

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

#### **BZA APPLICATION FORM**

**GENERAL INFORMATION** 

BZA-016805-2018 Plan No:

Special Permit :			d of Zoning App Variance :			Appeal :	
PETITIONER :	Jonathan	Henke and	d Rachel Mos	her Henke	- C/O James	J. Rafferty, Esq.	
PETITIONER'S ADDRESS: 675 Massachusetts Avenue Cambridge, MA 02139							
LOCATION OF PRO	OPERTY :	19 Donne	ell St Cambr	idge, MA			
TYPE OF OCCUPA	NCY:			ZON	ING DISTRICT :	Residence B Zone	

New Structure

#### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

Variance: Petitioners seek to raze existing attached single family dwelling and construct a larger replacement.

Special Permit: Petitioners seek to construct windows on a non-conforming wall.

#### 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	8.000	Section	8.22.2.C (Windows-Non-Conforming Structure).
Article	10.000	Section	10.30;1040 (Variance & Special Permit).

Original Signature(s) :	(Petitioner(s)/ Owner)
	James J. Rafferty
	(Print Name)
Address :	675 Massachusetts Avenue
	Cambridge, MA 02139
Tel. No. :	(617) 492-4100

jrafferty@adamsrafferty.com

E-Mail Address :

June 19, 2018

Date :

#### **OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD**

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Jonathan Henke and Rachel Mosher Henke (Owner or Petitioner)						
Address: <u>c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139</u>						
Location of Premises: <u>19 Donnell Street</u>						
the record title standing in the name of <u>Jonathan Henke and Rachel Mosher Henke</u> whose address is <u>17 Donnell Street, Cambridge MA 02138</u>						
	(Street)	(City or Town)				
by a deed duly recorded in the Middlesex South County Registry of Deeds in						
Book <u>68331</u>	_ Page <u>40</u> or _		Registry			
District of Land Court Certificate No Book Page						
		$\rho_{10}$	Marka V lanka			

(Owner)

On this  $5^{\prime\prime}$  day of June, 2018, before me, the undersigned notary public, personally appeared <u>Rackel E. Hence</u> proved to me through satisfactory evidence of identification, which were <u>MAP Q</u>, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public JAYDEN DDHIR Notary Public My commissi Commonwealth of Massachusetts My Commission Expires May 16, 2025

#### **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:

A literal enforcement of the provisions of this Ordinance would preclude the alterations ot this single family home that will allow for additional living space and sufficient light in the structure.

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 directly related to the siting of the existing structure within the required setback and the size and shape of the lot.

#### C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

- 1) Substantial detriment to the public good for the following reasons:
  - There will be no detriment to the public good as a result of the construction of the proposed replacement structure.
- 2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons: The use of the property as a single family dwelling will not change and the property will continue to comply with the Open Space requirements of the Residence B Zoning District.
- \* 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  $\underline{19 \text{ Donnell St Cambridge, MA}}$  (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:

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Article 8.22.2(c) permits the creation of windows on non-conforming walls when, as in this case, there are no further violations of the dimensional requirements of Article 5.000.

- 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: There will not be any change in traffic patterns as a result of adding windows.
- 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: Adjacent uses will not be affected since the use of the property as a single family dwelling will not be changed.
- 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: Adding windows will benefit the health, safety, and welfare of the occupants of this dwelling.
- 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:
  The proposed windows will not change the use of the property and are consistent with the residential uses in the district.

#### **BZA APPLICATION FORM**

#### **DIMENSIONAL INFORMATION**

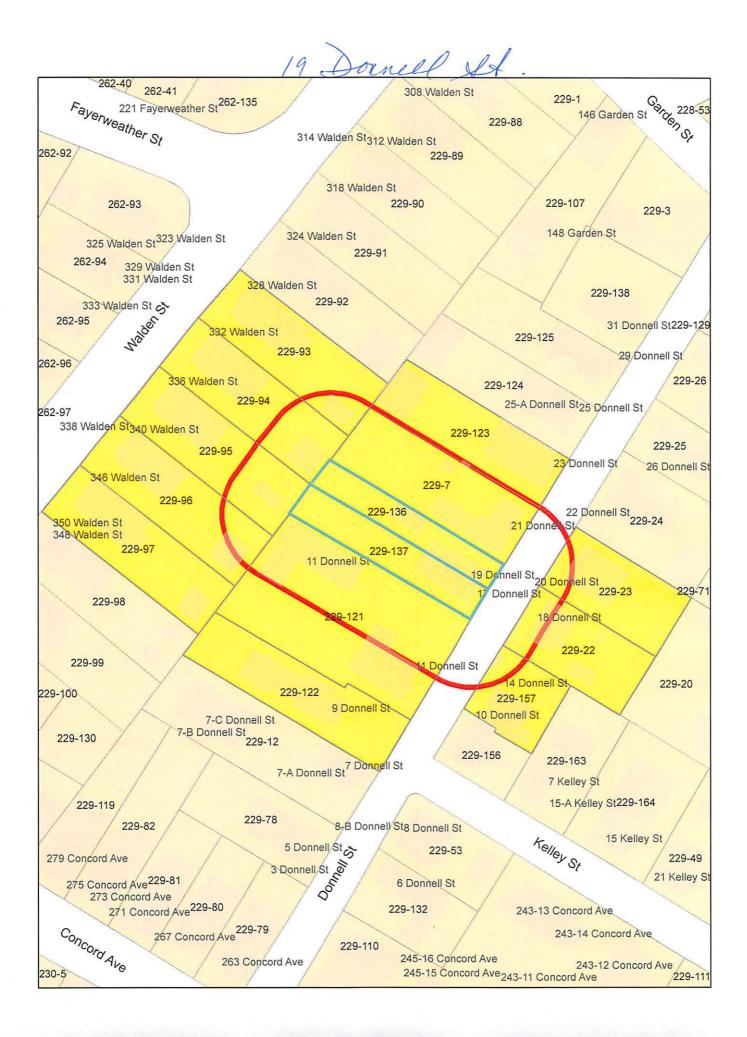
APPLICANT: Nirvana			SENT USE/OCCUPANCY :	attached sing	gle family
LOCATION: 19 Donnell St Cambridge, MA			ZONE :	Residence B Zon	ne
PHONE :		REQUESTED USE/OCCUPANCY: attached single family			
		<u>EXISTING</u> CONDITIONS	<u>REQUESTED</u> CONDITIONS	<u>ORDINANCE</u> REQUIREMENTS	I
TOTAL GROSS FLOOR AREA:		1303 sf *	2130 sf*	1887 sf	(max.)
LOT AREA:		3773 sf	no change	5000 sf	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>		. 35 *	.56 *	.5	(max.)
LOT AREA FOR EACH DWELLING UNIT:		3773 sf	no change	2500 sf	(min.)
SIZE OF LOT:	WIDTH	24.25	no change	50	(min.)
	DEPTH	N/A	N/A	N/A	
SETBACKS IN FEET:	FRONT	10 lf	no change	15 lf	(min.)
	REAR	97.17 lf	99.17 lf	25 lf	(min.)
	LEFT SIDE	0	no change	7.5 lf	(min.)
	RIGHT SIDE	11.1 lf	7.5 lf	7.5 lf	(min.)
SIZE OF BLDG.:	HEIGHT	22 lf	33.5 lf	35 lf	(max.)
	LENGTH	N/A	N/A	N/A	
	WIDTH	N/A	N/A	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		60%	63%	40%	(min.)
NO. OF DWELLING UNITS:		1	1	11	(max.)
NO. OF PARKING SPACE	<u>s:</u>	2	no change	2	(min./max)
NO. OF LOADING AREAS	<u>:</u>	N/A	N/A	N/A	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		11 lf	13 lf	10 lf	(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.

\*GFA calculation includes existing 304 accessory studio. Proposed single family structure is 1,826sf (.48 FAR)

- 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'.

	CITY OF CAMBRIDGE MASSACHUSETTS BOARD OF ZONING APPEAL 831 MASSACHUSETTS AVENUE CAMBRIDGE, MA 02139 617 349-6100 BZA APPLICATION FORM BZA APPLICATION FORM GENERAL INFORMATION						
The undersigned hereby petitions the Board of Zoning Appeal for the following:							
Special Permit :√	Variance : Appeal :						
PETITIONER: Jonathan Henke an	d Rachel Mosher Henke - C/O James J. Rafferty, Esq.						
PETITIONER'S ADDRESS : _ 675 Mas	ssachusetts Avenue Cambridge, MA 02139						
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	(Print Name)						
	Address : 675 Massachusetts Avenue						
	Cambridge, MA 02139						
	Tel. No. : (617) 492-4100						
	E-Mail Address :jrafferty@adamsrafferty.com						
Date : June 19, 2018							



19 Dornell St MOR

229-7 HARNEY, TIMOTHY J. & JANET H. HARNEY 21 DONNELL ST. CAMBRIDGE, MA 02138

229-93 SCHNEPS, MATTHEW H. & RANDY H. GOODMAN 326 WALDEN ST. CAMBRIDGE, MA 02138

229-96 MCJANNET, LINDA TR. OF THE LINDA MCJANNET TRUST-2009 338-340 WALDEN ST CAMBRIDGE, MA 02138

229-122 9 DONNELL ST., INC 23 EDMUNDS ST CAMBRIDGE, MA 02138

229-137 MOSHER, RACHEL E. 17 DONNELL ST CAMBRIDGE, MA 02138 229-22 HART, PAMELA H., TRUSTEE THE PAMELA H. HART TRUST 18 DONNELL ST CAMBRIDGE, MA 02138

229-94 CALLAHAN, LINDA M. 330 WALDEN STREET CAMBRIDGE, MA 02138

229-97 ODONNELL,GERALDINE F,GEORGE,GERALD, PAUL EDWARD J.MURPHY & ET-ALS 37 NARDON RD NEEDHAM, MA 02492

229-123 RIORDAN, ROBERT C. & JUDITH C. HALPERN, TRUSTEES 23 DONNELL ST CAMBRIDGE, MA 02138

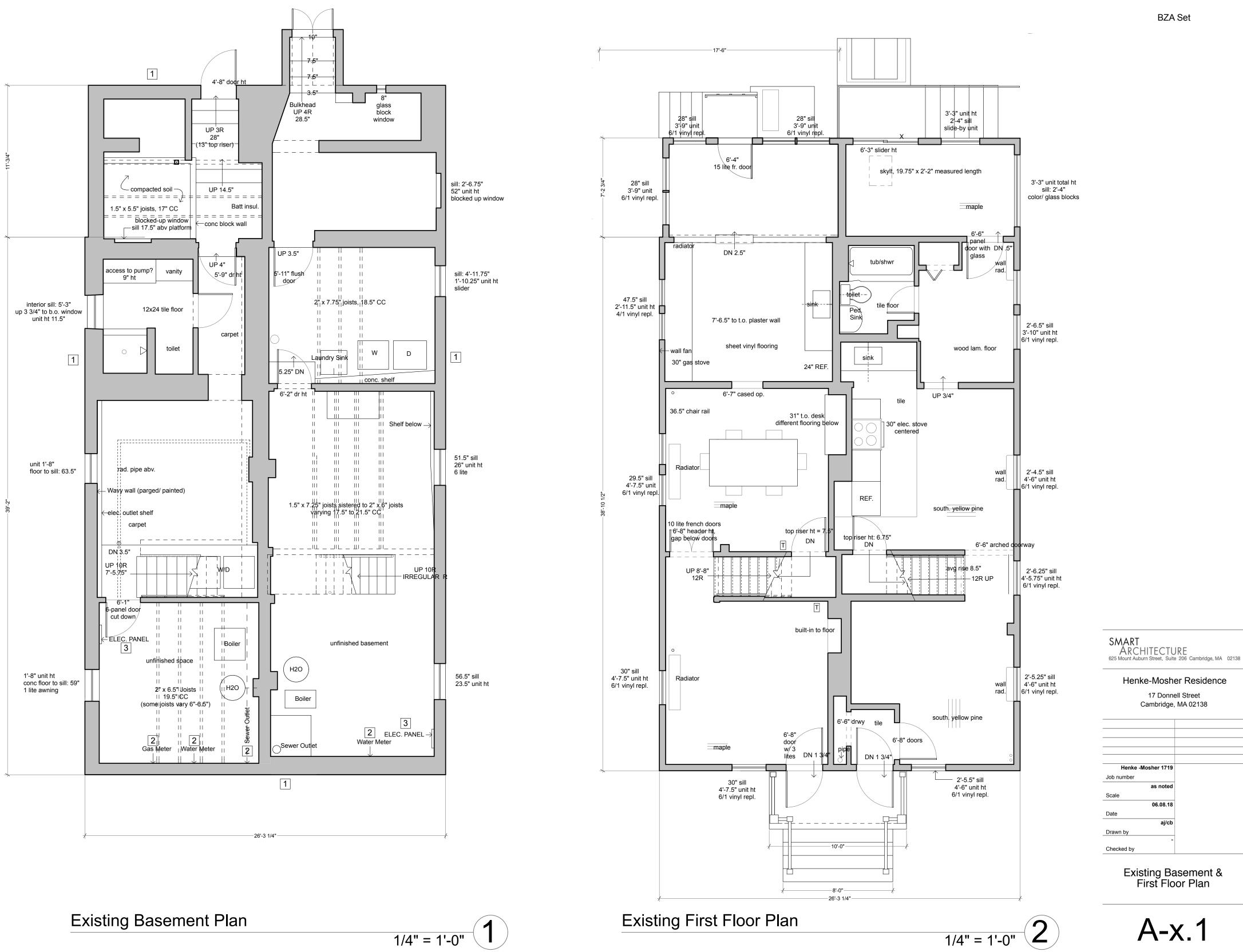
229-157 STARK, ANTONY ALBERT & ELLEN ALICE GARBER STARK 14 DONNELL ST. CAMBRIDGE, MA 02138 JAMEŠ J. RAFFERTY, ESQ. 675 MASS AVENUE CAMBRIDGE, MA 02139

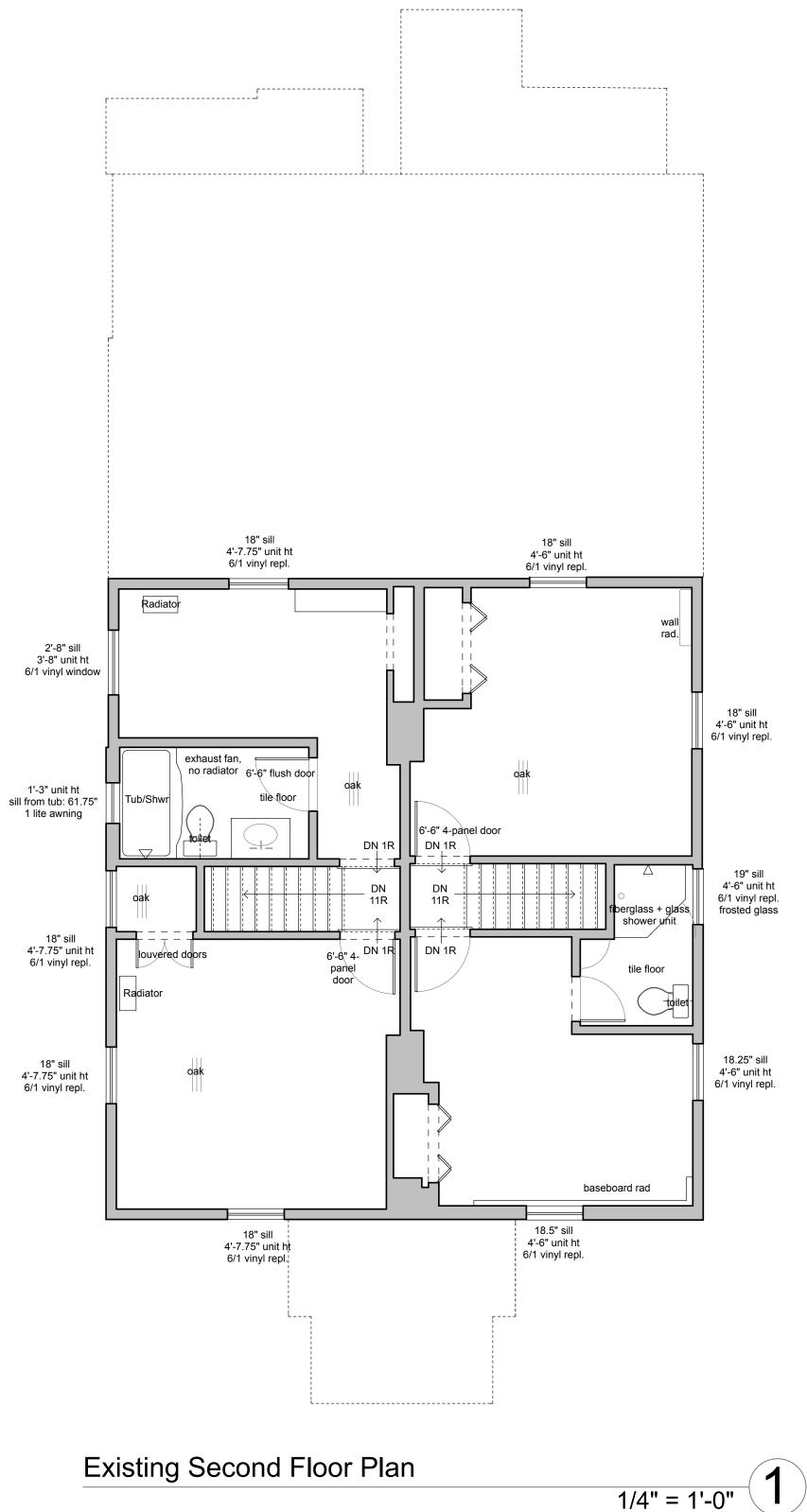
229-95 OKUN, DOUGLAS, TRUSTEE THE DOUGLAS OKUN REV TRS 334 WALDEN ST CAMBRIDGE, MA 02138

229-121 CHEN, PETER L. & MICHELLE MENTIS-COHEN 11 DONNELL ST CAMBRIDGE, MA 02138

229-136 HENKE, RACHEL E. MOSHER, DIDRICK JONATHAN HENKE 19 DONNELL ST CAMBRIDGE, MA 02138

229-23 NOVISKI, NATAN 20 DONNELL ST CAMBRIDGE, MA 02138

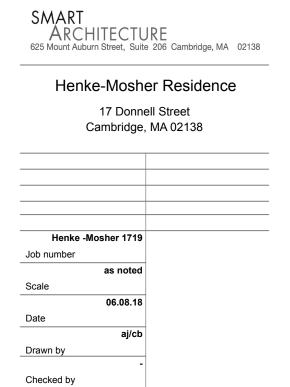




18" sill 4'-7.75" unit ht 6/1 vinyl repl.

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2'-8" sill 3'-8" unit ht 6/1 vinyl window



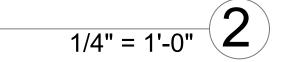
Existing Second Floor Plan



1/4" = 1'-0"



Existing East Elevation 1/4" = 1'-0" **1** Existing West Elevation



SMART ARCHITECTURE 625 Mount Auburn Street, Suite 206 Cambridge, MA 02138

Henke-Mosher Residence

17 Donnell Street Cambridge, MA 02138

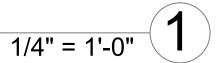


Existing East & West Elevations

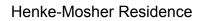




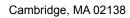
# Existing South Elevation







17 Donnell Street



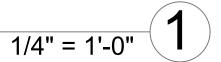


Existing South Elevation





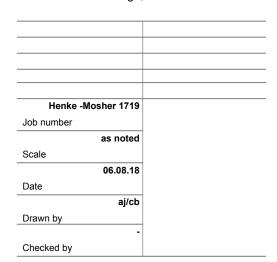
# **Existing North Elevation**



### SMART ARCHITECTURE 625 Mount Auburn Street, Suite 206 Cambridge, MA 02138

Henke-Mosher Residence

17 Donnell Street Cambridge, MA 02138

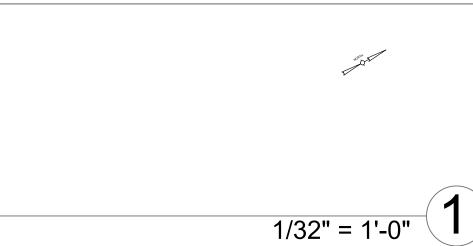


Existing North Elevation





Street Elevations and Plans



# SMART ARCHITECTURE 625 Mount Auburn Street, Suite 206 Cambridge, MA 02138

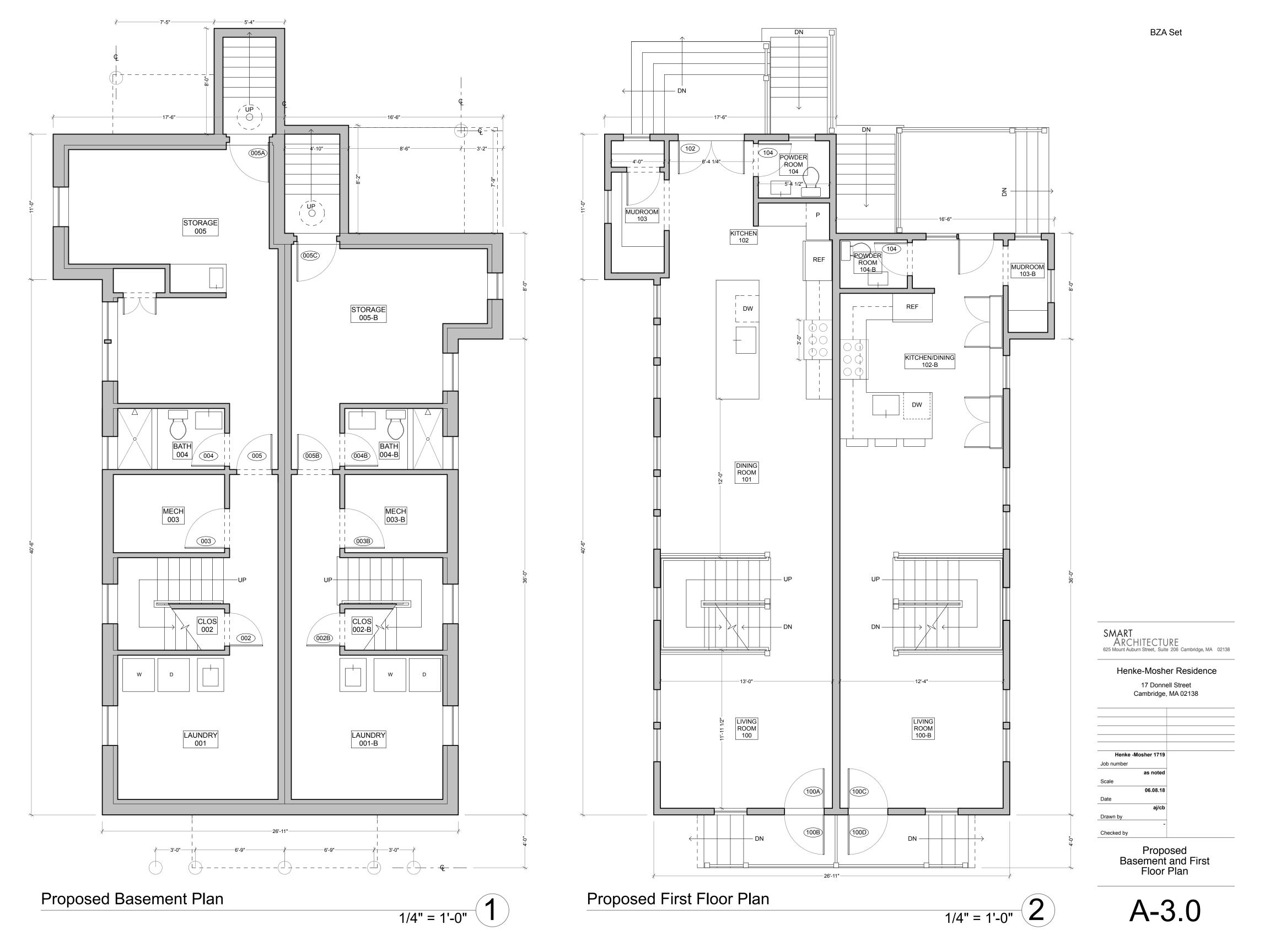
Henke-Mosher Residence

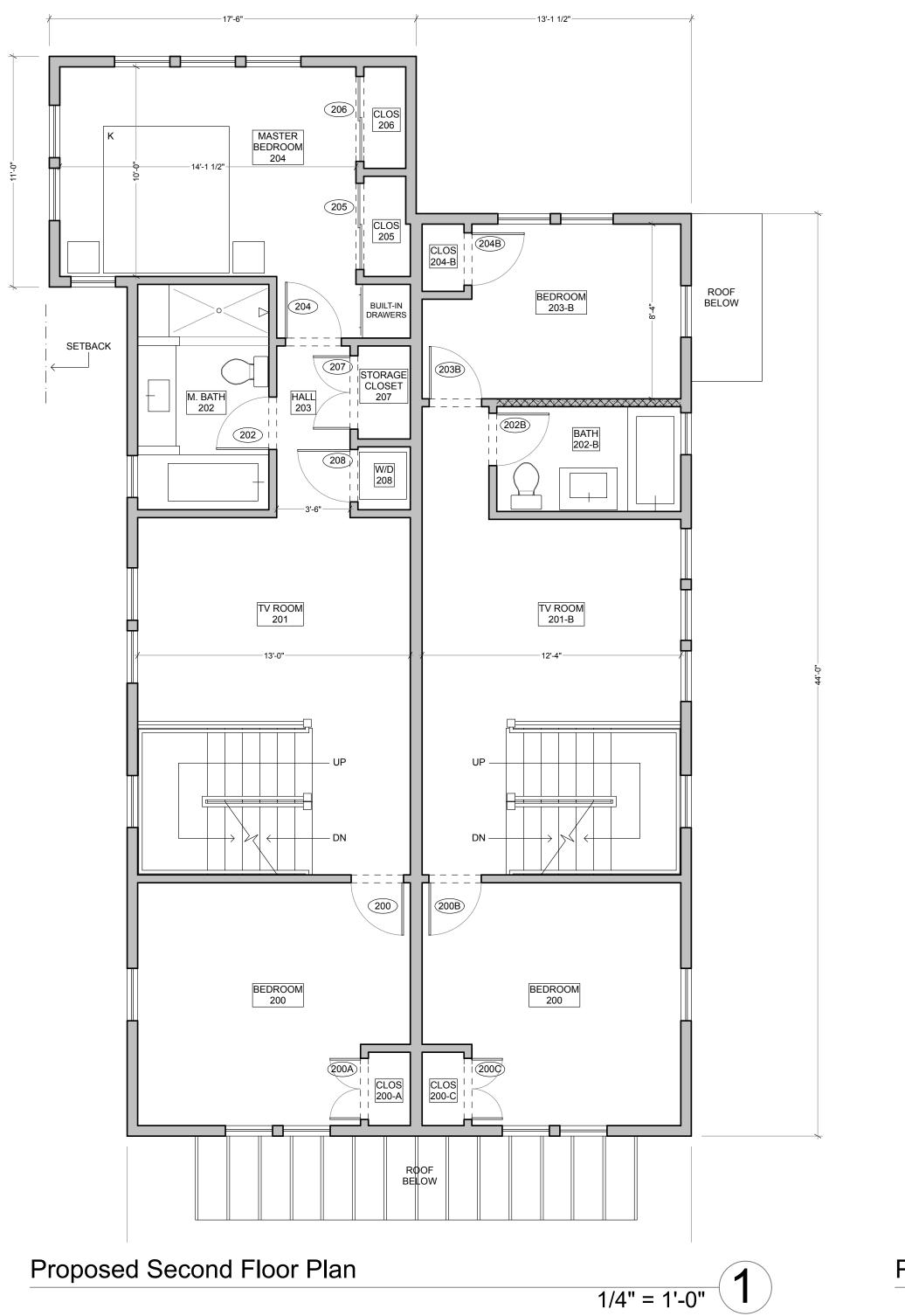
17 Donnell Street Cambridge, MA 02138



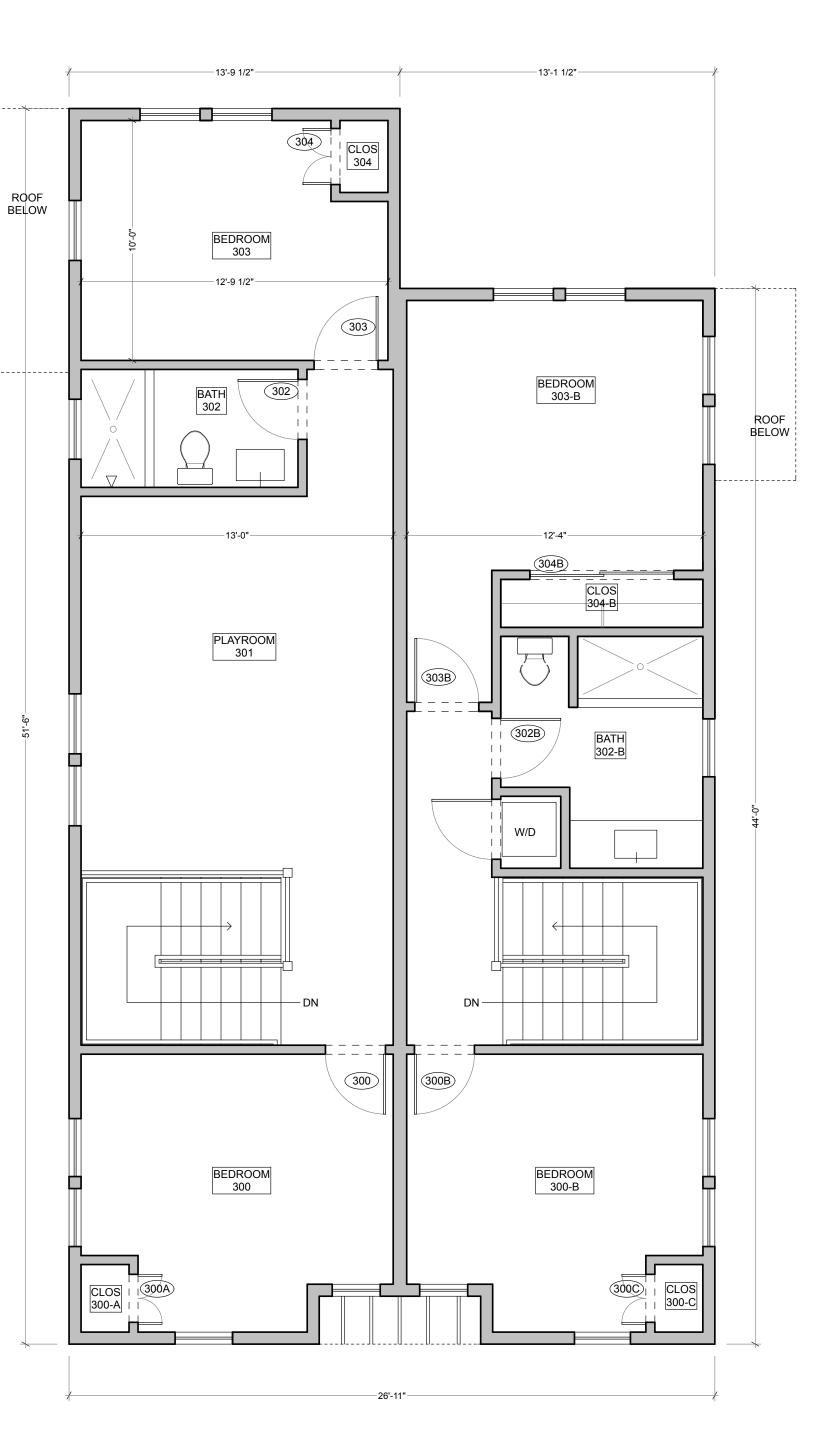
Street Elevations and Plans

A-1.0

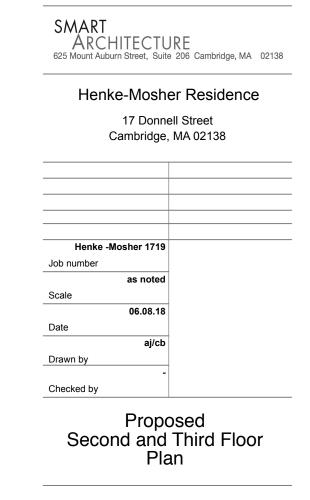


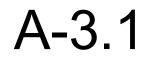


ROOF









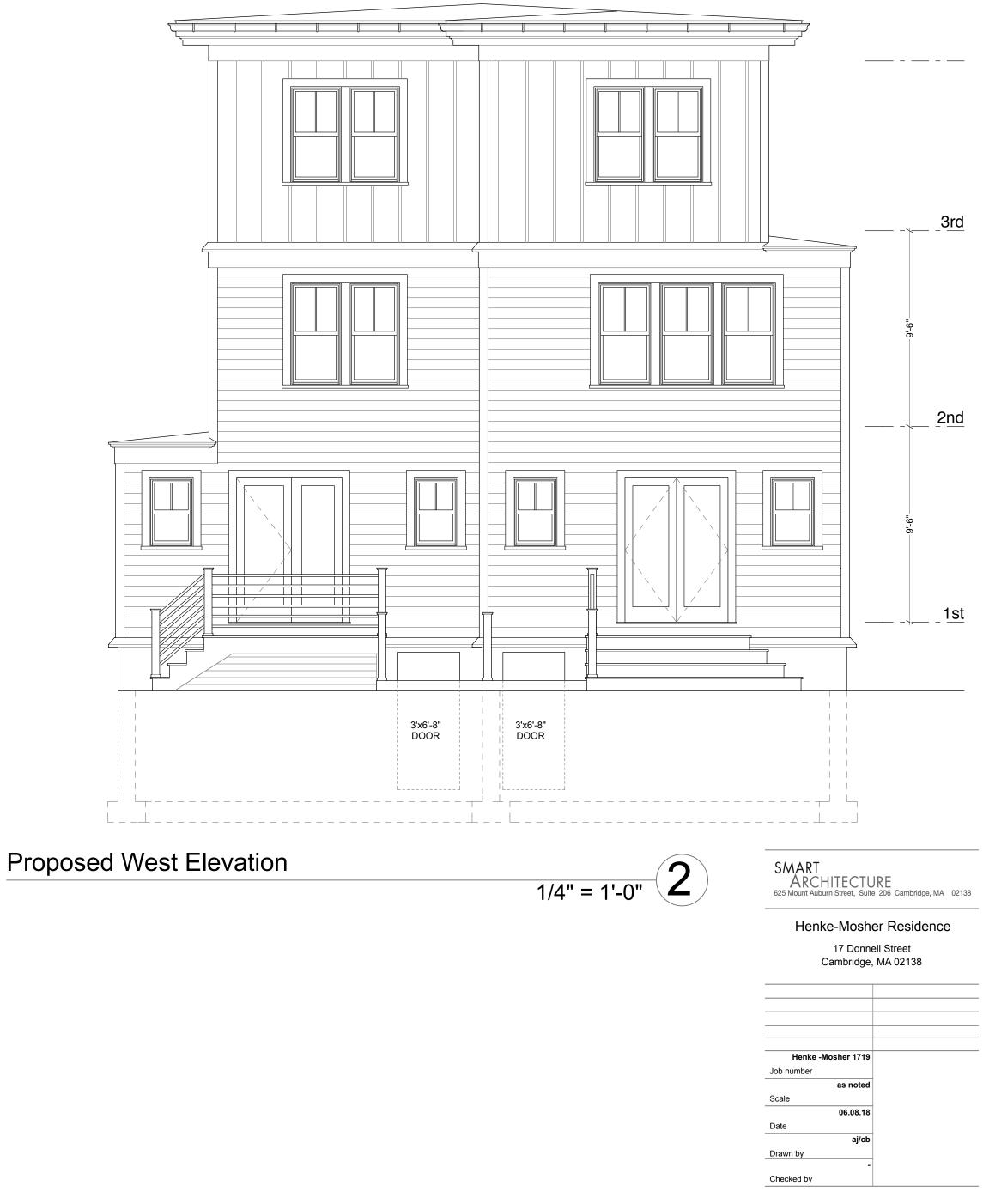
1/4" = 1'-0" (2)



Proposed East Elevation

1/4" = 1'-0"

## BZA Set



Proposed East & West Elevations

A-7.0



Proposed South Elevation





Henke-Mosher Residence

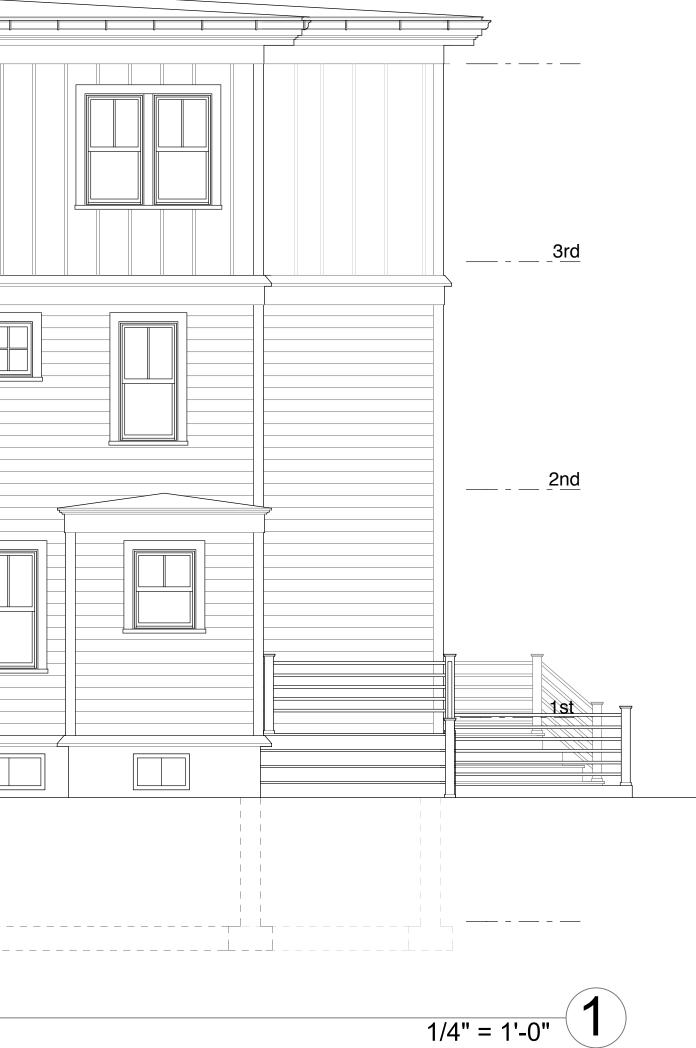
17 Donnell Street Cambridge, MA 02138



Proposed South Elevation

A-7.1


## Proposed North Elevation





Henke-Mosher Residence

17 Donnell Street

Cambridge, MA 02138



Proposed North Elevation

A-7.2