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

BZA APPLICATION FORM

Plan No: BZA-017251-2020

GENERAL INFORMATION

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

Special Permit : _____ **Variance :** √ **Appeal :** _____

PETITIONER : 21 Howard Street, LLC - C/O James J. Rafferty, Esq.

PETITIONER'S ADDRESS : 907 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 21 Howard St Cambridge, MA

TYPE OF OCCUPANCY : _____ **ZONING DISTRICT :** Residence C-1 Zone

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner seeks to return first floor of previous three family structure to residential use and surrender all rights in a variance granted in 1982 (BZA Case No. 4864) that authorized the conversion of the dwelling unit into a beauty shop.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.26 (Conversion).
Article 5.000 Section 5.31 (Table of Dimensional Requirements).
Article 6.000 Section 6.12(d) & 6.36.1(g) (Parking).
Article 8.000 Section 8.22.3 (Non-Conforming Structure).
Article 10.000 Section 10.30 (Variance).

Original Signature(s) : _____
(Petitioner(s) / Owner)

James J. Rafferty, Esq.
(Print Name)

Address : 907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : February 4, 2020

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

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

21 Howard Street, LLC
(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 21 Howard Street

the record title standing in the name of 21 Howard Street, LLC

whose address is 21 Howard Street, Cambridge MA 02139
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 74002 Page 295 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

(Owner)

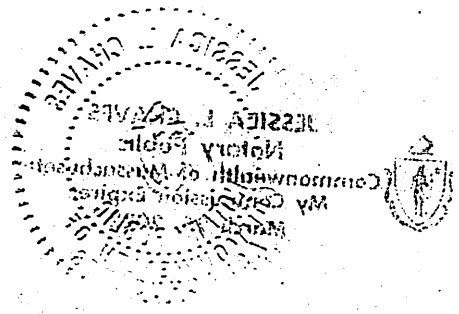
==========

On this 27th day of January, 2020, before me, the undersigned notary public, personally appeared Kevin Aruda proved to me through satisfactory evidence of identification, which were MA DL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

JESSICA L. CHAVES
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 25, 2022

My commission expires: 3/25/22



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 Ordinance would prevent the petitioner from reverting the use of hte ground floor of hte building to its original, intended and longstanding use as a dwelling unit.

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 related to the size and lyaout of hte existing building which was designed as a three family house with code compliant egress.

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

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

The public good will not suffer any detriment by the granting of this variance since the property is located in a residential district and will be compatible with surrounding uses in the neighborhood.

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

The Ordinance encourages the rational use of land and buildings. The proposed conversion is occurring entirely within the existing structure and will result in the residential use of the property which is the intention of the Residence C-1 Zoning District. The granting of the variance will also result in the termination of a commercial use in a residential district.

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

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: James Rafferty, Esq. **PRESENT USE/OCCUPANCY:** Three family residential

LOCATION: 21 Howard St Cambridge, MA **ZONE:** Residence C-1 Zone

PHONE: **REQUESTED USE/OCCUPANCY:** Three family residential

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS [1]	
TOTAL GROSS FLOOR AREA:		+/- 3,220	no change	1,464 sf	(max.)
LOT AREA:		1,952 sf	no change	5,000 sf	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		1.65	no change	.75	(max.)
LOT AREA FOR EACH DWELLING UNIT:		976 sf	650 sf	1,500 sf	(min.)
SIZE OF LOT:	WIDTH	22.89'	no change	50'	(min.)
	DEPTH	N/A	N/A	N/A	
SETBACKS IN FEET:	FRONT	+/-6.5'	no change	10'	(min.)
	REAR	28'	no change	20'	(min.)
	LEFT SIDE	1.8'	no change	7'6"	(min.)
	RIGHT SIDE	3.1'	no change	7'6"	(min.)
SIZE OF BLDG.:	HEIGHT	+/-32'	no change	35'	(max.)
	LENGTH	+/-50'	no change	N/A	
	WIDTH	+/-18'	no change	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA: [3]		33	no change	30	(min.)
NO. OF DWELLING UNITS:		2	3	1	(max.)
NO. OF PARKING SPACES:		0	no change	3	(min./max)
NO. OF LOADING AREAS:		N/A	N/A	N/A	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		N/A	N/A	N/A	(min.)

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

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

CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
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2020 FEB -5 PM 3:20
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Original Signature(s) : _____
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James J. Rafferty, Esq.
(Print Name)

Address : 907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : February 4, 2020

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

RECEIVED BY
OFFICE OF CITY CLERK
SEP 27 11 42 AM '82
CAMBRIDGE, MASS.

CASE NO.: 4964

PREMISES: 21 Howard Street - Residence C-1 Zone - Middlesex County Registry of Deeds, Book 14524; Page 130

PETITIONER: Livingstone Selman, Trustee of L & D Realty Trust

PETITION: Variance - conversion of first floor dwelling unit into a beauty shop. (Article 4, Section 4.35(c) (use); Article 5, Section 5.31 (Dimensions) of Zoning Ordinance.

DATE OF PUBLIC NOTICE: August 26 and September 2, 1982

DATE OF PUBLIC HEARING: September 9, 1982

MEMBERS OF THE BOARD: Vincent J. Panico, Vice Chairman
Mary G. Solberg, Brendan Sullivan
F. L. Clauson and Melvin Gadd

At the public hearing held on September 9, 1982, the full Board heard Livingstone Selman, Trustee of L & D Realty Trust, owner of the premises, and his Attorney, Richard A. Gordon, 743 Massachusetts Avenue, Cambridge; and Mrs. B. Cox, prospective purchaser.

Premises consists of a three-story residential building on a 1950 square foot lot. Mrs. Cox wants to purchase the building, relocate her hairdressing shop to the first floor, and rent the upper floors as residences. She will not live on the premises.

No one spoke in favor of the petition. The Board received a letter from Councillor Saundra Graham, Member of Cambridge City Council, in opposition to allowing a hairdressing shop in a residential district.

After hearing the above testimony, the Board finds:

1. That petitioner has tried for two years to sell the property at a price of $30,000 but has been unable to find a single buyer although the house has been listed with more than one broker.

2. That this is a somewhat mixed residential and commercial neighborhood and the prospective purchaser, Mrs. Cox, has operated her hairdressing business in this neighborhood for a number of years.

3. That there is a financial hardship on the present owner due to his inability to either sell or derive income sufficient to support the building.

4. That a literal enforcement of the provisions of the Ordinance would involve a hardship to the petitioner.

5. That the hardship is owing to the shape of the building and the resulting financial conditions.

6. That there would be no substantial detriment to the public good since the prospective owner has been a good member of the community for many years.

7. That there would be no derogation from the intent and purpose of the Ordiannce.

THEREFORE, the Board of Zoning Appeal unanimously voted to GRANT the relief sought to allow conversion of the first floor dwelling unit into a beauty shop on premises known as 21 HOWARD STREET, CAMBRIDGE, MASSACHUSETTS, with the following conditions:

1. That there be no exterior change to the building and that the appearance of the building be that of a residence.

2. That the signage be minimal and that a description of the sign Mrs. Cox intends to use be submitted to Richard Horgan, Zoning Specialist, for his approval.

This decision does not relieve the petitioner in any way from the duty to comply with requirements of the Building Code or other applicable laws and regulations. The Board of Zoning Appeal is empowered to waive local zoning regulations only.

_____
Vincent J. Panico, Vice Chairperson

ATTEST: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 9-27-82

by Eileen M. Haughey, Secretary.

Date: _____

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____
Appeal has been filed and dismissed or denied _____

_____
City Clerk, City of Cambridge

ER: Livingstone Selman

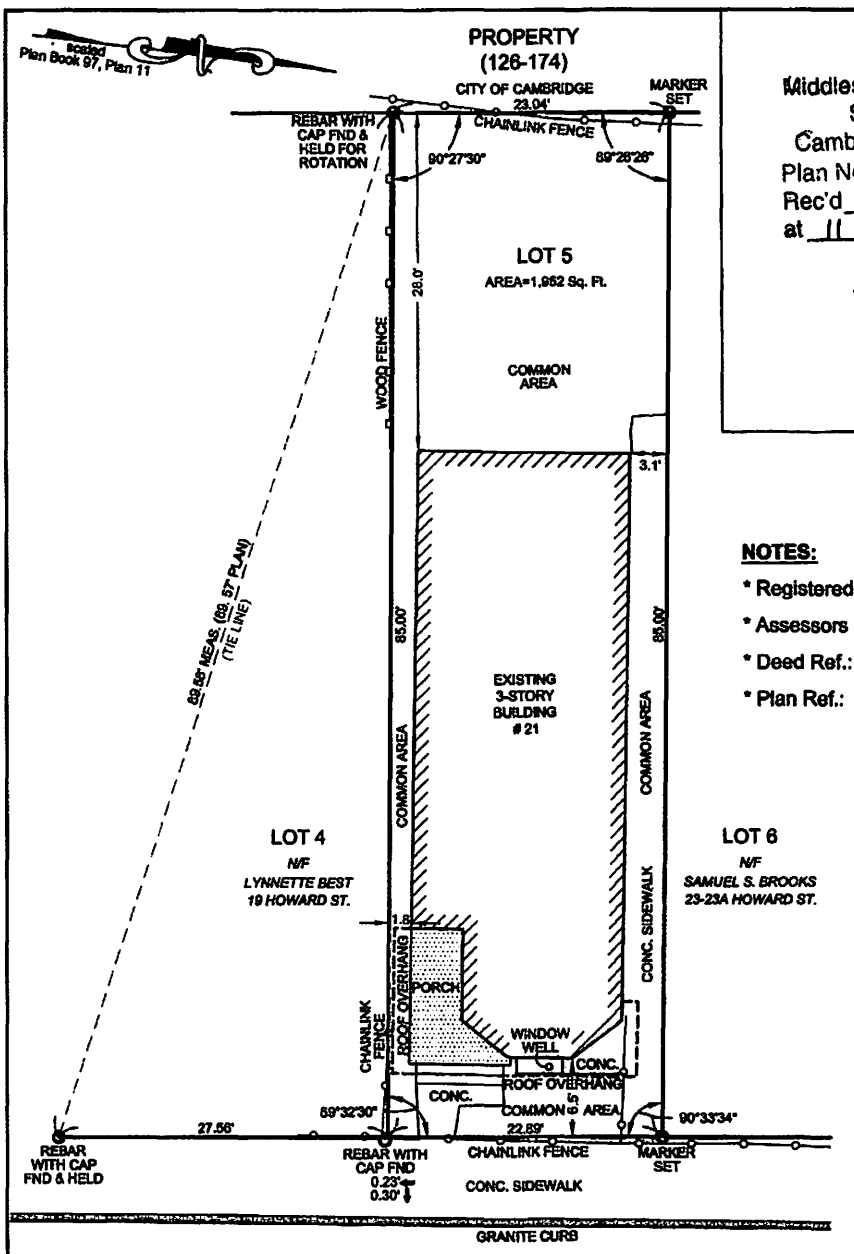
UESTED USE/OCCUPANCY: Business (Beauty-Shop on first-floor)

SENT USE/OCCUPANCY: Residential

Existing Conditions:		Requested Conditions	Required Conditions
IO OF TOTAL FLOOR AREA TO LOT AREA:	0.69 or 1350:1952sq.ft.	N/A	N/A
A OF LOT:	1952 sq. ft.	N/A	N/A
IMUM LOT AREA FOR EACH DWELLING UNIT:	Same	N/A	N/A
E OF LOT: WIDTH:	23 Feet	N/A	N/A
LENGTH:	85 Feet	N/A	N/A
DS: FRONT:	1.33	N/A	N/A
t-back) REAR:	3.33	N/A	N/A
LEFT SIDE:	0.33	N/A	N/A
RIGHT SIDE:	1.33	N/A	N/A
E OF BLDG: HEIGHT:	3 stories;60ft.	N/A	N/A
LENGTH:	75ft.	N/A	N/A
WIDTH:	18ft.	N/A	N/A
IO OF USABLE OPEN SPACE LOT AREA:	0.05 or 100: 1950 sq. ft.	N/A	N/A
MBER OF DWELLING UNITS:	3	2	N/A
MBER OF PARKING SPACES:	0	N/A	N/A
MBER OF LOADING AREAS:	0	N/A	N/A
MBER OF STORIES:	3	N/A	N/A
HER OCCUPANCIES ON SAME LOT:	N/A	N/A	N/A
STANCE TO NEAREST BLDG.	1ft.	N/A	N/A
ZE OF BLDGS. ADJACENT SAME LOT:	N/A	N/A	N/A
PE OF CONSTRUCTION:	Wood Frame	N/A	N/A

BMIT: PLOT PLAN x PARKING PLAN N/A BUILDING PLANS N/A

21 Howard St.



Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts.
Plan No. 973 of 2019
Rec'd 12/02/ 2019
at 11 H 12 M A M

Attest
Register

For Registry Use Only

NOTES:

* Registered Owner: 21 Howard St, LLC
* Assessors Ref.: Map 126, Lot 82
* Deed Ref.: Book 72666, Page 463
* Plan Ref.: Plan Book 97, Plan 11
  Plan No. 1225 of 2004

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OF FOR NEW WAY ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Neil J. Murphy Lic. #37460
Professional Land Surveyor

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

SITE PLAN

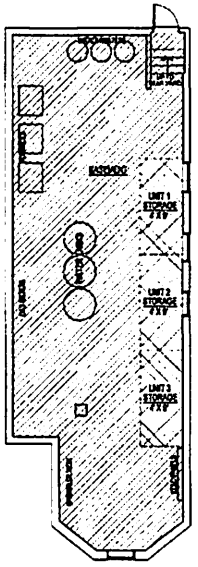
21 Howard Street
Condominium
Cambridge, MA 02139

LAND MAPPING INC
10 Andrew Square, Suite 201B
South Boston, MA 02127
Tel. 857-544-3061
www.land-mapping.com

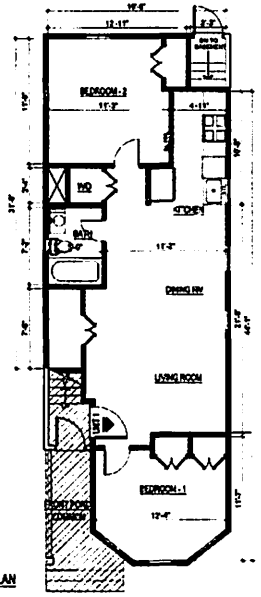
Date: October 15, 2019

973 of 2019 (1 of 2)

AH

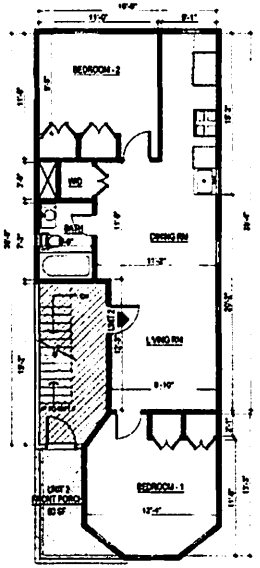


BASEMENT FLOOR PLAN
805 GFA



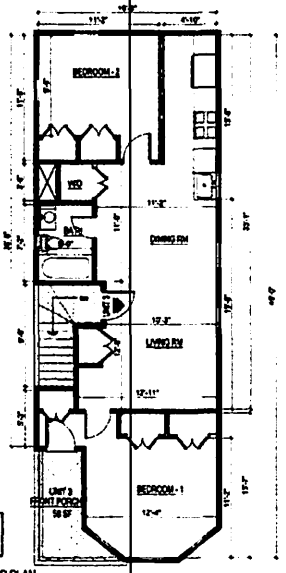
UNIT 1
715 SF

FIRST FLOOR PLAN
805 GFA



UNIT 2
670 SF

SECOND FLOOR PLAN
805 GFA



UNIT 3
725 SF

THIRD FLOOR PLAN
805 GFA

21 HOWARD STREET, CAMBRIDGE, MA						
	BASEMENT	FIRST	SECOND	THIRD	TOTAL	E.U.A.
UNIT 1	-	715	-	-	715 SF	36 SF +/- BASEMENT STORAGE
UNIT 2	-	-	670	-	670 SF	36 SF +/- BASEMENT STORAGE 50 SF +/- FRONT PORCH
UNIT 3	-	-	-	725	725 SF	36 SF +/- BASEMENT STORAGE 50 SF +/- FRONT PORCH

*NOTE: THE CONDOMINIUM UNITS SHOWN HEREON FOR RESIDENTIAL USE

SCALE: 3/16" = 1'-0"

REGISTRY USE

PLAN NO. 973 of 2019
SHEET 2 of 2

21 HOWARD STREET CONDOMINIUM

21 HOWARD ST, CAMBRIDGE , MA

MASTER FLOOR PLANS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE COMMONWEALTH OF MASSACHUSETTS

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LAYOUT, LOCATION, UNIT NUMBERS AND DIMENSIONS OF THE UNITS NUMBERED 1 - 3 INCLUSIVE , IN THE BUILDING KNOWN AS 21 HOWARD STREET CONDOMINIUM, AS-BUILT, SEALED AND DATED.

SIGNATURE Sanjay Karol NOV 29, 2019 DATE

PREPARED BY:
SFG STUDIOS
72 MINOT STREET
READING, MA 01867
781.956.9773 TEL
SFGstudios@msn.com

LALA ASSOCIATES ENGINEERS LLC
12 Old Village Road, Acton MA
978.212.4291 tel
LALAENGINEERS@gmail.com
LICENSE C 16 30 341

LEGEND
MAIN UNIT ENTRANCE EGRESS / INGRESS
COMMON AREA
COMMON AREA WITH EXCLUSIVE USE TO UNIT NOTED

0 2 4 10'
SCALE: 3/16" = 1'-0"

CALLED NORTH

DRAWN BY: SFG
CK'D BY: Skarol
DATE: 08.06.2019

MP- 1

973 of 2019 (2 of 2)