



# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2020 NOV 13 AM 10:14

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### BZA Application Form

**BZA Number:** 99204

### General Information

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

Special Permit:   X  

Variance:   X  

Appeal:       

**PETITIONER:** Dara Arons and Jeremy McDiarmid C/O Maggie Booz, SmartArchitecture

**PETITIONER'S ADDRESS:** 625 Mount Auburn Street, Suite 206, Cambridge, MA 02138

**LOCATION OF PROPERTY:** 216 Upland Rd., Cambridge, MA

**TYPE OF OCCUPANCY:** two-family

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

### **REASON FOR PETITION:**

/Additions/

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

Construction of a two-story addition housing a stair going from second floor to basement, and construction of a one-story screened porch, aligning with the existing plane of the east wall of the house, which is non-conforming to its setback. Extension of the uncovered portion of the front porch towards the street by 4'-0".

Installation of a new window in the existing non-conforming east side wall of the house.

### **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 (Non-Conforming Structure).

Original  
Signature(s):

(Petitioner(s) / Owner)

Maggie Booz, SmartArch.

(Print Name)

625 Mt Auburn Suite 206  
Cambridge 02138

Address:

Tel. No.

617-435-2426

11/10/2020

E-Mail Address: maggie@smartarchitecture.net

Date: \_\_\_\_\_

**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 DARA ARONS + JEREMY McDIARMID  
(OWNER)

Address: 216 Upland Rd, Cambridge, MA 02140

State that I/We own the property located at 216 Upland Rd, which is the subject of this zoning application.

The record title of this property is in the name of DARA ARONS + JEREMY McDIARMID

\*Pursuant to a deed of duly recorded in the date \_\_\_\_\_, Middlesex South County Registry of Deeds at Book 62810, Page 183; or

Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

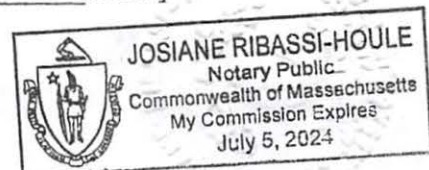
[Signature]  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Dara Arons + Jeremy McDiarmid personally appeared before me, this 12<sup>th</sup> of June, 2020, and made oath that the above statement is true.

My commission expires July 5<sup>th</sup> 2024 (Notary Seal).  
Notary



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

## SUPPORTING STATEMENT FOR A VARIANCE

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

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

The Petitioners are the Owners of 216 Upland Road, a two-family house in a Residence C-1 zoning district. They are also the parents of 3 pre-teen children at a time when "home" means "office" and "school" as well. Because they need, for financial reasons, and want, for responsible-citizenship reasons, to preserve the 2-bedroom third floor apartment, they are looking for ways to have somewhat more living space for their family of five and to be able to safely access and egress that additional family space and the apartment. The unfinished basement of the house is fairly dry, and the Petitioners would like to make a basement playroom there for their children, as well as a workshop. The backyard is generous and sunny because of its south-facing orientation. Access to the basement currently is by means of a narrow and steep, non-Code-worthy treacherous switchback stair, or by means of a pit-type bulkhead with a ladder in it. The family's only access to their second floor bedrooms is by means of the stair stacked over the basement stair, so of course it too is narrow and steep. Additionally, the second means of egress from the apartment is out a door in the gable to a fire escape, to a roof, to a wall-mounted ladder, to the ground. The proposal that requires zoning relief is an addition on the footprint of the existing first floor rear "study" that would create space for a safe stair to the basement and second floor in the primary living unit, and a new one-story screened porch. A new spiral egress stair from the third floor to the ground for their tenants has been cleared as Code-worthy by the Inspectional Service Department

- 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 by not affecting generally the zoning district in which it is located for the following reasons:

The house at 216 Upland was originally built as a single-family but appears to have been converted in the 40s or 50s by isolating the third floor as an apartment. It was constructed in 1896, prior to the establishment of the Zoning Ordinance and therefore is designated as non-conforming. The stair to the basement and second floor was probably original to the house as many houses of the period had both a front, comfortable stair and a rear, secondary stair. During the conversion the rear stair became the primary/singular access to the second floor within the "Owners' unit". At the time of the conversion to a two-family, fire escapes were an acceptable means of egress regardless of their danger. Due to the fact that 216 Upland Road is in a C-1 district with an FAR maximum of .75, its non-conformity is a sideyard setback issue on the east, or left, side. This is the side of the house where currently the last leg of a tenant's emergency egress journey ends: the wall-mounted fire escape ladder lands in the narrow passage between house and fence.

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

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

The proposed addition is on the footprint of an existing one-story rear office nook, extending south towards the rear yard property line 1.5' further, but pulling away from the side yard property line by 1.5' as well. Because the neighbors to the east and west of the house have extensions to the south on their houses, the Owners' proposal is in keeping with previous changes in the neighborhood and will cast additional shadow primarily towards the Owners' own primary structure. The proposal is one with the intention of correcting two dangerous access/egress conditions: that of accessing the basement and second floor more safely within the Owners' unit, and that of egressing/ingressing safely from the tenants' unit. Because of this, not only is no detriment to public good caused but safety of the public is increased. In addition, the screened porch is an old-fashioned solution to a very modern issue in that enhanced useable exterior space with access to fresh air and a minimization of



exposure to contaminants keeps us all safer. Preserving a rental apartment while requesting minimal zoning relief for safety's sake is a benefit to the public good.

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

The proposal does not increase density of living units on the site, even though the site at 5000 SF would actually support three living units. It does not violate open space requirements in the district, nor does it increase traffic or congestion, nor does it cast shadow on adjacent properties detrimentally.

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

## **BZA Application Form**

### **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 216 Upland Rd , 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:**

The relief requested is for a first floor powder room and will provide healthy natural light and fresh air to the users of the room.

**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:**

No traffic will be generated nor patterns of egress or access changed by the addition of a powder room window. The window will be of a character/architectural style consistent with the neighborhood and the house.

**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:**

The continued operation and the development of adjacent uses will be unchanged by this window.

**D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:**

The relief requested is for a first floor powder room that will be used, as powder rooms are, infrequently. The light emitted from such a room is minimal due to its infrequent use.

**E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:**

The window proposed will not impair the integrity of the zoning district nor otherwise derogate from the intent of the Ordinance.

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

**BZA Application Form****DIMENSIONAL INFORMATION****Applicant:** Dara Arons and Jeremy McDiarmid**Present Use/Occupancy:** two-family**Location:** 625 Mount Auburn Street, Suite 206**Zone:** Residence C-1 Zone**Phone:** 617-435-2426**Requested Use/Occupancy:** two-family

	<b><u>Existing Conditions</u></b>	<b><u>Requested Conditions</u></b>	<b><u>Ordinance Requirements</u></b>	
<b><u>TOTAL GROSS FLOOR AREA:</u></b>	3236 SF	3526 SF	3750 SF	(max.)
<b><u>LOT AREA:</u></b>	5000 SF	5000 SF	5000 SF	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	.65	.70	.75	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	2500 SF	2500 SF	1500 SF	
<b><u>SIZE OF LOT:</u></b>				
WIDTH	50 LF	50 LF	50 LF	
DEPTH	100 LF	100 LF	100 LF	
<b><u>SETBACKS IN FEET:</u></b>				
FRONT	11.8 LF	7.8 LF	10 LF	
REAR	31.9 LF	23.5 LF	20 LF	
LEFT SIDE	2.8 LF	3.8 LF	9.5 LF	
RIGHT SIDE	17 LF	17 LF	9.5 LF	
<b><u>SIZE OF BUILDING:</u></b>				
HEIGHT	38 LF	38 LF	35 LF	
WIDTH	49.7 LF long	62.1 LF long	70 LF long	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	63% open	59% open	30% open	
<b><u>NO. OF DWELLING UNITS:</u></b>	2	2	2	
<b><u>NO. OF PARKING SPACES:</u></b>	2	2	2	
<b><u>NO. OF LOADING AREAS:</u></b>	NA	NA	NA	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	10 LF	10 LF	10 LF	

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.

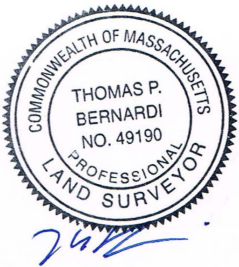
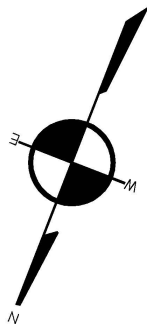
1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE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

**BZA Application Form**

PLAN OF LAND

LOCATED AT  
216 UPLAND ROAD  
CAMBRIDGE, MA  
PREPARED FOR:  
DARA ARONS

SCALE: 1 INCH = 20 FEET



REFERENCES

DEED: BOOK 62810, PAGE 183  
PLANS: 1179 OF 1949; PLAN BOOK 104 , PLAN 20

NOTES

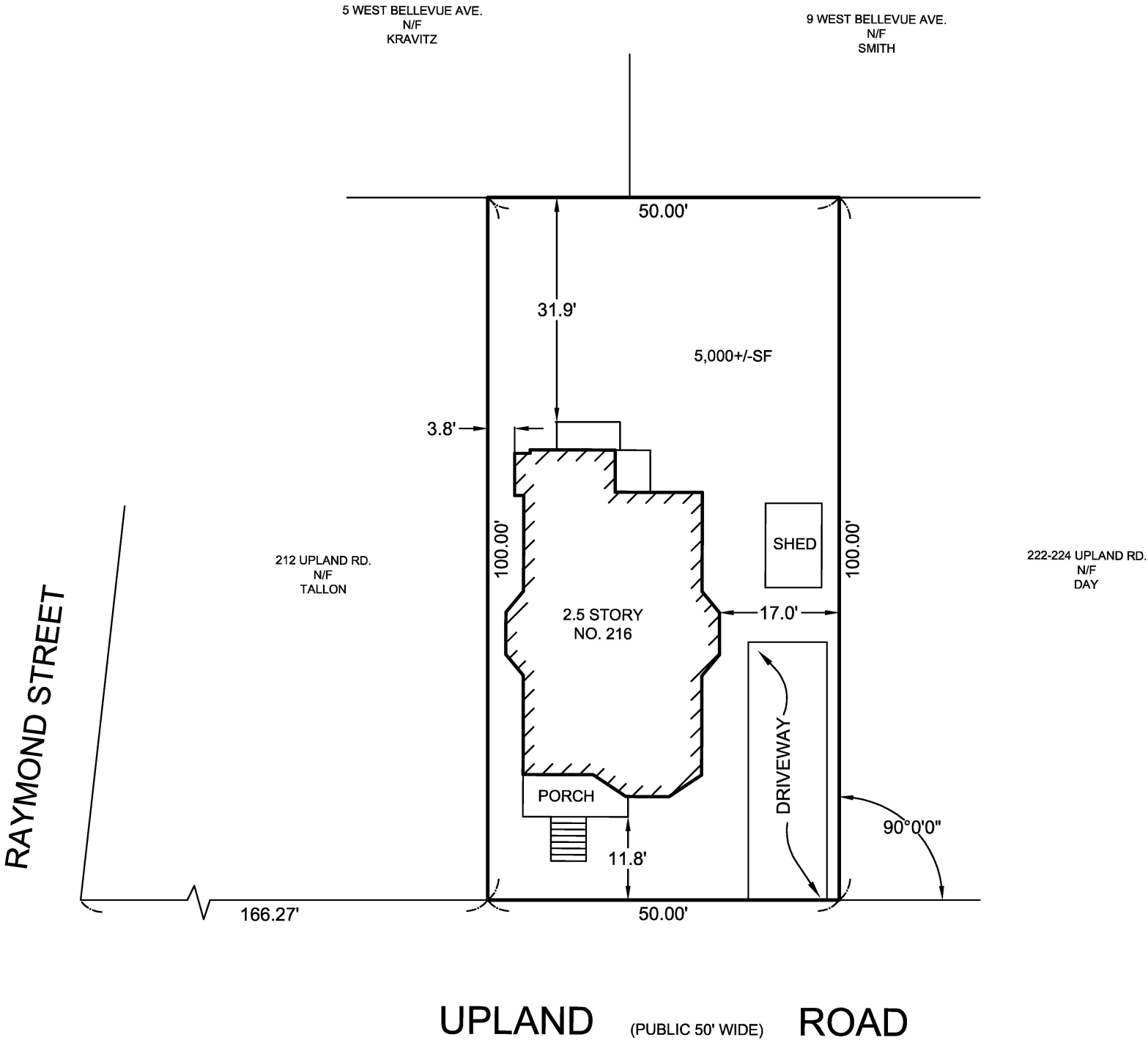
THIS PLAN WAS MADE FROM AN  
INSTRUMENT SURVEY ON THE GROUND IN OCTOBER OF 2019 AND  
ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

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

THOMAS BERNARDI P.L.S.                      DATE: OCTOBER 21, 2019

MASSACHUSETTS  
SURVEY  
CONSULTANTS

14 SUMNER STREET  
GLOUCESTER, MA 01930  
617 899-0703  
WWW.MASSACHUSETTSSURVEY.COM

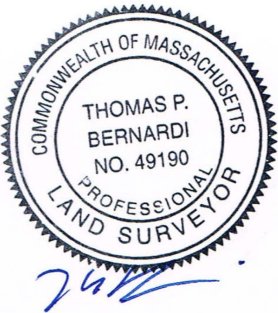
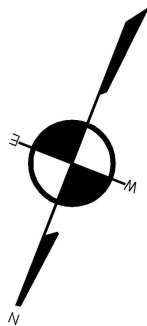




PLAN OF LAND

LOCATED AT  
216 UPLAND ROAD  
CAMBRIDGE, MA  
PREPARED FOR:  
DARA ARONS

SCALE: 1 INCH = 20 FEET



REFERENCES

DEED: BOOK 62810, PAGE 183  
PLANS: 1179 OF 1949; PLAN BOOK 104 , PLAN 20

NOTES

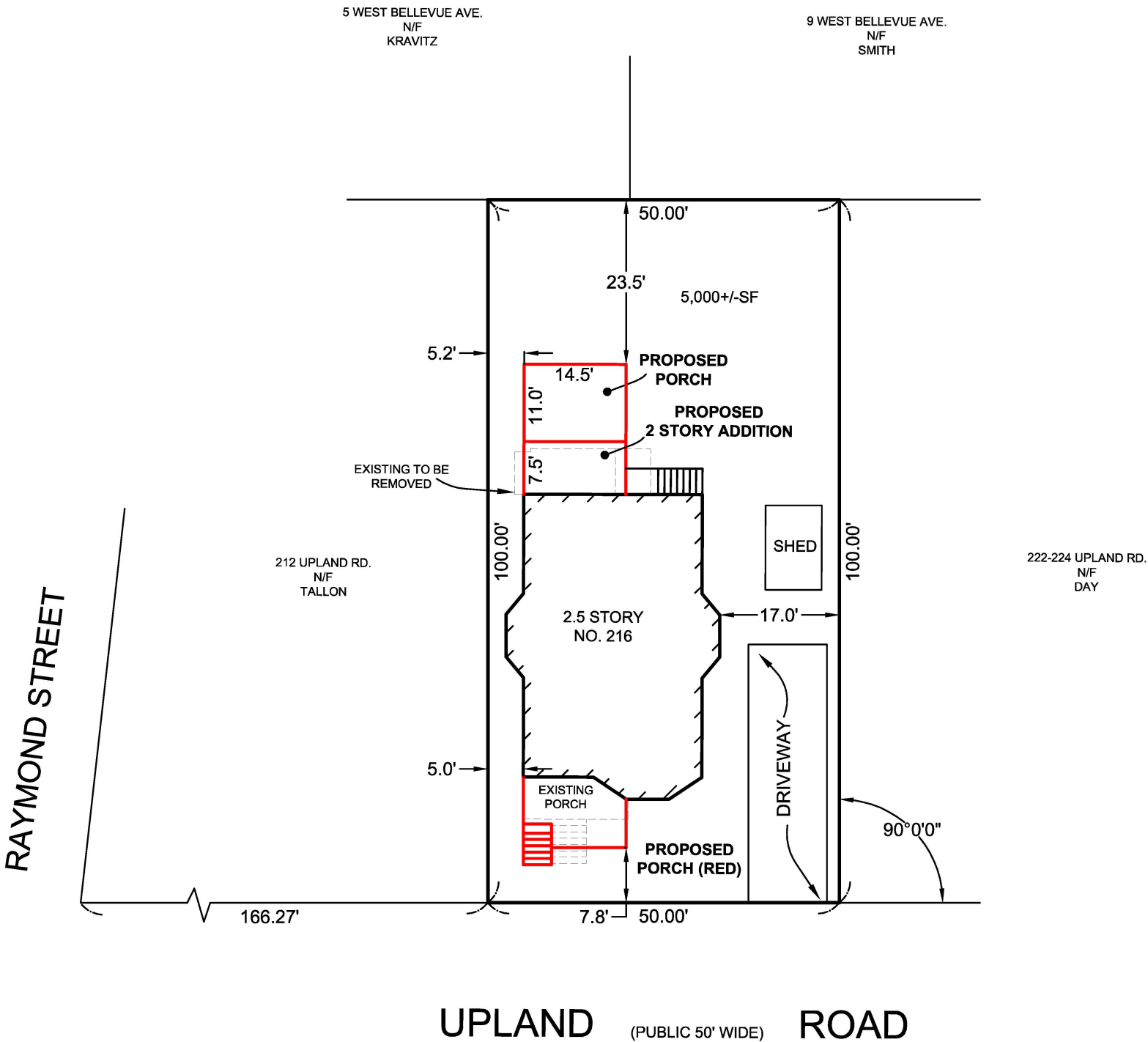
THIS PLAN WAS MADE FROM AN  
INSTRUMENT SURVEY ON THE GROUND IN OCTOBER OF 2019 AND  
ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

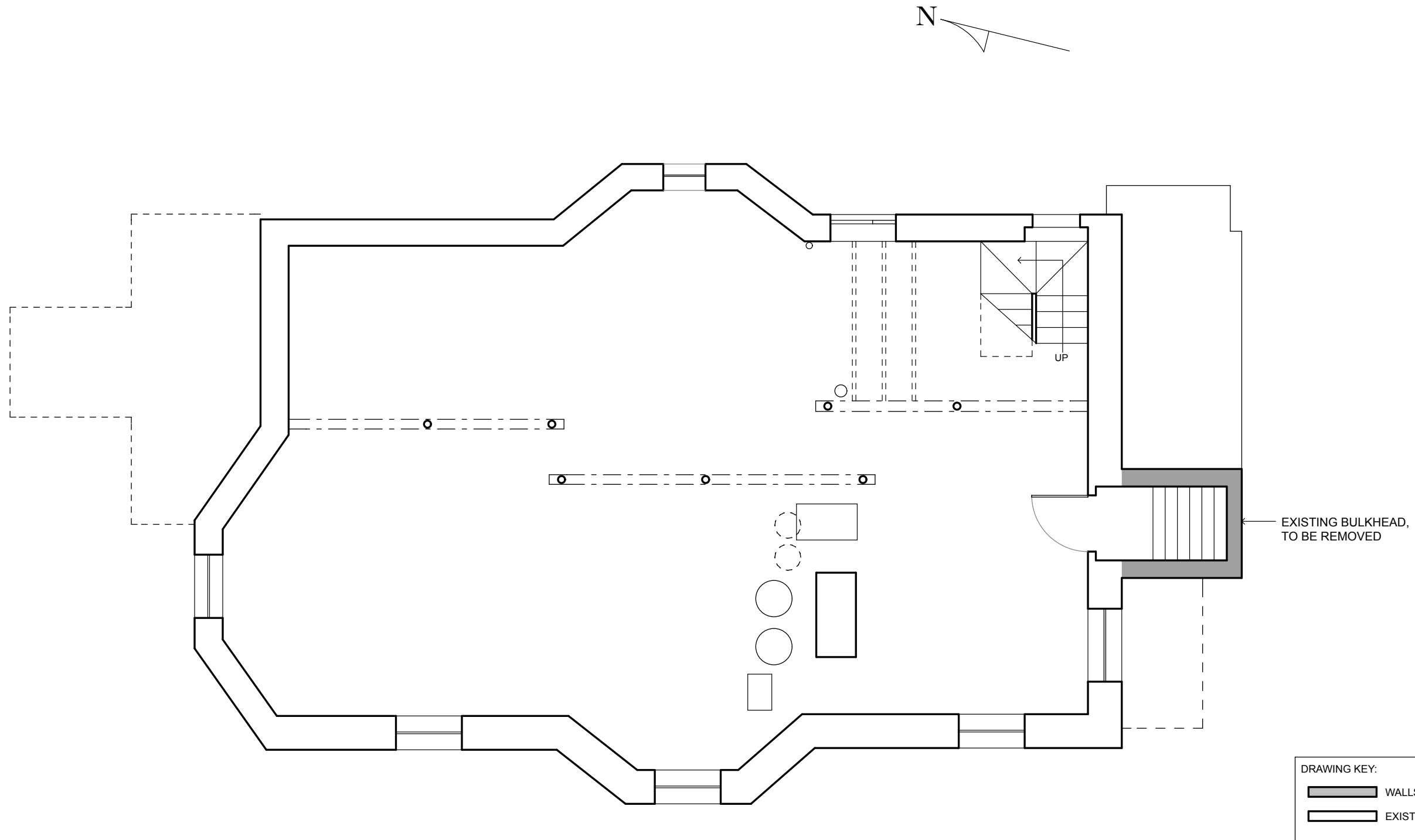
THIS PLAN WAS PREPARED IN  
CONFORMITY WITH THE RULES AND  
REGULATIONS OF THE REGISTERS OF DEEDS OF THE  
COMMONWEALTH OF MASSACHUSETTS.

THOMAS BERNARDI P.L.S.      DATE: NOVEMBER 9, 2020

MASSACHUSETTS  
SURVEY  
CONSULTANTS

14 SUMNER STREET  
GLOUCESTER, MA 01930  
617 899-0703  
WWW.MASSACHUSETTSSURVEY.COM

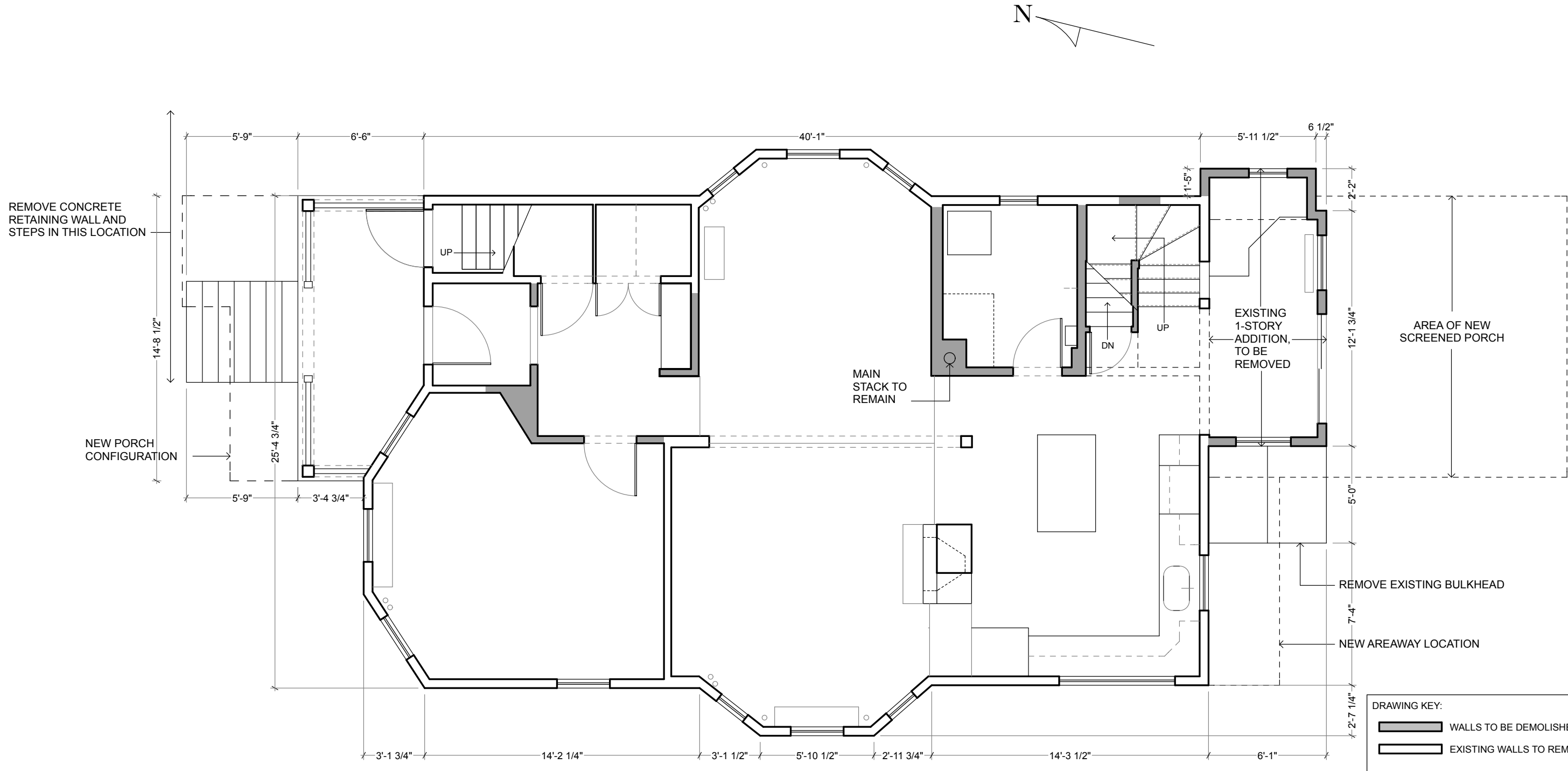




Basement Demolition Plan

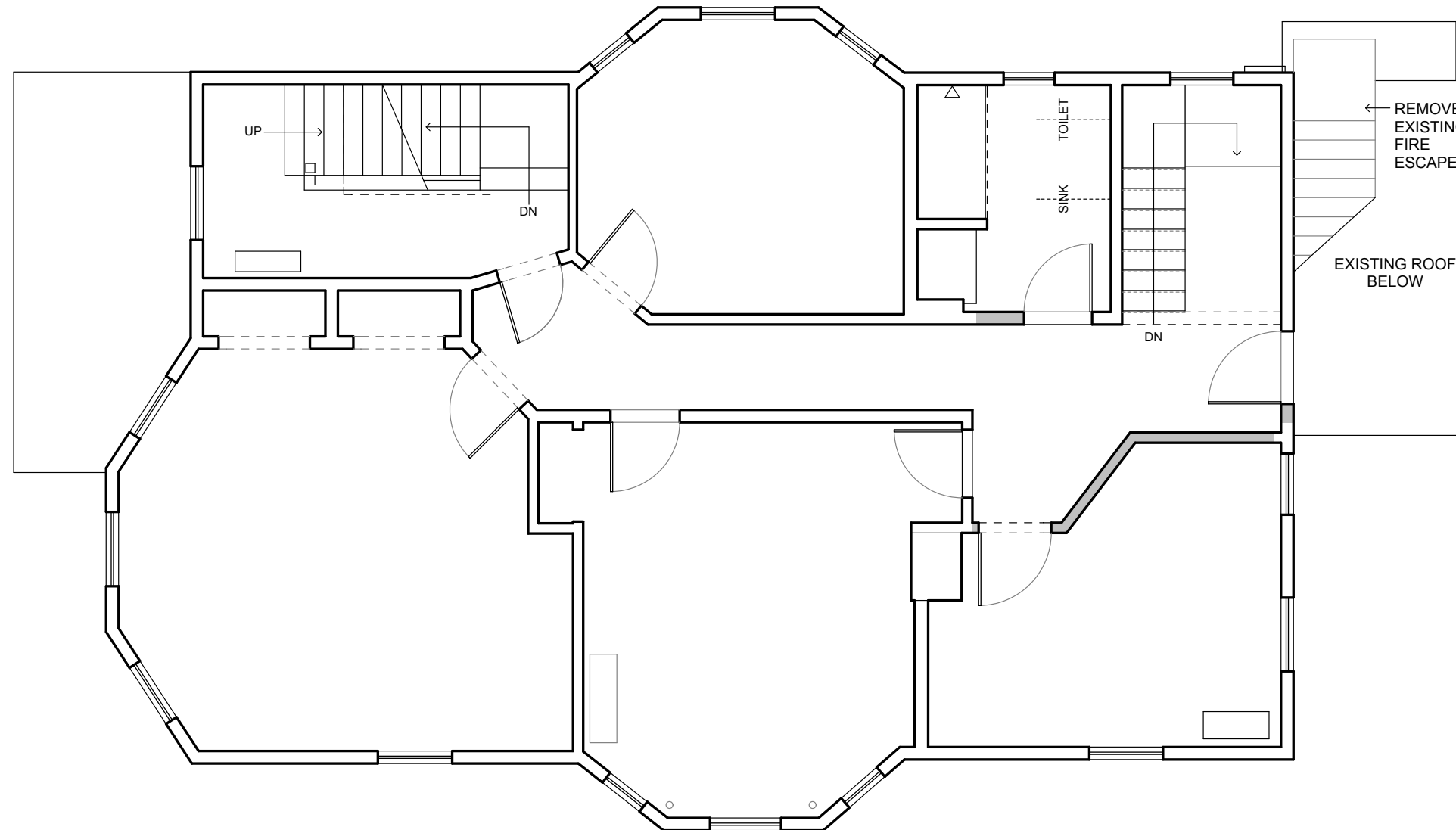
3/16" = 1'-0"

1



First Floor Demolition Plan

3/16" = 1'-0" 1



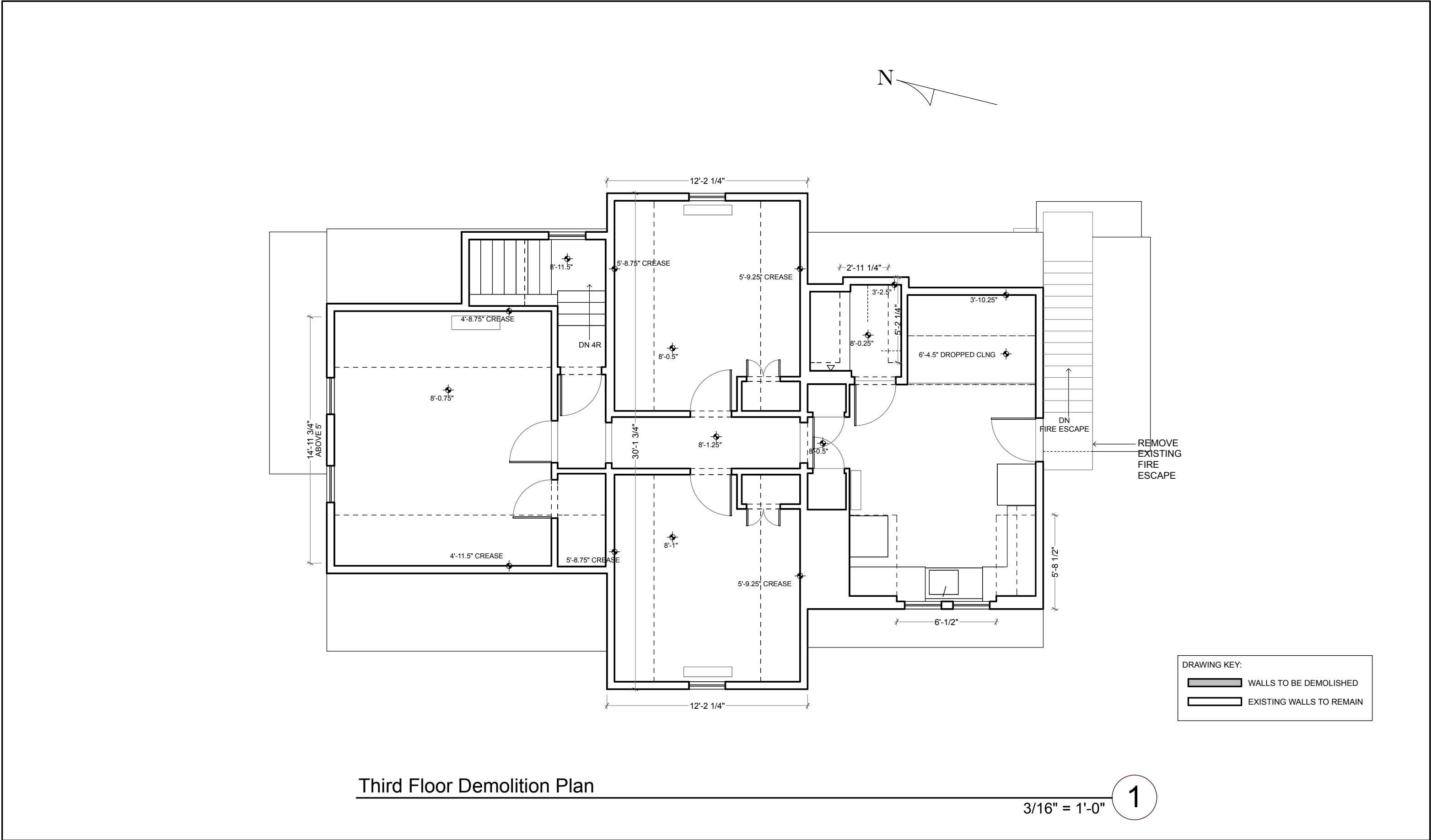
DRAWING KEY:	
	WALLS TO BE DEMOLISHED
	EXISTING WALLS TO REMAIN

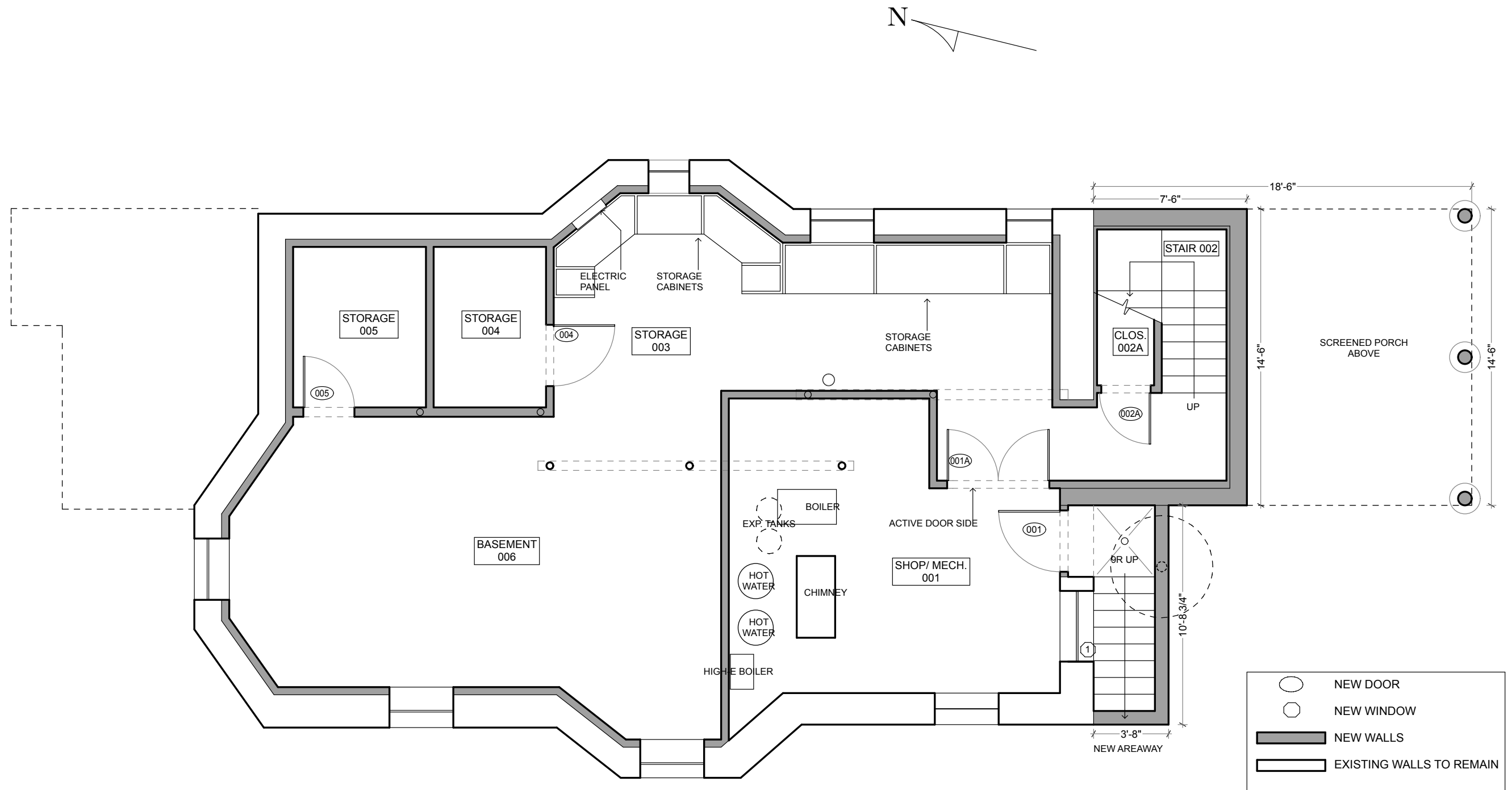
Second Floor Demolition Plan

3/16" = 1'-0"

1



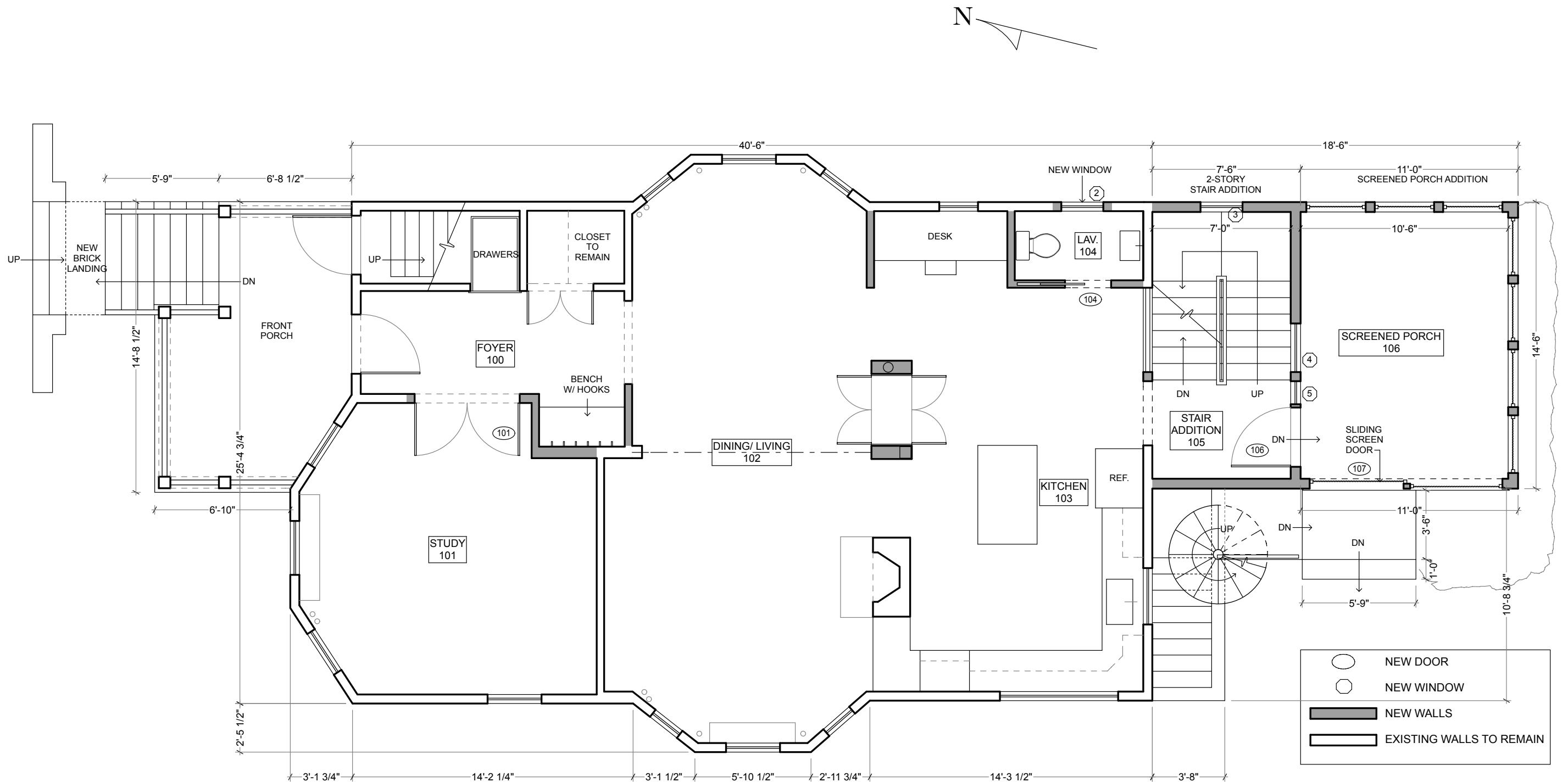




Basement Proposed Plan

3/16" = 1'-0"

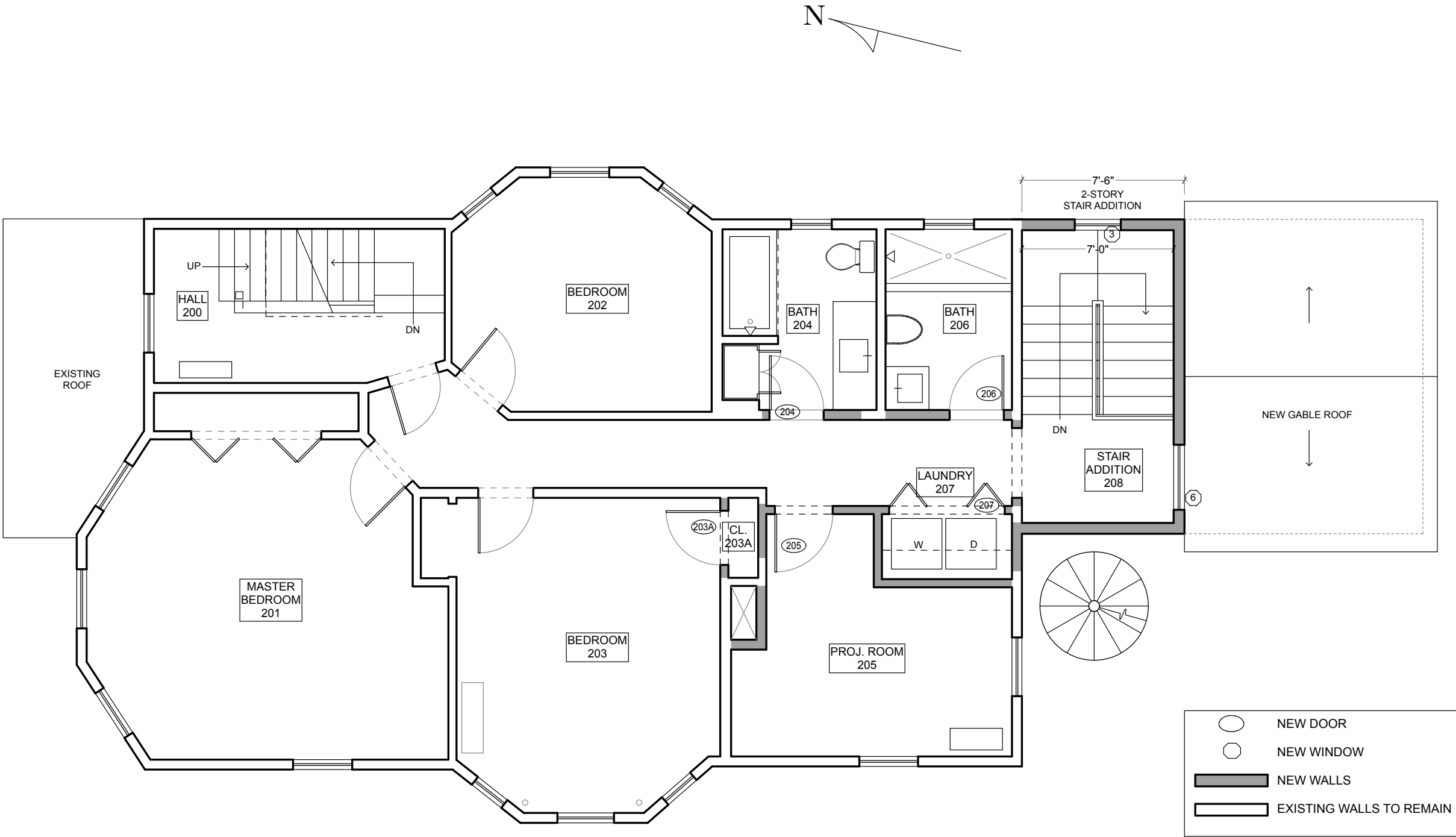
1



First Floor Proposed Plan

3/16" = 1'-0"

1



Second Floor Proposed Plan

3/16" = 1'-0" 1

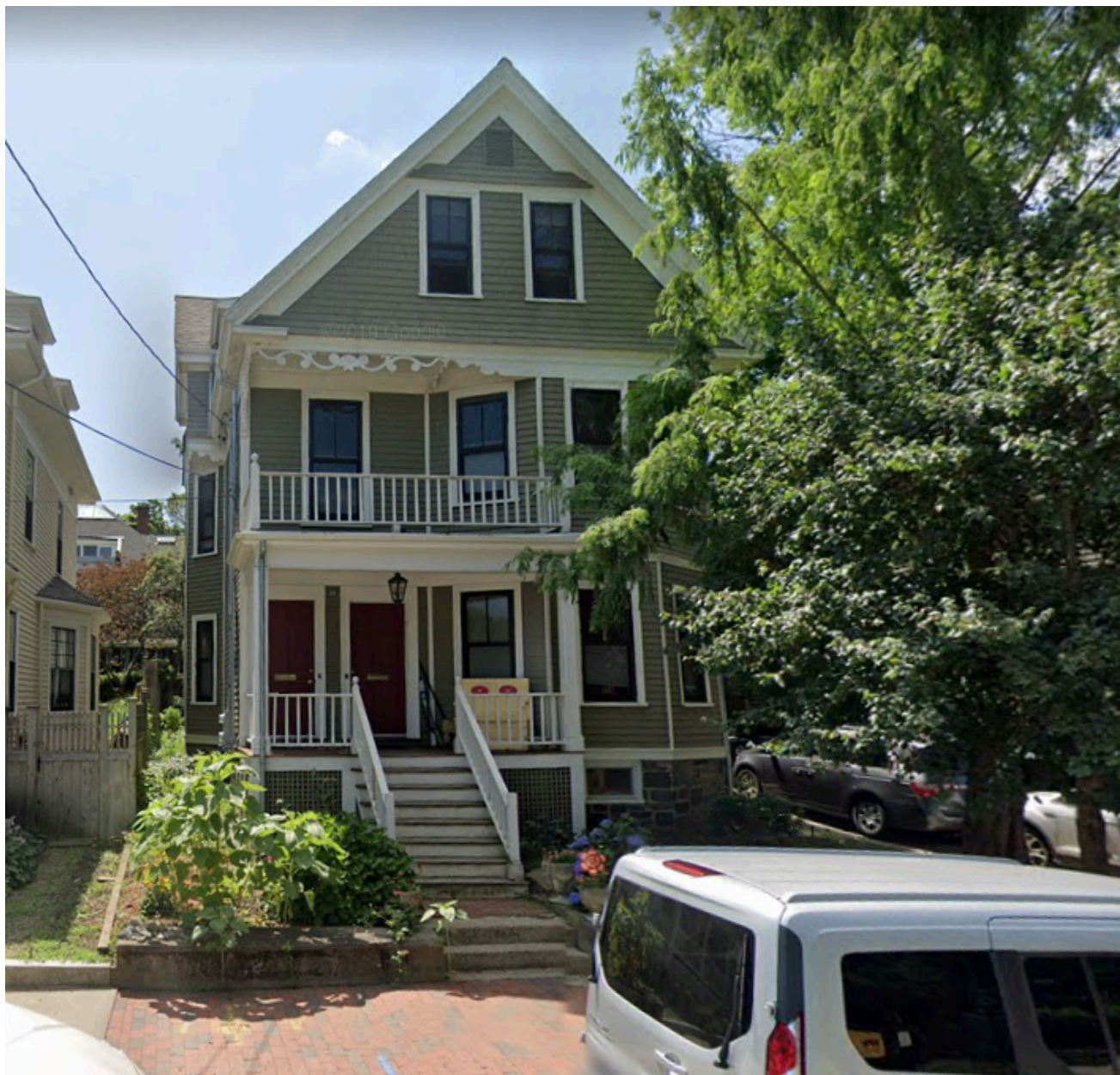




Third Floor Proposed Plan

3/16" = 1'-0"

1



216 Upland Ave - Front (North)



216 Upland Ave - Rear (South)



THIRD FLOOR \_ \_  
\_ \_ \_ \_ \_

SECOND FLOOR \_ \_  
\_ \_ \_ \_ \_

FIRST FLOOR \_ \_  
\_ \_ \_ \_ \_

BASEMENT FLOOR \_ \_



Existing West Side Elevation

3/16" = 1'-0"

1

THIRD FLOOR

SECOND FLOOR

FIRST FLOOR

BASEMENT FLOOR



Existing Rear/ South Elevation

3/16" = 1'-0"

1





THIRD FLOOR

SECOND FLOOR

FIRST FLOOR

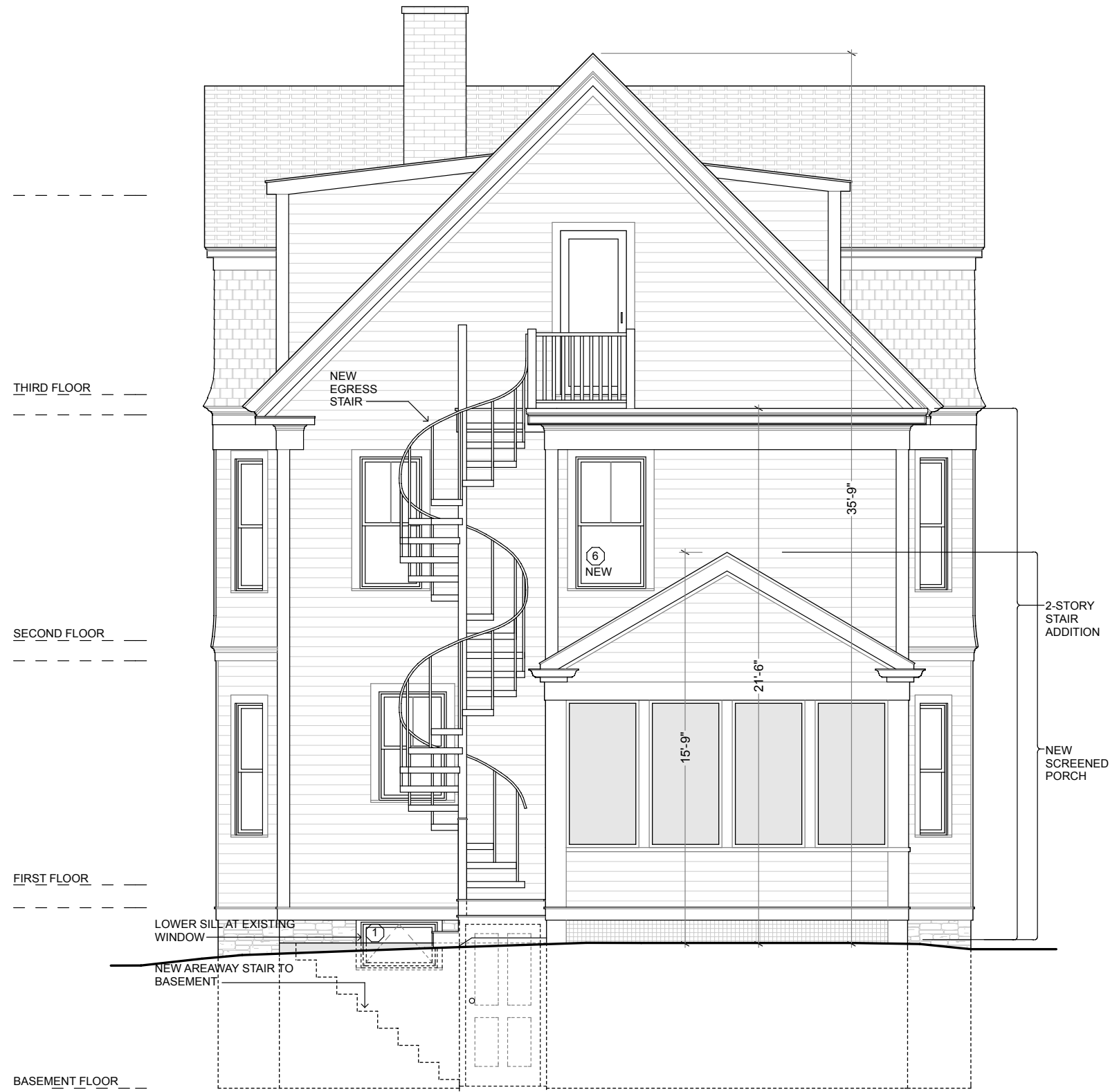
BASEMENT FLOOR



Proposed West Side Elevation

3/16" = 1'-0"

1



Proposed Rear/ South Elevation

3/16" = 1'-0"

1



Proposed East Side Elevation

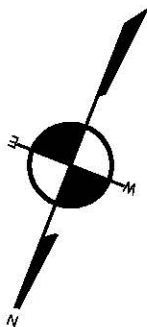
3/16" = 1'-0"

1

PLAN OF LAND

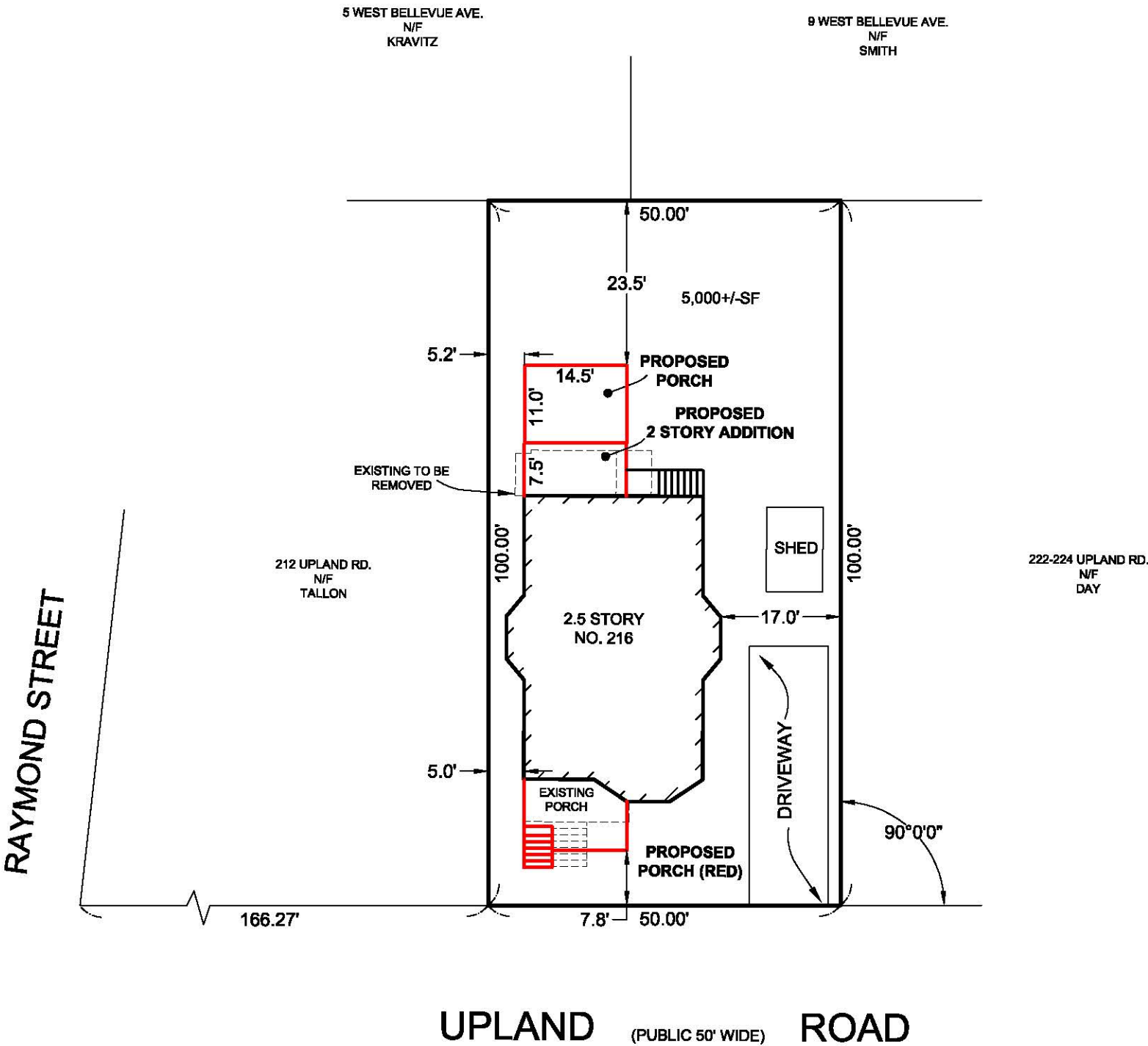
LOCATED AT  
216 UPLAND ROAD  
CAMBRIDGE, MA  
PREPARED FOR:  
DARA ARONS

SCALE: 1 INCH = 20 FEET



MASSACHUSETTS  
SURVEY  
CONSULTANTS

14 SUMNER STREET  
GLOUCESTER, MA 01930  
617 899-0703  
WWW.MASSACHUSETTSSURVEY.COM



REFERENCES

DEED: BOOK 62810, PAGE 183  
PLANS: 1179 OF 1949; PLAN BOOK 104 , PLAN 20

NOTES

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

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







216 Upland Rd.

Petitioner

206-19  
BARDIGE, ARTHUR H. & BETTY S. BARDIGE,  
TRS. THE ARTHUR H. BARDIGE QUALIFIED  
C/O SEAVEST INC.  
707 WESTCHESTER AVE., #401  
WHITE PLAINS, NY 10601-3102

206-14  
PEREL, MELISSA  
222-224 UPLAND RD. UNIT#3  
CAMBRIDGE, MA 02139

SMART ARCHITECTURE  
C/O MAGGIE BOOZ, ARCHITECT  
625 MT. AUBURN STREET – SUITE 206  
CAMBRIDGE, MA 02138

206-13  
PARK, JEAN C. & JACOB M. TAYLOR  
226 UPLAND RD  
CAMBRIDGE, MA 02140

206-14  
HUMPHREYS, ALAN O. & JENNIFER DAY  
222-224 UPLAND RD., #2  
CAMBRIDGE, MA 02140

206-17  
CAVALLARO, RAFFAEL & HEMMIE CHANG  
106 RAYMOND ST  
CAMBRIDGE, MA 02140-3620

206-21  
SMITH, DAVID B. & SANDRA M. SWEETNAM  
9 WEST BELLEVUE AVE.  
CAMBRIDGE, MA 02140-3613

206-16  
LONERGAN, PAUL A. & ANNE C. TALLON  
212 UPLAND RD.  
CAMBRIDGE, MA 02140-3645

206-14  
BINGHAM, ELIZABETH A.  
222 UPLAND RD., UNIT# 1  
CAMBRIDGE, MA 02140

206-15  
ARONS, DARA & JEREMY C. MCDIARMID  
216 UPLAND RD  
CAMBRIDGE, MA 02140

206-20  
KRAVITZ, EDWARD A. & KATHRYN F.  
TRS. EDWARD & KATHRYN KRAVITZ REV. TR.  
5 WEST BELLEVUE AVE  
CAMBRIDGE, MA 02140-3613

206-81  
STOKES, ELIZABETH ANNE,  
TR. OF THE ELIZABETH ANNE STOKES TRUST  
12 NEWELL TER  
CAMBRIDGE, MA 02140

206-22  
MOORE, PATRICIA R.,  
TRS THE 10 WEST BELLEVUE AVE REALTY TR  
10 WEST BELLEVUE AVE  
CAMBRIDGE, MA 02140

206-18  
AVADHANY, SHAKEEL  
102 RAYMOND ST  
CAMBRIDGE, MA 02140

205-40  
CITY OF CAMBRIDGE  
C/O LOUIS DEPASQUALE  
CITY MANAGER

205-40  
CAMBRIDGE CITY OF RECREATION DEPT  
57 INMAN ST  
CAMBRIDGE, MA 02139

205-40  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR