



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 SEP -7 PM 2:32  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 239588**

### General Information

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

Special Permit:   X                        Variance:   X                        Appeal:       

**PETITIONER:** Wang, Lei & Todd Case C/O Jonathan Tan, PLA, Landscape Architect

**PETITIONER'S ADDRESS:** PO Box 1680, New Canaan, CT 06840

**LOCATION OF PROPERTY:** 21 Gurney St., Cambridge, MA

**TYPE OF OCCUPANCY:** Residential-Single Family                      **ZONING DISTRICT:** Residence B Zone

**REASON FOR PETITION:**

*/New Structure/*

**DESCRIPTION OF PETITIONER'S PROPOSAL:**

We are seeking variance relief from Article 5.000 Section 5.31.1 (Table 5-1. Table of Dimensional Requirements – Residential Districts) and Article 5.000 Section 5.24.1.h (Ordinance No. 2022-9, Yard Exemptions) to build a new 18" high wood deck within the rear yard setbacks, extending 19 feet 2 inches from the house foundation walls, where the ordinance allows for elevated features to be built within the yard setbacks so long as they project no more than 12 feet from the house foundation walls.

*Please see Figure 1a in this application's narrative packet for a diagram showing the proposed deck design.*

We are seeking special permit relief from Article 8.000 Section 8.22.2.d (Nonconformance) to increase the Floor Area Ratio (FAR) of this lot where the existing FAR is already above the allowable limit as defined by the ordinance for this district.

We are seeking to enclose an area below an existing overhang of the building, which is currently being used as a storage area by the homeowners to keep outdoor furniture, garden tools, and yard accessories. The intention for doing so is to visually screen undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area.

Since the enclosed space will be less than 50% open it will therefore count as an additional 0.03 FAR (102 SF Gross Floor Area) towards the lot's FAR. The property currently has an existing FAR of 1.36 which is already above the allowable limit of 0.5 as defined by the ordinance for this district.

*Please see Figure 1a in this application's narrative packet for a diagram showing the location of the proposed enclosed storage area.*


*Please see Figures 2a and 2b in this application's narrative packet for photos of the existing conditions and the proposed enclosed storage area, respectively.*

Please see Table 1 in this application's narrative packet for existing and proposed Floor Area Ratio calculations for this application.

**SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000      Section: 5.31 ( Table of Dimensional Requirements)  
 Article: 8.000      Section: 8.22.2.d (Non-Conforming Structure).  
 Article: 10.000     Section: 10.30 (Variance). & Sec. 10.40 (Special Permit).

Original  
Signature(s):

  
 \_\_\_\_\_  
 (Petitioner (s) / Owner)

**JONATHAN TAN**

(Print Name)

Address:

P.O. BOX 1680, NEW CANAAN CT 06840

Tel. No.

860-992-8462

E-Mail Address:

jt@broadbentdesignstudio.com

Date: 8/21/2023

**BZA Application Form**

**DIMENSIONAL INFORMATION**

**Applicant:** Wang, Lei & Todd Case  
**Location:** 21 Gurney St., Cambridge, MA  
**Phone:** 860-992-8462

**Present Use/Occupancy:** Residential-Single Family  
**Zone:** Residence B Zone  
**Requested Use/Occupancy:** Residential-Single Family

		<u>Existing Conditions</u>		<u>Requested Conditions</u>		<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		5070		5172		1864	(max.)
<u>LOT AREA:</u>		3728		3728		5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		1.36		1.39		0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		3219		3219		2500	
<u>SIZE OF LOT:</u>	WIDTH	43.03		43.03		50	
	DEPTH	87.48		87.48		n/a	
<u>SETBACKS IN FEET:</u>	FRONT	5.7		5.7		15	
	REAR	20.8		20.8		25	
	LEFT SIDE	6.5		6.5		7.5	
	RIGHT SIDE	9.4		9.4		7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	35		35		35	
	WIDTH	51.83		51.83		n/a	
	LENGTH	27.25		27.25		n/a	

<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0.85		0.85		0.5	
<u>NO. OF DWELLING UNITS:</u>		1		1		1	
<u>NO. OF PARKING SPACES:</u>		1		1		1	
<u>NO. OF LOADING AREAS:</u>		0		0		0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		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'.

## **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 present a substantial hardship for the homeowners to build a functional deck due to two primary existing conditions:

Firstly, the existing lot is undersized for the zoning district which it's located in, as demonstrated by the existing lot size (3,728 SF) being less than the minimum lot size for the zoning district (5,000 SF). As a result, the rear yard setback as defined by the provisions of this ordinance present a substantial hardship to the homeowners' ability to build a new deck on their property, one that is not typically encountered on other lots in the same Residence B zoning district.

The rear yard setback as required by the ordinance for this district is 25 feet, which is greater than the entirety of the lot's existing rear yard measuring 20 feet 10 inches from the rear face of building. This presents a substantial hardship for the homeowner since the entirety of their rear yard falls within the yard setback and therefore subject to the provisions of this ordinance, where a more typical sized lot within this zoning district would have a greater ability to build a deck in compliance with the ordinance because they aren't subject to the limitations unique to this property.

Secondly, the location of an existing mature Japanese Maple tree also contributes a substantial hardship to the homeowners' ability to build a new deck that would be compliant with the ordinance because the resulting deck would not allow for sufficient space to be used as a functional seating area while also allowing for clearance to walk to and from the various existing doors and steps.

While the homeowners could build an on-grade patio that would not require variance relief from this ordinance, such a patio would require either removing or significantly jeopardizing the health of the tree.

The homeowners are committed to preserving this existing tree owing to its maturity, beauty, and character on the property. By building a deck around the tree and incorporating it beside the proposed seating area, the homeowners would both limit the soil disturbance around the tree roots as well as preserve the tree's access to both rain precipitation and air. This solution presents the best opportunity for the tree's continued longevity while allowing the homeowners to create a meaningful outdoor space for their family to enjoy their rear yard.

**B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is owing to the following existing circumstances relating to the lot size and existing tree locations on the property, otherwise not typically faced on other lots in the zoning district:

Firstly, the existing lot is undersized for the zoning district which it's located in, as demonstrated by the existing lot size (3,728 SF) being less than the minimum lot size for the zoning district (5,000 SF). As a result, the rear yard setback as defined by the provisions of this ordinance present a substantial hardship to the homeowners' ability to build a new deck on their property, one that is not typically encountered on other lots in the same Residence B zoning district.

The rear yard setback as required by the ordinance for this district is 25 feet, which is greater than the entirety of the lot's existing rear yard measuring 20 feet 10 inches from the rear face of building. This presents a substantial hardship for the homeowner since the entirety of their rear yard falls within the yard setback and therefore subject to the provisions of this ordinance, where a more typical sized lot within this zoning district would have a greater ability to build a deck in compliance with the ordinance



because they aren't subject to the limitations unique to this property.

Secondly, the location of an existing mature Japanese Maple tree also contributes a substantial hardship to the homeowners' ability to build a new deck that would be compliant with the ordinance because the resulting deck would not allow for sufficient space to be used as a functional seating area while also allowing for clearance to walk to and from the various existing doors and steps.

While the homeowners could build an on-grade patio that would not require variance relief from this ordinance, such a patio would require either removing or significantly jeopardizing the health of the tree.

The homeowners are committed to preserving this existing tree owing to its maturity, beauty, and character on the property. By building a deck around the tree and incorporating it beside the proposed seating area, the homeowners would both limit the soil disturbance around the tree roots as well as preserve the tree's access to both rain precipitation and air. This solution presents the best opportunity for the tree's continued longevity while allowing the homeowners to create a meaningful outdoor space for their family to enjoy their rear yard.

**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:

Granting desirable relief for this application would not cause any detriment to the public good because the proposed deck and its use would be no different than that of any other typical lot in the Residence B zoning district.

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

Granting desirable relief for this application would not nullify or derogate from the intent or purpose of this ordinance because this application presents a set of challenging existing circumstances unique to this property as compared to typical lots in the Residence B zoning district, exemplified by the property being an undersized lot with limited usable space, a situation that is further exacerbated by existing tree locations.

**\*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 21 Gurney 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:

The requirements of the ordinance can be met because the proposed storage enclosure will only increase a pre-existing dimensional nonconformity but does not create a new dimensional nonconformity per Article 8.000 Section 8.22.2.d (Nonconformance).

Since the lot has an existing Floor Area Ratio (FAR) of 1.36 which is already above the allowable limit of 0.5 as defined by the ordinance for this district, the proposed storage enclosure will increase the lot FAR by 0.03 (102 SF Gross Floor Area) but will not create a new dimensional nonconformity because the entire scope of work will be built within the existing building footprint. The proposed storage enclosure will count as additional FAR because the enclosed space will be less than 50% open given that its design purpose is to screen the storage items within.

Additionally, the increase of this pre-existing dimensional nonconformity will not present any detrimental change to the neighborhood, and in fact would improve the existing nonconforming structure by visually screening undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area to keep outdoor furniture, garden tools, and yard accessories.

*Please see Table 1 in this application's narrative packet for existing and proposed Floor Area Ratio calculations for this application.*

**B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

The proposed storage enclosure is located in the rear yard of the property for the purposes of storing outdoor furniture, garden tools, and yard accessories, consistent with how the space is currently being used. Therefore, this improvement will have no effect on existing traffic patterns, cause any hazards, or create substantial change in the established neighborhood character.

**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:

This application does not propose any changes to the existing residential uses of the property and therefore will have no impact on the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance.

**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:

This application does not propose any changes to the existing residential uses of the property and therefore will not create any nuisance or hazard to the detriment of the health, safety, and welfare of the occupant or the citizens of the City.

In fact, enclosing the storage area would improve existing conditions by visually screening any undesirable views of the items in the storage area that may pose a nuisance to the homeowners or their neighbors when using the rear yard.

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:

This application does not propose any changes to the existing residential uses of the property and therefore will not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.

This application is aligned with the intent and purpose of this ordinance as defined per Article 8.000 Section 8.22.2.d (Nonconformance) where the homeowners are seeking special permit relief to alter a pre-existing nonconforming detached single-family dwelling whereby the proposed storage enclosure only increases a pre-existing dimensional nonconformity but does not create a new dimensional nonconformity. The proposed storage enclosure also does not present any detrimental change to the neighborhood, and in fact would improve the existing nonconforming structure by visually screening undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area to keep outdoor furniture, garden tools, and yard accessories.

**\*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 - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Wang, Lei & Todd Case  
(OWNER)

Address: 21 Gurney Street, Cambridge, MA 02138

State that I/We own the property located at 21 Gurney Street, Cambridge, MA 02138  
which is the subject of this zoning application.

The record title of this property is in the name of Wang, Lei & Todd Case

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

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

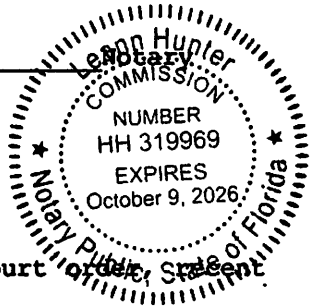
\*Written evidence of Agent's standing to represent petitioner may be requested.

-----  
Commonwealth of Florida, County of Broward

The above-name Lei Wang, Todd Joseph personally appeared before me, this 22 of August, 2023, and made oath that the above statement is true.

[Handwritten Signature]

My commission expires October 9th 2026 (Notary Seal).



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

**NEW APPLICATION FORM - PROBATE'S EXEMPTION**

To be completed by OWNER, signed before a notary and returned to the Secretary of the Board of Exempt Applications.

Wang Lei & Todd Case

(OWNER)

21 Gurney Street, Cambridge, MA 02138

21 Gurney Street, Cambridge, MA 02138

State that I/We own the property located at \_\_\_\_\_ which is the subject of this pending application.

The record title of this property is in the name of \_\_\_\_\_ Wang Lei & Todd Case

Reference to a deed of duly recorded in the date \_\_\_\_\_, Middlesex South

County Registry of Deeds at Book \_\_\_\_\_ Page \_\_\_\_\_

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

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

*[Handwritten signatures]*

AUTHORIZED TRUSTEE, OWNER OR HEIR

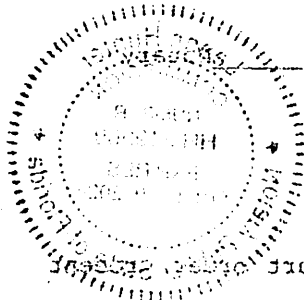
Written evidence of agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of \_\_\_\_\_

The above name \_\_\_\_\_ personally appeared before me,

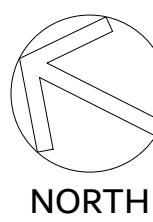
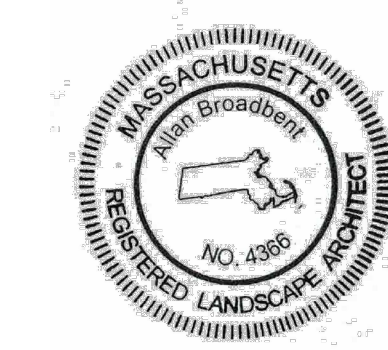
this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, and reads with that the above statement is true.

My commission expires \_\_\_\_\_ (Notary Seal)



If ownership is not shown in recorded deed, e.g. in court order, deed, or instrument, please include documentation.





PHASE  
**ISSUED FOR PERMITTING**

REVISIONS

#	DATE	DESCRIPTION

DRAWING TITLE

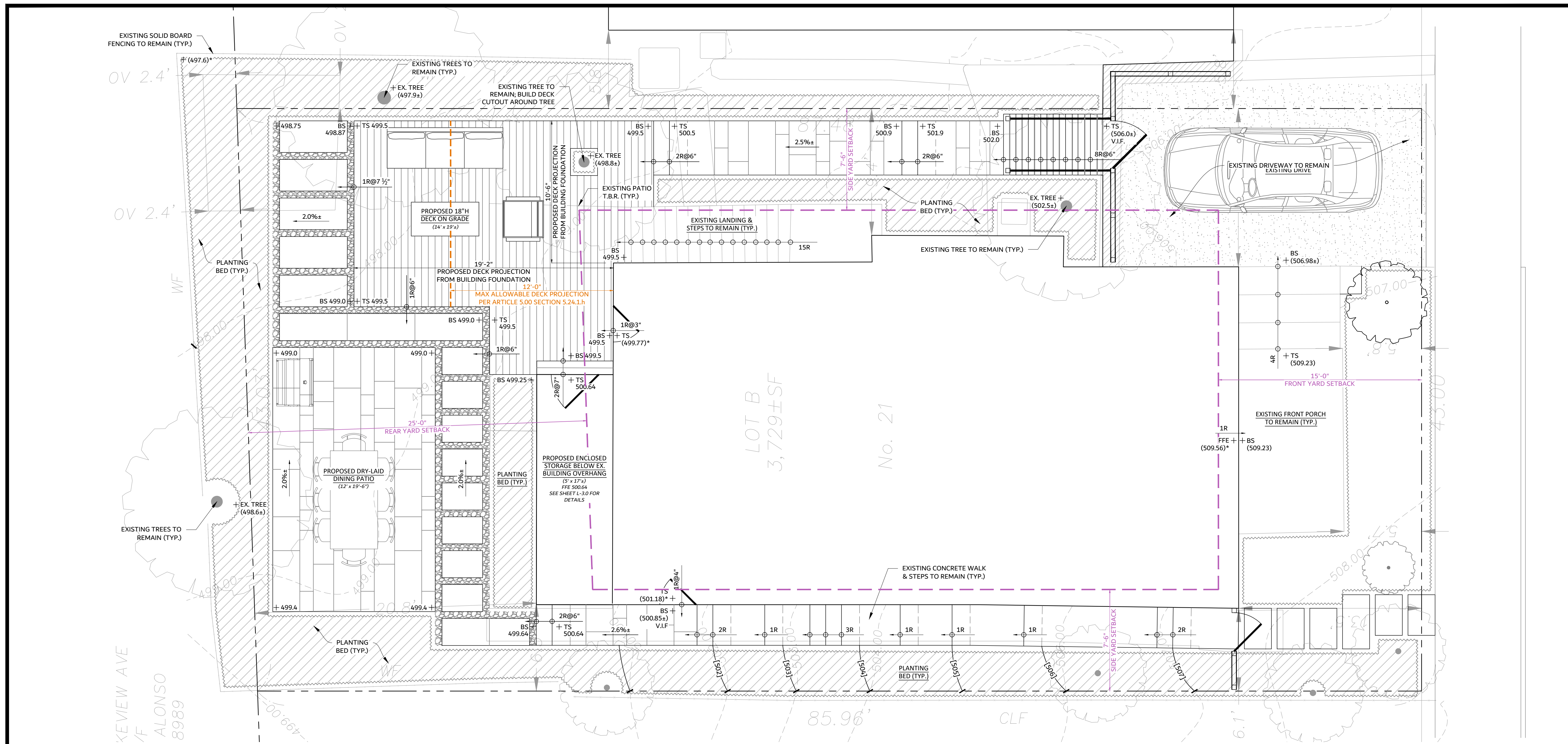
**PERMIT PLAN**

DRAWING NO.

**PP-1.0**

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UNLESS SPECIFICALLY RELEASED FOR CONSTRUCTION, THIS DRAWING IS NOT TO BE USED FOR IMPLEMENTATION OF ANY PROPOSED IMPROVEMENTS REPRESENTED HERE.



**WANG RESIDENCE**  
21 Gurney Street, Cambridge MA  
Map/Lot: 236-90  
Zoning Residence B

**Table 1: Floor Area Ratio Calculations**

Existing Lot Area	3,728 SF
Max. FAR to Lot Area <sup>1</sup>	0.5
Max. Allowable Gross Floor Area	1,864 SF

Existing Floor Areas <sup>2</sup>	Gross Area (SF)	Living Area (SF)
First Floor	1,178	1,178
Deck Wood	193	0
Basement Finished	1,150	0
Porch, Enclosed	102	0
Porch, Open	91	0
Upper Story, Finished	1,178	1,178
Three Quarter Story	1,150	863
Basement	28	0
<b>Total Existing Floor Areas</b>	<b>5,070</b>	<b>3,219</b>
<b>Total Existing FAR</b>	<b>1.36</b>	-

Proposed Floor Area	Gross Area (SF)	Living Area (SF)
Porch, Enclosed	102	0
<b>Total Proposed Floor Areas</b>	<b>5,172</b>	<b>3,219</b>
<b>Total Proposed FAR</b>	<b>1.39</b>	-

Notes:

<sup>1</sup> Per Cambridge, MA Zoning Ordinance Article 5.31 Residential Districts Dimensional Regulations, Table 5-1. Table of Dimensional Requirements - Residential Districts.

<sup>2</sup> Per Property Database - City of Cambridge, MA, 21 Gurney Street Property Information. <https://www.cambridgema.gov/propertydatabase/20119>

**Table 2: Private Open Space Ratio Calculations**

Existing Lot Area	3,728 SF
Min. Ratio of Private Open Space to Lot Area <sup>3</sup>	40%
Min. Private Open Space	1,491 SF
Min. Ratio of Permeable Open Space <sup>4</sup>	50%

Existing Private Open Space	Private Open Space (SF)
Existing Deck, Front Porch	91
Existing Deck, Front Balcony	91
Existing Deck, Rear Balcony	102
Private Open Space, Front Yard	271
Private Open Space, Rear Yard	1,322
<b>Total Existing Private Open Space</b>	<b>1,877</b>
<b>Total Existing Permeable Open Space</b>	<b>1,593</b>
<b>Total Existing Ratio of Permeable Open Space</b>	<b>85%</b>

Proposed Private Open Space	Private Open Space (SF)
Existing Deck, Front Porch	91
Existing Deck, Front Balcony	91
Existing Deck, Rear Balcony	102
Proposed On-Grade Deck, Rear Yard	333
Private Open Space, Front Yard	271
Private Open Space, Rear Yard	1,031
<b>Total Proposed Private Open Space</b>	<b>1,919</b>
<b>Total Proposed Permeable Open Space</b>	<b>1,635</b>
<b>Total Proposed Ratio of Permeable Open Space</b>	<b>85%</b>

Notes:

<sup>3</sup> Per Cambridge, MA Zoning Ordinance Article 5.22.1 Standards for Dimensional Regulations, Private Open Space.

<sup>4</sup> Per Cambridge, MA Zoning Ordinance Article 5.22.3 Standards for Dimensional Regulations, Special Requirements in Residence A-1, A-2, B, C, and C-1.

**GENERAL NOTES:**

- THE PROPERTY IS LOCATED WITHIN THE ZONING RESIDENCE B DISTRICT, MAP/LOT 236-90
- CONTRACTOR SHALL COORDINATE A FIELD STAKEOUT OF ALL PROPERTY LINES PRIOR TO CONSTRUCTION. CONTACT ROSS PHILLIPS & GEORGE COLLINS OF BOSTON SURVEY, INC. AT (617) 242-1313.
- CONTRACTOR SHALL VERIFY ALL FIELD MEASUREMENTS TO CONFIRM COMPLIANCE WITHIN PROPERTY LINES & NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

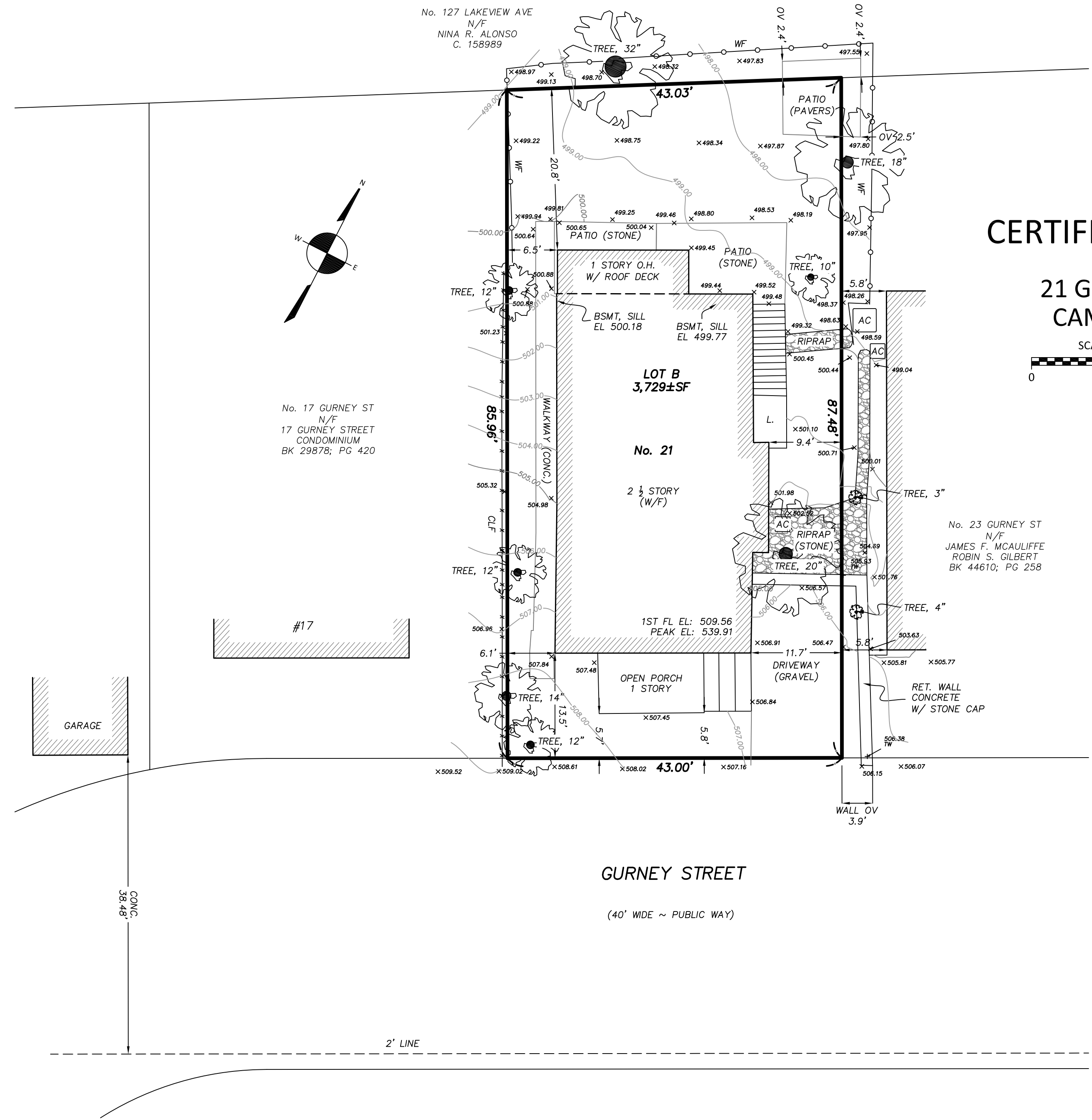


**PREPARED FOR:**  
 OWNERS OF RECORD:  
 LEI WANG  
 TODD CASE  
 21 GURNEY STREET  
 CAMBRIDGE, MA 02138

**REFERENCES:**  
 DEED: BK 63060; PG 459  
 PLAN: BK 3490; PG END  
 BK 3619; PG END  
 BK 3726; PG END  
 BK 4033; PG END  
 PL 1937 #1068  
 PL 1999 #232  
 PL 2008 #1022  
 PL 2009 #456  
 LCC: 3256-A

CITY OF CAMBRIDGE ENGINEERING RECORDS  
 STR-14-07 HURON AVENUE  
 STR-16-38 GURNEY STREET  
 FB 163; PG 29  
 FB 156; PG 61  
 FB 142; PGS 16-17  
 FB 120; PGS 151-152

**NOTES:**  
 MAP/LOT: 236-90  
 ZONING: B



**CERTIFIED PLOT PLAN**

LOCATED AT  
**21 GURNEY STREET**  
**CAMBRIDGE, MA**

SCALE: 1.0 INCH = 10.0 FEET  
 0 10 20 30

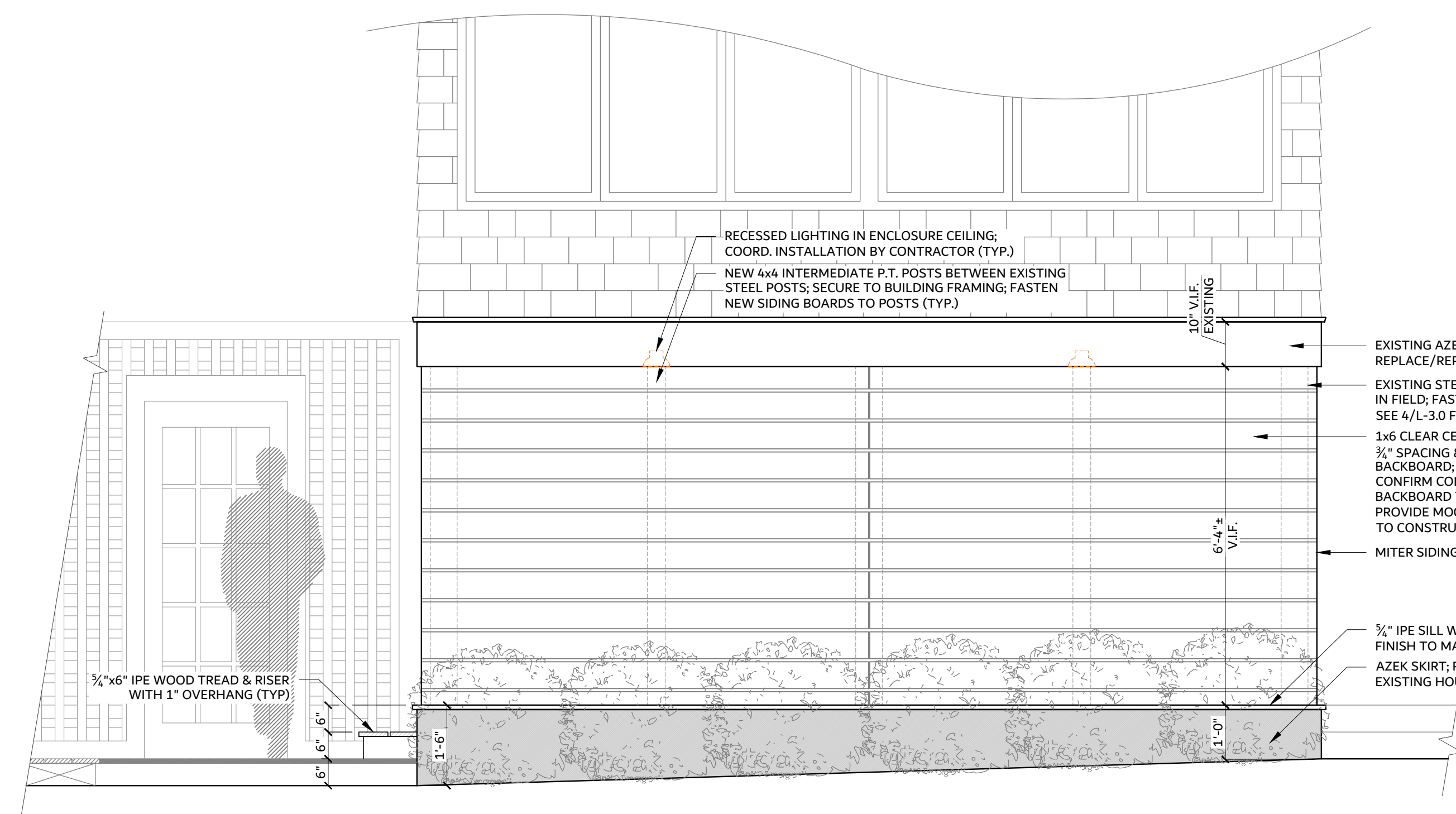
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF MARCH 4, 2022 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

**VERTICAL DATUM**  
 THE ELEVATIONS SHOWN ON THIS PLAN ARE RELATIVE TO AN ASSUMED DATUM AND WERE DETERMINED FROM A GPS OBSERVATION.

**FEMA**  
 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS  
 ZONE: X  
 COMMUNITY PANEL: 25017C0419E  
 EFFECTIVE DATE: 06/04/2010

FIELD:	MO
DRAFT:	RAP
CHECK:	GCC
DATE:	01/04/22
JOB #	13-00518

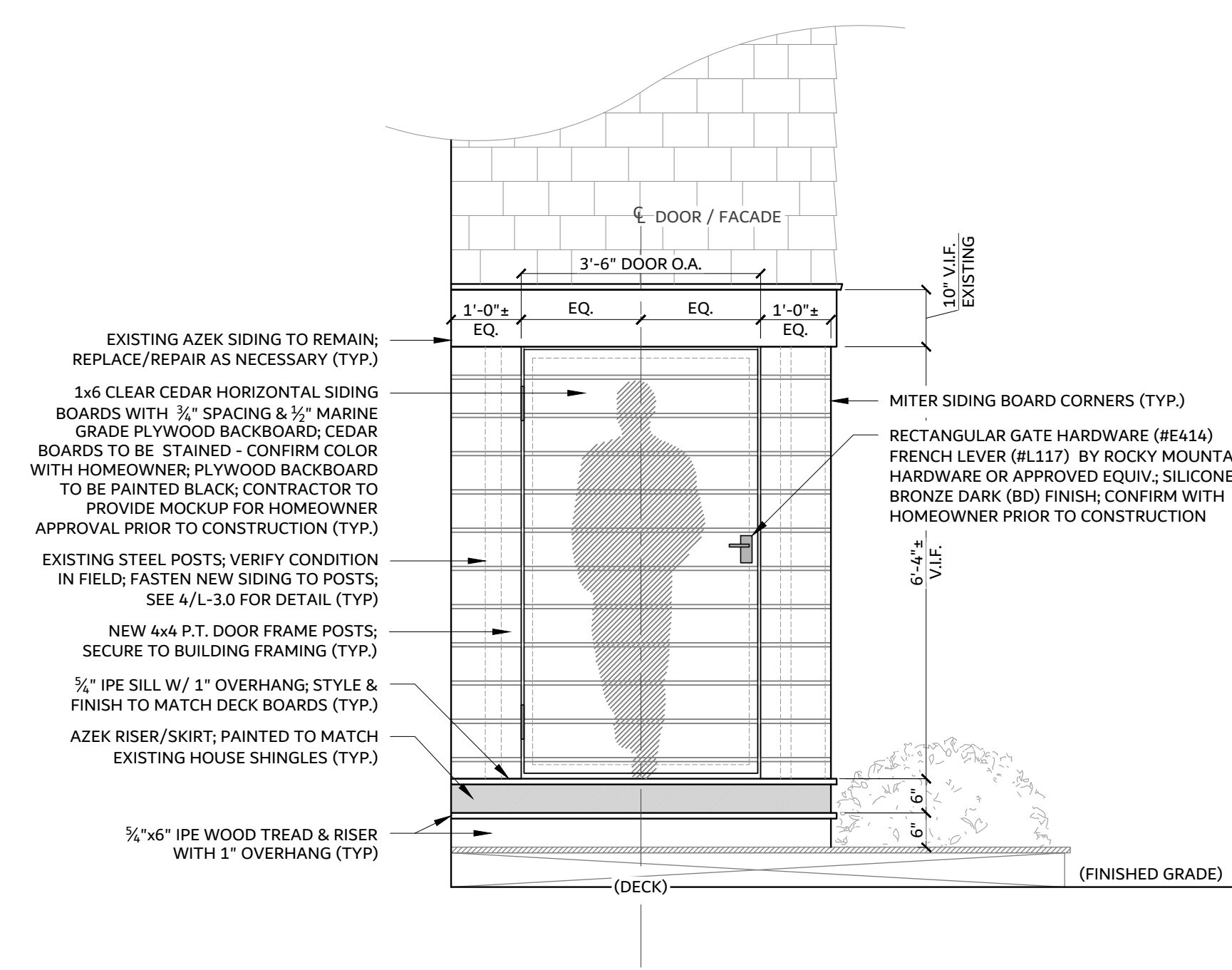




1 ENCLOSED STORAGE NORTH ELEVATION

L3.0

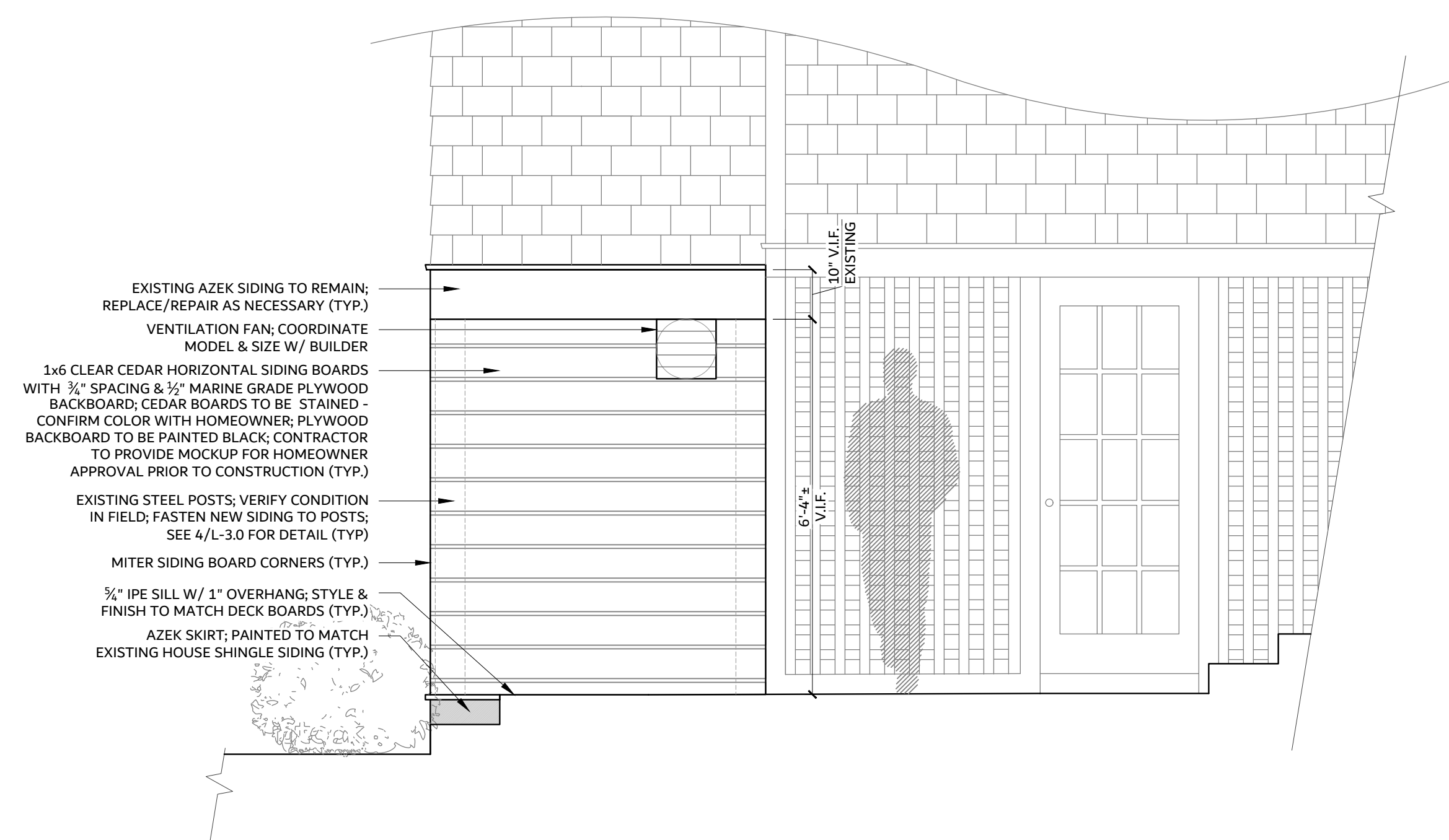
1/2"=1'-0"



2 ENCLOSED STORAGE EAST ELEVATION

L3.0

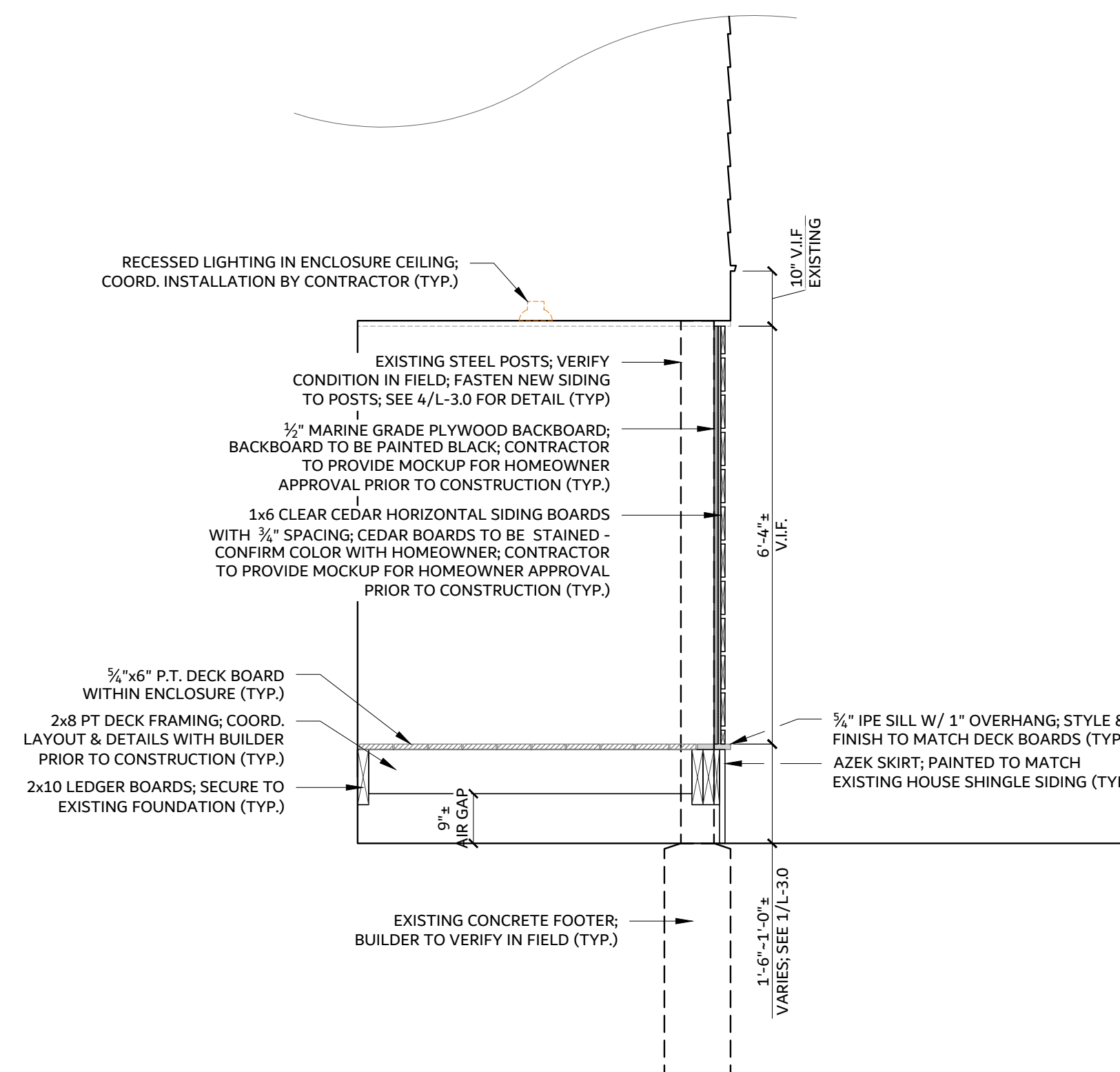
1/2"=1'-0"



3 ENCLOSED STORAGE WEST ELEVATION

L3.0

1/2"=1'-0"

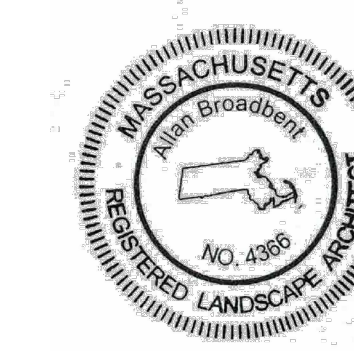


4 ENCLOSED STORAGE EAST SECTION

L3.0

1/2"=1'-0"

JOB NO:  
DRAWN BY: JB / JYT  
DATE: 01.06.2023 SCALE: AS SHOWN



PHASE  
**ISSUED FOR PERMITTING**

#	DATE	DESCRIPTION
1	04.05.2023	ISSUED FOR PRICING
2	05.30.2023	REV. STEP TRANSITIONS & GRADING
3	08.17.2023	ISSUED FOR PERMITTING

DRAWING TITLE  
**ENCLOSED STORAGE  
DETAILS**

DRAWING NO.

**L-3.0**

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# WANG RESIDENCE

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21 GURNEY STREET, CAMBRIDGE MA  
EXISTING SITE CONDITIONS





# WANG RESIDENCE

EXISTING CONDITIONS - OPEN PORCH UNDER EXISTING STRUCTURE / PROPOSED STORAGE AREA





WANG RESIDENCE

EXISTING CONDITIONS - REAR YARD / PROPOSED DECK AREA





EXISTING JAPANESE  
MAPLE TREE

## WANG RESIDENCE

EXISTING CONDITIONS - REAR YARD / PROPOSED DECK AREA & EXISTING TREES

**BDS** | BROADBENT  
DESIGN STUDIO



## **BOARD OF ZONING APPEALS NARRATIVE**

The Wang Residence  
21 Gurney Street  
Cambridge, MA

August 17, 2023

### **1. RELIEF DESCRIPTION**

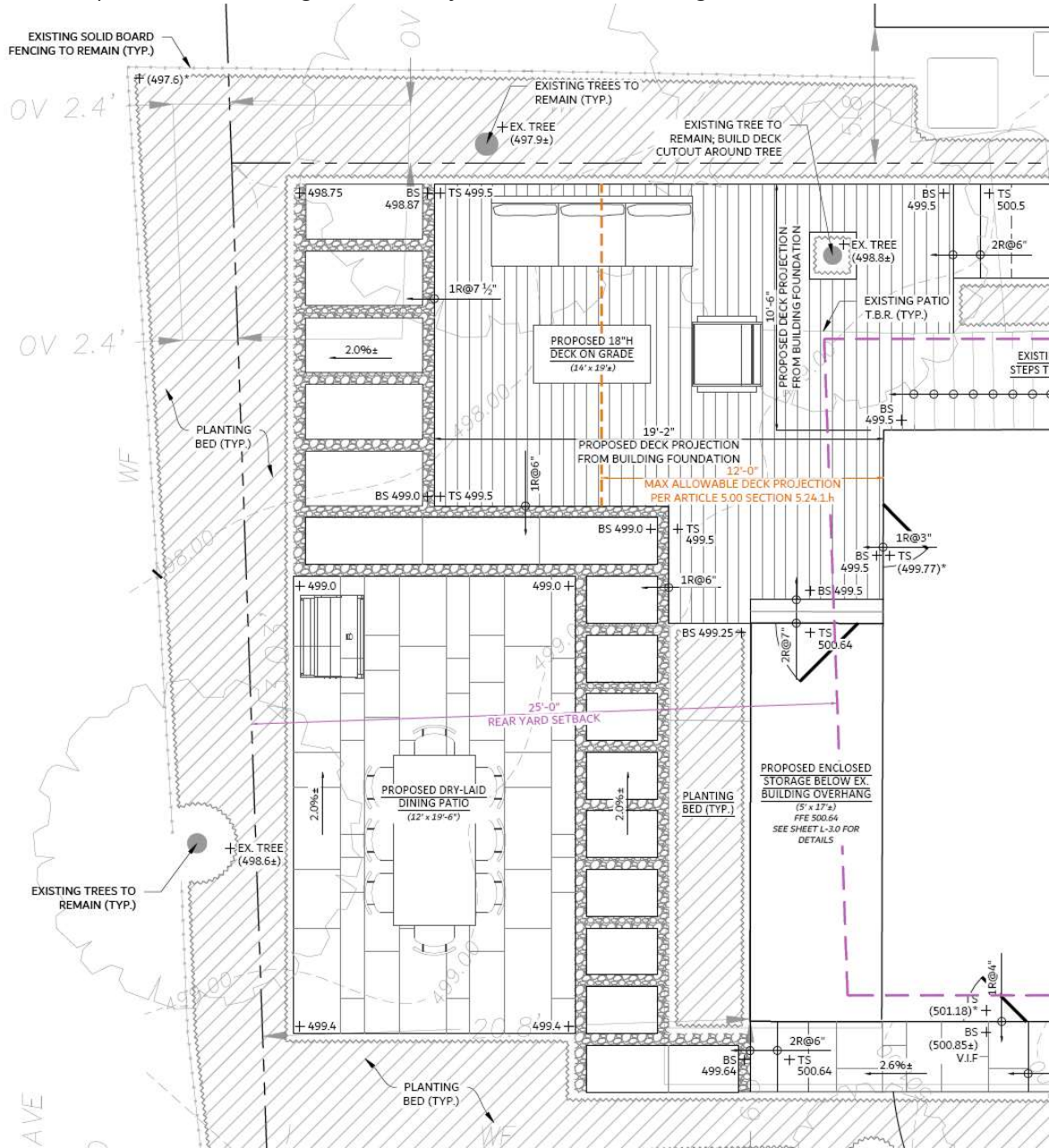
Please provide a brief description of the relief. The relief requested will be limited to the work described, regardless of whether it shows on the plans. The work described should be limited only to the relief needed.

#### **a. Brief description of work that requires Variance relief:**

We are seeking variance relief from Article 5.000 Section 5.31.1 (Table 5-1. Table of Dimensional Requirements - Residential Districts) and Article 5.000 Section 5.24.1.h (Ordinance No. 2022-9, Yard Exemptions) to build a new 18" high wood deck within the rear yard setbacks, extending 19 feet 2 inches from the house foundation walls, where the ordinance allows for elevated features to be built within the yard setbacks so long as they project no more than 12 feet from the house foundation walls.

*Please see Figure 1a in this application's narrative packet for a diagram showing the proposed deck design.*

Figure 1a: Proposed Deck Design, Deck Projections from Building Foundation, and Setbacks



**b. Brief description of work that requires Special Permit relief:**

We are seeking special permit relief from Article 8.000 Section 8.22.2.d (Nonconformance) to increase the Floor Area Ratio (FAR) of this lot where the existing FAR is already above the allowable limit as defined by the ordinance for this district.

We are seeking to enclose an area below an existing overhang of the building, which is currently being used as a storage area by the homeowners to keep outdoor furniture, garden tools, and yard accessories. The intention for doing so is to visually screen undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area.

Since the enclosed space will be less than 50% open it will therefore count as an additional 0.03 FAR (102 SF Gross Floor Area) towards the lot's FAR. The property currently has an existing FAR of 1.36 which is already above the allowable limit of 0.5 as defined by the ordinance for this district.

*Please see Figure 1a in this application's narrative packet for a diagram showing the location of the proposed enclosed storage area.*

*Please see Figures 2a and 2b in this application's narrative packet for photos of the existing conditions and the proposed enclosed storage area, respectively.*

*Please see Table 1 in this application's narrative packet for existing and proposed Floor Area Ratio calculations for this application.*

*Figure 2a: Existing Conditions of Storage Area under Building Overhang*



*Figure 2b: Proposed Elevation of Enclosed Storage Area under Building Overhang*

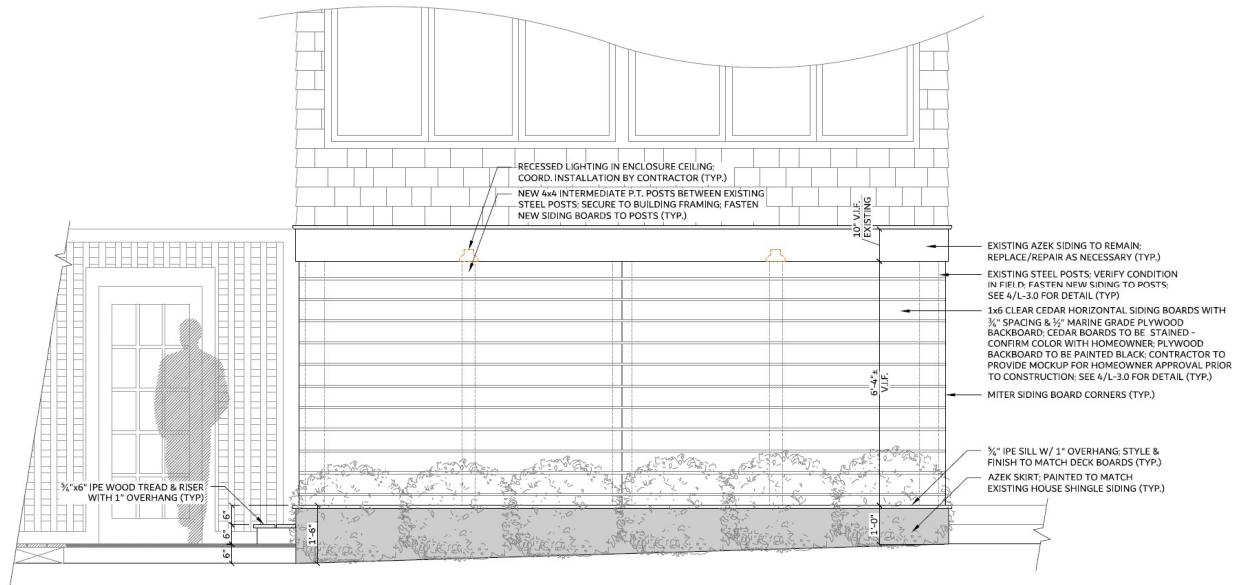


Table 1: Floor Area Ratio Calculations

**WANG RESIDENCE**

21 Gurney Street, Cambridge MA  
Map/Lot: 236-90  
Zoning Residence B

**Table 1: Floor Area Ratio Calculations**

Existing Lot Area	3,728 SF
Max. FAR to Lot Area <sup>1</sup>	0.5
Max. Allowable Gross Floor Area	1,864 SF

Existing Floor Areas <sup>2</sup>	Gross Area (SF)	Living Area (SF)
First Floor	1,178	1178
Deck Wood	193	0
Basement Finished	1,150	0
Porch, Enclosed	102	0
Porch, Open	91	0
Upper Story, Finished	1,178	1178
Three Quarter Story	1,150	863
Basement	28	0
<b>Total Existing Floor Areas</b>	<b>5,070</b>	<b>3,219</b>
<b>Total Existing FAR</b>	<b>1.36</b>	<b>-</b>

Proposed Floor Area	Gross Area (SF)	Living Area (SF)
Porch, Enclosed	102	0
<b>Total Proposed Floor Areas</b>	<b>5,172</b>	<b>3,219</b>
<b>Total Proposed FAR</b>	<b>1.39</b>	<b>-</b>

Notes:

<sup>1</sup> Per Cambridge, MA Zoning Ordinance Article 5.31 Residential Districts Dimensional Regulations, Table 5-1. Table of Dimensional Requirements - Residential Districts.

<sup>2</sup> Per Property Database - City of Cambridge, MA, 21 Gurney Street Property Information.  
<https://www.cambridgema.gov/propertydatabase/20119>

## **2. VARIANCE NARRATIVE (PROPOSED DECK)**

Each of the following requirements for a variance must be established and set forth in complete detail by the applicant in accordance with MGL40A, Section 10.

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

**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 present a substantial hardship for the homeowners to build a functional deck due to two primary existing conditions:

Firstly, the existing lot is undersized for the zoning district which it's located in, as demonstrated by the existing lot size (3,728 SF) being less than the minimum lot size for the zoning district (5,000 SF). As a result, the rear yard setback as defined by the provisions of this ordinance present a substantial hardship to the homeowners' ability to build a new deck on their property, one that is not typically encountered on other lots in the same Residence B zoning district.

The rear yard setback as required by the ordinance for this district is 25 feet, which is greater than the entirety of the lot's existing rear yard measuring 20 feet 10 inches from the rear face of building. This presents a substantial hardship for the homeowner since the entirety of their rear yard falls within the yard setback and therefore subject to the provisions of this ordinance, where a more typical sized lot within this zoning district would have a greater ability to build a deck in compliance with the ordinance because they aren't subject to the limitations unique to this property.

Secondly, the location of an existing mature Japanese Maple tree also contributes a substantial hardship to the homeowners' ability to build a new deck that would be compliant with the ordinance because the resulting deck would not allow for sufficient space to be used as a functional seating area while also allowing for clearance to walk to and from the various existing doors and steps.



While the homeowners could build an on-grade patio that would not require variance relief from this ordinance, such a patio would require either removing or significantly jeopardizing the health of the tree.

The homeowners are committed to preserving this existing tree owing to its maturity, beauty, and character on the property. By building a deck around the tree and incorporating it beside the proposed seating area, the homeowners would both limit the soil disturbance around the tree roots as well as preserve the tree's access to both rain precipitation and air. This solution presents the best opportunity for the tree's continued longevity while allowing the homeowners to create a meaningful outdoor space for their family to enjoy their rear yard.

**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 hardship is owing to the following existing circumstances relating to the lot size and existing tree locations on the property, otherwise not typically faced on other lots in the zoning district:

Firstly, the existing lot is undersized for the zoning district which it's located in, as demonstrated by the existing lot size (3,728 SF) being less than the minimum lot size for the zoning district (5,000 SF). As a result, the rear yard setback as defined by the provisions of this ordinance present a substantial hardship to the homeowners' ability to build a new deck on their property, one that is not typically encountered on other lots in the same Residence B zoning district.

The rear yard setback as required by the ordinance for this district is 25 feet, which is greater than the entirety of the lot's existing rear yard measuring 20 feet 10 inches from the rear face of building. This presents a substantial hardship for the homeowner since the entirety of their rear yard falls within the yard setback and therefore subject to the provisions of this ordinance, where a more typical sized lot within this zoning district would have a greater ability to build a deck in compliance with the ordinance because they aren't subject to the limitations unique to this property.

Secondly, the location of an existing mature Japanese Maple tree also contributes a substantial hardship to the homeowners' ability to build a new deck that would be compliant with the ordinance because the resulting deck would not allow for sufficient space to be used as a functional seating area while also allowing for clearance to walk to and from the various existing doors and steps.

While the homeowners could build an on-grade patio that would not require variance relief from this ordinance, such a patio would require either removing or significantly jeopardizing the health of the tree.

The homeowners are committed to preserving this existing tree owing to its maturity, beauty, and character on the property. By building a deck around the tree and incorporating it beside the proposed seating area, the homeowners would both limit the soil disturbance around the tree roots as well as preserve the tree's access to both rain precipitation and air. This solution presents the best opportunity for the tree's continued longevity while allowing the homeowners to create a meaningful outdoor space for their family to enjoy their rear yard.

**c. Desirable relief may be granted without substantial detriment to the public good for the following reasons:**

Granting desirable relief for this application would not cause any detriment to the public good because the proposed deck and its use would be no different than that of any other typical lot in the Residence B zoning district.

**d. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:**

Granting desirable relief for this application would not nullify or derogate from the intent or purpose of this ordinance because this application presents a set of challenging existing circumstances unique to this property as compared to typical lots in the Residence B zoning district, exemplified by the property being an undersized lot with limited usable space, a situation that is further exacerbated by existing tree locations.

### **3. SPECIAL PERMIT NARRATIVE (PROPOSED STORAGE ENCLOSURE)**

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 the associated 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 requirements of the ordinance can be met because the proposed storage enclosure will only increase a pre-existing dimensional nonconformity but does not create a new dimensional nonconformity per Article 8.000 Section 8.22.2.d (Nonconformance).

Since the lot has an existing Floor Area Ratio (FAR) of 1.36 which is already above the allowable limit of 0.5 as defined by the ordinance for this district, the proposed storage enclosure will increase the lot FAR by 0.03 (102 SF Gross Floor Area) but will not create a new dimensional nonconformity because the entire scope of work will be built within the existing building footprint. The proposed storage enclosure will count as additional FAR because the enclosed space will be less than 50% open given that its design purpose is to screen the storage items within.

Additionally, the increase of this pre-existing dimensional nonconformity will not present any detrimental change to the neighborhood, and in fact would improve the existing nonconforming structure by visually screening undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area to keep outdoor furniture, garden tools, and yard accessories.

*Please see Table 1 in this application's narrative packet for existing and proposed Floor Area Ratio calculations for this application.*

Table 1: Floor Area Ratio Calculations

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Basement	28	0
<b>Total Existing Floor Areas</b>	<b>5,070</b>	<b>3,219</b>
<b>Total Existing FAR</b>	<b>1.36</b>	<b>-</b>

Proposed Floor Area	Gross Area (SF)	Living Area (SF)
Porch, Enclosed	102	0
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Notes:

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**b. Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:**

The proposed storage enclosure is located in the rear yard of the property for the purposes of storing outdoor furniture, garden tools, and yard accessories, consistent with how the space is currently being used. Therefore, this improvement will have no effect on existing traffic patterns, cause any hazards, or create substantial change in the established neighborhood character.

**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:**

This application does not propose any changes to the existing residential uses of the property and therefore will have no impact on the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance.

**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:**

This application does not propose any changes to the existing residential uses of the property and therefore will not create any nuisance or hazard to the detriment of the health, safety, and welfare of the occupant or the citizens of the City.

In fact, enclosing the storage area would improve existing conditions by visually screening any undesirable views of the items in the storage area that may pose a nuisance to the homeowners or their neighbors when using the rear yard.

**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:**

This application does not propose any changes to the existing residential uses of the property and therefore will not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.

This application is aligned with the intent and purpose of this ordinance as defined per Article 8.000 Section 8.22.2.d (Nonconformance) where the homeowners are seeking special permit relief to alter a pre-existing nonconforming detached single-family dwelling whereby the proposed storage enclosure only increases a pre-existing dimensional nonconformity but does not create a new dimensional nonconformity. The proposed storage enclosure also does not present any detrimental change to the neighborhood, and in fact would improve the existing nonconforming structure by visually screening undesirable views of the items in the storage area from both the homeowners and neighbors when using the rear yard. The use of the space will not differ from its current use as a storage area to keep outdoor furniture, garden tools, and yard accessories.

Sincerely,

*Jonathan Tan*

Jonathan Tan, PLA  
Senior Project Landscape Architect  
Broadbent Design Studio

Registration in:  
Pennsylvania - LA003239

*Allan Broadbent*

Allan Broadbent, PLA, ASLA  
Principal Landscape Architect  
Broadbent Design Studio

Registrations in:  
Connecticut - LAR.000133  
Massachusetts - 4366-LA  
New York - 002631



# WANG RESIDENCE

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Map/Lot: 236-90  
Zoning Residence B

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<https://www.cambridgema.gov/propertydatabase/20119>

**Table 2: Private Open Space Ratio Calculations**

Existing Lot Area	3,728 SF
Min. Ratio of Private Open Space to Lot Area <sup>3</sup>	40%
Min. Private Open Space	1,491 SF
Min. Ratio of Permeable Open Space <sup>4</sup>	50%

<b>Existing Private Open Space</b>	<b>Private Open Space (SF)</b>
Existing Deck, Front Porch	91
Existing Deck, Front Balcony	91
Existing Deck, Rear Balcony	102
Private Open Space, Front Yard	271
Private Open Space, Rear Yard	1,322
<b>Total Existing Private Open Space</b>	<b>1,877</b>
<b>Total Existing Permeable Open Space</b>	<b>1,593</b>
<b>Total Existing Ratio of Permeable Open Space</b>	<b>85%</b>

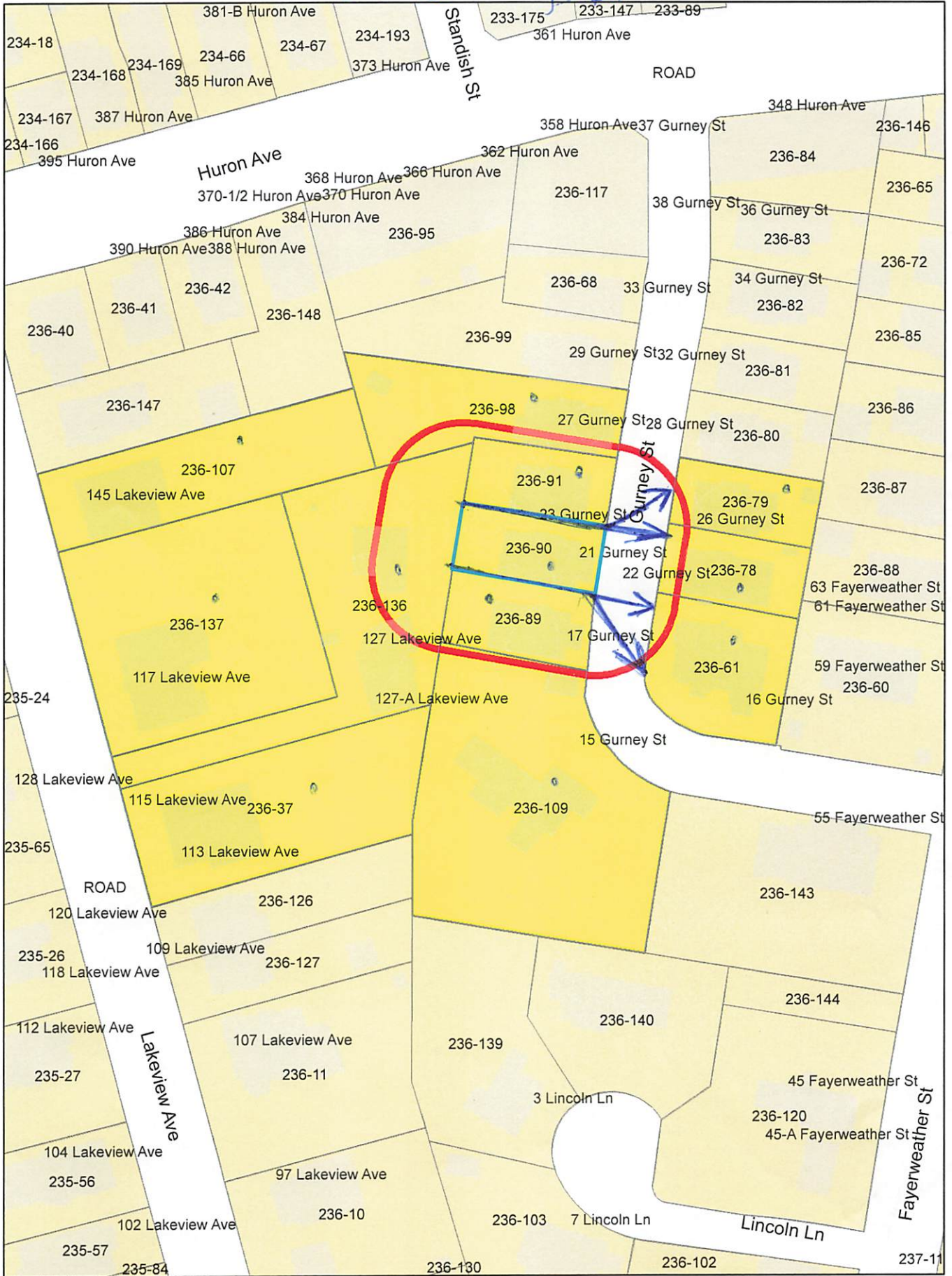
<b>Proposed Private Open Space</b>	<b>Private Open Space (SF)</b>
Existing Deck, Front Porch	91
Existing Deck, Front Balcony	91
Existing Deck, Rear Balcony	102
Proposed On-Grade Deck, Rear Yard	333
Private Open Space, Front Yard	271
Private Open Space, Rear Yard	1,031
<b>Total Proposed Private Open Space</b>	<b>1,919</b>
<b>Total Proposed Permeable Open Space</b>	<b>1,635</b>
<b>Total Proposed Ratio of Permeable Open Space</b>	<b>85%</b>

Notes:

<sup>3</sup> Per Cambridge, MA Zoning Ordinance Article 5.22.1 Standards for Dimensional Regulations, Private Open Space.

<sup>4</sup> Per Cambridge, MA Zoning Ordinance Article 5.22.3 Standards for Dimensional Regulations, Special Requirements in Residence A-1, A-2, B, C, and C-1.

21 Gurney St.



21 Gurney St.

Petitioner

236-89  
WEINSTEIN, LAWRENCE A.  
17 GURNEY ST., UNIT 2  
CAMBRIDGE, MA 02138

236-90  
WANG, LEI & TODD CASE  
21 GURNEY ST  
CAMBRIDGE, MA 02138

JONATHAN TAN,  
LANDSCAPE ARCHITECT  
P.O. BOX 1680  
NEW CANAAN, CT 06840

236-89  
ORTIZ, ELIZABETH MOLINA & NOAM WEINSTEIN  
17 GURNEY STREET, #1  
CAMBRIDGE, MA 02138

236-136  
ALONSO, NINA R.  
127 LAKEVIEW AVE.  
CAMBRIDGE, MA 02138-3325

236-78  
BAKER, ANDUS D. &  
ROWAN D. MURPHY TRUSTEES  
22 GURNEY ST  
CAMBRIDGE, MA 02138

236-98  
SMITH, JULIA E.  
27 GURNEY ST  
CAMBRIDGE, MA 02138-3323

236-37  
POWERS, DAVID & MARC BOESCH  
113 LAKEVIEW AVE.  
CAMBRIDGE, MA 02138

236-37  
EICHLER, FLORIAN & APRIL F. EICHLER  
115 LAKEVIEW AVE., #115  
CAMBRIDGE, MA 02138

236-61  
LEES, HERBERT J. ELLEN C. CURREN, TRS  
16 GURNEY ST  
CAMBRIDGE, MA 02138

236-109  
15 GURNEY STREET LLC  
50 WINSLOW ST  
CAMBRIDGE, MA 02138

236-137  
MCCALL KEVIN & LOUISA G MCCALL  
TRS K&L LAKEVIEW TR  
117 LAKEVIEW AVE  
CAMBRIDGE, MA 02138

236-107  
LEXRD LLC  
17 HIGHLAND ST  
CAMBRIDGE, MA 02138

236-91  
MCAULIFFE, JAMES F  
TRS ROBIN GILBERT TRS  
23 GURNEY ST  
CAMBRIDGE, MA 02138

236-79  
IRWIN, HAROLD M. &  
PAMELA G. HALTOM LIFE ESTATE  
26 GURNEY ST  
CAMBRIDGE, MA 02138

## **Pacheco, Maria**

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**From:** Harry I <noreply-webcontactform@cambridgema.gov>  
**Sent:** Saturday, September 23, 2023 1:36 PM  
**To:** Pacheco, Maria  
**Subject:** BZA 239588 21 Gurney St

Sender's Email: [harry.irwin@gmail.com](mailto:harry.irwin@gmail.com)

Sender's Name: Harry I

Sent from a web contact form at <https://www.cambridgema.gov/inspection/contactforms/zoningdivision/mariapacheco>

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Dear Board of Zoning,

I live across the street from Todd and Lei at 26 Gurney St. I have talked to both of them about the landscaping plans in their backyard. They are using an excellent landscaping contractor -RP Marzilli.

I think their design fits in with the neighbor and will only improve Gurney Street and the West Cambridge community.

I hope you can approve their case.

Best  
Harry Irwin



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

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

BZA

### POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: ALEX HENTNIK Date: 9/22/23  
(Print)

Address: 21 Gurney St.

Case No. BZA-239588

Hearing Date: 10/12/23

Thank you,  
Bza Members