



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

2020 JAN 24 AM 10:53
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
Plan No: BZA-017246-2020

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit : _____ Variance : ✓ Appeal : _____

PETITIONER : Richard von Turkovich

PETITIONER'S ADDRESS : 31 Shepard Street Cambridge, MA 02138

LOCATION OF PROPERTY : 17 Cushing St Cambridge, MA 02140

TYPE OF OCCUPANCY : Basement ZONING DISTRICT : Res B/Bus A-1 Zone

REASON FOR PETITION :

Conversion to Additional Dwelling Units

DESCRIPTION OF PETITIONER'S PROPOSAL :

17-19 Cushing Street is currently a 4 unit building with a large basement 5 steps down from ground level and with tall (8 1/2 ft) ceilings. We propose to add a 1 bedroom, 1 bath basement dwelling unit according to the attached plan with dual, code conforming means of egress and a plan that has been approved by the city's accessibility administrator.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.26 (Conversion of Dwellings).
Article 6.000 Section 6.35 (Relief from Parking Requirements).

Original Signature(s) :

Richard von Turkovich

(Petitioner(s) / Owner)

RICHARD VON TURKOVICH

(Print Name)

Address :

31 SHEPARD ST

Tel. No. :

617 504 4392

E-Mail Address :

RVONTURK@GMAIL.COM

Date :

1-23-2020

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 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 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 399; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

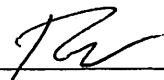


**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

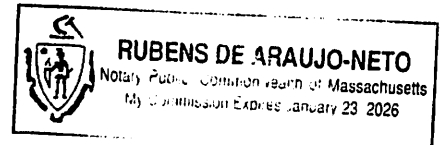
***Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of Middlesex

The above-name Richard Von Turkovich personally appeared before me,
this 22nd of Jan, 2020, and made oath that the above statement is true.

Rubens De Araujo-Neto  Notary

My commission expires 01/23/2026 (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 owner has operated this building for many years as a rental apartment building. The 8.5' high existing ceilings in the basement and easy means of egress make the conversion of a portion of the basement space for use as an additional unit ideal except for the hardship created by the ordinance requirement for an additional parking space, and the resulting decrease in required lot size per dwelling unit resulting from the proposed alteration. The new unit will exist within the existing Gross Floor Area, and requires no change to the building exterior with the exception of 3 larger basement windows. While the zoning analysis dimensional requirements have been performed using Residential B minimums, 56% of the property lies in the Business a-1 zone, wherein the proposed lot size/dwelling unit off 1,132 SFT would be within 68 SFT or only 6% less than the 1,200 SFT minimum.

- 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:

While the aerial view of the property shows that 3 cars can easily park in the the driveway and garage, the location of the building on the lot does not allow sufficient space for an additional code-conforming parking space. However there is ample on-street parking on adjacent streets, and per the attached bus line map, 4 MBTA bus routes are accessible within a short walk of the property.

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

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

Tenants make extensive use of the 4 bus routes that are close by, as well as ample on-street parking, biking/alternative transportation, or walking due to the property's central location and proximity to grocery and other shopping.

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

The decreased lot size per dwelling unit caused by the proposed alteration is either close or very close (following Res. B or Business A-1) to the minimums required by the ordinance. The additional dwelling unit would not increase the building exterior dimensions and footprint, and would not adversely affect the property open areas.

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

BZA APPLICATION FORM**DIMENSIONAL INFORMATION****APPLICANT:** Rick Von Turkovich**PRESENT USE/OCCUPANCY:** 4 Fam Apt. Bldg.**LOCATION:** 17 Cushing St Cambridge, MA 02140**ZONE:** Res B/Bus A-1 Zone**PHONE:** _____**REQUESTED USE/OCCUPANCY:** 5 Fam Apt. Bldg.

		<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>		5716	5716	2500	(max.)
<u>LOT AREA:</u>		5662	5662	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²		1.01	1.01	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		1415	1132	2500	(min.)
<u>SIZE OF LOT:</u>	WIDTH	49.1	49.1	50	(min.)
	DEPTH	77.45	77.45	100	
<u>SETBACKS IN FEET:</u>	FRONT	10.8	10.8	15	(min.)
	REAR	23	23	25	(min.)
	LEFT SIDE	5.4	5.4	7.5	(min.)
	RIGHT SIDE	20.8	20.8	7.5	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	41.3	41.3	35	(max.)
	LENGTH	45.2	45.2	45.2	
	WIDTH	27	27	27	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>		41.3	42.3	40	(min.)
<u>NO. OF DWELLING UNITS:</u>		4	5	4-8	(max.)
<u>NO. OF PARKING SPACES:</u>		2	2	5	(min./max)
<u>NO. OF LOADING AREAS:</u>		0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>		16	16	10	(min.)

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

439 SFT single story wood frame garage

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

* * * * *

(8:28 p.m.)

Sitting Members: Constantine Alexander, Andrea A. Hickey,
Jim Monteverde, Laura Wernick, Arch Horst

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017246 -- 17 Cushing Street. Anyone here
wishing to be heard on this matter?

RICK VON TURKOVICH: That's me.

CONSTANTINE ALEXANDER: I would hope so.

RICK VON TURKOVICH: Thank you for seeing me
tonight. I was going to say this is almost my bedtime, so
--

LAURA WERNICK: Mine too.

RICK VON TURKOVICH: All right. Well, I
appreciate it. Just to --

JIM MONTEVERDE: You've got to give us your name
and address --

RICK VON TURKOVICH: Okay.

JIM MONTEVERDE: -- for the stenographer.

RICK VON TURKOVICH: So my name is Rick Von
Turkovich. That's spelled V-o-n T-u-r-k-o-v-i-c-h, and I
live at 31 Shepard Street, Cambridge. Thank you. All

1 right.

2 Folks, just a little bit of background. So I've
3 been a Cambridge resident since 1980, when I came here to go
4 to school. In 1992, I bought a three-decker on Putnam
5 Avenue, I was married, had a child. We moved out to the
6 house that we live in on Shepard Street.

7 And then the property in question, 17 Cushing
8 Street, I bought in 1998, and I've operated it as a rental
9 property since then.

10 CONSTANTINE ALEXANDER: Four family?

11 RICK VON TURKOVICH: It's a four-family. And, you
12 know, it has very tall ceilings in the basement. I always
13 thought that it might make sense to do something with it.

14 And then you may know on the Strawberry Hill
15 neighborhood, over the past few years, there's been an
16 increase in the number of dwelling units per property, so I
17 thought it might be an opportune time to try and add a
18 dwelling unit to my property as well.

19 As you can tell from the variance application,
20 there's two extenuating circumstances, right? As the lot
21 size per dwelling unit would obviously increase, and then I
22 would need some parking -- relief from parking.

1 CONSTANTINE ALEXANDER: Actually, there's one
2 more.

3 RICK VON TURKOVICH: Oh, okay.

4 CONSTANTINE ALEXANDER: To convert, upconvert --

5 RICK VON TURKOVICH: Yeah.

6 CONSTANTINE ALEXANDER: -- ISD, you have to deal
7 with Section 5.26. They set forth, and that section sets
8 forth four standards --

9 RICK VON TURKOVICH: Okay.

10 CONSTANTINE ALEXANDER: -- you have to meet, if
11 you want to go from increasing the number of dwelling units.

12 RICK VON TURKOVICH: Oh, okay.

13 CONSTANTINE ALEXANDER: You flunked three of them.

14 RICK VON TURKOVICH: Oh, well that's not good.

15 CONSTANTINE ALEXANDER: That's not good.

16 RICK VON TURKOVICH: Okay.

17 CONSTANTINE ALEXANDER: And you flunked them
18 substantially.

19 RICK VON TURKOVICH: Okay.

20 CONSTANTINE ALEXANDER: For example, the FAR is
21 not supposed to be more than 0.5. You're now at 1.01, twice
22 for this remittance, which is --

1 RICK VON TURKOVICH: Right. And I understood we
2 are not conforming, right?

3 CONSTANTINE ALEXANDER: Yeah, but you're -- and
4 you're not going to increase that.

5 RICK VON TURKOVICH: Right, right.

6 CONSTANTINE ALEXANDER: You're still a lot open.

7 RICK VON TURKOVICH: Right, understood.

8 CONSTANTINE ALEXANDER: That lot area, the
9 dwelling unit, you're supposed to have at least 2500 feet.

10 RICK VON TURKOVICH: Right.

11 CONSTANTINE ALEXANDER: Right now you have 14,15,
12 and if we grant you the relief you're seeking then go down
13 to 1132, which is 50% of what the ordinance says you need to
14 have.

15 RICK VON TURKOVICH: Okay.

16 CONSTANTINE ALEXANDER: And you need to have five
17 parking spaces, and you only have two.

18 RICK VON TURKOVICH: Right.

19 CONSTANTINE ALEXANDER: And with regard to
20 parking, at least we have a letter in our files from someone
21 in the neighborhood who opposes the relief you're seeking.

22 RICK VON TURKOVICH: Okay.

1 CONSTANTINE ALEXANDER: Because of the parking
2 issues.

3 RICK VON TURKOVICH: Okay.

4 CONSTANTINE ALEXANDER: Parking and traffic
5 issues.

6 RICK VON TURKOVICH: Okay.

7 CONSTANTINE ALEXANDER: So then you have to meet
8 -- those -- so you really have a big hurdle.

9 RICK VON TURKOVICH: Right.

10 CONSTANTINE ALEXANDER: And then you've got to
11 meet the legal standard for a variance. And the first one
12 is that a literal enforcement of the provisions of the
13 ordinance would involve a substantial hardship.

14 RICK VON TURKOVICH: Yeah.

15 CONSTANTINE ALEXANDER: The only hardship I can
16 see is you can't make as much money with four units as you
17 can do with five. There's no hardship here that runs with
18 the structure. I mean, it's a perfectly viable, four-unit
19 building.

20 RICK VON TURKOVICH: Right.

21 CONSTANTINE ALEXANDER: And as I said, there's no
22 hardship that requires you or needs -- other than financial

1 -- to have five units.

2 Also, the hardship must be owing to circumstances
3 relating to the soil conditions, shape or topography of such
4 structure, and especially affecting it but not generally
5 affecting the zoning district in which your building is
6 located. I don't see how you can come close to that one.

7 And then the last one is more general. So sir,
8 what I'm suggesting -- you can see where I'm coming from --

9 COLLECTIVE: Right.

10 CONSTANTINE ALEXANDER: -- you made only one of
11 five. Because you're not coming close to meeting the
12 requirements for a variance.

13 RICK VON TURKOVICH: Right.

14 CONSTANTINE ALEXANDER: I don't see how we can
15 grant you the relief you're seeking.

16 RICK VON TURKOVICH: Okay. Okay, well, I
17 appreciate your educating me on those issues. And I
18 understand the aspect of the property being nonconforming.

19 And with regard to the lot size per dwelling unit,
20 I meant to call -- I called attention in the application to
21 the fact that the property itself, right, is sort of half in
22 the A1 zone, as well as in the B zone, right? So that in

1 the A1 zone, the lot size per dwelling unit would be only
2 within six percent of the requirement.

3 So when I looked at the -- I understand, I tried
4 to study the circumstance as much as possible, so that what
5 I was hoping was that the hardship, financial or otherwise,
6 would be that this property is largely or -- you know, more
7 than half -- in a business zone, in which case, the lot size
8 per dwelling unit would be almost within the zoning
9 requirement.

10 But, also understanding that the rules are that
11 the most restrictive zoning --

12 CONSTANTINE ALEXANDER: Right.

13 RICK VON TURKOVICH: -- aspect takes place. And
14 then with respect to parking, you know, listening to some of
15 the other petitioners, I realize I had spoken to my
16 neighbors, and generally there was a consensus.

17 In retrospect, I could have gotten some of those -
18 - some of that testimony in writing. And if there were an
19 opportunity to do that, I could do that.

20 As far as the relief from parking, I did want to
21 point out -- and I don't know if it's shown in the record
22 that my property is actually -- my tenants use public

1 transportation. It's with the -- it's right around the
2 corner from the bus stop. I mean, literally at the corner
3 of Cushing.

4 So knowing that I needed some relief from parking,
5 I felt that the hardship was that except for the ordinance,
6 there's ample on-street parking and there's a lot of
7 transportation --

8 CONSTANTINE ALEXANDER: Let me one by one, I hear
9 you and I --

10 RICK VON TURKOVICH: Right.

11 CONSTANTINE ALEXANDER: -- hear what you're saying
12 on the parking. It's a cumulative effect.

13 RICK VON TURKOVICH: Right.

14 CONSTANTINE ALEXANDER: You're not close to
15 meeting the requirements of our ordinance. And, the reasons
16 -- basis for granting a variance is not there. What's the
17 hardship that you would make? You have a four-unit
18 building.

19 RICK VON TURKOVICH: Right.

20 CONSTANTINE ALEXANDER: It's occupied, it's rented
21 --

22 RICK VON TURKOVICH: Sure, sure.

1 CONSTANTINE ALEXANDER: You want to have a -- you
2 want to increase the rental income. That's not a hardship
3 that entitles you to a variance.

4 RICK VON TURKOVICH: Well, it -- I guess the
5 hardship -- I'm not trying to argue --

6 CONSTANTINE ALEXANDER: No, no, no --

7 RICK VON TURKOVICH: -- hopefully see if we can't
8 come to some common understanding is that there's a hardship
9 to me financial or otherwise, right?

10 CONSTANTINE ALEXANDER: Say it again, I'm sorry?

11 RICK VON TURKOVICH: Financial or otherwise, as it
12 states in the application.

13 CONSTANTINE ALEXANDER: Yeah, with the otherwise,
14 okay.

15 RICK VON TURKOVICH: So the "otherwise" is that in
16 general -- I mean, I -- one of the reasons why I operate the
17 rental property is I actually take satisfaction in having
18 them provided housing for many people over these years. I
19 always thought that there could be an additional dwelling
20 unit.

21 And while my property -- understanding the
22 nonconforming issues, other properties in the area have

1 added dwelling units increasing density. And in my case,
2 there's no increase in density.

3 CONSTANTINE ALEXANDER: I have to assume, since I
4 don't remember any cases on your street requiring zoning
5 relief.

6 RICK VON TURKOVICH: On hold relief.

7 CONSTANTINE ALEXANDER: I'm sorry?

8 RICK VON TURKOVICH: On hold relief.

9 CONSTANTINE ALEXANDER: I mean, they can do their
10 increase and comply with the zoning ordinance.

11 RICK VON TURKOVICH: Right.

12 CONSTANTINE ALEXANDER: You want to do an increase
13 and you are departing from the zoning ordinance.

14 ANDREA HICKEY: In more than one respect.

15 CONSTANTINE ALEXANDER: Yes.

16 RICK VON TURKOVICH: Right. Right. So are you
17 saying that it's --

18 CONSTANTINE ALEXANDER: What I'm saying is that
19 I'm going to vote against granting you relief.

20 RICK VON TURKOVICH: Okay.

21 CONSTANTINE ALEXANDER: You need to get four
22 votes. So you can -- the other four members want to grant

1 you relief, that's fine, that's the majority. That's their
2 decision.

3 RICK VON TURKOVICH: Okay.

4 CONSTANTINE ALEXANDER: That's how it works.

5 RICK VON TURKOVICH: Okay.

6 CONSTANTINE ALEXANDER: You need to get four
7 votes.

8 RICK VON TURKOVICH: Okay. I understand. I guess
9 so you're saying that it's not just parking, and it's not
10 just the lot size per dwelling?

11 CONSTANTINE ALEXANDER: You don't meet the
12 requirements for a variance. The reason, you don't have a
13 substantial hardship within the meaning of the zoning
14 ordinance, or the zoning laws. And you start, as I say, far
15 departing from the ordinance.

16 If you were close, you'd have three of the four,
17 and maybe the parking was the one you don't meet. I think
18 our Board tends to be -- you know, we understand that and we
19 attempt to be liberal in terms of applying the ordinance.

20 RICK VON TURKOVICH: Right, no, I guess --

21 CONSTANTINE ALEXANDER: And you're far away.

22 RICK VON TURKOVICH: Yeah. I guess my only appeal

1 would be that if we could address the parking issue, right?

2 CONSTANTINE ALEXANDER: Parking's not the only
3 issue, sir

4 RICK VON TURKOVICH: Okay.

5 CONSTANTINE ALEXANDER: It's the rest of it. I
6 mean, look what the lot area per dwelling unit. You're
7 going to be half of what our ordinance says the minimum is
8 required by our ordinance, if we grant you the relief.
9 You'll be all -- you're below it now, and you're going to
10 make it more below.

11 RICK VON TURKOVICH: Right. Well, for one of the
12 -- I mean, the property is half in the B zone, right?
13 That's -- you know, those numbers are far different.

14 CONSTANTINE ALEXANDER: Right. Well, I don't want
15 to repeat myself --

16 RICK VON TURKOVICH: Okay.

17 CONSTANTINE ALEXANDER: -- or be argumentative. I
18 just expressed my views. I don't know if other members --

19 RICK VON TURKOVICH: Understood.

20 CONSTANTINE ALEXANDER: -- want to express their
21 views or not. We'll get to a vote at some point.

22 RICK VON TURKOVICH: Okay.

1 CONSTANTINE ALEXANDER: But anyway, questions or
2 comments from other members of the Board?

3 JIM MONTEVERDE: Well, just in fairness, I would
4 tend to agree with the Chair. So, again, you need four.

5 RICK VON TURKOVICH: Right, right. Yeah. I mean,
6 my -- you know, my fundamental thought was that an extra
7 dwelling unit in a property where there's no visible
8 increase in the size of the structure, right?

9 Understanding the issue with regard to parking,
10 that it -- you know, it's an opportunity to add another unit
11 of housing in an area that needs more housing.

12 ANDREA HICKEY: Right. But we're constrained by
13 the ordinance. That sort of sets the stage for what we need
14 to consider, and what we're able to do. And I don't think
15 the need for housing helps us fit your request within these
16 requirements.

17 JIM MONTEVERDE: So I assume the opportunity would
18 be to -- if there's a vote and we turn down; you can't come
19 back for --

20 COLLECTIVE: Two years.

21 CONSTANTINE ALEXANDER: Unless it's substantially
22 different.

1 JIM MONTEVERDE: -- unless it's substantially
2 different.

3 CONSTANTINE ALEXANDER: It's the same as --
4 withdraw is the same as being turned down.

5 JIM MONTEVERDE: Same thing.

6 CONSTANTINE ALEXANDER: Same thing.

7 RICK VON TURKOVICH: Yeah. Yeah.

8 CONSTANTINE ALEXANDER: Let me read a letter in
9 the file. We only have one letter from the neighbor, or
10 someone. It's from Steven, or Steve, Polimou -- P-o-l-i-m-
11 o-u, 18 Cushing Street.

12 "I'm writing in opposition to the proposed
13 variance of 17 Cushing Street. The parking situation at
14 this end of Cushing Street is increasingly problematic for
15 the residents, with an overflow of vehicles.

16 "In addition to a large number of transient
17 vehicles on a daily basis for yoga, coffee and lunch, there
18 are currently five cars registered to 17 Cushing Street. It
19 could be much worse, but the tenant on the first floor
20 doesn't have a car.

21 "All of these vehicles park on the street, while a
22 good-sized parking area behind the house sits empty. This

1 is to the best of my knowledge the only empty parking area
2 in the neighborhood, aside from a vacant condo on Spruce
3 Avenue.

4 "It doesn't seem fair that the other residents in
5 the area use their driveways to minimize the congestion,
6 while 17-19 Cushing Street continually dumps their cars on
7 the street because the landlord wants to make a couple of
8 extra dollars. Already, one of the tenants frequently parks
9 overnight in the two-hour section of Cushing Street."

10 "Certainly, we shouldn't reward this kind of
11 behavior. Granting this variance would be terrible for the
12 neighborhood. The landlord should be required to remedy the
13 current problem without making things worse."

14 Sir, are you --

15 AUDIENCE: No, I'm not here for this case. I
16 assume --

17 CONSTANTINE ALEXANDER: You can express a view, if
18 you like.

19 AUDIENCE: I am here for the 8:45.

20 JIM MONTEVERDE: You're next.

21 CONSTANTINE ALEXANDER: I know.

22 CONSTANTINE ALEXANDER: So you don't want to be

1 involved in this case? Any comments or questions from
2 members of the Board? Okay. Ready for a vote.

3 ANDREA HICKEY: Assuming that the petitioner wants
4 a vote, versus a withdrawal?

5 CONSTANTINE ALEXANDER: Not the same way.

6 ANDREA HICKEY: Right, but he may have a
7 preference.

8 CONSTANTINE ALEXANDER: It's up to you. That's
9 right. Good point, good point. Do you want to withdraw
10 your case, or you want to have a vote?

11 RICK VON TURKOVICH: Well, all right. Let me ask
12 you then, there is an old kind of garage that -- on the
13 property, right? And there is -- I see there is a potential
14 that I could increase parking, right?

15 And I had thought about applying for a permit to
16 do that. Is there any benefit for a subsequent application
17 for a different variance to --

18 CONSTANTINE ALEXANDER: It improves the strength
19 of your case, in my opinion at least.

20 RICK VON TURKOVICH: Yes.

21 CONSTANTINE ALEXANDER: But in my opinion, at
22 least, it still doesn't necessarily get you over the top.

1 RICK VON TURKOVICH: Right.

2 CONSTANTINE ALEXANDER: In other words, it's not
3 just parking, it's just one of the issues.

4 RICK VON TURKOVICH: Right.

5 CONSTANTINE ALEXANDER: That you have a -- you
6 don't meet the requirements of our ordinance. I think more
7 of the fact that a lack of substantial hardship within the
8 meaning of our ordinance --

9 RICK VON TURKOVICH: Okay.

10 CONSTANTINE ALEXANDER: -- is the end of it.

11 RICK VON TURKOVICH: Okay.

12 CONSTANTINE ALEXANDER: Do you want -- the
13 question is still there; do you want to vote or not? Want
14 us to vote on it?

15 ARCH HORST: I was just going to say the advantage
16 of continuing a case, if you want to --

17 RICK VON TURKOVICH: Right.

18 ARCH HORST: Is that you may be able to figure out
19 some way to address the Chair's concerns.

20 RICK VON TURKOVICH: Right.

21 ARCH HORST: Because if it votes, then it's over
22 for two years.

1 CONSTANTINE ALEXANDER: Two years, yeah.

2 RICK VON TURKOVICH: So it could -- a continuance
3 doesn't trigger this two-year, don't come back for two
4 years?

5 CONSTANTINE ALEXANDER: No, I will just continue
6 the case.

7 RICK VON TURKOVICH: Okay.

8 ANDREA HICKEY: No, because a decision hasn't been
9 made.

10 CONSTANTINE ALEXANDER: Yeah.

11 ANDREA HICKEY: And it may give you an opportunity
12 to sort of rethink the hardship sort of requirement that --

13 RICK VON TURKOVICH: Right.

14 ANDREA HICKEY: -- is strongly acting in my
15 opinion.

16 RICK VON TURKOVICH: Right, right. Okay.

17 CONSTANTINE ALEXANDER: It's your call.

18 RICK VON TURKOVICH: I think I will ask for a
19 continuance, then, and --

20 CONSTANTINE ALEXANDER: What's the date we have?

21 SISIA DAGLIAN: April 30.

22 CONSTANTINE ALEXANDER: So it's still the

1 thirtieth?

2 RICK VON TURKOVICH: Okay. Can I agree to defer a
3 little bit beyond that?

4 CONSTANTINE ALEXANDER: We can pick a later date
5 if you wanted to?

6 RICK VON TURKOVICH: Yeah, a much later date. I
7 just need time to understand --

8 CONSTANTINE ALEXANDER: No, no, no, what would you
9 like?

10 SISIA DAGLIAN: May or June?

11 RICK VON TURKOVICH: Well, let's say June.

12 SISIA DAGLIAN: June we have the eleventh or the
13 twenty-fifth, it has to be the same Board?

14 CONSTANTINE ALEXANDER: Yes, because it's a case
15 heard.

16 RICK VON TURKOVICH: So the twenty-fifth, would
17 that be okay?

18 LAURA WERNICK: I'm away. I am here on the
19 eleventh, however.

20 RICK VON TURKOVICH: Okay. I could do the -- I
21 could make the eleventh work.

22 CONSTANTINE ALEXANDER: Wait a minute, make sure

1 the other members can.

2 LAURA WERNICK: I'm going with the eleventh.

3 RICK VON TURKOVICH: Oh, okay. And we could --
4 July would be okay, too.

5 SISIA DAGLIAN: Okay, so July there's the ninth
6 and the twenty-third.

7 RICK VON TURKOVICH: Does that --

8 ARCH HORST: Twenty-third's better for me.

9 LAURA WERNICK: Either is fine with me.

10 ANDREA HICKEY: Yeah, I'm fine.

11 CONSTANTINE ALEXANDER: Twenty-third works for
12 everybody?

13 JIM MONTEVERDE: I think so, yeah.

14 CONSTANTINE ALEXANDER: Okay. The Chair moves
15 that we continue this case as a case heard until 7:00 p.m.
16 on July twen -- July 23?

17 SISIA DAGLIAN: Yes.

18 CONSTANTINE ALEXANDER: -- July 23, subject to the
19 following conditions: These are standard, and I'll just read
20 them.

21 One, you have to sign a time for decision, a
22 waiver of time for a decision.

1 RICK VON TURKOVICH: Okay.

2 CONSTANTINE ALEXANDER: Otherwise, we will be
3 forced to take a vote sooner than you the day we take it.

4 RICK VON TURKOVICH: Okay.

5 CONSTANTINE ALEXANDER: Sisia has the form, you
6 can sign before you leave.

7 RICK VON TURKOVICH: Okay.

8 CONSTANTINE ALEXANDER: Second, the posting sign
9 that you have up there now you either have to get a new one
10 or just modify what's there by just with a magic marker
11 change the date.

12 RICK VON TURKOVICH: Okay.

13 CONSTANTINE ALEXANDER: -- to July 23 --

14 RICK VON TURKOVICH: Okay.

15 CONSTANTINE ALEXANDER: -- the time, 7:00 p.m. so
16 that new sign, or modified sign --

17 RICK VON TURKOVICH: Okay.

18 CONSTANTINE ALEXANDER: -- must be maintained for
19 the 14 days before the July 20, just as you did tonight.

20 RICK VON TURKOVICH: All right.

21 CONSTANTINE ALEXANDER: And lastly, this is --
22 well, it could be relevant -- to the extent you're going to

1 want to submit plans, drawings --

2 RICK VON TURKOVICH: Right.

3 CONSTANTINE ALEXANDER: -- dimensional changes --

4 RICK VON TURKOVICH: Yeah.

5 CONSTANTINE ALEXANDER: -- those must be in our
6 files no later than 5:00 p.m. on the Monday before July 24.

7 That is to give us --

8 RICK VON TURKOVICH: Right.

9 CONSTANTINE ALEXANDER: -- and other citizens of
10 the city time to review them --

11 RICK VON TURKOVICH: Okay.

12 CONSTANTINE ALEXANDER: -- so we can have an
13 informed hearing.

14 RICK VON TURKOVICH: Okay. Understood. I'm not
15 looking for any kind of -- you know, formal advice or
16 anything like that, but in your, you know, opinion, if I
17 were to address a design that would allow for more parking,
18 do I have any chance of overcoming your --

19 CONSTANTINE ALEXANDER: I can't tell you that.

20 RICK VON TURKOVICH: Yeah, okay.

21 CONSTANTINE ALEXANDER: I mean, it would improve
22 your chances.

1 RICK VON TURKOVICH: Right.

2 CONSTANTINE ALEXANDER: Whether it's over the top

3 --

4 RICK VON TURKOVICH: Right, right, right, right,
5 right. I understand. I appreciate that. Okay.

6 CONSTANTINE ALEXANDER: Okay. All those in favor
7 of continuing the case on this basis, please say, "Aye."

8 THE BOARD: Aye.

9 [All vote YES]

10 CONSTANTINE ALEXANDER: Five in favor, sign that
11 form on the way out --

12 RICK VON TURKOVICH: All right.

13 CONSTANTINE ALEXANDER: -- and we'll see you in
14 July.

15 RICK VON TURKOVICH: Okay. Thank you for your
16 time.

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WESTON | PATRICK

July 16, 2020


By email to mpacheco@cambridgema.gov
Maria Pacheco
Zoning Board of Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

RE: 17-19 Cushing Street BZA 017246-2020

Dear Ms. Pacheco:

Per our discussion of this afternoon I write on behalf of Rick Von Turkovich, the owner of the above property and applicant for a variance the hearing of which had been continued to July 23, to request a further continuance of the hearing to October 8, to enable my client to file a comprehensive new application for both a variance and a special permit to secure the total relief that is needed for this project. Please confirm when the case has been continued. In the meantime, we will shortly file the comprehensive new application for both the variance and special permit. Thank you for your consideration and cooperation.

Respectfully yours,



Michael W. Wiggins

MWW:hs

cc: Rick Von Turkovich

* * * * *

(6:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

Okay, we're going to start with one continued
case. The case is 7 -- let me get the case out, please.
The case is 017246-2020, 17 Cushing Street. Anyone here
wishing to be heard on this matter?

MICHAEL WIGGINS: Yes, Mr. Chairman. This is
Attorney Michael Wiggins. I don't know if you can hear me?

CONSTANTINE ALEXANDER: Yes, we can.

MICHAEL WIGGINS: Okay. I represent Rick von
Turkovich, and he's the owner of that property. He had
continued his petition for a variance to this evening, in
order to address some issues in -- was it the prior hearing?

And I think the principle one was lack of parking,
and he's come up with now a plan for parking that I think
will solve the problem.

However, when he showed that to me and the
architect showed it to me, it appeared that one of the four
spaces that's been provided is within five feet of the side

1 line.

2 So he's going to need a special permit for that,
3 and we certainly don't want you to have to consider
4 everything without that being considered at the same time.

5 So we are respectfully asking for a continuance to
6 October 8, and in the meantime, we will file a new petition
7 that addresses both the variance and the special permit, so
8 that will be a new case.

9 But we've asked that this case be continued, so
10 that we can pull that together and get it filed.

11 We have a parking plan that I think is copacetic,
12 and the neighbors have all agreed with it, so just a
13 question of getting it filed and advertised and then heard.

14 CONSTANTINE ALEXANDER: If I understand you
15 correctly, you want to continue the case until -- or you or
16 your client -- until October 8. And on that night, we'll
17 hear a newly filed special permit case, as well as the
18 continued variance case? Do I have it right?

19 MICHAEL WIGGINS: Well, actually, what I was
20 instructed to do by the staff was to actually file a
21 comprehensive new variance and special permit, but this one
22 would be discontinued that evening or just abandoned if we

1 get the relief we're asking for.

2 CONSTANTINE ALEXANDER: What date would you hope
3 to have for your -- your Omnibus petition, October 8?

4 MICHAEL WIGGINS: October 8, yes.

5 CONSTANTINE ALEXANDER: Sisia, do we have room on
6 October 8?

7 SISIA DAGLIAN: Yeah.

8 CONSTANTINE ALEXANDER: Okay. October 8 it will
9 be.

10 SEAN O'GRADY: Gus, I'm sorry to bust in, it's
11 Sean.

12 CONSTANTINE ALEXANDER: Yes.

13 SEAN O'GRADY: On the website, this case is
14 advertised as 7:00 p.m.

15 CONSTANTINE ALEXANDER: [Laughter] You're right!
16 How did that happen?

17 SEAN O'GRADY: I'm not sure.

18 CONSTANTINE ALEXANDER: All right. Then I think
19 we're going to have to adjourn this discussion until after
20 7:00 p.m., and then we'll take a vote as to whether we can -
21 - you can have a case continue, a continued case until
22 October 8.

1 And of course you'll file the Omnibus petition for
2 the whole shooting works.

3 JIM MONTEVERDE: Excuse me, this is Jim Monteverde.

4 CONSTANTINE ALEXANDER: Yes.

5 JIM MONTEVERDE: Shawn, the -- I'm looking -- I'm
6 on the website, and I see it listed for 6:00 p.m. I'm on the
7 Board of Zoning Appeal agenda site. Are you looking at the
8 continued case?

9 CONSTANTINE ALEXANDER: I have an agenda that has
10 it at 7:00 p.m.

11 JIM MONTEVERDE: Oh, oh, oh, no, no, no. Sorry,
12 no.

13 SISIA DAGLIAN: I think there's a conflict.

14 JIM MONTEVERDE: Yeah.

15 BRENDAN SULLIVAN: Okay.

16 CONSTANTINE ALEXANDER: Mine says 7:00 p.m.

17 BRENDAN SULLIVAN: It's a continued case, yeah.

18 JIM MONTEVERDE: Okay. Sorry.

19 CONSTANTINE ALEXANDER: Okay. We're going to --
20 we'll recess this hearing on the request for the original
21 request to be continued, and we'll come back to it after
22 7:00, and we'll take a vote and set everything up in order.

1 Is that all right with you?

2 MICHAEL WIGGINS: If you're asking me, Mr.
3 Chairman, that's fine. Do you want me to return then, or
4 are you satisfied with what I've presented in terms of --

5 CONSTANTINE ALEXANDER: Well it's up to you. We
6 don't have to adjourn, but if something comes up, somebody
7 speaks to this matter, when you -- they -- you will be there
8 to rebut it or respond to it, so I would think you'd want to
9 be there. It's up to you.

10 MICHAEL WIGGINS: Certainly I should. It's
11 probably unlikely they will, but sure I'll come back.

12 CONSTANTINE ALEXANDER: Okay. All right, then
13 we'll recess this case until 7:00 p.m. or later, and move on
14 to our regular agenda.

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(7:08 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

SISIA DAGLIAN: Gus, remember we have the Cushing
Street. It's 7:00, so we can hear Cushing Street and wrap
that up, if you wish.

CONSTANTINE ALEXANDER: Is it 7:00?

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: Yes, it is, thank you.

BRENDAN SULLIVAN: 7:09.

CONSTANTINE ALEXANDER: I'm going to return to the
case we recessed for, the 17 Cushing Street. And is the
petitioner's counsel on the line, or can he be on the line?

SISIA DAGLIAN: Yeah. You can permit him.

CONSTANTINE ALEXANDER: Hello?

SISIA DAGLIAN: Michael, can you unmute yourself?

CONSTANTINE ALEXANDER: Say it again?

SISIA DAGLIAN: He's on.

CONSTANTINE ALEXANDER: He's on?

SISIA DAGLIAN: He's muted. Waiting to hear from

1 the petitioner's counsel.

2 BRENDAN SULLIVAN: There he is.

3 JIM MONTEVERDE: There we go.

4 MICHAEL WIGGINS: Okay, here I am, yep. Can you
5 hear me, Mr. Chairman?

6 CONSTANTINE ALEXANDER: Yes, we can. Now we can.

7 MICHAEL WIGGINS: Thank you.

8 CONSTANTINE ALEXANDER: Okay. What's your
9 response when we talked about merging the two cases
10 together?

11 MICHAEL WIGGINS: That would be fine. In other
12 words, what we want to do is to file a new petition for a
13 special permit and variance.

14 CONSTANTINE ALEXANDER: Right.

15 MICHAEL WIGGINS: This case would be continued to
16 the same evening, October 8, and then assuming we get the
17 relief we want, it would be withdrawn.

18 CONSTANTINE ALEXANDER: Okay. Now, this is a case
19 that was -- a case heard, was the original case. So I don't
20 know who the fifth member is at night, do you know, Sisia?

21 SISIA DAGLIAN: It was Laura.

22 CONSTANTINE ALEXANDER: It was who?

1 SISIA DAGLIAN: It was heard by Laura Arch --

2 CONSTANTINE ALEXANDER: Oh, Laura?

3 SISIA DAGLIAN: -- you, Jim and Andrea.

4 CONSTANTINE ALEXANDER: Okay. So we have two of
5 the members need to be there on that date, September 24.

6 SISIA DAGLIAN: No, October --

7 MICHAEL WIGGINS: October 8.

8 CONSTANTINE ALEXANDER: I'm sorry, October 8. I
9 got --

10 SISIA DAGLIAN: Yeah.

11 CONSTANTINE ALEXANDER: -- my mistake. October 8.

12 SISIA DAGLIAN: Yeah.

13 CONSTANTINE ALEXANDER: All right. I will make a
14 motion to continue this case until October 8 -- the
15 continued case. And hopefully the two members who need to
16 be present for that case can make it that night.

17 One of them is a regular member of the Board who
18 usually attends our cases. The other is an alternate
19 member, but she's also very diligent about attending our
20 cases.

21 So on the basis of this, the Chair moves that we
22 continue Case Number 017246 this case until 7:00 p.m. on --

1 later than 7:00 p.m., because we're going to hear the case,
 2 the real case earlier than that -- until -- no, I'm going to
 3 do it one more -- differently. We're going to continue this
 4 case until -- what's the first meeting after October 10?
 5 Twenty-seventh, twenty-fourth?

6 SISIA DAGLIAN: Twenty-second.

7 CONSTANTINE ALEXANDER: Twenty-second. We will
 8 continue the old case, I'm going to refer to, until October
 9 22. If you get the relief that satisfactory to you,
 10 Counsel, we will -- you can just withdraw that case on
 11 October 22. You don't need to appear before us.

12 So the Chair moves that we continue this case as a
 13 case heard until October 24.

14 MICHAEL WIGGINS: 22.

15 CONSTANTINE ALEXANDER: Case Number 017246, 7:00
 16 p.m. I'm just thinking -- trying to think out loud whether
 17 we need a new waiver of time for decision. I don't think we
 18 do, because we've --

19 SISIA DAGLIAN: No.

20 CONSTANTINE ALEXANDER: -- continued it once --

21 SISIA DAGLIAN: Yeah.

22 CONSTANTINE ALEXANDER: -- before. The other part

1 of the drill that's necessary, your client, sir, will have
2 to advertise this case for the 14 days before October 24,
3 but of course if he gets the relief he's seeking on October
4 8, then no need to do that. The case will not need to be
5 heard anyway.

6 And similarly, if you're going to go forward on
7 the second October date -- you have the twenty-second, but I
8 thought --

9 MICHAEL WIGGINS: Twenty second.

10 CONSTANTINE ALEXANDER: Usually it's 14 days from
11 -- oh, yeah, my math is wrong. The twenty-second. If
12 you're going to pursue the case on the twenty-second, then
13 as you know, you have to have in our files on the Monday
14 before October 22 any revised plans, specifications and the
15 like. Failure to do that means we will not consider that
16 case on October 22.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan. Yes to the
19 continuance.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Yes to the continuance.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: Yes to the continuance.

2 CONSTANTINE ALEXANDER: Janet?

3 JANET GREEN: Yes to the continuance.

4 CONSTANTINE ALEXANDER: And the Chair votes to the
5 continuance as well.

6 [All vote YES]

7 So this case, the old case, has continued until
8 October 22. And I guess we'll see someone on October 8, the
9 real case is what I'm going to call it. All right moving
10 on.

11 MICHAEL WIGGINS: Thank you.

12 CONSTANTINE ALEXANDER: Thank you, sir.

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(8:20 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea Hickey, Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017246 -- 17 Cushing Street. I believe it's
going to be continued again. Is there anyone here wishing
to be heard however on this case?

SEAN O'GRADY: I don't see Rich Von Turbuvitch,
and he was the one that was listed for this case.

CONSTANTINE ALEXANDER: Okay. When did we
continue the -- what I'm going to call, "the companion
case"? We're going to pick a date to continue this case, and
it's got to be a date I think after the other case, which I
think is in early January, if my memory is correct?

SISIA DAGLIAN: No, it's December 10.

CONSTANTINE ALEXANDER: It's -- I'm sorry, again
Sisia?

SISIA DAGLIAN: December 10.

CONSTANTINE ALEXANDER: December 10?

SISIA DAGLIAN: Yeah. So we have January 14, and

--

1 CONSTANTINE ALEXANDER: Why don't I propose we
2 continue this case until January 14?

3 ANDREA HICKEY: How do we get the petitioner to
4 sign the waiver?

5 CONSTANTINE ALEXANDER: We have a waiver already.

6 ANDREA HICKEY: Oh, we do, okay.

7 CONSTANTINE ALEXANDER: Yeah. I think just we
8 just need to do the rest of the vote, however. The Chair
9 moves that this case be continued as a case heard, until
10 7:00 p.m. on January 14, on the condition that the
11 petitioner sign a waiver of time for decision -- and that
12 has already been done -- that the new posting sign be
13 erected and maintained for the 14 days prior to January 14,
14 and that to the extent there are going to be new plans or
15 specifications or the like, they must be in our file no
16 later than 7:00 p.m. -- 5:00 p.m., no later than 5:00 p.m.
17 -- on the Monday before.

18 All those in favor?

19 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
20 continuance.

21 ANDREA HICKEY: Andrea Hickey, yes to the
22 continuance.

1 JIM MONTEVERDE: Jim Monteverde, yes to the
2 continuance.

3 CONSTANTINE ALEXANDER: The Chair votes yes in
4 favor of the continuance as well.

5 [All vote YES]

6 ANDREA HICKEY: Did we miss one person?

7 SISIA DAGLIAN: Well, it was originally Laura.

8 JIM MONTEVERDE: Yeah.

9 CONSTANTINE ALEXANDER: Even if we don't --

10 JIM MONTEVERDE: LW.

11 ANDREA HICKEY: Oh, okay.

12 CONSTANTINE ALEXANDER: -- we have enough votes.

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RICK AND MYRA VON TURKOVICH

31 Shepard Street
Cambridge, MA 02138

cell: (617) 617-504-4397

email: rick.vonturkovich@alum.mit.edu

Jan 11 2021

RE: BZA-017246-2020

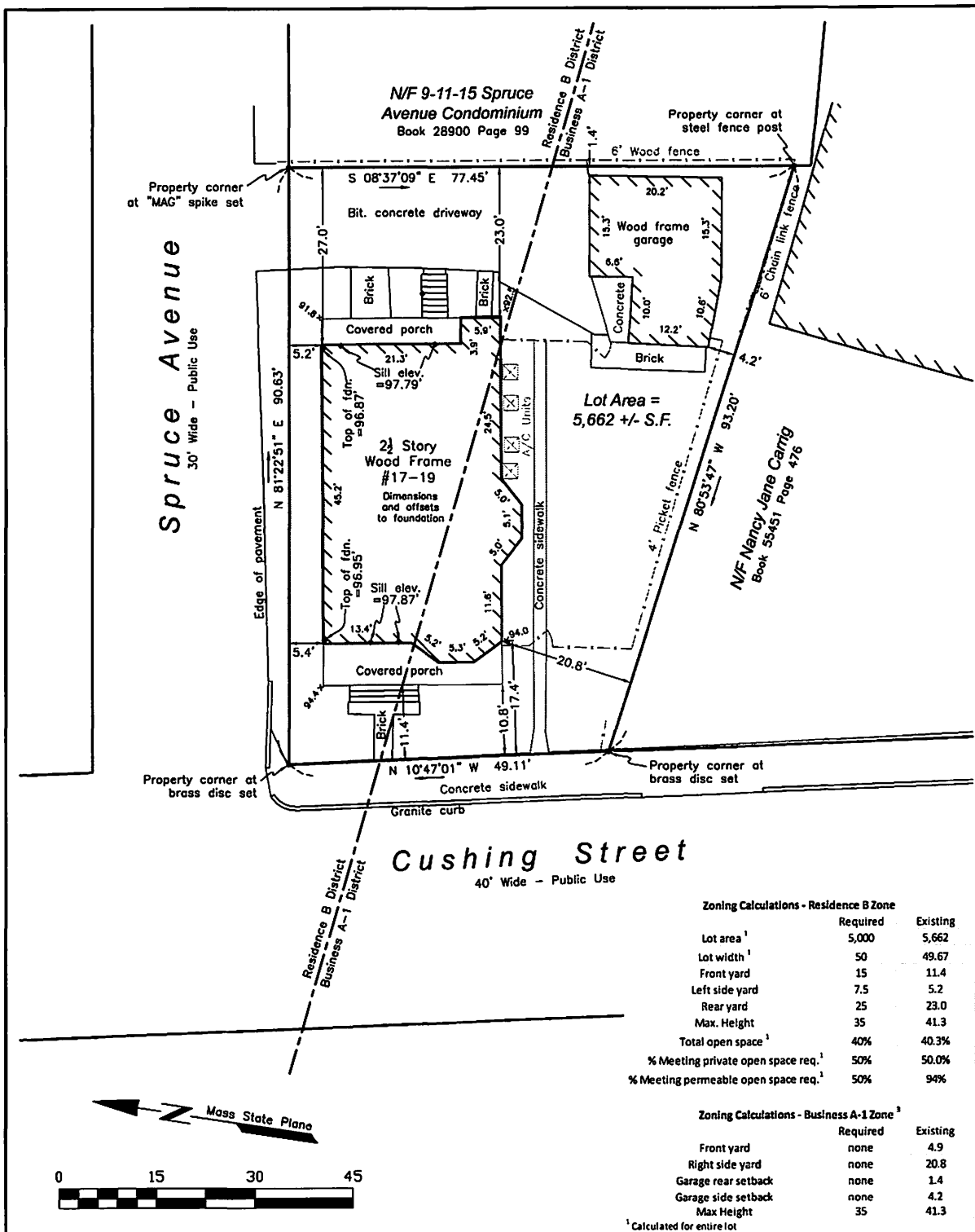
Dear Maria,

Per our email communication today please withdraw our variance application noted above. Thanks for your help.

Sincerely,

A handwritten signature in cursive script that reads "Rick von Turkovich".

Rick von Turkovich



In my professional opinion, I certify to Richard von Turkovitch and the City of Cambridge that as a result of a survey made on the ground to the normal standard of care of professional land surveyors practicing in Massachusetts, I find that the property falls outside of the special flood hazard area as shown on the F.I.R.M. for Middlesex County, Massachusetts, Map #25017C0419E Dated: June 4, 2010 and that the location of the improvements are as shown hereon.



PROFESSIONAL LAND SURVEYOR

DATE: 2/9/19

Existing Conditions Plan of Land

in
Cambridge, Massachusetts
Prepared For: Richard von Turkovitch

Scale: 1" = 15'

Date: February 8, 2019

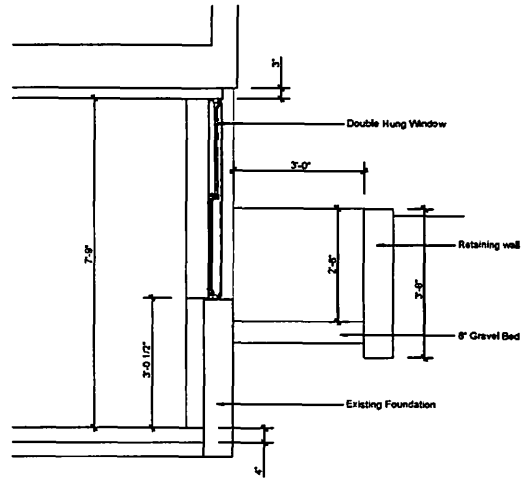
MALONEY GEOSPATIAL

7 Walnut Road
Somerville, MA 02145

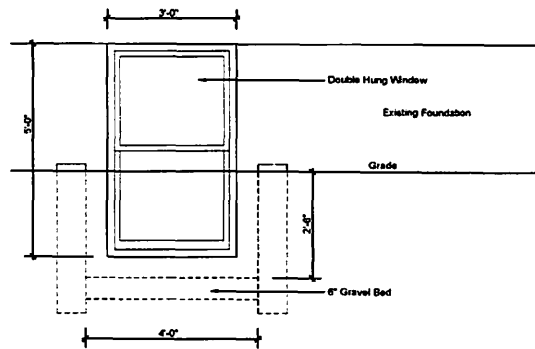
617-744-9002
maloneygeo.com

Deed recorded at Middlesex Registry of Deeds, Bk 33099 Pg 399
Plan 2234 of 1950, recorded in Book 7684 Page 162
Assessors Map 254, Lot 83

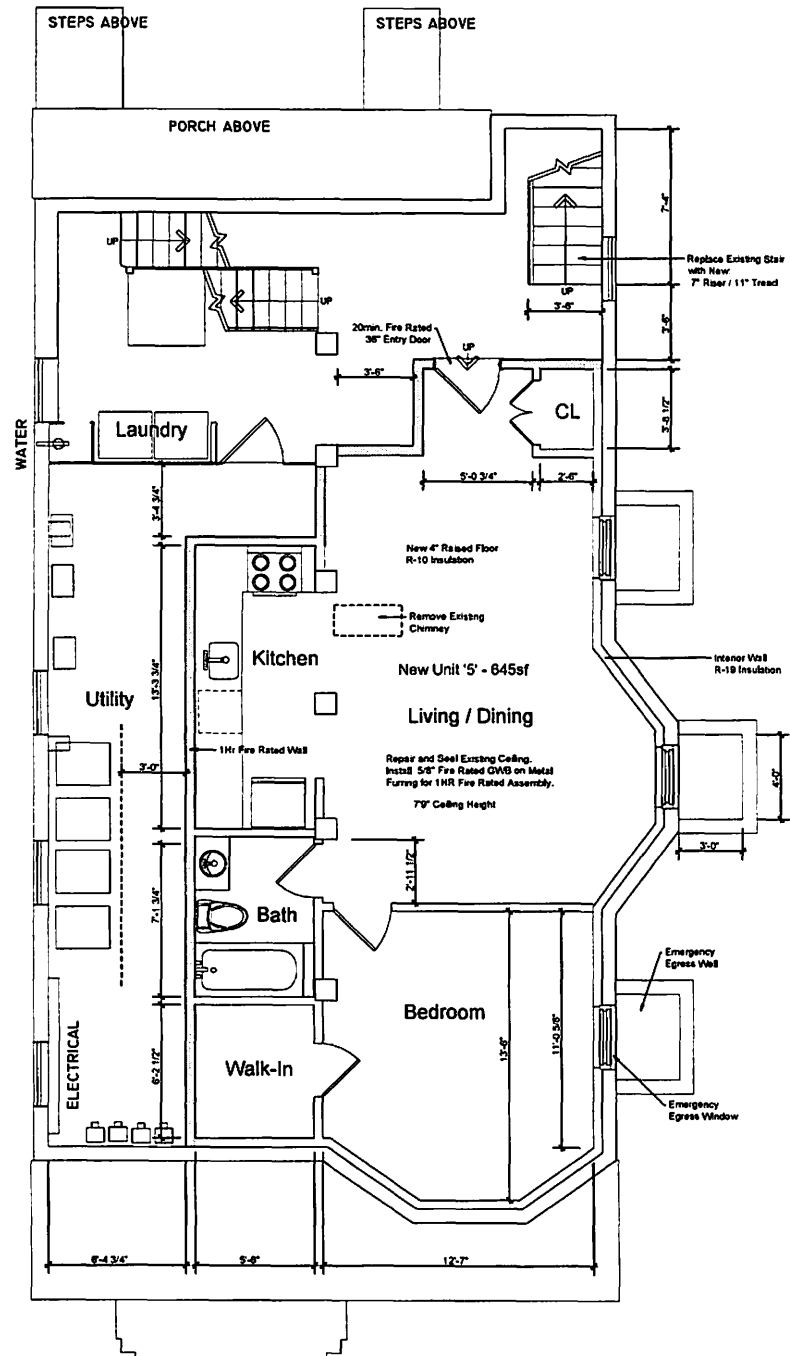
Zoning Districts: Residence B(2,458 SF) and Business A-1(3,204 SF)



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



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



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

Date	Revision / Issue
12/10/18	Review Set

Notes

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

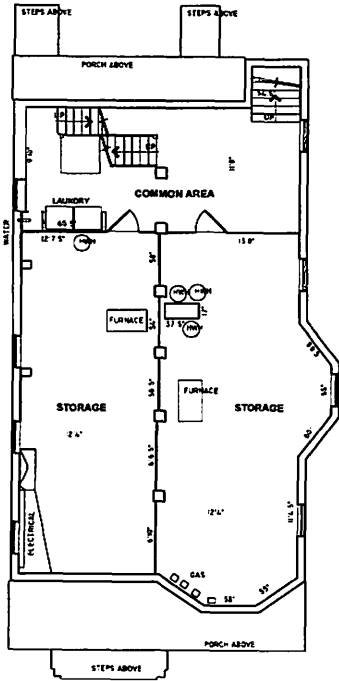
Drawing Title
Proposed Plan & Window Details

Seal

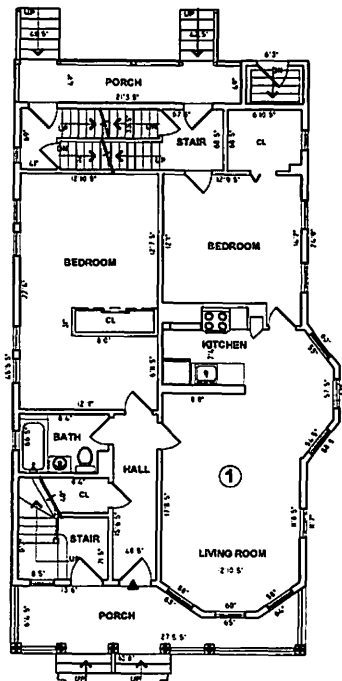
architecture sv
ARCHITECTURE DESIGN PLANNING
1418 Maple Rd, Framingham, MA 01701
Tel: (617) 277-7617
Fax: (617) 277-8621
architect@edcinc.com

Project	1822
Date	10 December 2018
Scale	AS NOTED

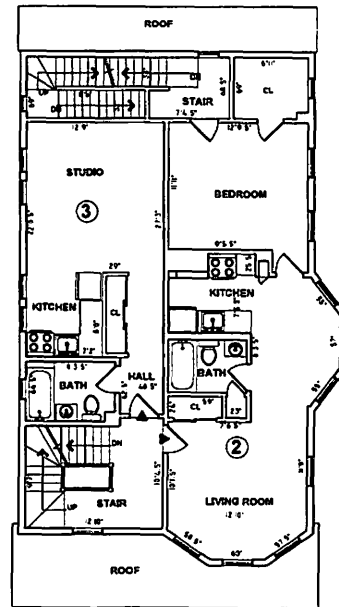
Sheet
A1



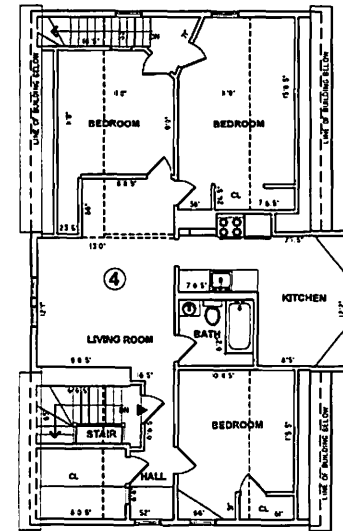
1 Existing Basement Plan
Scale: 1/8" = 1'-0"



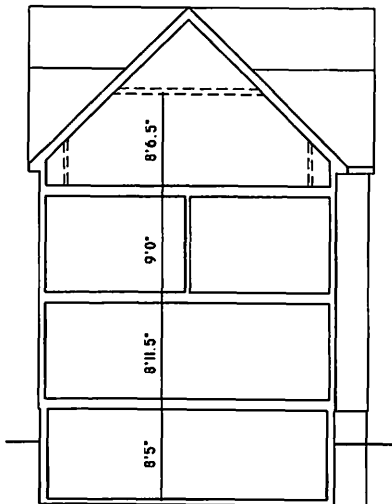
2 Existing First Floor Plan
Scale: 1/8" = 1'-0"



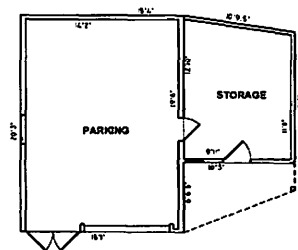
3 Existing Second Floor Plan
Scale: 1/8" = 1'-0"



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

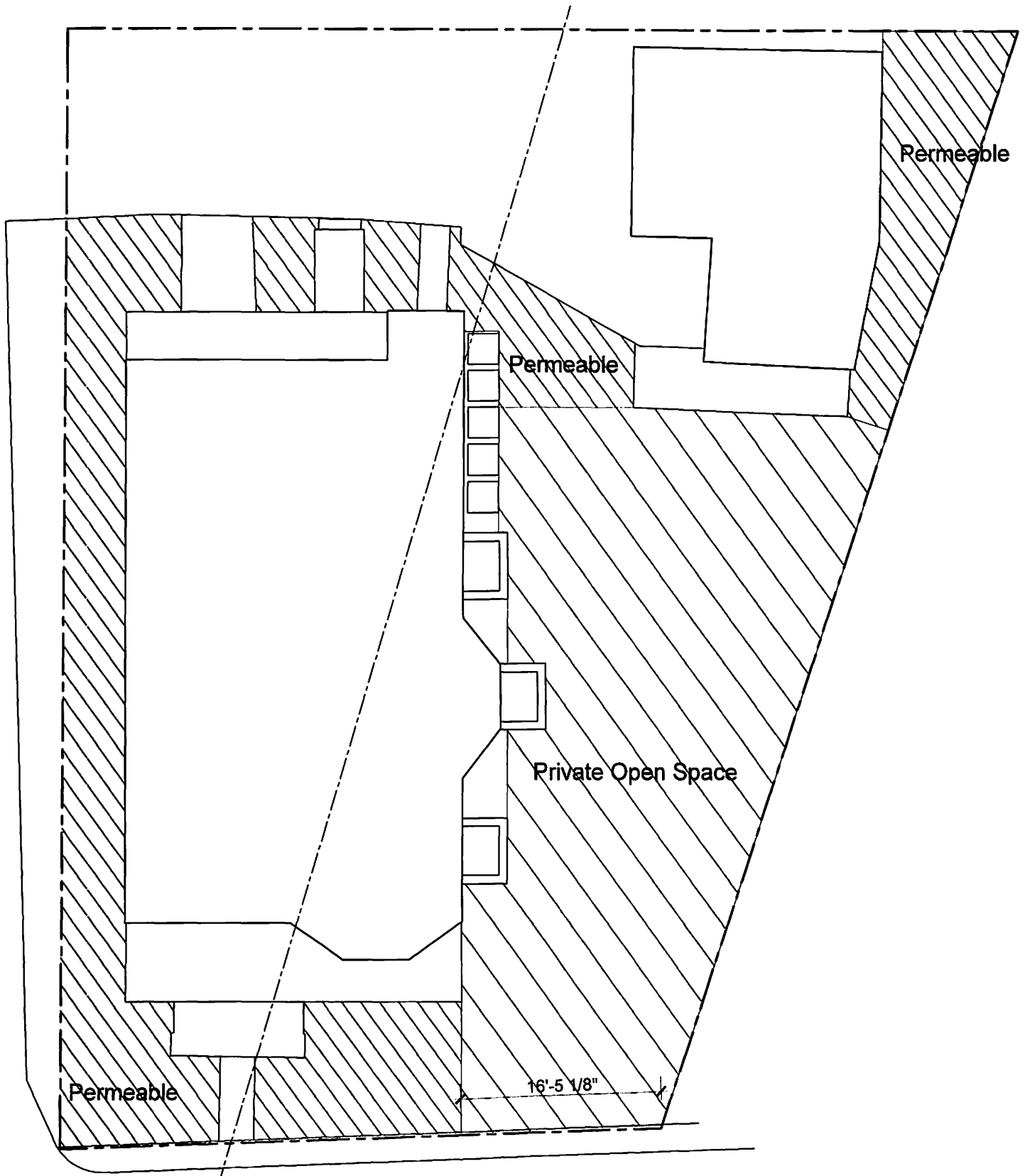
Drawing Title
Existing Floor Plans and Section

Seal

architecture sv
ARCHITECTURE DESIGN PLANS INC.
1612A Maple Rd., Framingham, MA 01701
Tel: (617) 277-7617
Fax: (617) 277-4621
architect@calconnect.com

Project	1822
Date	10 October 2019
Scale	AS NOTED

Sheet
A2



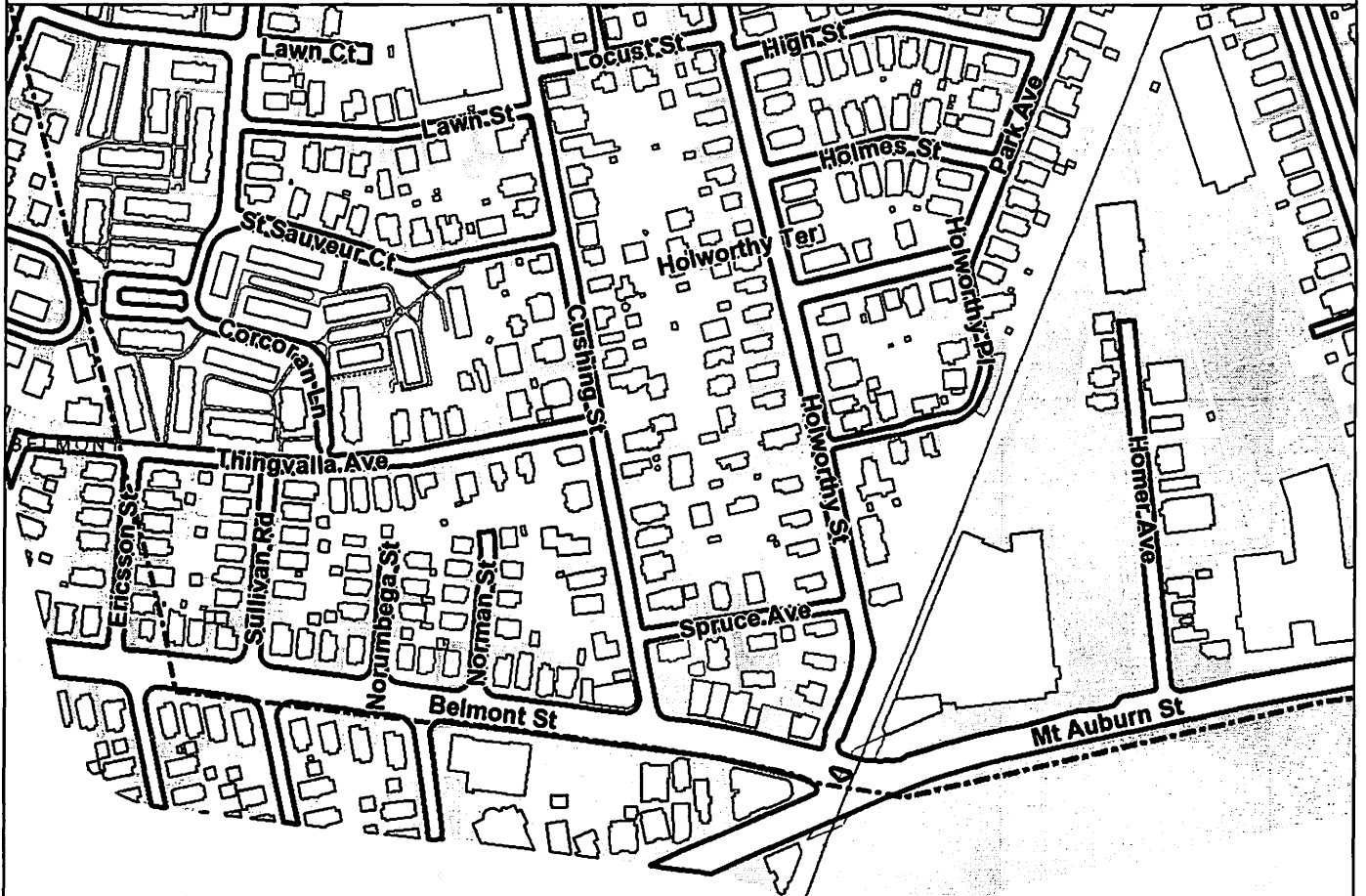
1

Private Open Space Distribution

Scale: 3/32" = 1'-0"

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	NO CHANGE	NON-CONFORMING
(2) Min. LOT SIZE:	5,000sf	5,662sf	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%	42.3%	CONFORMING
Meeting Dimensional Req.	20%	878sf = 15.5%	1,340sf = 23.67%	CONFORMING
Permeable	20%	2,386sf = 42.14%	2,395sf = 42.3%	CONFORMING
Note: All listed Open Private Space conforms to Permeable standards.				
PARKING:	5	2	NO CHANGE	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	No Change		
TOTAL:	5,716sf	No Change		



WATERTOWN



City of Cambridge
Massachusetts

1" = 313 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

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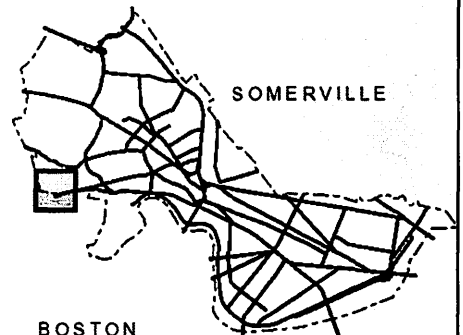
- Rail
- ☐ Building Footprints
- Paved Surfaces
 - ☐ Paved Roads
 - ☐ Bridges
 - ☐ Unpaved Roads
 - ☐ Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - ☐ Public Footpath

ARLINGTON

MEDFORD

SOMERVILLE

BOSTON





BUS STOP CORNER OF BELMONT
& CUSHING STREETS



LEFT REAR



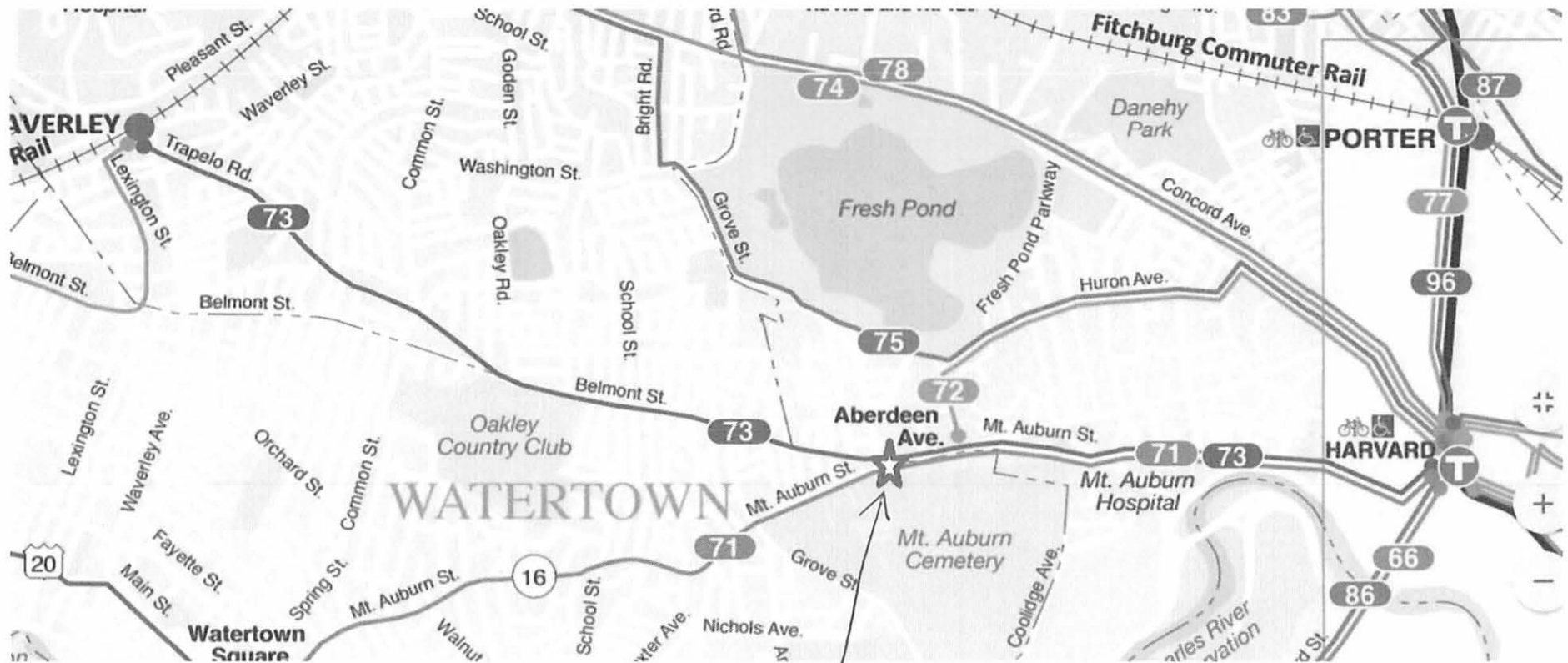
RIGHT REAR



FRONT LEFT



FRONT RIGHT



17 CUSHING
BUS ROUTES NEARBY



Base Map	Aerial Photo	Size <input type="checkbox"/> <input type="checkbox"/>
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Zoom Out [Progress Bar] In

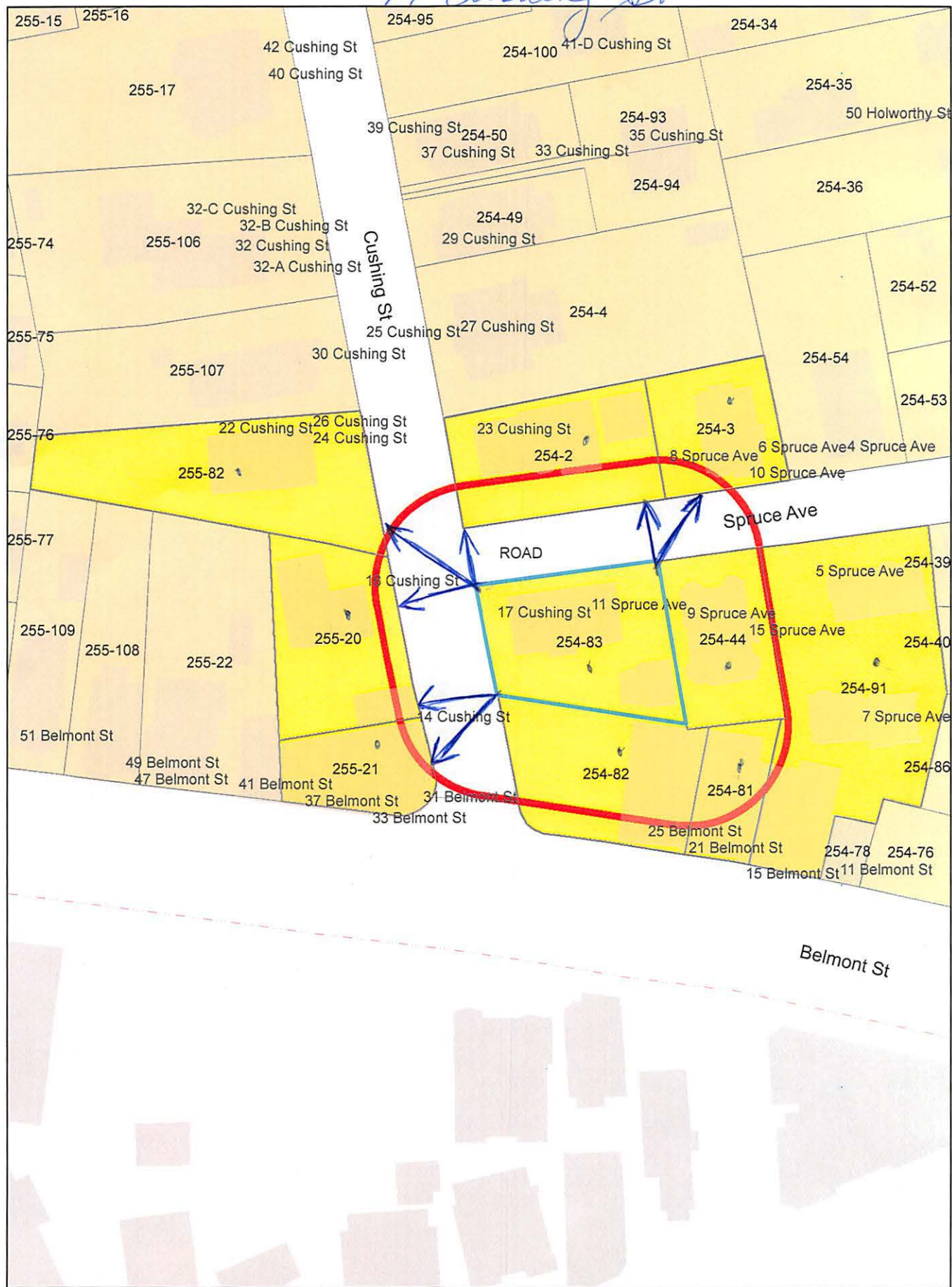
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General Purpose Viewer v2.0.0 [production] © 2005, 2006 AppGeo

14 Cushing St.



17 Cushing St.

Petitioner

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

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

254-2
POLLARD, WILLIAM J. & LAURA D. INDIGO
23 CUSHING ST., #1
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
FURUMOTO, LAUREL
TRUSTEE THE LAUREL FURUMOTO REVOC. TR
10 LARSON CIRCLE
BURLINGTON, MA 01803

254-81
MURPHY, OLIVE R., ROBERT W. GARRIG, &
THOMAS J. CARRIG
C/O THAYER & ASSOCIATES INC.
1812 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140

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

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

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

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

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
FALZONE, ANNA R. A LIFE ESTATE
C/O CARUSO, MARIE A.
8 GOVENOR PEABODY RD.
BILLERICA, MA 01821

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

* * * * *

(6:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

Okay, we're going to start with one continued
case. The case is 7 -- let me get the case out, please.
The case is 017246-2020, 17 Cushing Street. Anyone here
wishing to be heard on this matter?

MICHAEL WIGGINS: Yes, Mr. Chairman. This is
Attorney Michael Wiggins. I don't know if you can hear me?

CONSTANTINE ALEXANDER: Yes, we can.

MICHAEL WIGGINS: Okay. I represent Rick von
Turkovich, and he's the owner of that property. He had
continued his petition for a variance to this evening, in
order to address some issues in -- was it the prior hearing?

And I think the principle one was lack of parking,
and he's come up with now a plan for parking that I think
will solve the problem.

However, when he showed that to me and the
architect showed it to me, it appeared that one of the four
spaces that's been provided is within five feet of the side

1 line.

2 So he's going to need a special permit for that,
3 and we certainly don't want you to have to consider
4 everything without that being considered at the same time.

5 So we are respectfully asking for a continuance to
6 October 8, and in the meantime, we will file a new petition
7 that addresses both the variance and the special permit, so
8 that will be a new case.

9 But we've asked that this case be continued, so
10 that we can pull that together and get it filed.

11 We have a parking plan that I think is copacetic,
12 and the neighbors have all agreed with it, so just a
13 question of getting it filed and advertised and then heard.

14 CONSTANTINE ALEXANDER: If I understand you
15 correctly, you want to continue the case until -- or you or
16 your client -- until October 8. And on that night, we'll
17 hear a newly filed special permit case, as well as the
18 continued variance case? Do I have it right?

19 MICHAEL WIGGINS: Well, actually, what I was
20 instructed to do by the staff was to actually file a
21 comprehensive new variance and special permit, but this one
22 would be discontinued that evening or just abandoned if we

1 get the relief we're asking for.

2 CONSTANTINE ALEXANDER: What date would you hope
3 to have for your -- your Omnibus petition, October 8?

4 MICHAEL WIGGINS: October 8, yes.

5 CONSTANTINE ALEXANDER: Sisia, do we have room on
6 October 8?

7 SISIA DAGLIAN: Yeah.

8 CONSTANTINE ALEXANDER: Okay. October 8 it will
9 be.

10 SEAN O'GRADY: Gus, I'm sorry to bust in, it's
11 Sean.

12 CONSTANTINE ALEXANDER: Yes.

13 SEAN O'GRADY: On the website, this case is
14 advertised as 7:00 p.m.

15 CONSTANTINE ALEXANDER: [Laughter] You're right!
16 How did that happen?

17 SEAN O'GRADY: I'm not sure.

18 CONSTANTINE ALEXANDER: All right. Then I think
19 we're going to have to adjourn this discussion until after
20 7:00 p.m., and then we'll take a vote as to whether we can -
21 - you can have a case continue, a continued case until
22 October 8.

1 And of course you'll file the Omnibus petition for
2 the whole shooting works.

3 JIM MONTEVERDE: Excuse me, this is Jim Monteverde.

4 CONSTANTINE ALEXANDER: Yes.

5 JIM MONTEVERDE: Shawn, the -- I'm looking -- I'm
6 on the website, and I see it listed for 6:00 p.m. I'm on the
7 Board of Zoning Appeal agenda site. Are you looking at the
8 continued case?

9 CONSTANTINE ALEXANDER: I have an agenda that has
10 it at 7:00 p.m.

11 JIM MONTEVERDE: Oh, oh, oh, no, no, no. Sorry,
12 no.

13 SISIA DAGLIAN: I think there's a conflict.

14 JIM MONTEVERDE: Yeah.

15 BRENDAN SULLIVAN: Okay.

16 CONSTANTINE ALEXANDER: Mine says 7:00 p.m.

17 BRENDAN SULLIVAN: It's a continued case, yeah.

18 JIM MONTEVERDE: Okay. Sorry.

19 CONSTANTINE ALEXANDER: Okay. We're going to --
20 we'll recess this hearing on the request for the original
21 request to be continued, and we'll come back to it after
22 7:00, and we'll take a vote and set everything up in order.

1 Is that all right with you?

2 MICHAEL WIGGINS: If you're asking me, Mr.
3 Chairman, that's fine. Do you want me to return then, or
4 are you satisfied with what I've presented in terms of --

5 CONSTANTINE ALEXANDER: Well it's up to you. We
6 don't have to adjourn, but if something comes up, somebody
7 speaks to this matter, when you -- they -- you will be there
8 to rebut it or respond to it, so I would think you'd want to
9 be there. It's up to you.

10 MICHAEL WIGGINS: Certainly I should. It's
11 probably unlikely they will, but sure I'll come back.

12 CONSTANTINE ALEXANDER: Okay. All right, then
13 we'll recess this case until 7:00 p.m. or later, and move on
14 to our regular agenda.

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(7:08 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

SISIA DAGLIAN: Gus, remember we have the Cushing
Street. It's 7:00, so we can hear Cushing Street and wrap
that up, if you wish.

CONSTANTINE ALEXANDER: Is it 7:00?

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: Yes, it is, thank you.

BRENDAN SULLIVAN: 7:09.

CONSTANTINE ALEXANDER: I'm going to return to the
case we recessed for, the 17 Cushing Street. And is the
petitioner's counsel on the line, or can he be on the line?

SISIA DAGLIAN: Yeah. You can permit him.

CONSTANTINE ALEXANDER: Hello?

SISIA DAGLIAN: Michael, can you unmute yourself?

CONSTANTINE ALEXANDER: Say it again?

SISIA DAGLIAN: He's on.

CONSTANTINE ALEXANDER: He's on?

SISIA DAGLIAN: He's muted. Waiting to hear from

1 the petitioner's counsel.

2 BRENDAN SULLIVAN: There he is.

3 JIM MONTEVERDE: There we go.

4 MICHAEL WIGGINS: Okay, here I am, yep. Can you
5 hear me, Mr. Chairman?

6 CONSTANTINE ALEXANDER: Yes, we can. Now we can.

7 MICHAEL WIGGINS: Thank you.

8 CONSTANTINE ALEXANDER: Okay. What's your
9 response when we talked about merging the two cases
10 together?

11 MICHAEL WIGGINS: That would be fine. In other
12 words, what we want to do is to file a new petition for a
13 special permit and variance.

14 CONSTANTINE ALEXANDER: Right.

15 MICHAEL WIGGINS: This case would be continued to
16 the same evening, October 8, and then assuming we get the
17 relief we want, it would be withdrawn.

18 CONSTANTINE ALEXANDER: Okay. Now, this is a case
19 that was -- a case heard, was the original case. So I don't
20 know who the fifth member is at night, do you know, Sisia?

21 SISIA DAGLIAN: It was Laura.

22 CONSTANTINE ALEXANDER: It was who?

1 SISIA DAGLIAN: It was heard by Laura Arch --

2 CONSTANTINE ALEXANDER: Oh, Laura?

3 SISIA DAGLIAN: -- you, Jim and Andrea.

4 CONSTANTINE ALEXANDER: Okay. So we have two of
5 the members need to be there on that date, September 24.

6 SISIA DAGLIAN: No, October --

7 MICHAEL WIGGINS: October 8.

8 CONSTANTINE ALEXANDER: I'm sorry, October 8. I
9 got --

10 SISIA DAGLIAN: Yeah.

11 CONSTANTINE ALEXANDER: -- my mistake. October 8.

12 SISIA DAGLIAN: Yeah.

13 CONSTANTINE ALEXANDER: All right. I will make a
14 motion to continue this case until October 8 -- the
15 continued case. And hopefully the two members who need to
16 be present for that case can make it that night.

17 One of them is a regular member of the Board who
18 usually attends our cases. The other is an alternate
19 member, but she's also very diligent about attending our
20 cases.

21 So on the basis of this, the Chair moves that we
22 continue Case Number 017246 this case until 7:00 p.m. on --

1 later than 7:00 p.m., because we're going to hear the case,
 2 the real case earlier than that -- until -- no, I'm going to
 3 do it one more -- differently. We're going to continue this
 4 case until -- what's the first meeting after October 10?
 5 Twenty-seventh, twenty-fourth?

6 SISIA DAGLIAN: Twenty-second.

7 CONSTANTINE ALEXANDER: Twenty-second. We will
 8 continue the old case, I'm going to refer to, until October
 9 22. If you get the relief that satisfactory to you,
 10 Counsel, we will -- you can just withdraw that case on
 11 October 22. You don't need to appear before us.

12 So the Chair moves that we continue this case as a
 13 case heard until October 24.

14 MICHAEL WIGGINS: 22.

15 CONSTANTINE ALEXANDER: Case Number 017246, 7:00
 16 p.m. I'm just thinking -- trying to think out loud whether
 17 we need a new waiver of time for decision. I don't think we
 18 do, because we've --

19 SISIA DAGLIAN: No.

20 CONSTANTINE ALEXANDER: -- continued it once --

21 SISIA DAGLIAN: Yeah.

22 CONSTANTINE ALEXANDER: -- before. The other part

1 of the drill that's necessary, your client, sir, will have
2 to advertise this case for the 14 days before October 24,
3 but of course if he gets the relief he's seeking on October
4 8, then no need to do that. The case will not need to be
5 heard anyway.

6 And similarly, if you're going to go forward on
7 the second October date -- you have the twenty-second, but I
8 thought --

9 MICHAEL WIGGINS: Twenty second.

10 CONSTANTINE ALEXANDER: Usually it's 14 days from
11 -- oh, yeah, my math is wrong. The twenty-second. If
12 you're going to pursue the case on the twenty-second, then
13 as you know, you have to have in our files on the Monday
14 before October 22 any revised plans, specifications and the
15 like. Failure to do that means we will not consider that
16 case on October 22.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan. Yes to the
19 continuance.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Yes to the continuance.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: Yes to the continuance.

2 CONSTANTINE ALEXANDER: Janet?

3 JANET GREEN: Yes to the continuance.

4 CONSTANTINE ALEXANDER: And the Chair votes to the
5 continuance as well.

6 [All vote YES]

7 So this case, the old case, has continued until
8 October 22. And I guess we'll see someone on October 8, the
9 real case is what I'm going to call it. All right moving
10 on.

11 MICHAEL WIGGINS: Thank you.

12 CONSTANTINE ALEXANDER: Thank you, sir.

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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: _____

(Print)

Date: _____

2/11/2020

Address: _____

17 Cushing St.

Case No. _____

BZA-017246-2020

Hearing Date: _____

2/27/20

Thank you,
Bza Members

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

February 18, 2020

RE: BZA-017246-2020

I am writing in opposition to the proposed variance for 17 Cushing street. The parking situation at this end of Cushing Street is increasingly problematic for the residents, with an overflow of vehicles.

In addition to a large number of transient vehicles on a daily basis for yoga, coffee and lunch, there are currently 5 cars registered to 17 Cushing street (it could be much worse, but the tenant on the first floor doesn't have a car). All these vehicles park on the street, while a good - sized parking area behind the house sits empty.

This is, to the best of my knowledge the only empty parking area in the neighborhood, aside from a vacant condo on Spruce Avenue. It doesn't seem fair that the other residents in the area use their driveways to minimize the congestion while 17/19 Cushing Street continually dumps their cars on the street because the landlord wants to make a couple of extra dollars. Already, one of the tenants frequently parks overnight in the 2-hour section of Cushing Street.

Certainly, we shouldn't reward this kind of behavior. Granting this variance would be terrible for the neighborhood. The landlord should be required to remedy the current problems without making things worse.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Polimou', with a small 'u' written above the end of the signature.

Steve Polimou
18 Cushing Street
(617) 864-3584

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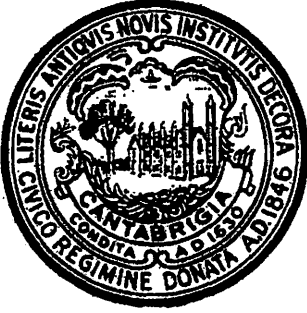
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CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

February 24, 2020

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA cases to be heard on March 12, 2020

The Planning Board have no comments on the cases listed on the BZA agenda.



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
Joseph V. Ferrara, Chandra Harrington, Elizabeth Lyster, Caroline Shannon, Jo M. Solet, *Members*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 17 Cushing Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- ☐ Old Cambridge Historic District
 - ☐ Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
 - ☐ Avon Hill Neighborhood Conservation District
 - ☐ Half Crown – Marsh Neighborhood Conservation District
 - ☐ Harvard Square Conservation District
 - ☐ Mid Cambridge Neighborhood Conservation District
 - ☐ Designated Landmark
 - ☐ Property is being studied for designation: East Cambridge NCD Study Area
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - ☐ Preservation Restriction or Easement (as recorded)
 - ☒ Structure is fifty years or more old and is therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
No demolition permit application anticipated.
 - ☐ No jurisdiction: not a designated historic property and the structure is less than fifty years old.
 - ☐ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
- Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date February 27, 2020

Received by Uploaded to Energov

Date February 27, 2020

Relationship to project BZA 017246-2020

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2020 MAR -3 PM 3:23
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 # 017-246-2020

Address: 17 Cushing St

☒ Owner, ☐ Petitioner, or ☐ Representative: RICHARD VON TILKALCH
(Print Name)

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: 2/24/2020

[Signature]
Signature