



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

## BZA Application Form

2026 MAR 16 AM 11:00

BZA Number: 1202049

### General Information

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

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

Special Permit: \_\_\_\_\_ Variance: \_\_\_\_\_ Appeal:  X

**PETITIONER:** Fan Wang

**PETITIONER'S ADDRESS:** 1 Myrtle Ave, Cambridge, MA 02138

**LOCATION OF PROPERTY:** 1 Myrtle Ave., Cambridge, MA

**TYPE OF OCCUPANCY:** Residential

**ZONING DISTRICT:** Residence C-1 Zone

**REASON FOR PETITION:**

/Additions/

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

The Applicant submitted a written request to the Cambridge Inspectional Services Department ("ISD") pursuant to **M.G.L. c.40A §7** requesting a zoning determination regarding the interpretation of several provisions of the Cambridge Zoning Ordinance as applied to the property located at 1 Myrtle Ave.

The request sought clarification as to whether the following elements of a proposed amendment to the building envelope are permitted by right under the ordinance:

1. Application of the **contextual front setback provision** under Article 5.40 Footnote (3) to the subject **corner lot**;
2. **Bay window projections** into required yards under Section 5.24.1(f); and
3. A **vertical addition above an existing side wall** under Article 5.40(4)(c).

ISD acknowledged receipt of the determination request but **declined to issue a written zoning determination**. During a meeting with ISD staff on **March 10**, the zoning inspector stated that:

- the contextual front setback provision does not apply to corner lots because only one adjacent building exists along each street frontage; and
- bay projections are limited to **25% of an exterior wall length**, based on a prior Zoning Board decision.

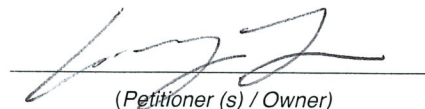
ISD nevertheless declined to issue a **formal written determination** under M.G.L. c.40A §7.

This appeal is therefore brought pursuant to **M.G.L. c.40A §§8 and 15** from the refusal of the zoning enforcement authority to issue a determination regarding the interpretation of the relevant provisions of the Cambridge Zoning Ordinance.

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000	Section: 5.40 (Footnotes to Table of Dimensional Requirements) (Footnote 3) — contextual setback
Article: 5.000	Section: 5.24.1(f) (Obstructions Allowed in Required Yards) — bay projections
Article: 5.000	Section: 5.40(4)(c) (Side and Rear Yard Setbacks for Existing Buildings) — vertical addition
Article: 10.000	Section: 10.20 (Appeal).

Original  
Signature(s):

  
(Petitioner (s) / Owner)

Fan Wang

(Print Name)

Address:

1 Myrtle Ave, Cambridge, MA 02138

Tel. No.

8577029820

E-Mail Address:

fwang\_bos@yahoo.com

Date: March 13, 2026

**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 Fan Wang  
(OWNER)

Address: 1 Myrtle Avenue, Cambridge, MA 02138

State that I/We own the property located at 1 Myrtle Avenue, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Fan Wang and Marc Wagner

\*Pursuant to a deed of duly recorded in the date June 18, 2018, Middlesex South County Registry of Deeds at Book 71169, Page 241; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.



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

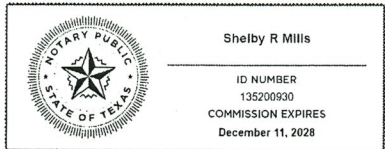
**\*Written evidence of Agent's standing to represent petitioner may be requested.**

SRM State Texas  
~~Commonwealth of Massachusetts~~, County of Hays

The above-name Fan Wang personally appeared before me, this 11th of March, 2026, and made oath that the above statement is true.

Shelby R Mills Notary

My commission expires 12/11/2028 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

**DIMENSIONAL INFORMATION**

**Applicant:** Fan Wang  
**Location:** 1 Myrtle Ave., Cambridge, MA  
**Phone:** 8577029820

**Present Use/Occupancy:** Residential  
**Zone:** Residence C-1 Zone  
**Requested Use/Occupancy:** Residential

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
TOTAL GROSS FLOOR AREA:		2005	3982	n.a.	(max.)
LOT AREA:		2120	2120	n.a.	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>		0.95	1.88	n.a.	
LOT AREA OF EACH DWELLING UNIT		1060	1060	n.a.	
SIZE OF LOT:	WIDTH	47	47	n.a.	
	DEPTH	30	30	n.a.	
SETBACKS IN FEET:	FRONT	0.3	2.6	10	
	REAR	n.a.	n.a.	5	
	LEFT SIDE	5	2.9	5	
	RIGHT SIDE	9.7	9.7	5	
SIZE OF BUILDING:	HEIGHT	26.1	36.8	45	
	WIDTH	44.7	44.7	n.a.	
	LENGTH	37	37	n.a.	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		0.29	0.34	0.30	
NO. OF DWELLING UNITS:		2	2	8	
NO. OF PARKING SPACES:		1	1	n.a.	
NO. OF LOADING AREAS:		1	1	n.a.	
DISTANCE TO NEAREST BLDG. ON SAME LOT		n.a.	n.a.	n.a.	

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

n.a.

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'.

# APPEAL TO THE CAMBRIDGE ZONING BOARD OF APPEAL

**M.G.L. c.40A §§ 8 and 15**

**Applicant:**

Fan Wang

**Property Address:**

1 Myrtle Avenue, (a.k.a. 36 Magnolia Avenue)  
Cambridge, Massachusetts

**Date:**

March 11, 2026

**RE:** Appeal from Refusal of Zoning Enforcement Authority to Issue Determination under M.G.L. c.40A §7 – Request for Zoning Interpretation

Dear Members of the Cambridge Zoning Board of Appeal,

Pursuant to **M.G.L. c.40A §§8 and 15**, the Applicant hereby appeals the refusal of the Cambridge **Inspectional Services Department (ISD)**, acting as the zoning enforcement authority, to issue a written determination requested under **M.G.L. c.40A §7** regarding the interpretation of specific provisions of the Cambridge Zoning Ordinance.

The Applicant submitted a formal request for zoning determination concerning several provisions of the ordinance relevant to a proposed amendment of the building envelope at the above-referenced property. ISD acknowledged receipt of the request but declined to provide a written determination.

Because the refusal to issue a determination prevents the Applicant from understanding how the ordinance applies to the proposed project, the Applicant respectfully requests that the **Zoning Board of Appeal interpret the relevant provisions of the Cambridge Zoning Ordinance.**

A **massing diagram prepared by the project architect** is attached to this filing to illustrate the proposed building envelope and the contextual setback lines along both street frontages of the subject property.

## 1. Contextual Front Setback – Article 5.40 Footnote (3)

The primary issue presented in this appeal concerns the interpretation of **Article 5.40, Footnote (3)** of the Cambridge Zoning Ordinance, which provides:

“A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side.”

The subject property is a **corner lot** with **two street frontages**, Magnolia Avenue and Myrtle Avenue.

Under **Section 2.000 (Definitions)** of the Cambridge Zoning Ordinance, a **front yard** is any yard extending along a street line. Accordingly, a **corner lot contains two front yards**, one along each street frontage.

The Applicant’s architect has prepared a **zoning massing diagram** showing the contextual setback lines based on the existing neighboring buildings along each street frontage.

Based on field measurements reflected in the survey and architectural drawings:

- The building at **32 Magnolia Avenue**, immediately adjacent to the subject property, has a front setback of approximately **2.6 feet** from Magnolia Avenue.
- The building at **13–15 Myrtle Avenue**, the adjacent building along Myrtle Avenue, has a front setback of approximately **8.6 feet**.

The attached massing diagram illustrates the proposed building envelope using these contextual setback lines.

During a meeting with ISD staff on **March 10**, the zoning inspector asserted that the contextual setback provision does **not apply to corner lots**, reasoning that only one neighboring building exists along each frontage and therefore an “average” cannot be calculated.

The Applicant respectfully disagrees with this interpretation.

The ordinance **does not state that corner lots are excluded** from the contextual setback provision, nor does it state that the rule applies only where two adjacent buildings exist.

Where only one neighboring building exists along a frontage, the logical and consistent interpretation of the ordinance is that the contextual setback equals the setback of that adjacent building.

Applying the contextual setback provision in this manner is consistent with the purpose of the ordinance, which is to maintain **alignment with the established streetscape**.

The Applicant therefore respectfully requests that the Board determine that **Article 5.40 Footnote (3) applies to corner lots**, and that contextual setbacks may be determined based on the existing adjacent building along each street frontage.

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## **2. Bay Projections into Required Yards – Section 5.24.1(f)**

The proposed design includes **four bay window projections** extending into the front yard.

Section **5.24.1(f)** of the Cambridge Zoning Ordinance provides that:

“Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3½) feet... may be located within a required yard.”

Each proposed bay projection extends **no more than three and one-half (3.5) feet** into the required yard.

During the March 10 meeting, the zoning inspector asserted that Cambridge limits bay projections to **no more than 25% of an exterior wall length**, based on a Zoning Board decision from the **1980s**.

The Applicant is not aware of any such limitation in the current Cambridge Zoning Ordinance.

The Applicant therefore respectfully requests that the Board clarify whether any such limitation exists, or whether bay projections should be evaluated based solely on the dimensional requirements stated in **Section 5.24.1(f)**.

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## **3. Vertical Addition Above Existing Side Wall – Article 5.40(4)(c)**

The proposed design also includes a **vertical addition above an existing side wall** of the building.

The existing building predates **January 1, 2025**, and the existing side wall is located approximately **three feet from the side property line**.

Article **5.40(4)(c)** provides:

“In the case of an alteration or addition to a building in existence since on or before January 1, 2025, the required side and rear yard setback distances shall be those of the existing building or structure. Additions or alterations that extend horizontally beyond the vertical walls of the existing building shall conform to the requirements in Table 5-1...”

The proposed addition **does not extend horizontally beyond the existing wall plane**, but instead extends **vertically above the existing wall**.

The Applicant respectfully requests confirmation that such vertical additions are permitted under **Article 5.40(4)(c)**.

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#### **4. Relief Requested**

For the reasons described above, the Applicant respectfully requests that the Cambridge Zoning Board of Appeal:

1. Determine that **Article 5.40 Footnote (3)** applies to **corner lots**, and that contextual setbacks may be determined using the adjacent building along each street frontage;
2. Confirm that **bay projections of up to 3.5 feet into required yards** are permitted under **Section 5.24.1(f)** absent additional limitations not stated in the ordinance;
3. Confirm that **vertical additions above existing side walls** are permitted under **Article 5.40(4)(c)** where no horizontal expansion occurs.

---

Respectfully submitted,



**Fan Wang**

Phone: 857-702-9820

Email: fwang\_bos@yahoo.com

# APPEAL TO THE CAMBRIDGE ZONING BOARD OF APPEAL

**M.G.L. c.40A §§ 8 and 15**

**Applicant Memorandum and Request for Zoning Interpretation**

**Applicant:**

Fan Wang

**Property Address:**

1 Myrtle Avenue, a.k.a. 36 Magnolia Avenue, Cambridge, Massachusetts

**Subject:**

Appeal from Refusal of Zoning Enforcement Authority to Issue Determination under M.G.L. c.40A §7

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## I. INTRODUCTION

This memorandum accompanies the Applicant's appeal to the Cambridge Zoning Board of Appeal pursuant to **M.G.L. c.40A §§ 8 and 15**. The appeal arises from the refusal of the Cambridge Inspectional Services Department ("ISD"), acting as the zoning enforcement authority, to issue a written determination requested under **M.G.L. c.40A §7** regarding the interpretation of specific provisions of the Cambridge Zoning Ordinance.

The requested determination concerns three zoning questions associated with a proposed amendment to the building envelope of the existing two-family dwelling located at the subject property. The Applicant respectfully requests that the Zoning Board interpret the applicable provisions of the Cambridge Zoning Ordinance and clarify whether the proposed building envelope elements are **permitted by right**.

A **massing diagram prepared by the project architect** is attached to the appeal materials. The massing diagram illustrates the proposed building envelope, the existing building footprint, and the contextual front setback lines along both street frontages of this **corner lot**.

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## II. BACKGROUND

The subject property is a **corner lot** containing an existing two-family dwelling that predates **January 1, 2025**. The property currently has an **active building permit**.

Before undertaking the substantial design work required to prepare a full building permit amendment, the Applicant submitted a **formal request to ISD for a zoning determination** pursuant to **M.G.L. c.40A §7**. The purpose of that request was to determine whether certain proposed modifications to the building envelope are permitted by right under the Cambridge Zoning Ordinance.

In Cambridge, zoning review occurs **only after several other departmental and commission reviews**, including:

- Completeness review
- Fire Department review
- Department of Public Works review
- Historic Commission review
- Community Development review
- Payment of building permit fees

These preliminary steps may take **several months** before zoning compliance is reviewed.

ISD acknowledged receiving the determination request but **declined to issue a written determination**. The Applicant therefore appeals to the Zoning Board of Appeal for an interpretation of the relevant ordinance provisions.

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### **III. PRIMARY QUESTION: APPLICATION OF CONTEXTUAL FRONT SETBACK TO CORNER LOTS**

The primary issue in this appeal concerns the interpretation of **Article 5.40 Footnote (3)** of the Cambridge Zoning Ordinance, which states:

“A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side.”

The subject property is a **corner lot with two street-facing yards**.

Under **Section 2.000 (Definitions)** of the Cambridge Zoning Ordinance, a **front yard** is any yard extending along a **street line**. Therefore, a **corner lot contains two front yards**, one along each street frontage.

The Applicant's architect has prepared a **zoning massing diagram** showing the contextual setback lines based on the existing neighboring buildings along each street frontage. The diagram illustrates that the proposed building envelope aligns with the contextual setbacks established by the adjacent buildings.

ISD has informally asserted that the contextual setback provision **does not apply to corner lots** because only one adjacent building exists along each street frontage and therefore an "average" cannot be calculated.

The Applicant respectfully disagrees with this interpretation.

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#### **IV. INTERPRETATION OF FOOTNOTE (3)**

Footnote (3) requires that the front setback **need not exceed the average setback of buildings on adjacent lots on either side.**

However, the ordinance **does not state** that the rule applies only where **two adjacent buildings exist**, nor does it state that **corner lots are excluded** from the contextual setback provision.

Where only **one adjacent building exists along a frontage**, the logical and consistent application of the rule is that the contextual setback equals the setback of that **existing neighboring building.**

For the subject property:

##### **Magnolia Avenue frontage**

Adjacent building: **32 Magnolia Avenue**

Front setback: **approximately 2.6 feet**

Therefore, the contextual setback along Magnolia Avenue equals **2.6 feet.**

##### **Myrtle Avenue frontage**

Adjacent building: **13-15 Myrtle Avenue**

Front setback: **approximately 8.6 feet**

Therefore, the contextual setback along Myrtle Avenue equals **8.6 feet.**

This interpretation is consistent with the **purpose of contextual setbacks**, which is to maintain **alignment with the existing streetscape**.

Interpreting the ordinance to exclude corner lots would undermine that purpose and create inconsistent streetscape conditions for corner properties.

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## V. MASSACHUSETTS ZONING INTERPRETATION PRINCIPLE

Massachusetts courts consistently hold that **zoning restrictions must be clearly stated in the ordinance and cannot be implied**.

In **Fafard v. Conservation Commission**, the court emphasized that land-use restrictions must be grounded in the **text of the governing regulation**.

Similarly, in **Wendy's Old Fashioned Hamburgers of New York, Inc. v. Board of Appeal of Billerica**, the court held that zoning authorities **may not impose restrictions that are not clearly stated in the ordinance itself**.

These decisions reflect a fundamental principle of Massachusetts zoning law:

**If a zoning ordinance does not expressly prohibit something, the restriction cannot be invented or implied by administrative interpretation.**

Applying this principle here:

- The Cambridge Zoning Ordinance **does not state** that contextual setbacks exclude corner lots.
- The ordinance **does not require two adjacent buildings** in order to apply the contextual setback rule.

Accordingly, the contextual setback provision should be applied using the **existing adjacent building along each frontage**.

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## VI. BAY PROJECTIONS INTO REQUIRED YARDS

Section **5.24.1(f)** of the Cambridge Zoning Ordinance allows projecting building elements, including **bay windows**, that do not project more than **three and one-half (3½) feet** into required yards.

The proposed design includes **four bay projections**, each extending **3.5 feet** into the required front yard.

During a meeting with ISD staff, it was informally suggested that bay projections may not extend along more than **25 percent of an exterior wall**, allegedly based on a **ZBA decision from the 1980s**.

The Applicant is unaware of any such limitation contained in the current Cambridge Zoning Ordinance.

The Applicant respectfully requests that the Board clarify:

- whether such a limitation exists in the ordinance, or
- whether the ordinance should be applied according to the **explicit dimensional limits stated in Section 5.24.1(f)**.

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## VII. VERTICAL SIDE WALL ADDITION

Article **5.40(4)(c)** provides:

“In the case of an alteration or addition to a building in existence since on or before January 1, 2025, the required side and rear yard setback distances shall be those of the existing building or structure. Additions or alterations that extend horizontally beyond the vertical walls of the existing building shall conform to the requirements in Table 5-1...”

The proposed design includes a **vertical addition above an existing side wall** located approximately **three feet from the side property line**.

The addition **does not extend horizontally beyond the existing wall plane**.

Accordingly, the Applicant respectfully requests confirmation that such vertical additions are **permitted by right** under Article **5.40(4)(c)**.

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## VIII. CONCLUSION

For the reasons described above, the Applicant respectfully requests that the Cambridge Zoning Board of Appeal:

1. Determine that **Article 5.40 Footnote (3)** applies to **corner lots** and that contextual setbacks may be determined using the **adjacent building along each street frontage**;
2. Confirm that **bay projections of up to 3.5 feet into required yards** are permitted under **Section 5.24.1(f)** absent additional limitations not stated in the ordinance;
3. Confirm that **vertical additions above existing side walls** are permitted under **Article 5.40(4)(c)** where no horizontal expansion occurs.

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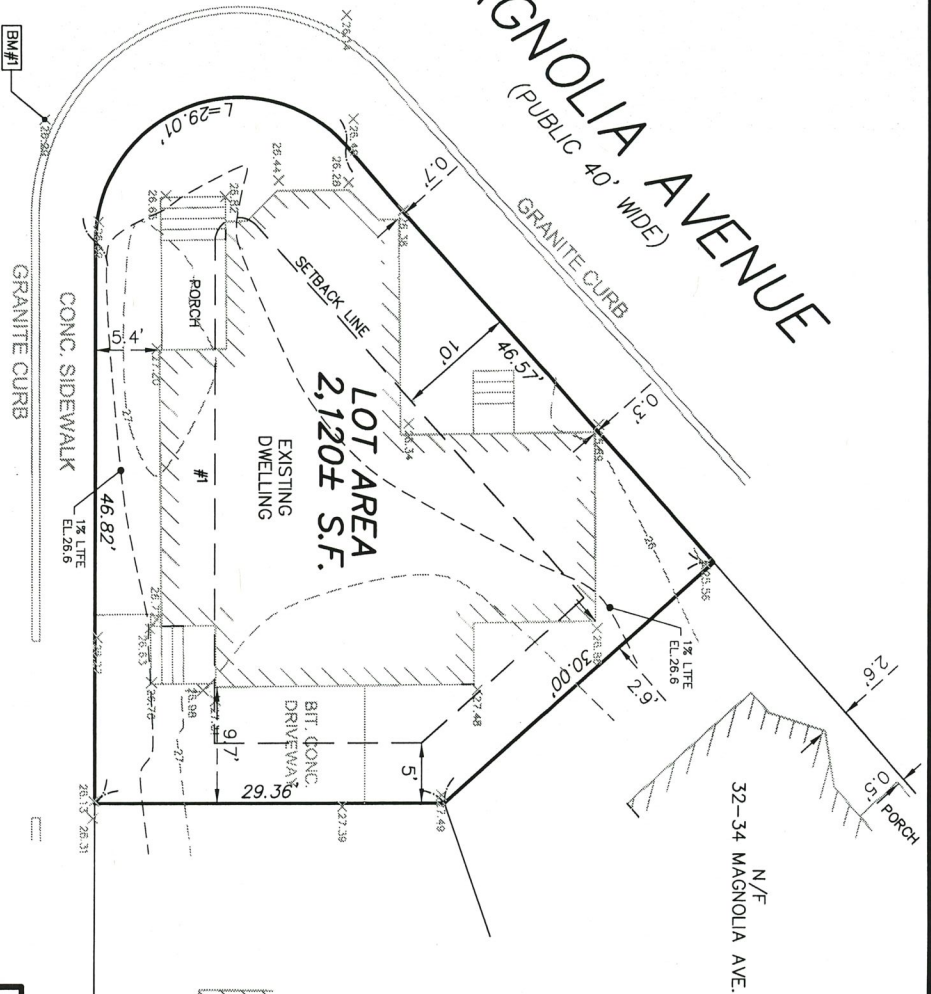
**Respectfully submitted,**



Fan Wang

Date: March 11, 2026

# MAGNOLIA AVENUE (PUBLIC 40' WIDE)



# MYRTLE AVENUE (PUBLIC 30' WIDE)

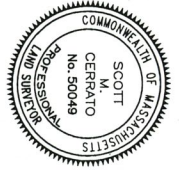
**FLOOD ZONE:**  
1% LTFE=26.6

**ZONING DISTRICT:**  
BOSTON PROPER  
H-2-65 SUBDISTRICT

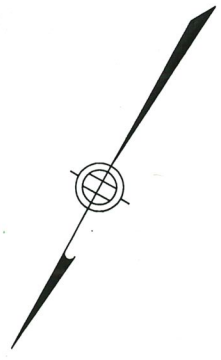
**RECORD OWNER:**  
FAN WANG AND MARC WAGNER  
DEED: BOOK 71169, PAGE 241

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN SEPTEMBER 2024 & FEBRUARY 2026 AND THE STRUCTURES DEPICTED HEREON ARE LOCATED AS SHOWN.

DATE: 2-2-26  
SIGNATURE: *Scott M. Cerrato*



BENCHMARK: CAMBRIDGE CITY BASE		
NO.	DESCRIPTION	ELEVATION
BM #1	MAG NAIL	26.29




N/F  
13-15 MYRTLE AVE.

**SCOTT CERRATO, PLS**  
51 WAREHAM STREET  
MEDFORD, MA. 02155

**1 MYRTLE AVENUE**  
SOMERVILLE, MASSACHUSETTS  
PARCEL ID: 0502510000

OCTOBER 7, 2024 REV. 2-2-26  
PHONE: (781) 775-5724  
www.cerrato-survey.com

**From:** Fan Wang fwang\_bos@yahoo.com 

**Subject:** Formal Zoning Determination Request – M.G.L. c.40A §7 – 1 Myrtle Ave (a.k.a. 36 Magnolia Ave)

**Date:** February 24, 2026 at 12:31 AM

**To:** ISD isd@cambridgema.gov, Ratay, Olivia oratay@cambridgema.gov, Lazzara, Jacob jlazzara@cambridgema.gov, Natola, Stephen snatola@cambridgema.gov

**Bcc:** Marc Wagner mk\_wagner@icloud.com



Dear Zoning Administration,

Please find attached a Formal Request for Zoning Determination submitted pursuant to M.G.L. c. 40A, § 7, regarding the proposed building envelope modifications at 1 Myrtle Ave (a.k.a. 36 Magnolia Ave).

This request is being submitted today via Certified Mail, Return Receipt Requested, to the Inspectional Services Department.

Kindly confirm receipt. Please let me know if any additional materials are required for review.

Thank you for your attention.

Sincerely,

Fan Wang

Cell: 857-702-9820

Email: FWang\_Bos@yahoo.com

**Formal\_Zoning\_Determination\_Req  
uest 1 Myrtle Ave.pdf**



**ALERT: SEVERE WEATHER IN THE SOUTHERN, MIDWESTERN, AND ATLANTIC US MAY DE...**

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February 26, 2026, 1:20 am

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BOSTON, MA 02205

February 25, 2026, 3:32 pm

#### USPS in possession of item

BOSTON, MA 02205

February 25, 2026, 10:45 am

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## **FORMAL REQUEST FOR ZONING DETERMINATION**

### **M.G.L. c. 40A, § 7**

TO: Inspectional Services Department (ISD), City of Cambridge

ATTN: Zoning Administration

FROM: Fan Wang

PROPERTY: 1 Myrtle Ave, (a.k.a. 36 Magnolia Ave), Cambridge, MA

CURRENT PERMIT #: BLDC-1180248-2025

DATE: February 23, 2026

RE: Formal Request for Zoning Determination – Proposed Building Envelope Amendment

Dear Zoning Administrator,

Pursuant to Massachusetts General Laws Chapter 40A, Section 7, I hereby formally request a written zoning determination as to whether the proposed modifications to the building envelope at the above-referenced property are permitted by right under the Cambridge Zoning Ordinance.

The property is currently subject to an active building permit. This request is submitted to determine, prior to initiating a building permit amendment and the associated multi-departmental review process, whether the zoning ordinance permits the proposed building envelope changes as a matter of right.

### **Zoning Questions Presented**

#### **1. Vertical Side Wall Buildup – Article 5.40(4)(c)**

The proposed modification includes a four-story vertical addition that builds upward along the existing exterior side wall of the structure. The building has been in existence since prior to January 1, 2025, and the proposed addition does not extend horizontally beyond the existing vertical wall plane.

A determination is requested as to whether, pursuant to Article 5.40(4)(c), the required side yard setback for this vertical addition is governed by the existing building setback, such that the proposed vertical build-up is permitted by right.

## 2. Bay Projections into Required Yards – Section 5.24.1(f)

The proposed modification includes two (2) bay projections extending into the required front yard. Each bay projects no more than three and one-half (3½) feet from the principal wall. Portions of the building above thirty-five (35) feet contain residential uses listed in Section 4.31(a-i).

A determination is requested as to whether these bay projections constitute permitted obstructions within a required yard under Section 5.24.1(f), and are therefore allowed by right.

## 3. Contextual Front Setback – Article 5.40, Footnote (3)

We seek a determination that the "Contextual Setback" provision applies to this property. Article 5.40 Footnote 3 states that a dwelling need not be set back further than the average setbacks of buildings on adjacent lots.

Our interpretation is based on the following:

- **Definition of "Front Yard":** Section 2.000 and the official Cambridge Zoning FAQ clarify that for a corner lot, **all sides facing a street are "front yards."**
- **Plain Language of the Ordinance:** Footnote 3 applies to "Front Setbacks" generally. As the yard in question is a Front Yard by definition, the contextual averaging must apply.
- **Exclusion Absence:** The Ordinance contains no language explicitly excluding corner lots from the "Contextual Setback" benefit. Any administrative policy to the contrary lacks a basis in the codified text and creates an arbitrary distinction between front yards on corner lots versus interior lots.

Article 5.40, Footnote (3), states:

"A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side."

For purposes of this request, the contextual setbacks are calculated as follows:

- Magnolia Avenue frontage: The adjacent dwelling at 32 Magnolia Avenue has a front setback of approximately 2.6 feet.
- Myrtle Avenue frontage: The adjacent dwelling at 13–15 Myrtle Avenue has a front setback of approximately 8.6 feet.

The architect's zoning sheet illustrates the proposed building envelope in conformance with these contextual setbacks.

A determination is therefore requested as to whether Article 5.40, Footnote (3) applies to

this corner lot and governs the required front setbacks along both Magnolia Avenue and Myrtle Avenue.

**Materials Submitted in Support**

- Certified Land Survey prepared by Cerrato Land Surveying, depicting existing lot conditions and front setbacks of adjacent buildings.
- Proposed Zoning Diagram prepared by SDP Architects, illustrating the proposed exterior side walls, bay projections, contextual setback lines, and new FL3 and FL4 levels.

This request seeks a formal zoning determination only and does not constitute an application for a building permit or permit amendment. The determination requested herein is necessary to define the legal zoning framework applicable to this project before substantial design work, fees, and interdepartmental reviews are undertaken.

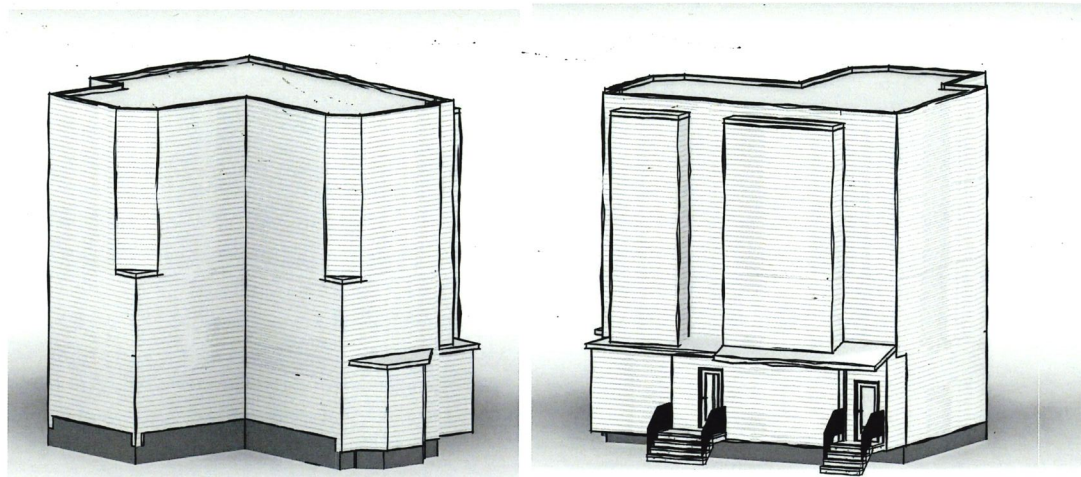
Pursuant to M.G.L. c. 40A, § 7, I respectfully request that this determination be issued within the statutory fourteen (14) day period.

Thank you for your attention to this matter.

Sincerely,



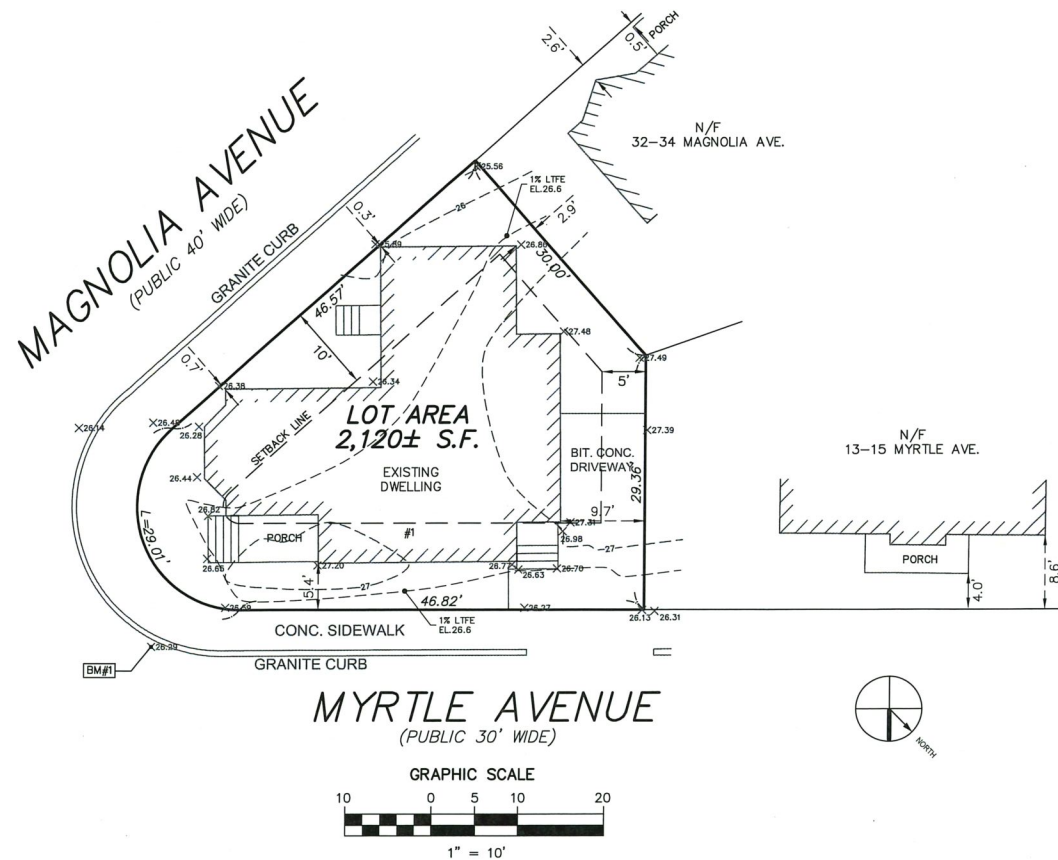
Fan Wang  
857-702-9820  
FWang\_Bos@yahoo.com



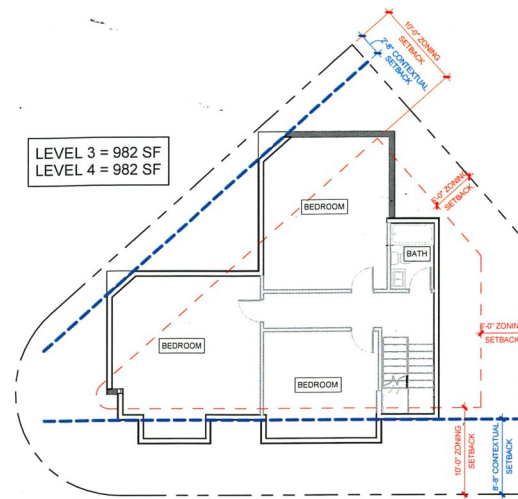
VIEW FROM MAGNOLIA AVE.

VIEW FROM MYRTLE AVE.

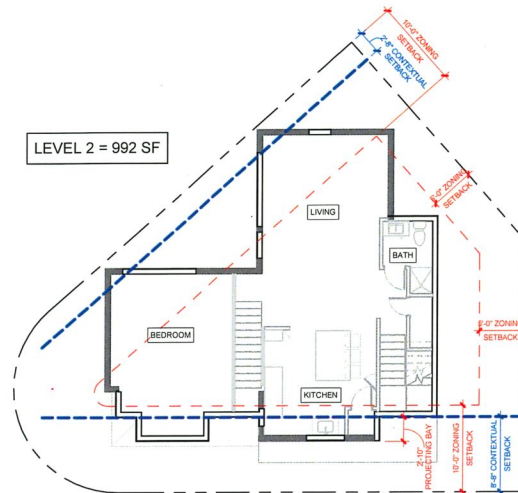
1 MYRTLE AVE. SQUARE FOOTAGE CALCULATION			
LEVEL	EXISTING S.F.	EXISTING + ADDITIONS S.F.	SF INCREASE
BASEMENT	0	0	0
LEVEL 1	1049	1026	-23
LEVEL 2	811	992	181
LEVEL 3	145	982	837
LEVEL 4	0	982	982
<b>TOTAL SF</b>	<b>2005</b>	<b>3982</b>	<b>1977</b>
<b>ALLOWABLE W/ MAX. ADDITION (33% OF EXISTING)</b>			<b>661.65</b>



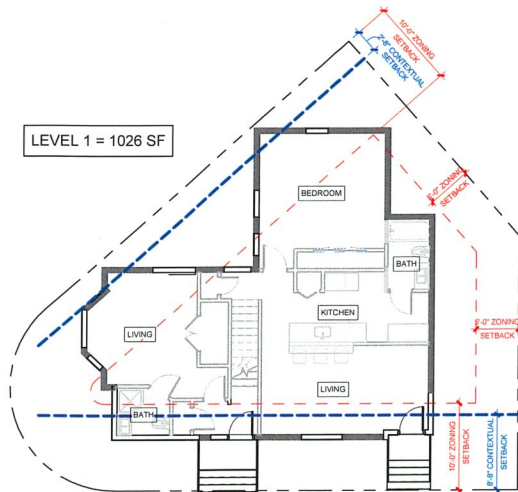
SITE PLAN W/ CONTEXTUAL SETBACKS



2C LEVELS 3 & 4 - ZONING DIAGRAM  
1" = 10'-0"

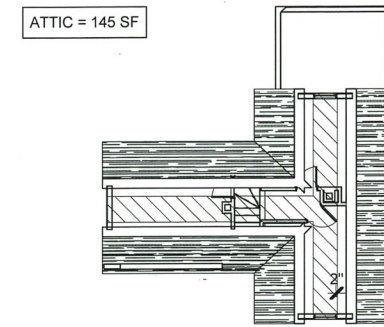


2B LEVEL 2 - ZONING DIAGRAM  
1" = 10'-0"

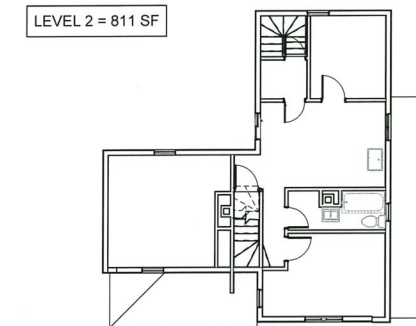


2A LEVEL 1 - ZONING DIAGRAM  
1" = 10'-0"

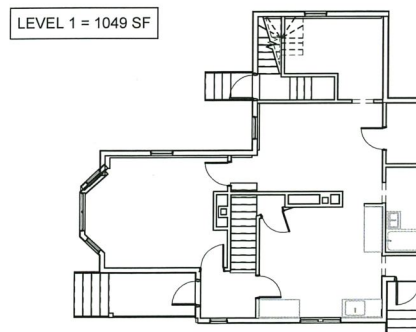
PROPOSED SQUARE FOOTAGE DIAGRAM:



1C ATTIC LEVEL - EXISTING PLAN  
1" = 10'-0"



1B LEVEL 2 - EXISTING PLAN  
1" = 10'-0"



1A LEVEL 1 - EXISTING FOOTPRINT  
1" = 10'-0"

EXISTING SQUARE FOOTAGE DIAGRAM:

# 1 MYRTLE AVENUE

CAMBRIDGE, MA 02138

ANNE WANG & MARC WAGNER

ARCHITECT



CONSULTANT

STAMP



MARK	DATE	DESCRIPTION
1	02/21/2026	ZBA MASSING SET

PROJECT NUMBER: 000000.00

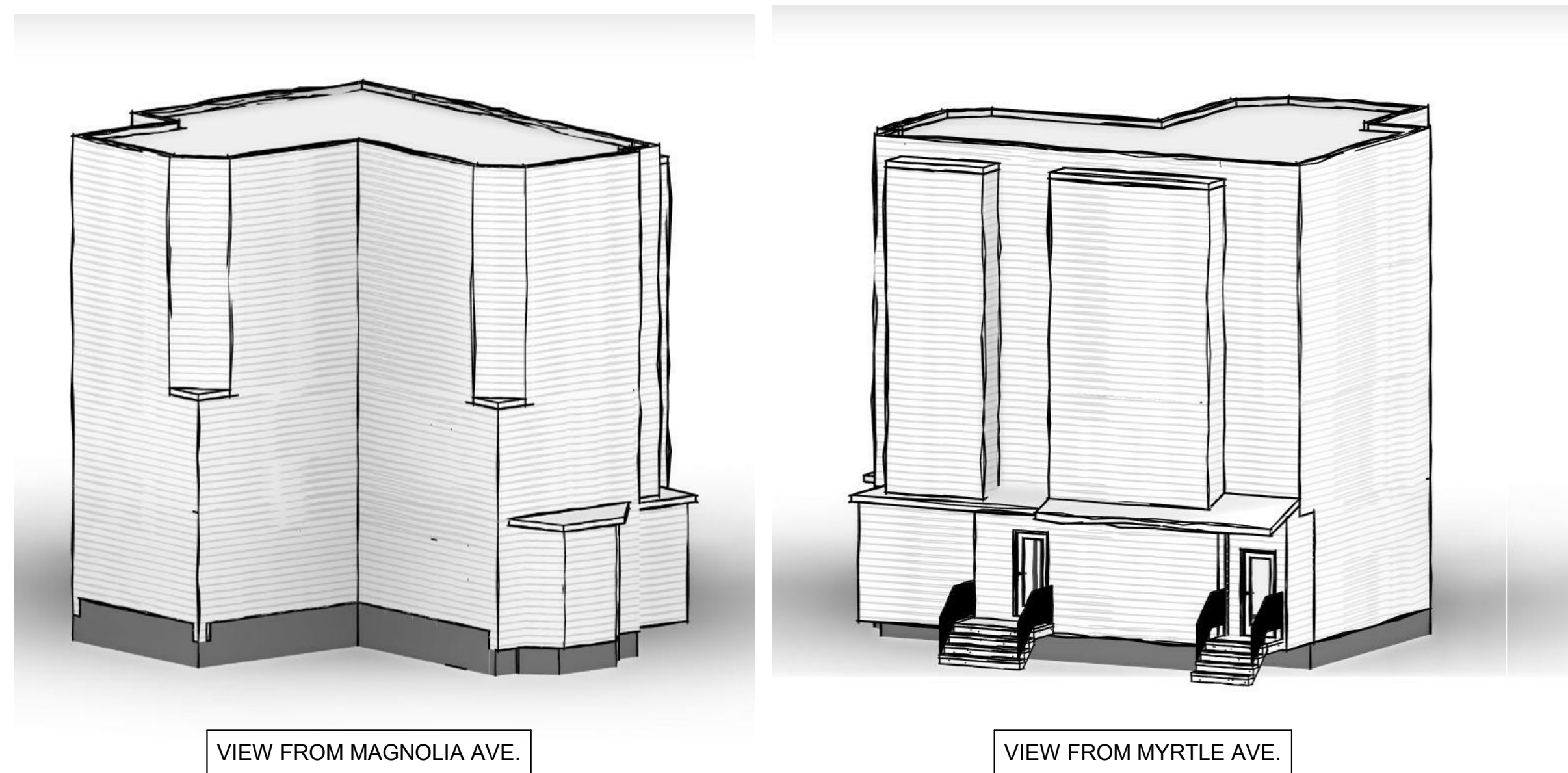
DRAWN BY: Author

CHECKED BY: Checker

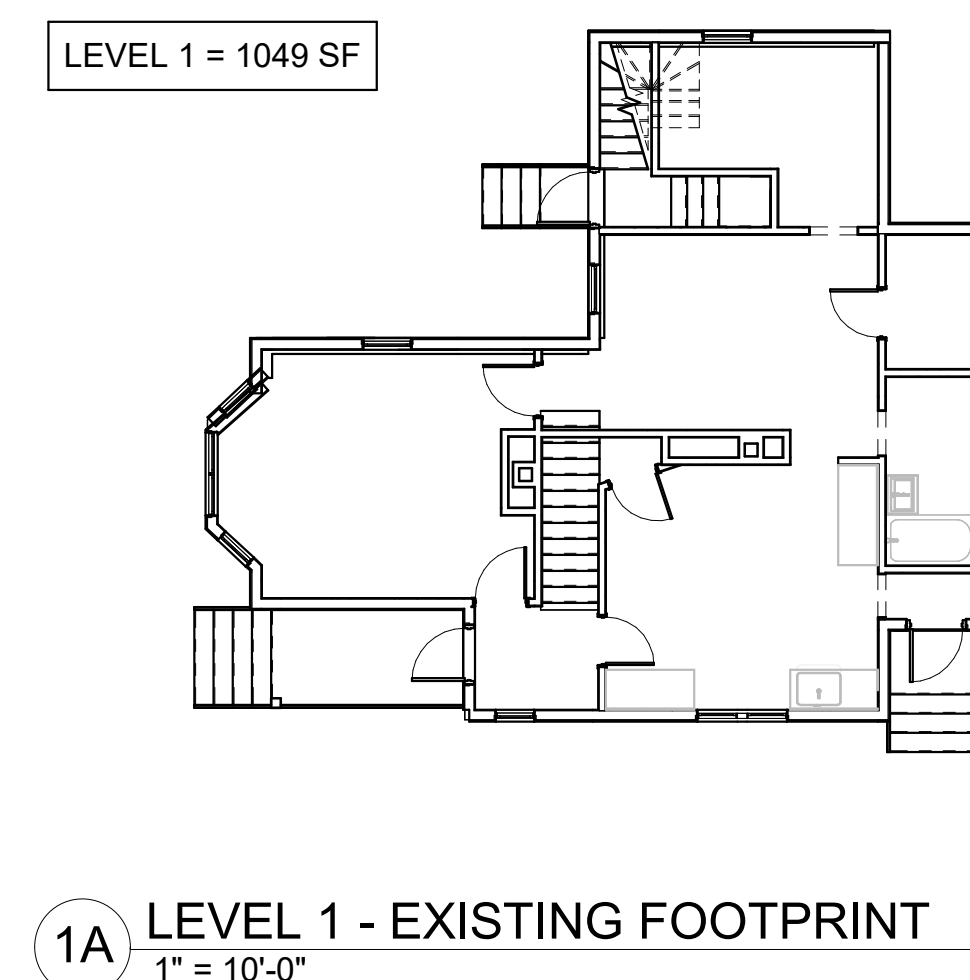
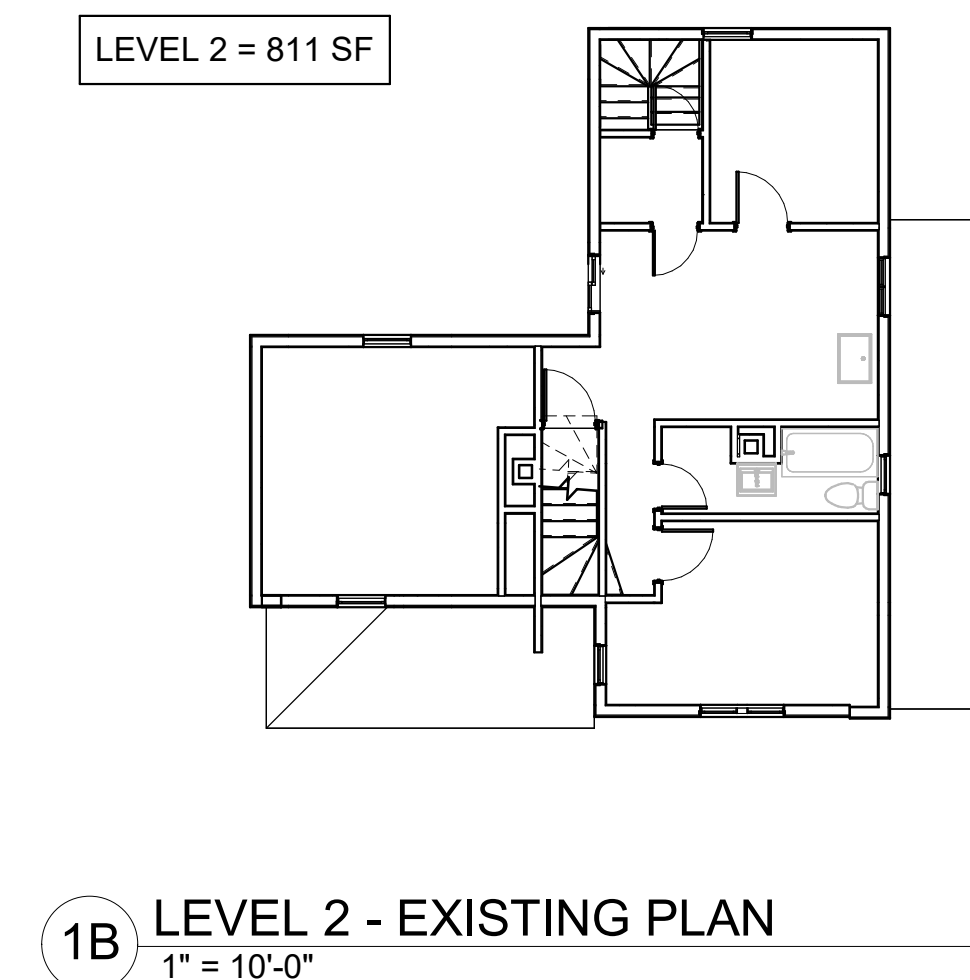
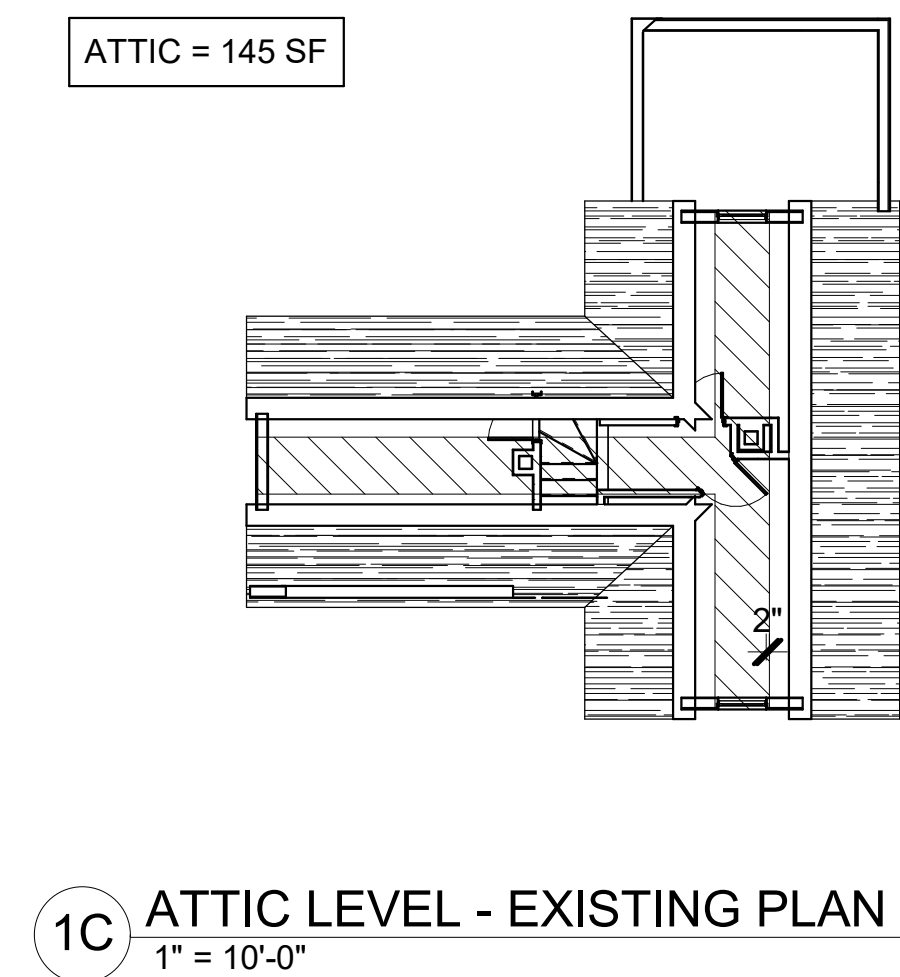
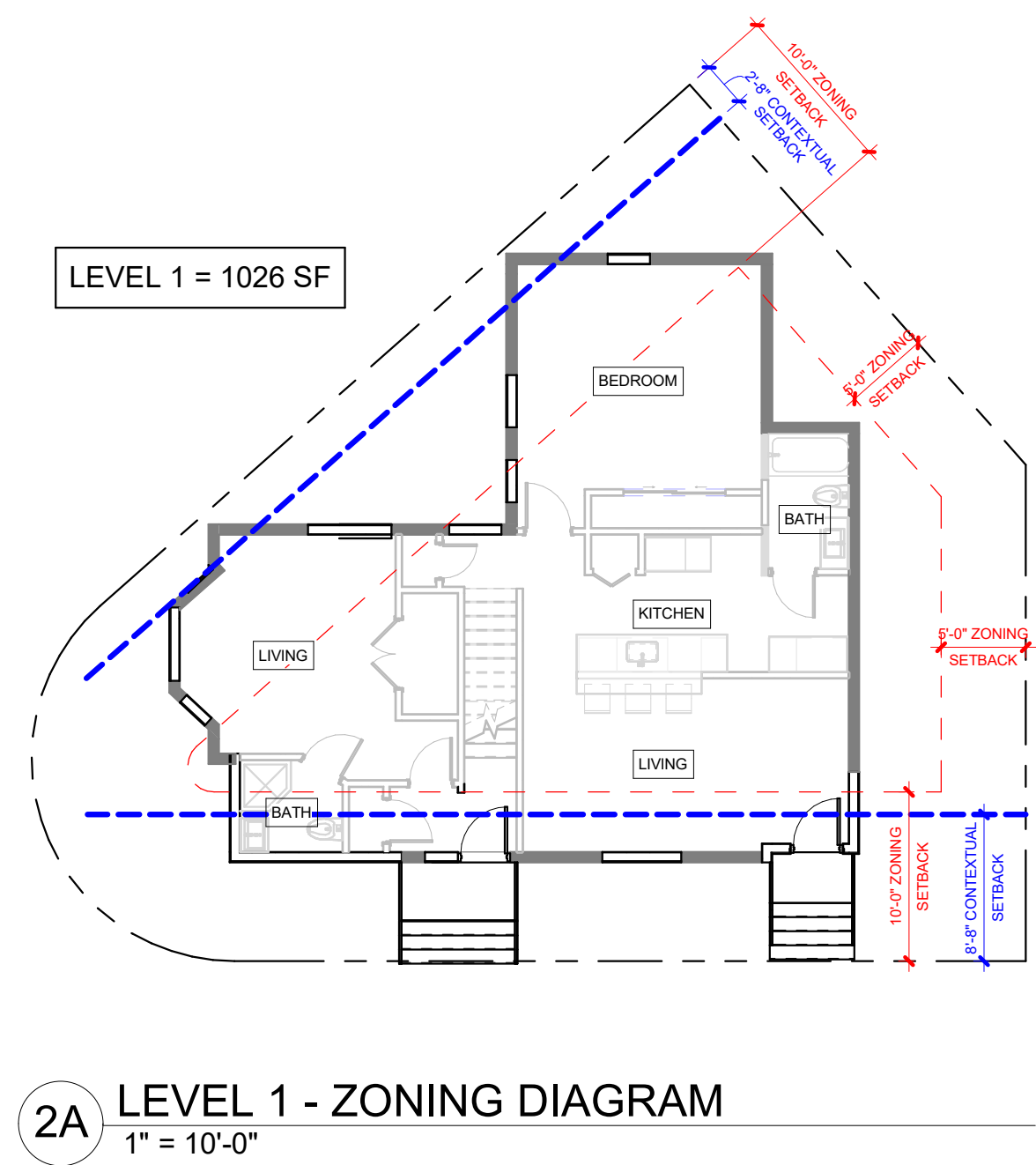
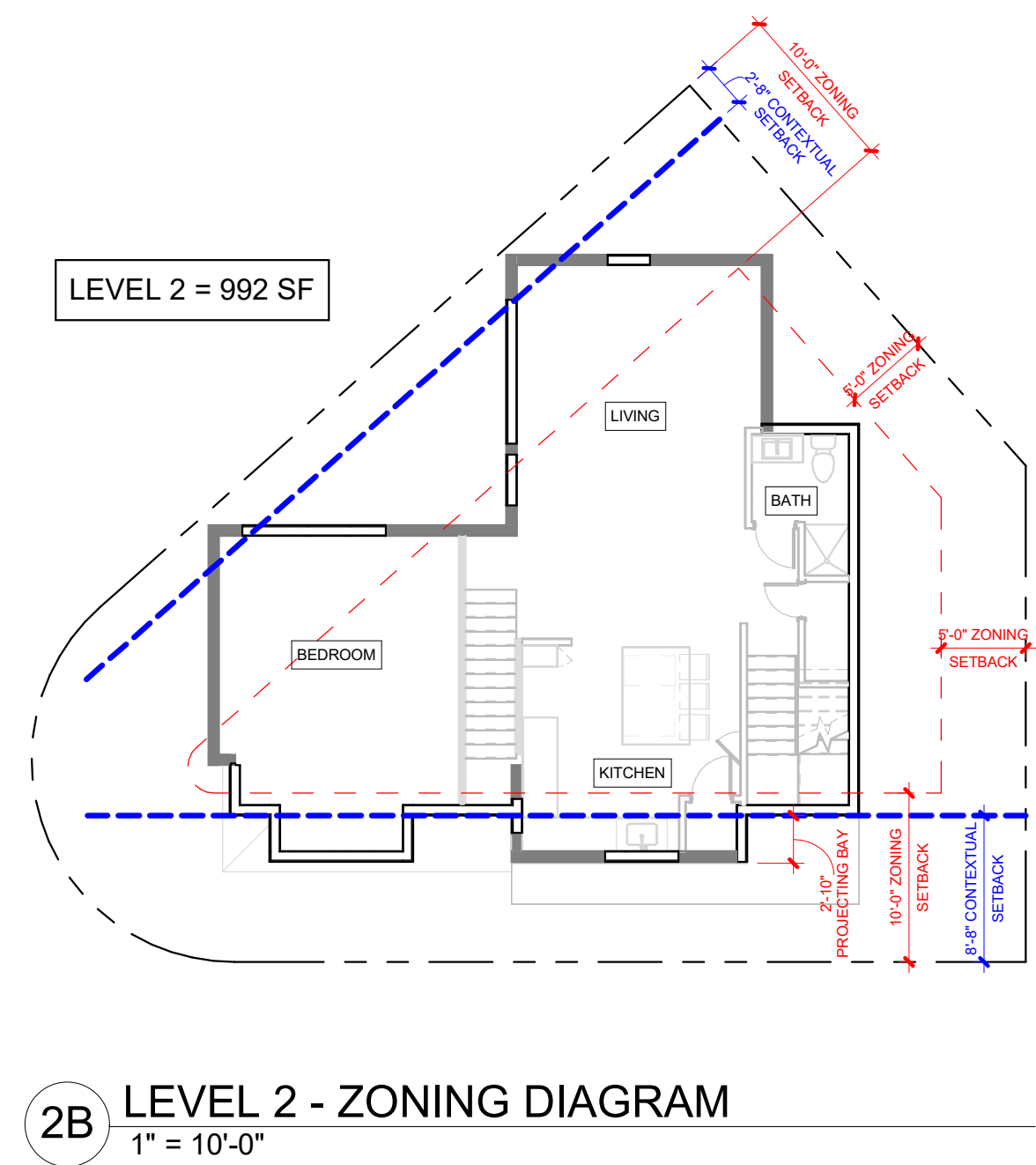
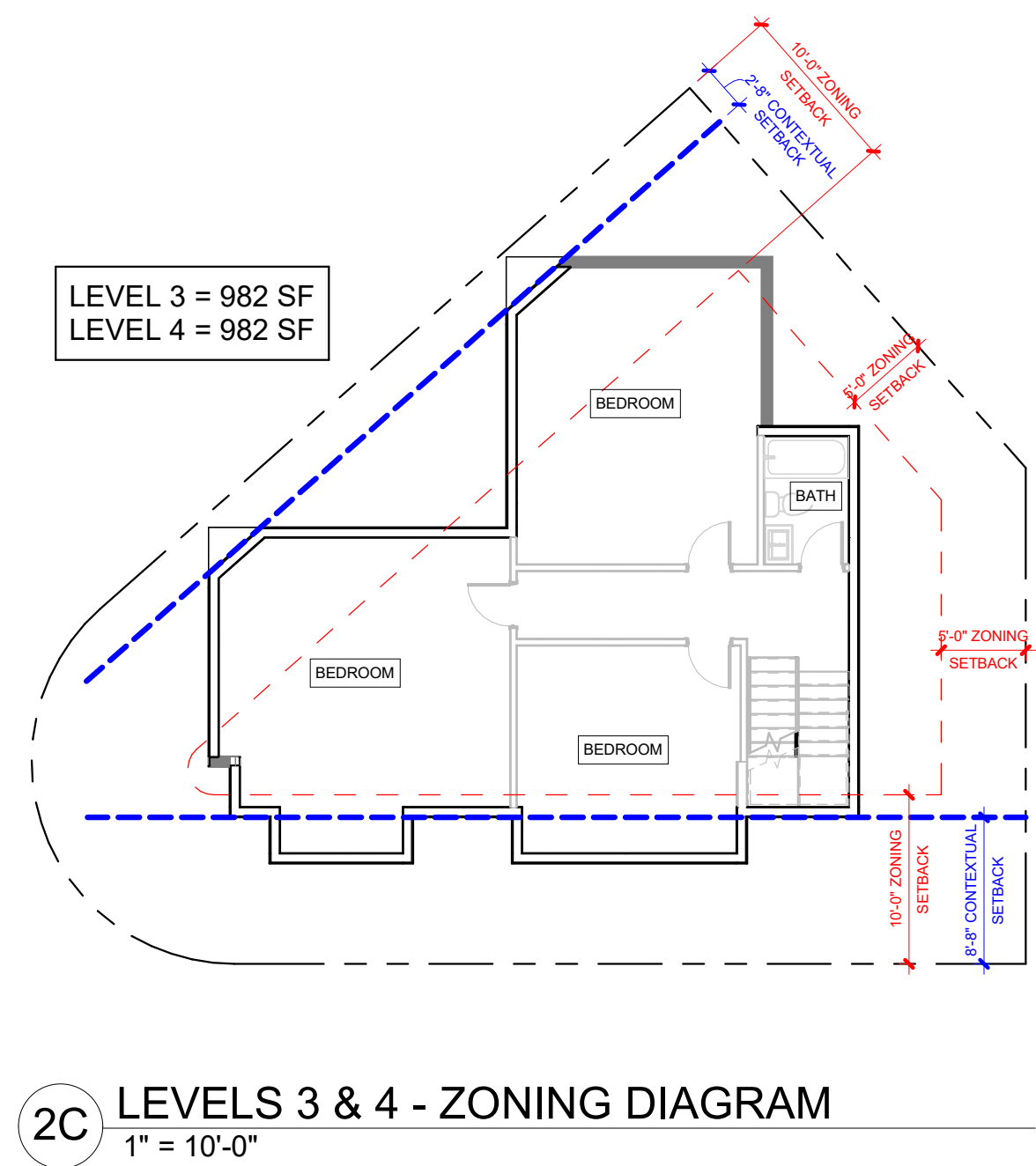
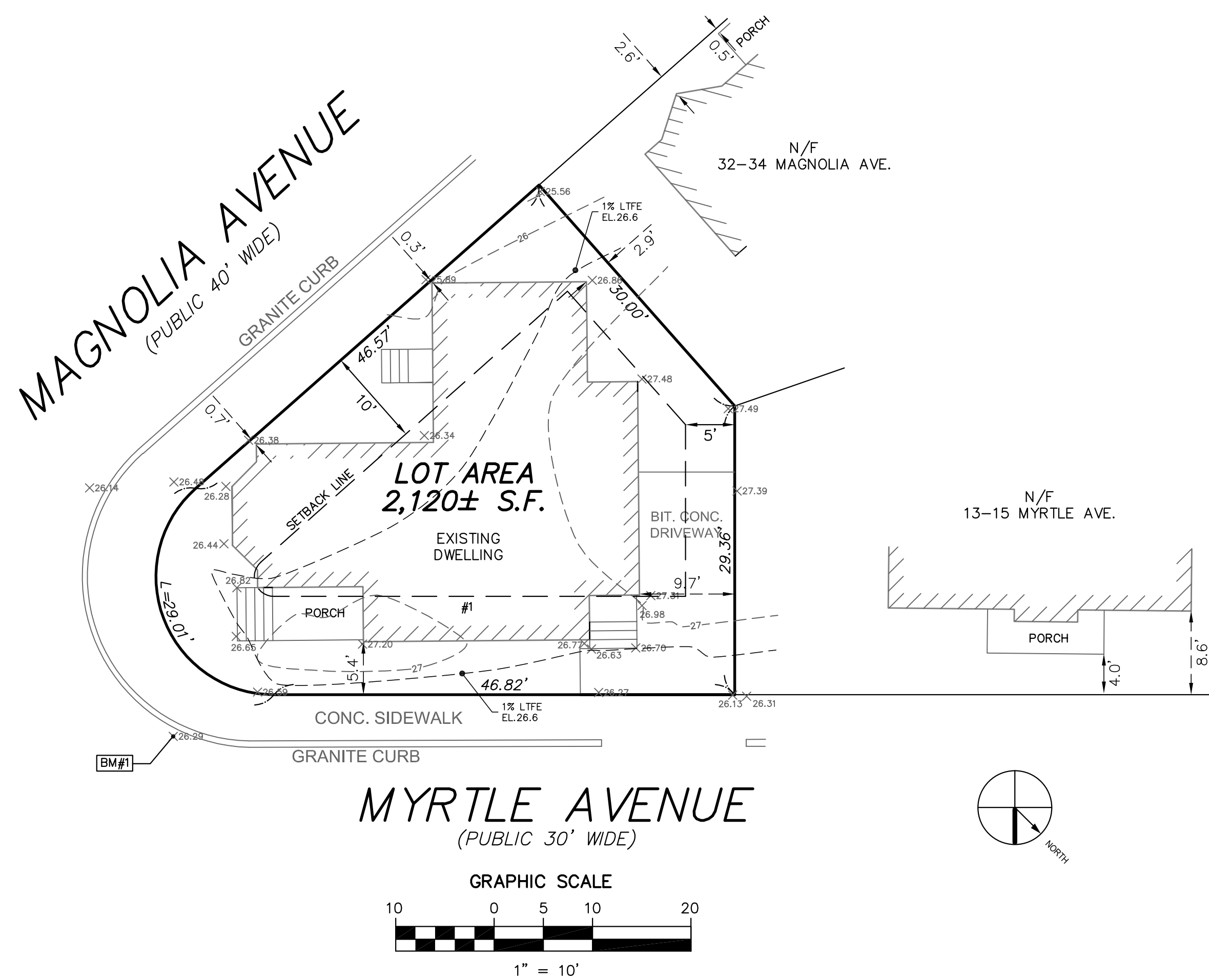
SHEET TITLE

PROPOSED MASSING

## G-002.1



1 MYRTLE AVE. SQUARE FOOTAGE CALCULATION			
LEVEL	EXISTING S.F.	EXISTING + ADDITIONS S.F.	SF INCREASE
BASEMENT	0	0	0
LEVEL 1	1049	1026	-23
LEVEL 2	811	992	181
LEVEL 3	145	982	837
LEVEL 4	0	982	982
<b>TOTAL SF</b>	<b>2005</b>	<b>3982</b>	<b>1977</b>
<b>ALLOWABLE W/ MAX. ADDITION (33% OF EXISTING)</b>			<b>661.65</b>



PROPOSED SQUARE FOOTAGE DIAGRAM:

EXISTING SQUARE FOOTAGE DIAGRAM:

# 1 MYRTLE AVENUE

CAMBRIDGE, MA 02138

ANNE WANG & MARC WAGNER

ARCHITECT



CONSULTANT

STAMP



1	02/21/2026	ZBA MASSING SET
MARK	DATE	DESCRIPTION

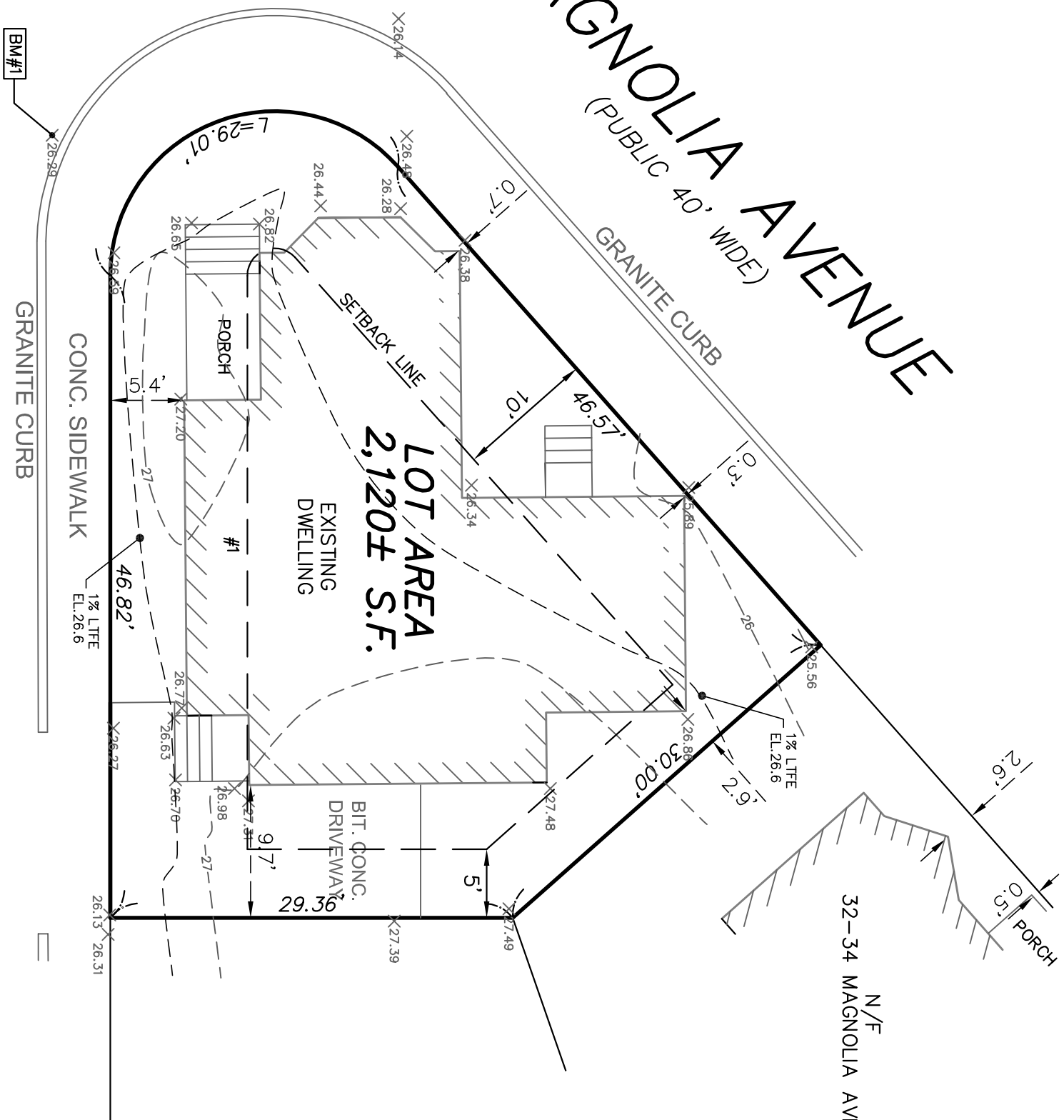
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 CHECKED BY: Checker

SHEET TITLE

PROPOSED MASSING

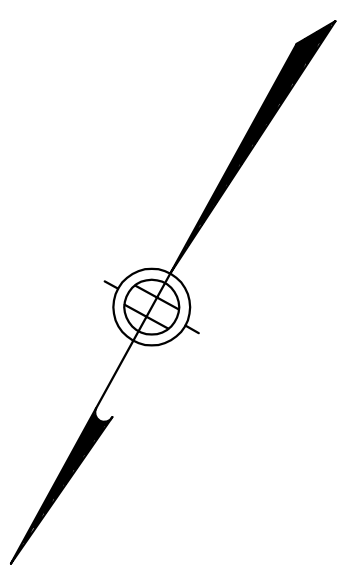
# G-002.1

MAGNOLIA AVENUE  
(PUBLIC 40' WIDE)  
GRANITE CURB

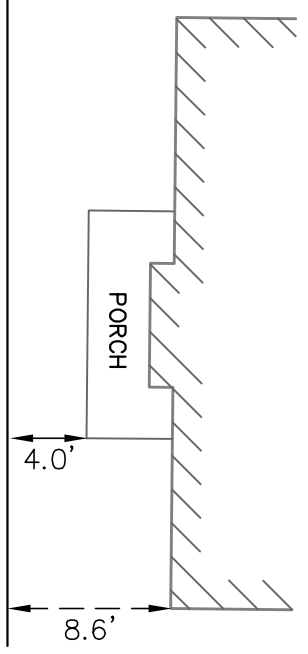


N/F  
32-34 MAGNOLIA AVE.

N/F  
13-15 MYRTLE AVE.

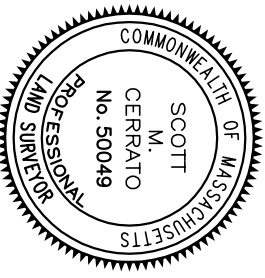
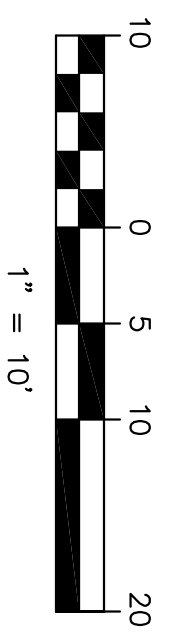


BENCHMARK: CAMBRIDGE CITY BASE		
NO.	DESCRIPTION	ELEVATION
BM#1	MAG NAIL	26.29



MYRTLE AVENUE  
(PUBLIC 30' WIDE)

GRAPHIC SCALE



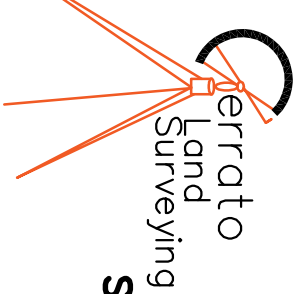
I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN SEPTEMBER 2024 & FEBRUARY 2026 AND THE STRUCTURES DEPICTED HEREON ARE LOCATED AS SHOWN.

**RECORD OWNER:**  
FAN WANG AND MARC WAGNER  
DEED: BOOK 71169, PAGE 241

**ZONING DISTRICT:**  
BOSTON PROPER  
H-2-65 SUBDISTRICT

**FLOOD ZONE:**  
1% LTFE=26.6

DATE 2-2-26 SIGNATURE Scott M Cerrato



**SCOTT CERRATO, PLS**  
51 WAREHAM STREET  
MEDFORD, MA. 02155

**PLOT PLAN**  
1 MYRTLE AVENUE  
SOMERVILLE, MASSACHUSETTS  
PARCEL ID: 0502510000

SCOTT CERRATO, PLS  
51 WAREHAM STREET  
MEDFORD, MA. 02155

OCTOBER 7, 2024 REV. 2-2-26  
PHONE: (781) 775-3724  
www.cerrato-survey.com

1 Myrtle Ave - Street Corner View of House Before Renovation



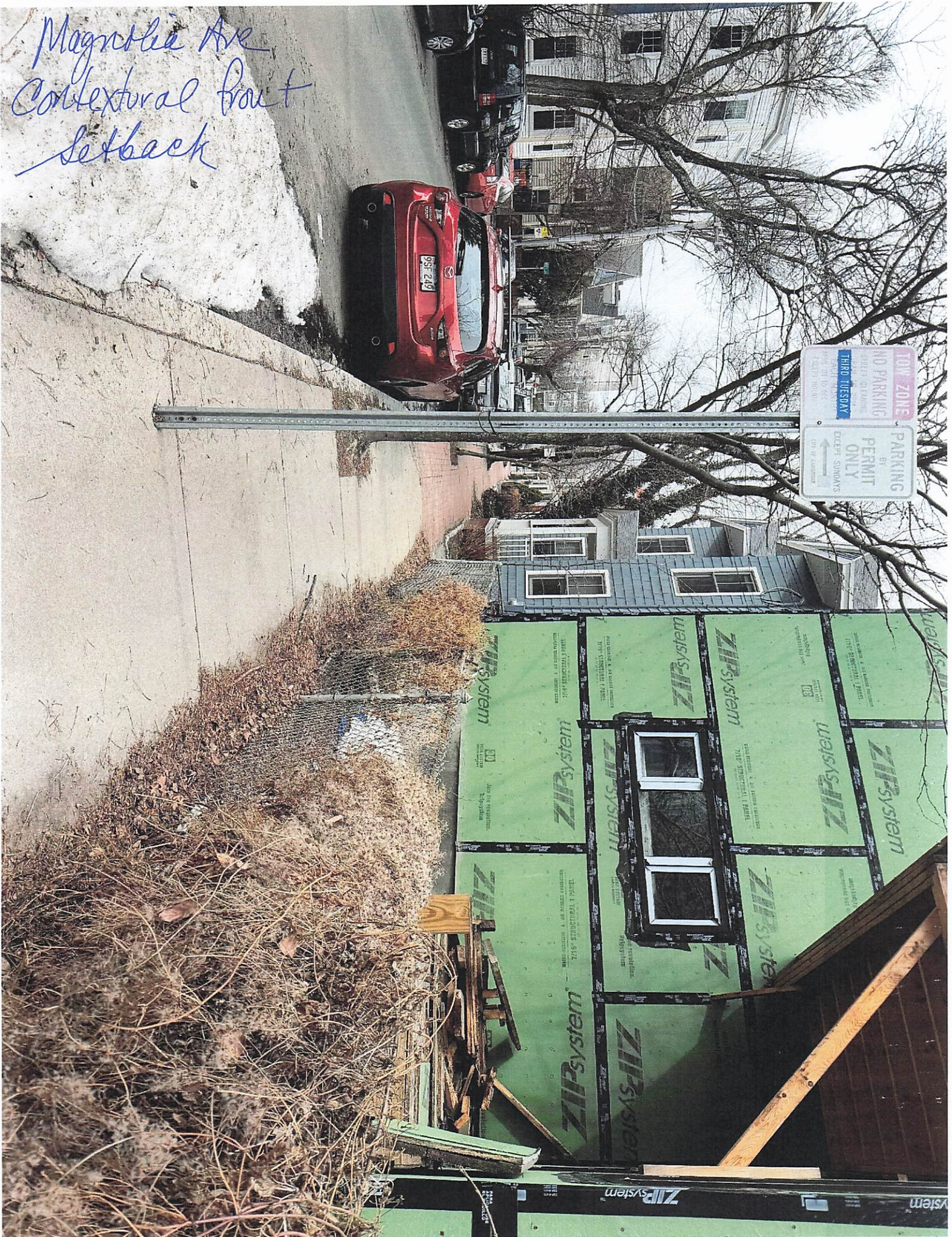
Magnolia Ave View of House Before Renovation



1 myrtle Ave  
View of house before renovation



Magnolia Ave  
Contextual front  
setback



**TOW ZONE**  
**NO PARKING**  
STREET CLEANING  
THIRD TUESDAY  
FROM 11:00 AM TO 12:00 PM  
EXCEPT FOR THE CITY

**PARKING BY PERMIT ONLY**  
EXCEPT SUNDAYS  
OUT OF COUNCIL DISTRICT



*Myrtle Ave Contextural Front setback*

# APPEAL TO THE CAMBRIDGE ZONING BOARD OF APPEAL

**M.G.L. c.40A §§ 8 and 15**

**Applicant:**

Fan Wang

**Property Address:**

1 Myrtle Avenue, (a.k.a. 36 Magnolia Avenue)  
Cambridge, Massachusetts

**Date:**

March 11, 2026

**RE:** Appeal from Refusal of Zoning Enforcement Authority to Issue Determination under M.G.L. c.40A §7 – Request for Zoning Interpretation

---

Dear Members of the Cambridge Zoning Board of Appeal,

Pursuant to **M.G.L. c.40A §§8 and 15**, the Applicant hereby appeals the refusal of the Cambridge **Inspectional Services Department (ISD)**, acting as the zoning enforcement authority, to issue a written determination requested under **M.G.L. c.40A §7** regarding the interpretation of specific provisions of the Cambridge Zoning Ordinance.

The Applicant submitted a formal request for zoning determination concerning several provisions of the ordinance relevant to a proposed amendment of the building envelope at the above-referenced property. ISD acknowledged receipt of the request but declined to provide a written determination.

Because the refusal to issue a determination prevents the Applicant from understanding how the ordinance applies to the proposed project, the Applicant respectfully requests that the **Zoning Board of Appeal interpret the relevant provisions of the Cambridge Zoning Ordinance.**

A **massing diagram prepared by the project architect** is attached to this filing to illustrate the proposed building envelope and the contextual setback lines along both street frontages of the subject property.

## 1. Contextual Front Setback – Article 5.40 Footnote (3)

The primary issue presented in this appeal concerns the interpretation of **Article 5.40, Footnote (3)** of the Cambridge Zoning Ordinance, which provides:

“A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side.”

The subject property is a **corner lot** with **two street frontages**, Magnolia Avenue and Myrtle Avenue.

Under **Section 2.000 (Definitions)** of the Cambridge Zoning Ordinance, a **front yard** is any yard extending along a street line. Accordingly, a **corner lot contains two front yards**, one along each street frontage.

The Applicant’s architect has prepared a **zoning massing diagram** showing the contextual setback lines based on the existing neighboring buildings along each street frontage.

Based on field measurements reflected in the survey and architectural drawings:

- The building at **32 Magnolia Avenue**, immediately adjacent to the subject property, has a front setback of approximately **2.6 feet** from Magnolia Avenue.
- The building at **13–15 Myrtle Avenue**, the adjacent building along Myrtle Avenue, has a front setback of approximately **8.6 feet**.

The attached massing diagram illustrates the proposed building envelope using these contextual setback lines.

During a meeting with ISD staff on **March 10**, the zoning inspector asserted that the contextual setback provision does **not apply to corner lots**, reasoning that only one neighboring building exists along each frontage and therefore an “average” cannot be calculated.

The Applicant respectfully disagrees with this interpretation.

The ordinance **does not state that corner lots are excluded** from the contextual setback provision, nor does it state that the rule applies only where two adjacent buildings exist.

Where only one neighboring building exists along a frontage, the logical and consistent interpretation of the ordinance is that the contextual setback equals the setback of that adjacent building.

Applying the contextual setback provision in this manner is consistent with the purpose of the ordinance, which is to maintain **alignment with the established streetscape**.

The Applicant therefore respectfully requests that the Board determine that **Article 5.40 Footnote (3) applies to corner lots**, and that contextual setbacks may be determined based on the existing adjacent building along each street frontage.

---

## **2. Bay Projections into Required Yards – Section 5.24.1(f)**

The proposed design includes **four bay window projections** extending into the front yard.

Section **5.24.1(f)** of the Cambridge Zoning Ordinance provides that:

“Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3½) feet... may be located within a required yard.”

Each proposed bay projection extends **no more than three and one-half (3.5) feet** into the required yard.

During the March 10 meeting, the zoning inspector asserted that Cambridge limits bay projections to **no more than 25% of an exterior wall length**, based on a Zoning Board decision from the **1980s**.

The Applicant is not aware of any such limitation in the current Cambridge Zoning Ordinance.

The Applicant therefore respectfully requests that the Board clarify whether any such limitation exists, or whether bay projections should be evaluated based solely on the dimensional requirements stated in **Section 5.24.1(f)**.

---

## **3. Vertical Addition Above Existing Side Wall – Article 5.40(4)(c)**

The proposed design also includes a **vertical addition above an existing side wall** of the building.

The existing building predates **January 1, 2025**, and the existing side wall is located approximately **three feet from the side property line**.

Article **5.40(4)(c)** provides:

“In the case of an alteration or addition to a building in existence since on or before January 1, 2025, the required side and rear yard setback distances shall be those of the existing building or structure. Additions or alterations that extend horizontally beyond the vertical walls of the existing building shall conform to the requirements in Table 5-1...”

The proposed addition **does not extend horizontally beyond the existing wall plane**, but instead extends **vertically above the existing wall**.

The Applicant respectfully requests confirmation that such vertical additions are permitted under **Article 5.40(4)(c)**.

---

#### **4. Relief Requested**

For the reasons described above, the Applicant respectfully requests that the Cambridge Zoning Board of Appeal:

1. Determine that **Article 5.40 Footnote (3)** applies to **corner lots**, and that contextual setbacks may be determined using the adjacent building along each street frontage;
  2. Confirm that **bay projections of up to 3.5 feet into required yards** are permitted under **Section 5.24.1(f)** absent additional limitations not stated in the ordinance;
  3. Confirm that **vertical additions above existing side walls** are permitted under **Article 5.40(4)(c)** where no horizontal expansion occurs.
- 

Respectfully submitted,



**Fan Wang**

Phone: 857-702-9820

Email: fwang\_bos@yahoo.com

# APPEAL TO THE CAMBRIDGE ZONING BOARD OF APPEAL

**M.G.L. c.40A §§ 8 and 15**

**Applicant Memorandum and Request for Zoning Interpretation**

**Applicant:**

Fan Wang

**Property Address:**

1 Myrtle Avenue, a.k.a. 36 Magnolia Avenue, Cambridge, Massachusetts

**Subject:**

Appeal from Refusal of Zoning Enforcement Authority to Issue Determination under M.G.L. c.40A §7

---

## I. INTRODUCTION

This memorandum accompanies the Applicant’s appeal to the Cambridge Zoning Board of Appeal pursuant to **M.G.L. c.40A §§ 8 and 15**. The appeal arises from the refusal of the Cambridge Inspectional Services Department (“ISD”), acting as the zoning enforcement authority, to issue a written determination requested under **M.G.L. c.40A §7** regarding the interpretation of specific provisions of the Cambridge Zoning Ordinance.

The requested determination concerns three zoning questions associated with a proposed amendment to the building envelope of the existing two-family dwelling located at the subject property. The Applicant respectfully requests that the Zoning Board interpret the applicable provisions of the Cambridge Zoning Ordinance and clarify whether the proposed building envelope elements are **permitted by right**.

A **massing diagram prepared by the project architect** is attached to the appeal materials. The massing diagram illustrates the proposed building envelope, the existing building footprint, and the contextual front setback lines along both street frontages of this **corner lot**.

---

## II. BACKGROUND

The subject property is a **corner lot** containing an existing two-family dwelling that predates **January 1, 2025**. The property currently has an **active building permit**.

Before undertaking the substantial design work required to prepare a full building permit amendment, the Applicant submitted a **formal request to ISD for a zoning determination** pursuant to **M.G.L. c.40A §7**. The purpose of that request was to determine whether certain proposed modifications to the building envelope are permitted by right under the Cambridge Zoning Ordinance.

In Cambridge, zoning review occurs **only after several other departmental and commission reviews**, including:

- Completeness review
- Fire Department review
- Department of Public Works review
- Historic Commission review
- Community Development review
- Payment of building permit fees

These preliminary steps may take **several months** before zoning compliance is reviewed.

ISD acknowledged receiving the determination request but **declined to issue a written determination**. The Applicant therefore appeals to the Zoning Board of Appeal for an interpretation of the relevant ordinance provisions.

---

### **III. PRIMARY QUESTION: APPLICATION OF CONTEXTUAL FRONT SETBACK TO CORNER LOTS**

The primary issue in this appeal concerns the interpretation of **Article 5.40 Footnote (3)** of the Cambridge Zoning Ordinance, which states:

“A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side.”

The subject property is a **corner lot with two street-facing yards**.

Under **Section 2.000 (Definitions)** of the Cambridge Zoning Ordinance, a **front yard** is any yard extending along a **street line**. Therefore, a **corner lot contains two front yards**, one along each street frontage.

The Applicant's architect has prepared a **zoning massing diagram** showing the contextual setback lines based on the existing neighboring buildings along each street frontage. The diagram illustrates that the proposed building envelope aligns with the contextual setbacks established by the adjacent buildings.

ISD has informally asserted that the contextual setback provision **does not apply to corner lots** because only one adjacent building exists along each street frontage and therefore an "average" cannot be calculated.

The Applicant respectfully disagrees with this interpretation.

---

#### **IV. INTERPRETATION OF FOOTNOTE (3)**

Footnote (3) requires that the front setback **need not exceed the average setback of buildings on adjacent lots on either side.**

However, the ordinance **does not state** that the rule applies only where **two adjacent buildings exist**, nor does it state that **corner lots are excluded** from the contextual setback provision.

Where only **one adjacent building exists along a frontage**, the logical and consistent application of the rule is that the contextual setback equals the setback of that **existing neighboring building.**

For the subject property:

##### **Magnolia Avenue frontage**

Adjacent building: **32 Magnolia Avenue**

Front setback: **approximately 2.6 feet**

Therefore, the contextual setback along Magnolia Avenue equals **2.6 feet.**

##### **Myrtle Avenue frontage**

Adjacent building: **13-15 Myrtle Avenue**

Front setback: **approximately 8.6 feet**

Therefore, the contextual setback along Myrtle Avenue equals **8.6 feet.**

This interpretation is consistent with the **purpose of contextual setbacks**, which is to maintain **alignment with the existing streetscape**.

Interpreting the ordinance to exclude corner lots would undermine that purpose and create inconsistent streetscape conditions for corner properties.

---

## V. MASSACHUSETTS ZONING INTERPRETATION PRINCIPLE

Massachusetts courts consistently hold that **zoning restrictions must be clearly stated in the ordinance and cannot be implied**.

In **Fafard v. Conservation Commission**, the court emphasized that land-use restrictions must be grounded in the **text of the governing regulation**.

Similarly, in **Wendy's Old Fashioned Hamburgers of New York, Inc. v. Board of Appeal of Billerica**, the court held that zoning authorities **may not impose restrictions that are not clearly stated in the ordinance itself**.

These decisions reflect a fundamental principle of Massachusetts zoning law:

**If a zoning ordinance does not expressly prohibit something, the restriction cannot be invented or implied by administrative interpretation.**

Applying this principle here:

- The Cambridge Zoning Ordinance **does not state** that contextual setbacks exclude corner lots.
- The ordinance **does not require two adjacent buildings** in order to apply the contextual setback rule.

Accordingly, the contextual setback provision should be applied using the **existing adjacent building along each frontage**.

---

## VI. BAY PROJECTIONS INTO REQUIRED YARDS

Section **5.24.1(f)** of the Cambridge Zoning Ordinance allows projecting building elements, including **bay windows**, that do not project more than **three and one-half (3½) feet** into required yards.

The proposed design includes **four bay projections**, each extending **3.5 feet** into the required front yard.

During a meeting with ISD staff, it was informally suggested that bay projections may not extend along more than **25 percent of an exterior wall**, allegedly based on a **ZBA decision from the 1980s**.

The Applicant is unaware of any such limitation contained in the current Cambridge Zoning Ordinance.

The Applicant respectfully requests that the Board clarify:

- whether such a limitation exists in the ordinance, or
- whether the ordinance should be applied according to the **explicit dimensional limits stated in Section 5.24.1(f)**.

---

## VII. VERTICAL SIDE WALL ADDITION

Article **5.40(4)(c)** provides:

“In the case of an alteration or addition to a building in existence since on or before January 1, 2025, the required side and rear yard setback distances shall be those of the existing building or structure. Additions or alterations that extend horizontally beyond the vertical walls of the existing building shall conform to the requirements in Table 5-1...”

The proposed design includes a **vertical addition above an existing side wall** located approximately **three feet from the side property line**.

The addition **does not extend horizontally beyond the existing wall plane**.

Accordingly, the Applicant respectfully requests confirmation that such vertical additions are **permitted by right** under Article **5.40(4)(c)**.

---

## VIII. CONCLUSION

For the reasons described above, the Applicant respectfully requests that the Cambridge Zoning Board of Appeal:

1. Determine that **Article 5.40 Footnote (3)** applies to **corner lots** and that contextual setbacks may be determined using the **adjacent building along each street frontage**;
  2. Confirm that **bay projections of up to 3.5 feet into required yards** are permitted under **Section 5.24.1(f)** absent additional limitations not stated in the ordinance;
  3. Confirm that **vertical additions above existing side walls** are permitted under **Article 5.40(4)(c)** where no horizontal expansion occurs.
- 

**Respectfully submitted,**



Fan Wang

Date: March 11, 2026

## **FORMAL REQUEST FOR ZONING DETERMINATION**

### **M.G.L. c. 40A, § 7**

TO: Inspectional Services Department (ISD), City of Cambridge

ATTN: Zoning Administration

FROM: Fan Wang

PROPERTY: 1 Myrtle Ave, (a.k.a. 36 Magnolia Ave), Cambridge, MA

CURRENT PERMIT #: BLDC-1180248-2025

DATE: February 23, 2026

RE: Formal Request for Zoning Determination – Proposed Building Envelope Amendment

Dear Zoning Administrator,

Pursuant to Massachusetts General Laws Chapter 40A, Section 7, I hereby formally request a written zoning determination as to whether the proposed modifications to the building envelope at the above-referenced property are permitted by right under the Cambridge Zoning Ordinance.

The property is currently subject to an active building permit. This request is submitted to determine, prior to initiating a building permit amendment and the associated multi-departmental review process, whether the zoning ordinance permits the proposed building envelope changes as a matter of right.

### **Zoning Questions Presented**

#### **1. Vertical Side Wall Buildup – Article 5.40(4)(c)**

The proposed modification includes a four-story vertical addition that builds upward along the existing exterior side wall of the structure. The building has been in existence since prior to January 1, 2025, and the proposed addition does not extend horizontally beyond the existing vertical wall plane.

A determination is requested as to whether, pursuant to Article 5.40(4)(c), the required side yard setback for this vertical addition is governed by the existing building setback, such that the proposed vertical build-up is permitted by right.

## 2. Bay Projections into Required Yards – Section 5.24.1(f)

The proposed modification includes two (2) bay projections extending into the required front yard. Each bay projects no more than three and one-half (3½) feet from the principal wall. Portions of the building above thirty-five (35) feet contain residential uses listed in Section 4.31(a-i).

A determination is requested as to whether these bay projections constitute permitted obstructions within a required yard under Section 5.24.1(f), and are therefore allowed by right.

## 3. Contextual Front Setback – Article 5.40, Footnote (3)

We seek a determination that the "Contextual Setback" provision applies to this property. Article 5.40 Footnote 3 states that a dwelling need not be set back further than the average setbacks of buildings on adjacent lots.

Our interpretation is based on the following:

- **Definition of "Front Yard":** [Section 2.000](#) and the [official Cambridge Zoning FAQ](#) clarify that for a corner lot, **all sides facing a street are "front yards."**
- **Plain Language of the Ordinance:** Footnote 3 applies to "Front Setbacks" generally. As the yard in question is a Front Yard by definition, the contextual averaging must apply.
- **Exclusion Absence:** The Ordinance contains no language explicitly excluding corner lots from the "Contextual Setback" benefit. Any administrative policy to the contrary lacks a basis in the codified text and creates an arbitrary distinction between front yards on corner lots versus interior lots.

Article 5.40, Footnote (3), states:

"A dwelling need not be set back from the street line, or building line where such may have been established on the lot, more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side."

For purposes of this request, the contextual setbacks are calculated as follows:

- Magnolia Avenue frontage: The adjacent dwelling at 32 Magnolia Avenue has a front setback of approximately 2.6 feet.
- Myrtle Avenue frontage: The adjacent dwelling at 13-15 Myrtle Avenue has a front setback of approximately 8.6 feet.

The architect's zoning sheet illustrates the proposed building envelope in conformance with these contextual setbacks.

A determination is therefore requested as to whether Article 5.40, Footnote (3) applies to

this corner lot and governs the required front setbacks along both Magnolia Avenue and Myrtle Avenue.

### **Materials Submitted in Support**

- Certified Land Survey prepared by Cerrato Land Surveying, depicting existing lot conditions and front setbacks of adjacent buildings.
- Proposed Zoning Diagram prepared by SDP Architects, illustrating the proposed exterior side walls, bay projections, contextual setback lines, and new FL3 and FL4 levels.

This request seeks a formal zoning determination only and does not constitute an application for a building permit or permit amendment. The determination requested herein is necessary to define the legal zoning framework applicable to this project before substantial design work, fees, and interdepartmental reviews are undertaken.

Pursuant to M.G.L. c. 40A, § 7, I respectfully request that this determination be issued within the statutory fourteen (14) day period.

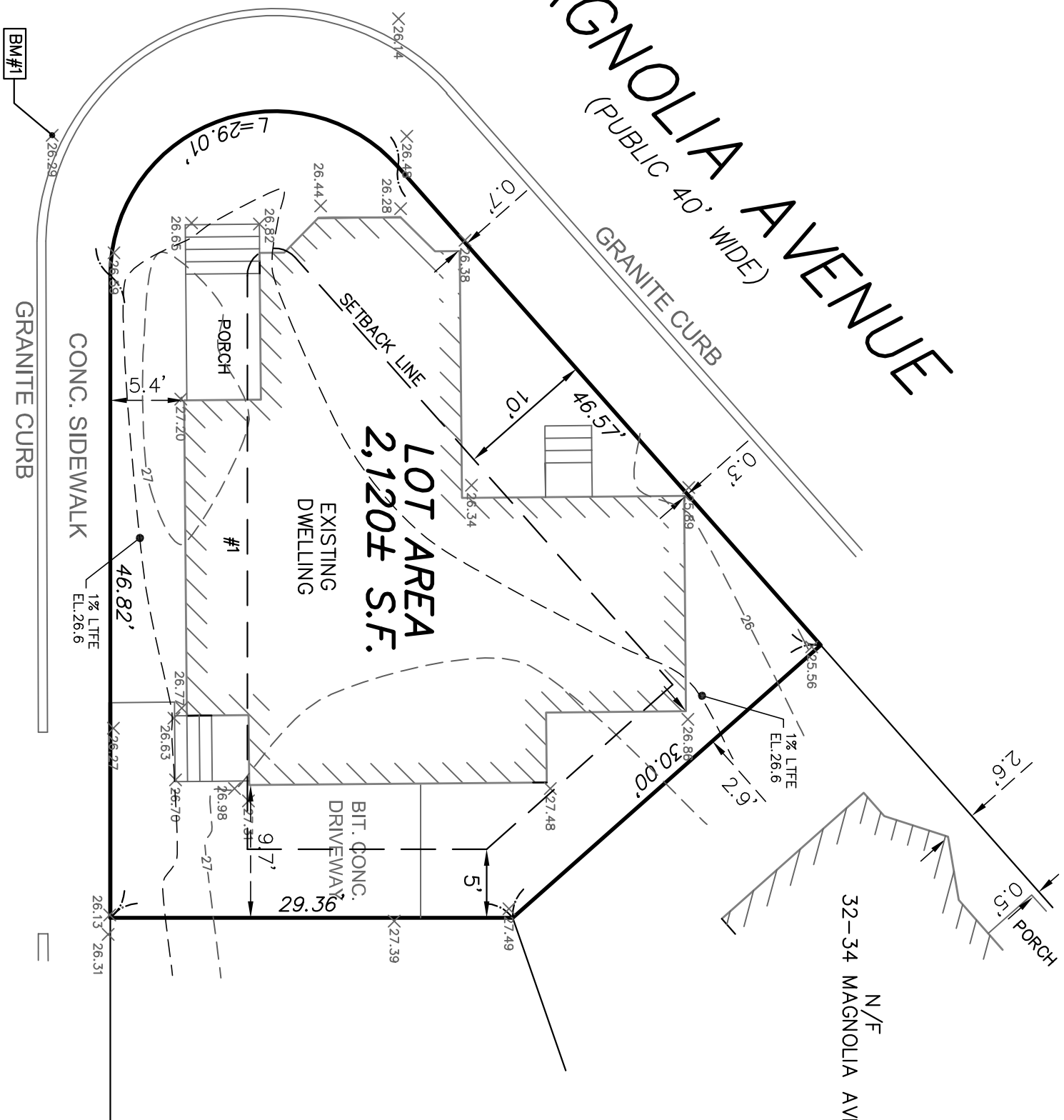
Thank you for your attention to this matter.

Sincerely,



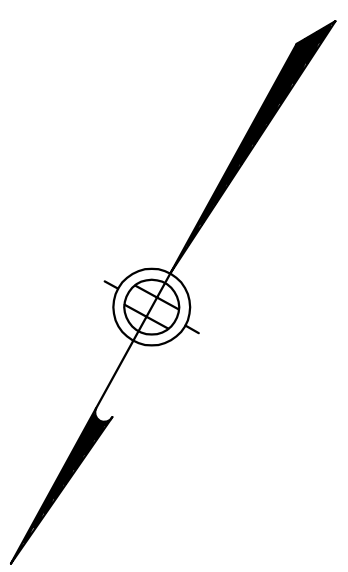
Fan Wang  
857-702-9820  
FWang\_Bos@yahoo.com

MAGNOLIA AVENUE  
(PUBLIC 40' WIDE)  
GRANITE CURB

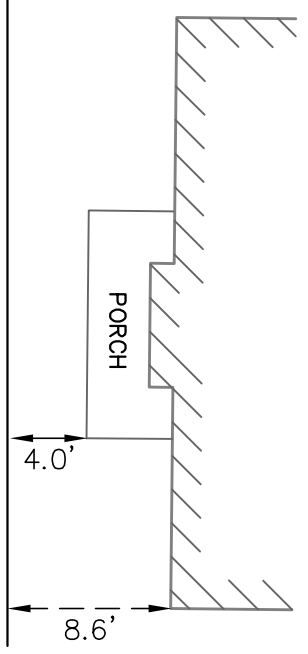


N/F  
32-34 MAGNOLIA AVE.

N/F  
13-15 MYRTLE AVE.

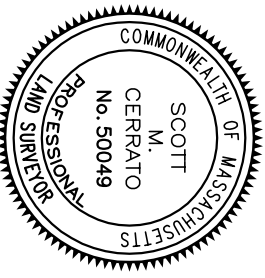
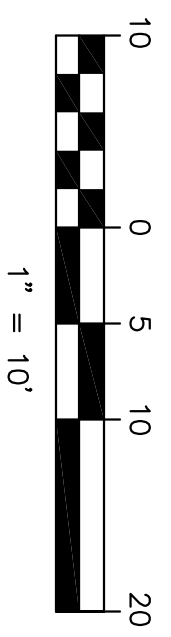


BENCHMARK: CAMBRIDGE CITY BASE		
NO.	DESCRIPTION	ELEVATION
BM#1	MAG NAIL	26.29



MYRTLE AVENUE  
(PUBLIC 30' WIDE)

GRAPHIC SCALE



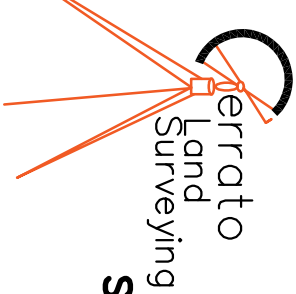
I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN SEPTEMBER 2024 & FEBRUARY 2026 AND THE STRUCTURES DEPICTED HEREON ARE LOCATED AS SHOWN.

**RECORD OWNER:**  
FAN WANG AND MARC WAGNER  
DEED: BOOK 71169, PAGE 241

**ZONING DISTRICT:**  
BOSTON PROPER  
H-2-65 SUBDISTRICT

**FLOOD ZONE:**  
1% LTFE=26.6

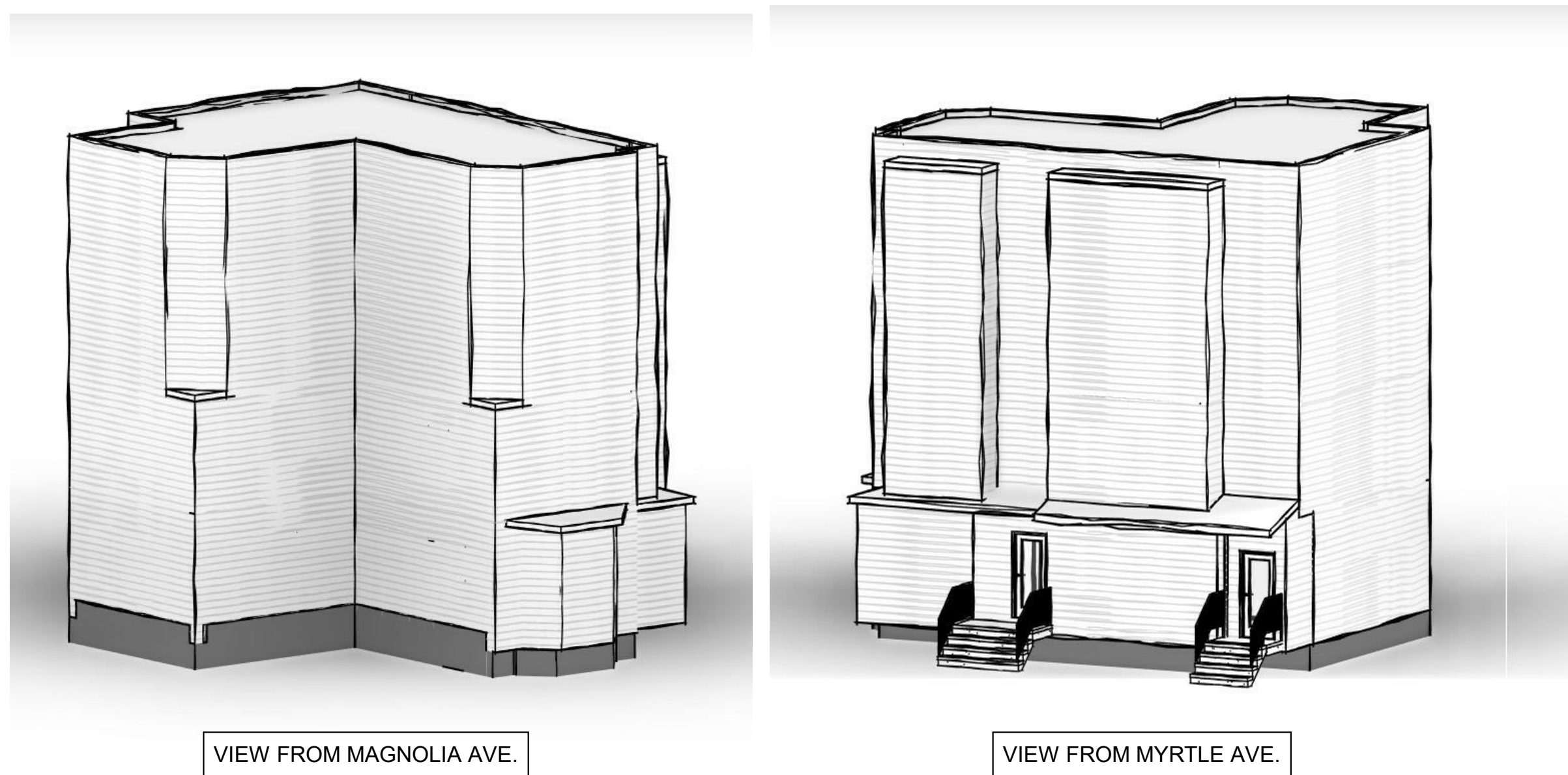
DATE 2-2-26 SIGNATURE Scott M Cerrato



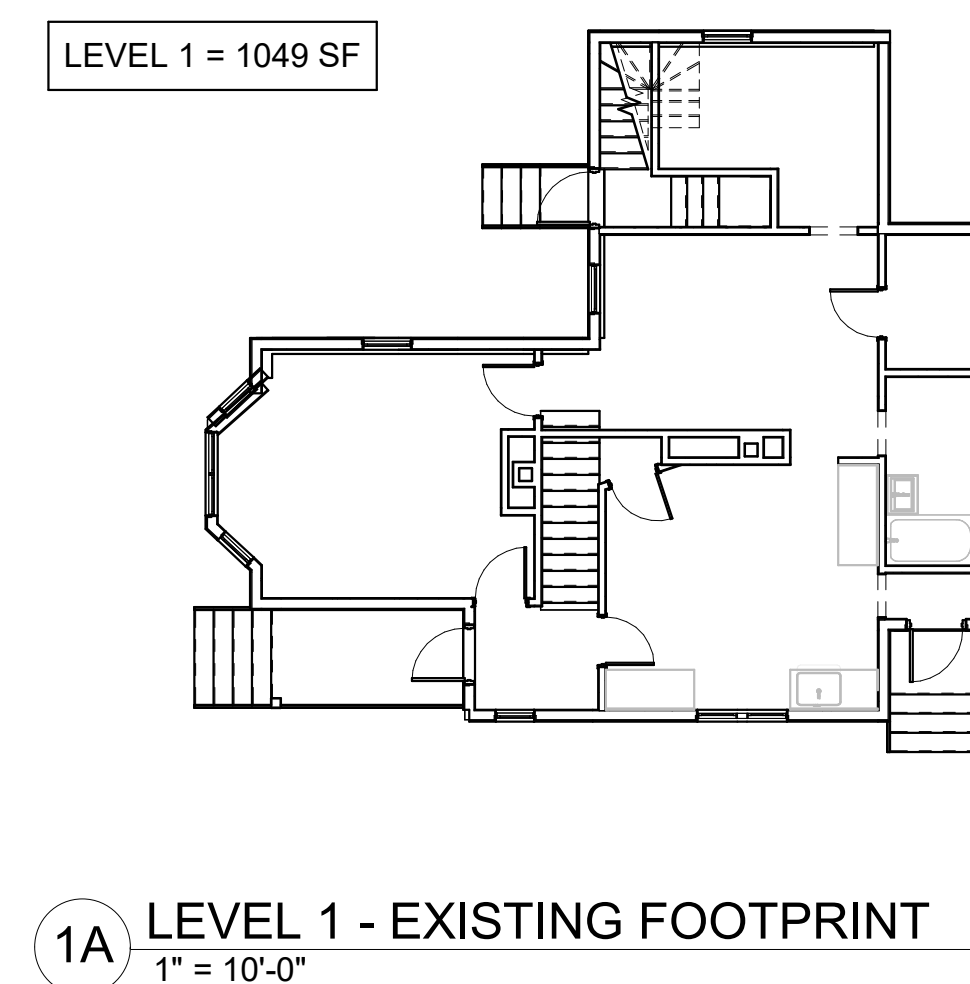
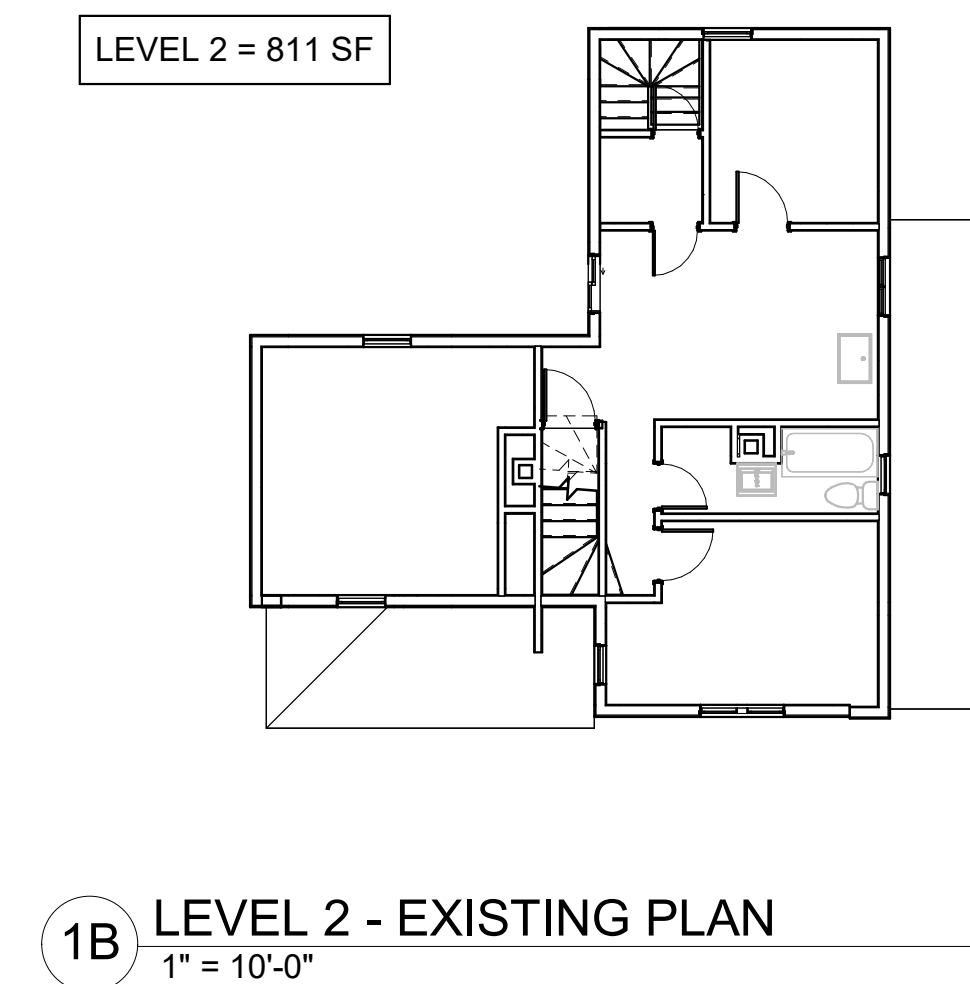
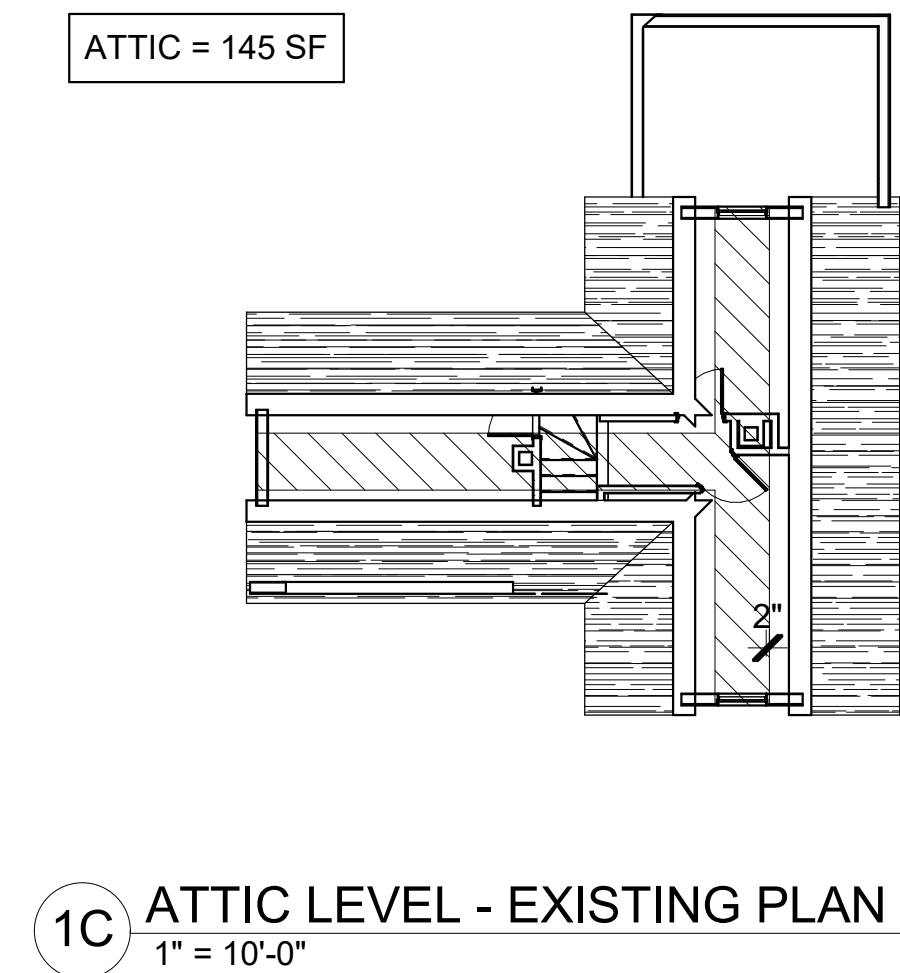
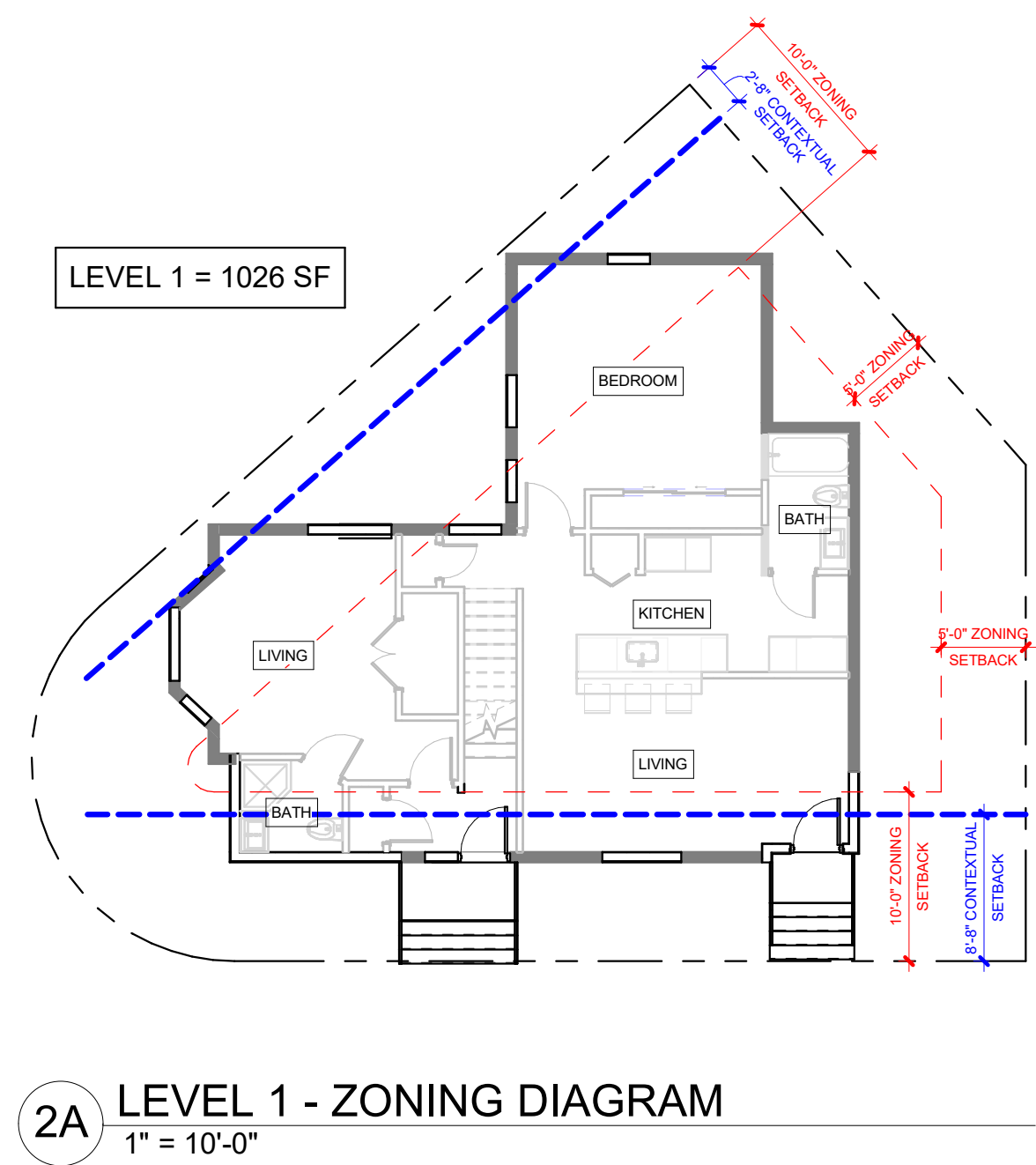
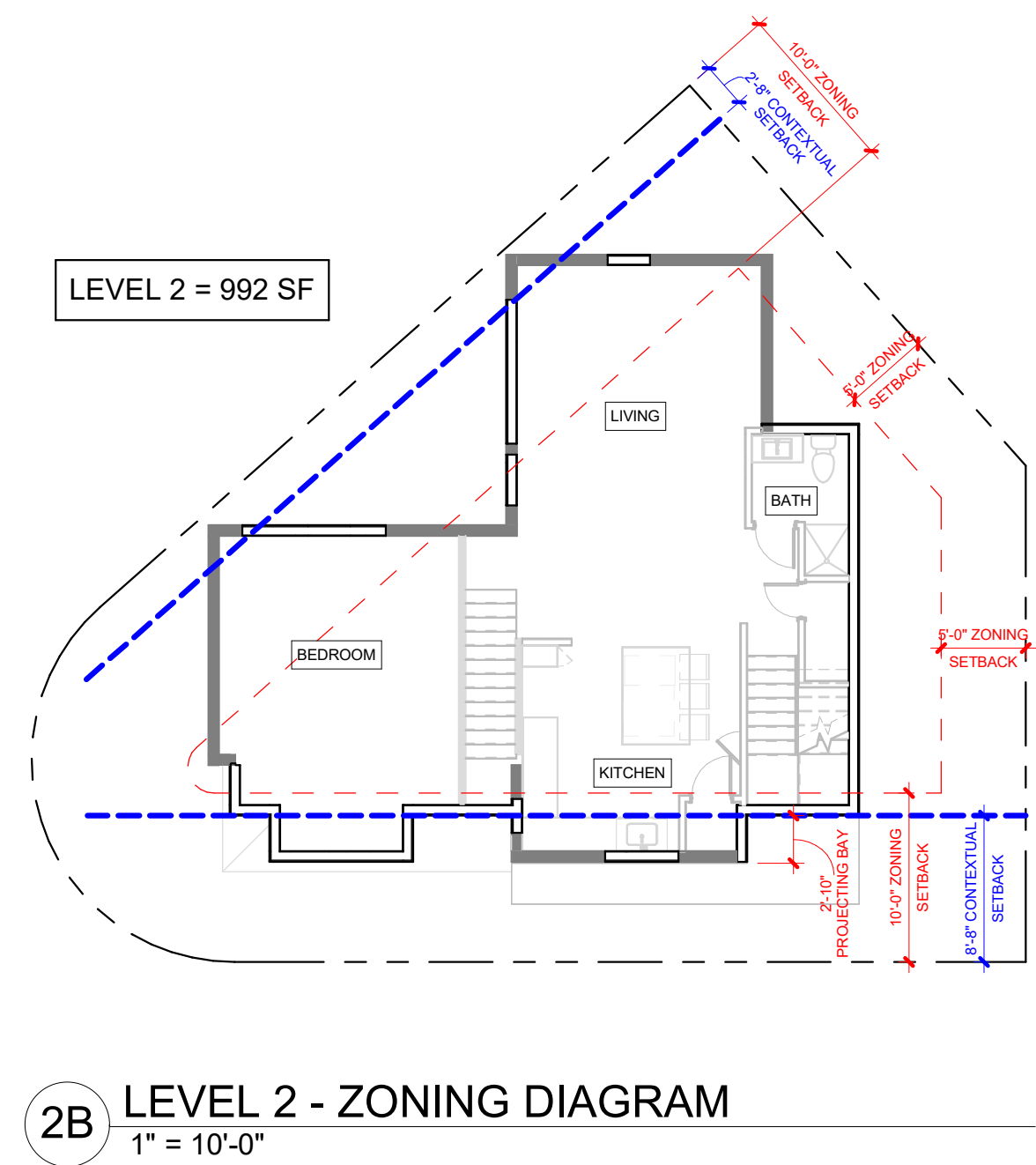
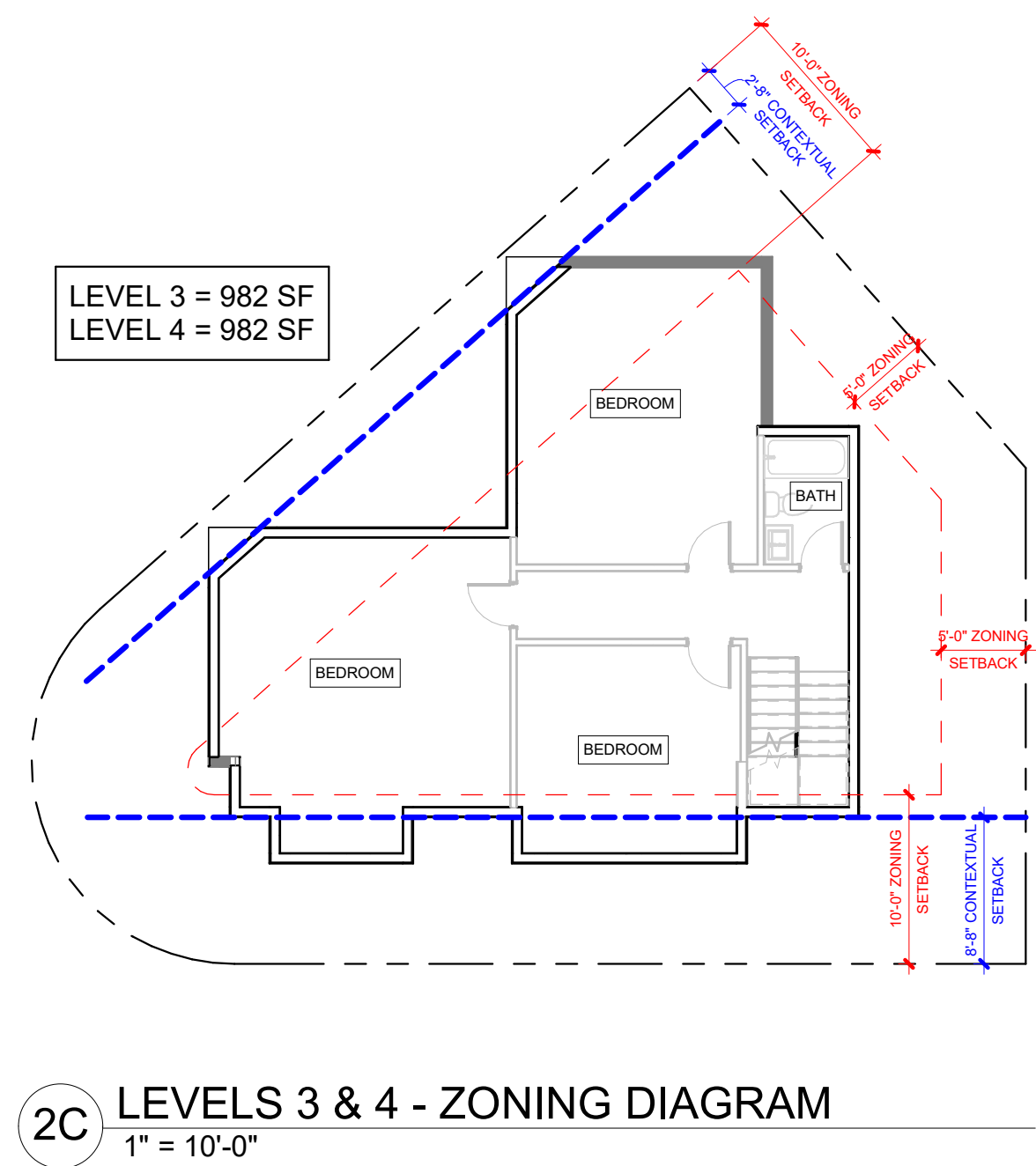
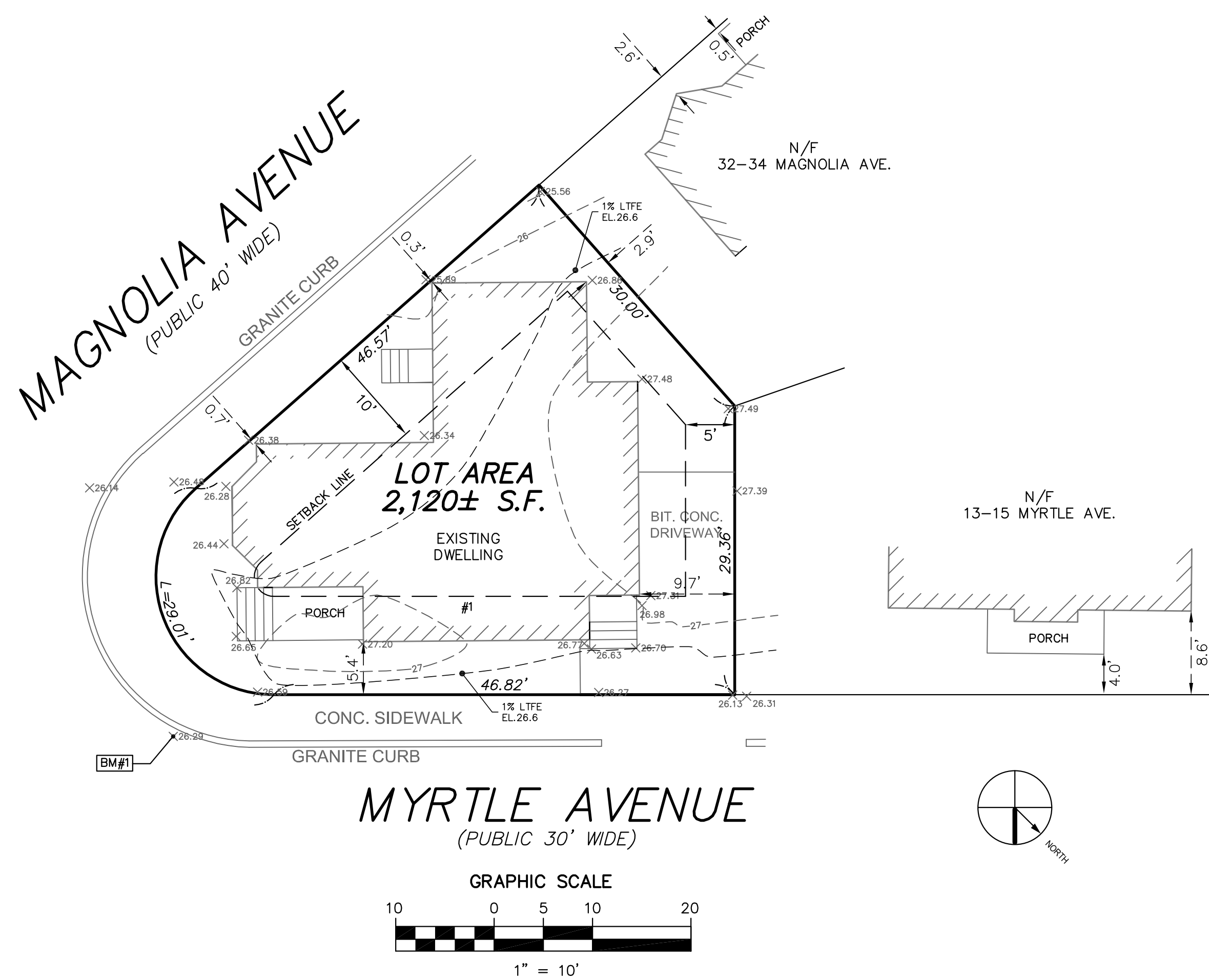
**PLOT PLAN**  
1 MYRTLE AVENUE  
SOMERVILLE, MASSACHUSETTS  
PARCEL ID: 0502510000

SCOTT CERRATO, PLS  
51 WAREHAM STREET  
MEDFORD, MA. 02155

OCTOBER 7, 2024 REV. 2-2-26  
PHONE: (781) 775-3724  
www.cerrato-survey.com



1 MYRTLE AVE. SQUARE FOOTAGE CALCULATION			
LEVEL	EXISTING S.F.	EXISTING + ADDITIONS S.F.	SF INCREASE
BASEMENT	0	0	0
LEVEL 1	1049	1026	-23
LEVEL 2	811	992	181
LEVEL 3	145	982	837
LEVEL 4	0	982	982
<b>TOTAL SF</b>	<b>2005</b>	<b>3982</b>	<b>1977</b>
<b>ALLOWABLE W/ MAX. ADDITION (33% OF EXISTING)</b>			<b>661.65</b>



PROPOSED SQUARE FOOTAGE DIAGRAM:

EXISTING SQUARE FOOTAGE DIAGRAM:

# 1 MYRTLE AVENUE

CAMBRIDGE, MA 02138

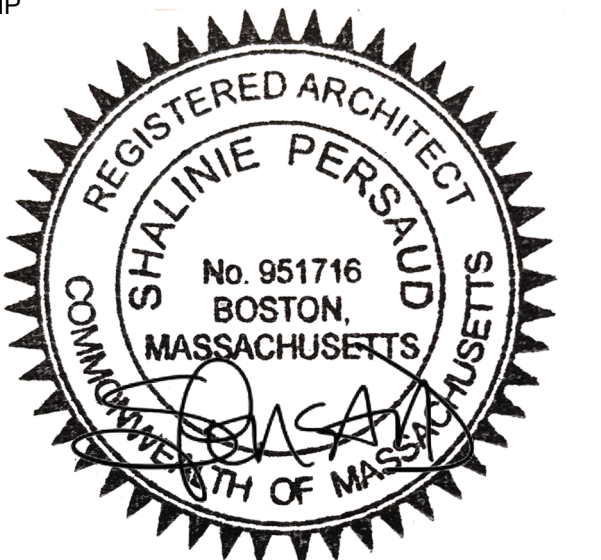
ANNE WANG & MARC WAGNER

ARCHITECT



CONSULTANT

STAMP



1	02/21/2026	ZBA MASSING SET
MARK	DATE	DESCRIPTION


PROJECT NUMBER: 000000.00  
 DRAWN BY: Author  
 CHECKED BY: Checker

SHEET TITLE

PROPOSED MASSING

# G-002.1



**From:** Fan Wang fwang\_bos@yahoo.com   
**Subject:** Formal Zoning Determination Request – M.G.L. c.40A §7 – 1 Myrtle Ave (a.k.a. 36 Magnolia Ave)  
**Date:** February 24, 2026 at 12:31 AM  
**To:** ISD isd@cambridgema.gov, Ratay, Olivia oratay@cambridgema.gov, Lazzara, Jacob jlazzara@cambridgema.gov, Natola, Stephen snatola@cambridgema.gov  
**Bcc:** Marc Wagner mk\_wagner@icloud.com

---

Dear Zoning Administration,

Please find attached a Formal Request for Zoning Determination submitted pursuant to M.G.L. c. 40A, § 7, regarding the proposed building envelope modifications at 1 Myrtle Ave (a.k.a. 36 Magnolia Ave).

This request is being submitted today via Certified Mail, Return Receipt Requested, to the Inspectional Services Department.

Kindly confirm receipt. Please let me know if any additional materials are required for review.

Thank you for your attention.

Sincerely,

Fan Wang

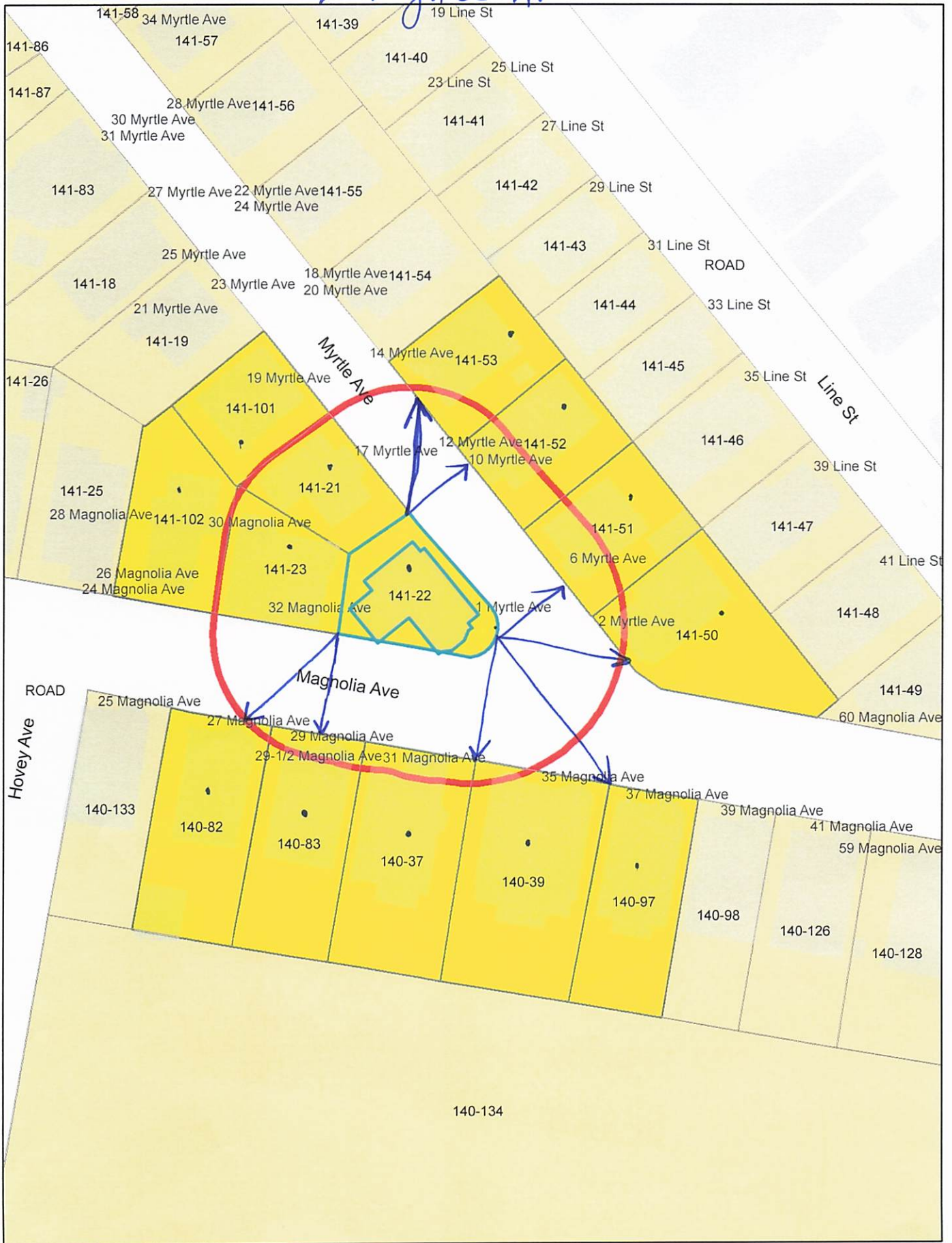
Cell: 857-702-9820

Email: FWang\_Bos@yahoo.com

**Formal\_Zoning\_Determination\_Request\_1\_Myrtle\_Ave.pdf**



1 Myrtle Ave



1 Myrtle Ave

Petitioner

141-21  
ROSELLI, RHONDA AND BRUCE HASSUK  
17 MYRTLE AVE  
CAMBRIDGE, MA 02138-3218

141-50-2  
BAPTISTA, TONY L. & DARRIN A SHAFFER  
1412 11TH ST. NW, APT. 2  
WASHINGTON, DC 20001

141-22  
WANG, FAN & MARC WAGNER  
70 LINCOLN STREET - APT L215  
BOSTON, MA 02111

141-52  
LEE, LILY  
10 MYRTLE AVE  
CAMBRIDGE, MA 02138

141-53  
LEE, LILY  
14-16 MYRTLE AVE  
CAMBRIDGE, MA 02138

141-101  
ROUGHAN, BRIAN & KERRY MCDONALD  
19 MYRTLE AVE  
CAMBRIDGE, MA 02139

140-83  
XIE, GONGWEI & BAOQING HAN  
29 MAGNOLIA AVE #1-#2  
CAMBRIDGE, MA 02138-3209

140-82  
HUGHES, HILLIARD & JENNIFER BUMP  
27 MAGNOLIA AVE  
CAMBRIDGE, MA 02138-3209

140-97  
FRAKES, MARY H.,  
TR. THE MARY FRAKES RAEITY TRUST  
37 MAGNOLIA AVE., #1  
CAMBRIDGE, MA 02138

140-97  
KELLY, LORRAINE & MARY JANE LEVASSEUR  
37 MAGNOLIA AVE., #2  
CAMBRIDGE, MA 02138

141-50  
RIZZINI, CLAUDIA  
52 MELENDY AVE  
WATERTOWN, MA 02472

141-50  
CHOUDHARY, SHERAZ AHMAD &  
JESSICA BAPTISTA  
2-4 MYRTLE AVE UNIT 3  
CAMBRIDGE, MA 02138

141-51  
PIEROTTI, ALBERTO & TIA ANN CHAPMAN  
6 MYRTLE AVE  
CAMBRIDGE, MA 02138

140-83  
XIE GONG WEI & BAOQING HAN  
29 MAGNOLIA AVE. UNIT 3  
CAMBRIDGE, MA 02138-3209

140-97  
FERGUSON, JOHN H. &  
CAROLYN FERGUSON  
37 MAGNOLIA AVE #3  
CAMBRIDGE, MA 02138

140-39  
FRANK YAUL, TR.  
THE YAUL REVOCABLE TRUST  
35 MAGNOLIA AVE - UNIT 1  
CAMBRIDGE, MA 02138

141-102  
TORROELLA, MARIO J. &  
ISABELLE B. TORROELLA  
30 MAGNOLIA AVE.  
CAMBRIDGE, MA 02138

141-23  
CHAN, LEICIA  
32-34 MAGNOLIA AVE - UNIT 2  
CAMBRIDGE, MA 02138

140-39  
XU, XIAO  
35 MAGNOLIA AVE UNIT 3  
CAMBRIDGE, MA 02138

140-39  
POPAT, SAJEEV  
35 MAGNOLIA AVE UNIT 6  
CAMBRIDGE, MA 02139

141-23  
MIAN, PATRICIA J. LIFE ESTATE  
32-34 MAGNOLIA AVE UNIT 1  
CAMBRIDGE, MA 02138

140-39  
KAMATH, NEVIN  
2305 SHAMROCK AVE UNIT 2  
AUSTIN, TX 78757

140-39-1  
TAN, YE,  
TR. YE TAN 2018 REV INTER VIVOS TRUST  
15 GRANT AVE UNIT 2  
BELMONT, MA 02478

140-39  
CHEN JIADONG  
35 MAGNOLIA AVE - UNIT 2  
CAMBRIDGE, MA 02138

140-37  
31 MAGNOLIA AVENUE LLC  
ONE GATEWAY CTR - SUITE 306  
NEWTON, MA 02464

Megan B. Bayer  
City Solicitor

Elliott J. Veloso  
Deputy City Solicitor

Kate M. Kleimola  
First Assistant City Solicitor



## CITY OF CAMBRIDGE

Office of the City Solicitor  
795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Assistant City Solicitors

Paul S. Kawai  
Sean M. McKendry  
Diane O. Pires  
Sydney M. Wright  
Evan C. Bjorklund  
Franziskus Lepionka  
Andrea Carrillo-Rhoads  
Joseph R. Posner

Public Records Access Officer

Seah Levy

April 15, 2026

Steve Ng, Chair  
Cambridge Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

**Re: 1 Myrtle Ave – BZA Appeal Application**

Dear Steve,

You requested assistance regarding how the Board of Zoning Appeal (Board) should handle the appeal application filed by petitioner, Fan Wang (Petitioner), for 1 Myrtle Avenue Property). As explained below, the Board does not have jurisdiction to act on this application. Therefore, I recommend the Board deny the appeal on the basis that there is no jurisdiction allowing it to act. Please share this opinion with the other members of the Board, and you may share this opinion publicly.

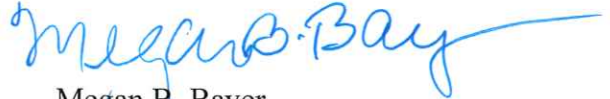
The Petitioner is the owner of the Property. The Petitioner's appeal states that the Petitioner "submitted a formal request for a zoning determination concerning several provisions of the ordinance relevant to a proposed amendment of the building envelope at the above-referenced property. ISD acknowledged receipt of the request but declined to provide a written determination. Because the refusal to issue a determination prevents the Applicant from understanding how the ordinance applies to the proposed project, the Applicant respectfully requests that the Zoning Board of Appeal interpret the relevant provisions of the Cambridge Zoning Ordinance." The Petitioner argues that the Building Commissioner should have issued a written determination based on G.L. c.40A, §7.

The Petitioner seeks an opinion about how the Zoning Ordinance applies to their property. There is no legal right to an advisory opinion from a building commissioner. G. L. c.40A, §7 allows someone to request enforcement of the Zoning Ordinance against any person allegedly in violation of the Zoning Ordinance. G. L. c.40A, §8 allows someone to appeal from the inability to obtain an enforcement action after submitting a request, and appeal from the inability to obtain a building permit after submitting a building permit application. However, neither statute requires the Building Commissioner issue an advisory opinion about how the Zoning Ordinance will be applied to a property, nor gives someone the right to appeal from an advisory opinion or lack of an advisory opinion.

The Petitioner's remedy is to apply for a building permit. If the building permit application is denied, the Petitioner can appeal from the denial of that building permit.

In summary, because the Petitioner did not have a legal basis to get an opinion on how the Zoning Ordinance applies to the Property without having applied for a building permit, and because G.L. c.40A, §8 does not authorize an appeal in this situation, the Board lacks jurisdiction to consider this appeal, and should deny the appeal on that basis.

Very truly yours,



Megan B. Bayer  
City Solicitor