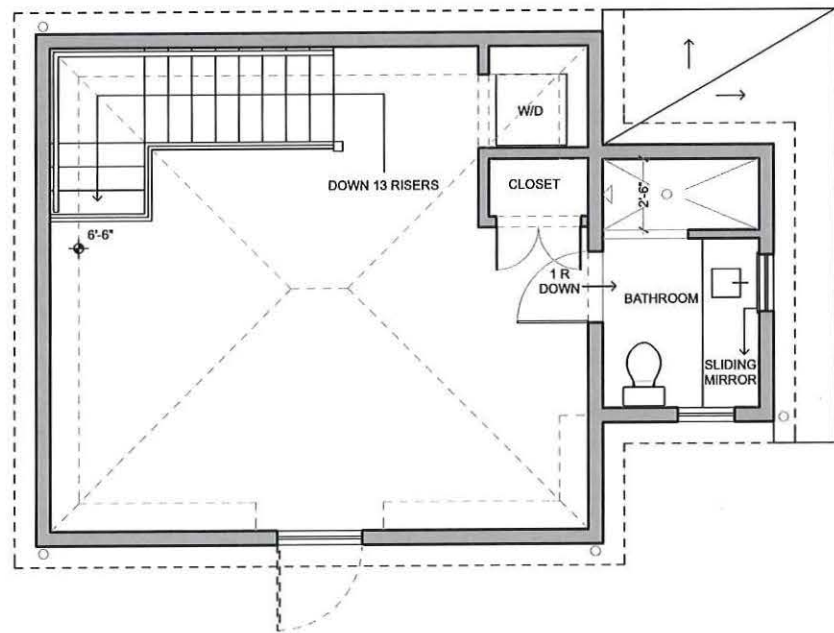
1



Proposed First Floor Plan

1/4" = 1'-0"

2



Proposed Second Floor Plan

1/4" = 1'-0"

2

SMART ARCHITECTURE
625 Mount Auburn Street, Suite 208 Cambridge, MA 02138

Mansour Residence
17 Clay Street
Cambridge, MA 02140

Job number
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Checked by

Proposed Carriage House Elevations

A-3.1

Mansour Residence
BZA Application
Existing Conditions Photographs





