



# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

### BZA Application Form

**BZA Number: 97333**

### General Information

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

Special Permit: \_\_\_\_\_

Variance:   X  

Appeal: \_\_\_\_\_

**PETITIONER:** Maria Pinto C/O Joao Pinto

**PETITIONER'S ADDRESS:** 1124 Cambridge Street, Cambridge, MA 02139

**LOCATION OF PROPERTY:** 263 Elm St., Cambridge, MA

**TYPE OF OCCUPANCY:** Two Family

**ZONING DISTRICT:** Business A/Residence C-2B Zone

**REASON FOR PETITION:**

/Additions/ /Dormer/

**DESCRIPTION OF PETITIONER'S PROPOSAL:**

The extension of living space into the basement, a rear addition with new decks and egress stair, 3rd floor dormer additions and full building renovation.

**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: 10.000      Section: 10.30 (Variance).

Original  
Signature(s):

Joao A. Pinto  
(Petitioner (s) / Owner)  
Joao A. Pinto  
(Print Name)

Address:

Tel. No.                      617-293-2780

E-Mail Address:      pintosconstruction@hotmail.com

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

2020 NOV -2 AM 11:52  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

**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 Joao Pinto (OWNER)

Address: 1124 Cambridge St., Cambridge, MA 02139

State that I/We own the property located at 263 Elm St., which is the subject of this zoning application.

The record title of this property is in the name of Joao Pinto

\*Pursuant to a deed of duly recorded in the date 10/15/2004, Middlesex South County Registry of Deeds at Book 43905, Page 87; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

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

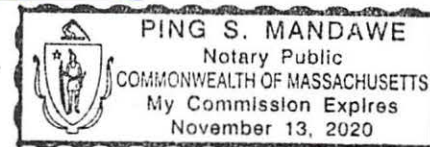
\*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Norfolk

The above-name Joao Pinto personally appeared before me, this 9th of October, 2020, and made oath that the above statement is true.

Ping S. Madaue Notary

My commission expires 11/13/2020 (Notary Seal).



- 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 hardship is not being allowed to enlarge and renovate the existing structure as it sits within the front and side setbacks.
- 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 fact that the building sits on a narrow lot and fronts the street as do most structures on this street. The location of the building on the lot places the sides and front in the setbacks.
- 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 public good will not suffer as a result of the enlargement and renovation of this two-family. There is not a substantial change or increase in the yard violations. The public good will benefit from the proposed project which will provide code compliant egress and light and air.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- There is no change in the use of the building. The proposed project will be a safety, health and welfare improvement for the residing families.

**\*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:** Maria Pinto**Present Use/Occupancy:** Two Family**Location:** 1124 Cambridge Street**Zone:** Business A/Residence C-2B  
Zone**Phone:** 617-293-2780**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>	2085	4263	5150	(max.)
<b><u>LOT AREA:</u></b>	2943	2943	5600	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	.71	1.45	1.75	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	1472	1472	2800	
<b><u>SIZE OF LOT:</u></b>				
WIDTH	28.75	28.75	50	
DEPTH	99	99	n/a	
<b><u>SETBACKS IN FEET:</u></b>				
FRONT	5	5	10	
REAR	52.7	34.7	20	
LEFT SIDE	2.6	2.6	14.8	
RIGHT SIDE	3.8	3.8	14.8	
<b><u>SIZE OF BUILDING:</u></b>				
HEIGHT	33.9	36.5	45	
WIDTH	40	48.5	n/a	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	46%	37%	15%	
<b><u>NO. OF DWELLING UNITS:</u></b>	2	2	2	
<b><u>NO. OF PARKING SPACES:</u></b>	0	0	0	
<b><u>NO. OF LOADING AREAS:</u></b>	0	0	0	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	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.

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**

# PROPOSED REAR & VERTICAL ADDITIONS & RENOVATION

263 ELM STREET, CAMBRIDGE, MASSACHUSETTS



## ZONING SUMMARY

zone: BA (BUSINESS A) REQUIREMENTS PER C-2B

Use Regulations: Section Table	
Existing	Proposed
2F	2F

A=Allowed F=Forbidden C=Conditional

Dimensional Regulations: Table

	Code Requirement		Existing Condition	Proposed Project	Notes
	Use 1	Any Other Use			
ZONE C-2B					
Lot Area Minimum	5,000 SF				
Min Lot Area per Unit	600 SF				
Total Required Lot Size	5,600 SF		2,943 SF	2,943 SF	
Min Required Lot Width and Frontage	50'		28.75'	28.75'	
Max FAR	1.75		0.71	1.45	EX'G 2,085 SF PRO 4,263 SF
Max Building Height	45'		33.9'	36.5'	
Ratio of Open Space to Lot Area	15%		46%	37%	280 SF / 1201 SF
Min Front Yard	10'		5.0'	5.0' VIOLATION	33.9' (H)+40' (L) / 4 = 18.5' (cl STREET) OR 10' MIN.
Min Side Yard	14.8'		2.6' / 3.7'	2.6' / 3.7' VIOLATION	33.9' (H)+40' (L) / 5 = 14.8'
Min Rear Yard	20'		52.7'	34.7'	33.9' (H)+40' (L) / 4 = 18.5' 20' REQ'D
Max Use of Rear Yard					

## KEY

- ⊙ SMOKE DETECTOR
- ⊙ HEAT DETECTOR
- ⊙ CARBON MONOXIDE DETECTOR
- ◇ 1 HOUR WALL
- ◇ 2 HOUR WALL
- ⊠ FAN
- ⊙ 45 MIN. DOOR
- ⊗ 1-1/2 HOUR DOOR
- ⬡ WINDOW TYPE
- 1 1 HOUR CLG. ABOVE (SEE C.T.1/A-3.1)
- NEW WALL
- EX'G WALL TO REMAIN
- WALL TO BE REMOVED

## CODE SUMMARY

EX'G TYPE 5 CONSTRUCTION  
EX'G R-3 USE GROUP (TWO-FAMILY)  
EX'G 2.5 STORIES & BASEMENT  
PROPOSED 3 STORIES & BASEMENT  
EX'G NON-SPRINKLERED & ALARMED

## SOIL TESTING

NOTE: THERE HAS BEEN NO SOIL TESTING PROVIDED TO THIS OFFICE FOR THIS PROJECT. THE SOIL BEARING CAPACITY OF THIS FOUNDATION SYSTEM AS DESIGNED IS BASED ON A 2 TON MINIMUM SOIL BEARING CAPACITY. SOIL BORINGS SHOULD BE PERFORMED TO VERIFY THAT THE MINIMUM DESIGN BEARING CAPACITIES ARE ACHIEVABLE. IF A SUITABLE SOIL THAT CAN NOT WITHSTAND A 2 TON BEARING CAPACITY IS NOT AVAILABLE, THAN THIS OFFICE SHOULD BE CONTACTED BY THE CONTRACTOR OR OWNER FOR A FOUNDATION REDESIGN.

Location

TWO-FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA, 02139

Choo  
& Company, Inc.

One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

No.	Revision Date
	4-27-2020 BZA

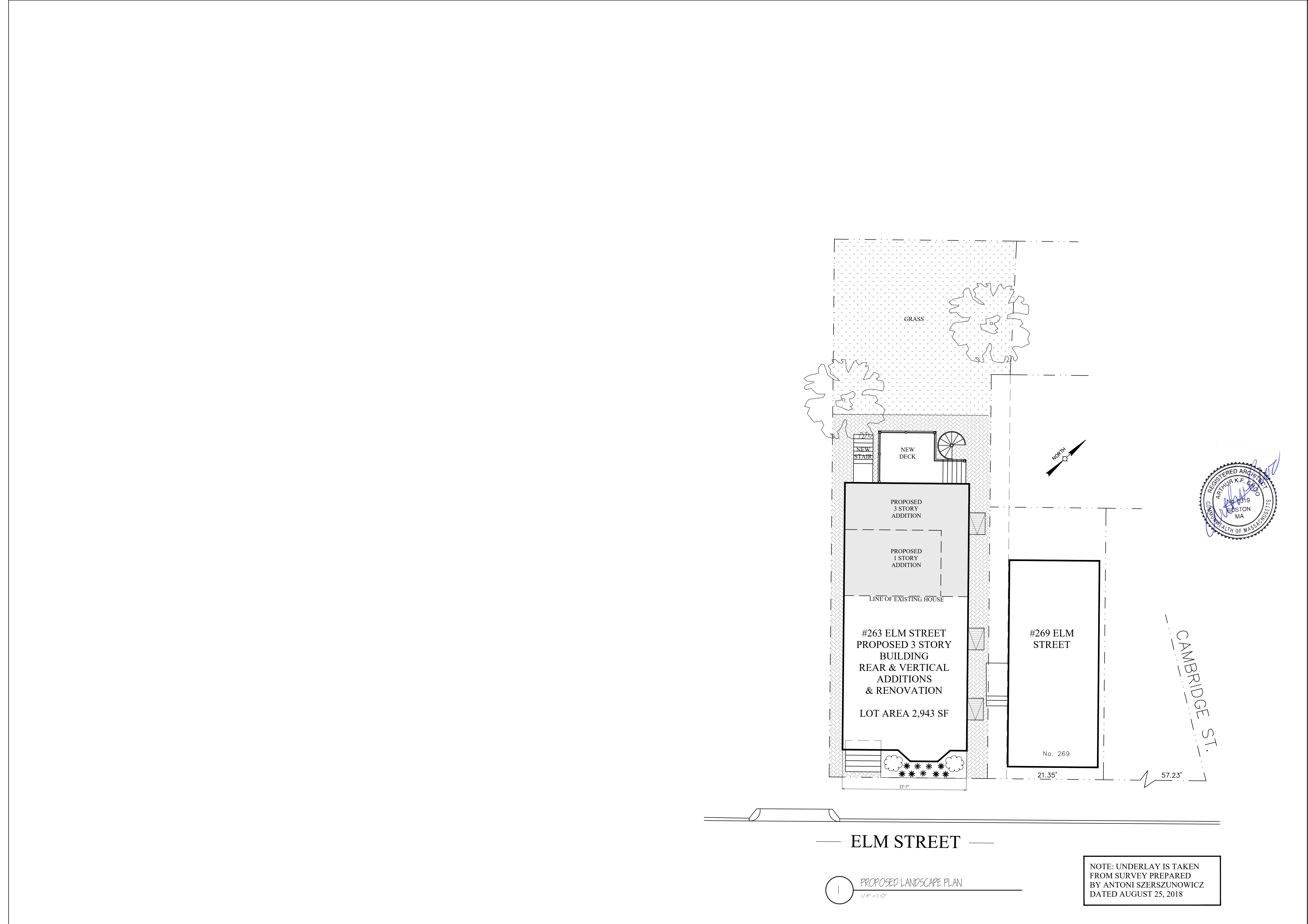
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Date: 07-1-19  
Drawn By: MA / DF

Drawing Name

COVER  
SHEET

Sheet No.

A-0



Location

TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139

Choo  
& Company, Inc.

One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

No.

Revision Date

4-27-2020 BZA

Project No:

19149

Scale:

AS NOTED

Date:

07-1-18

Drawn By:

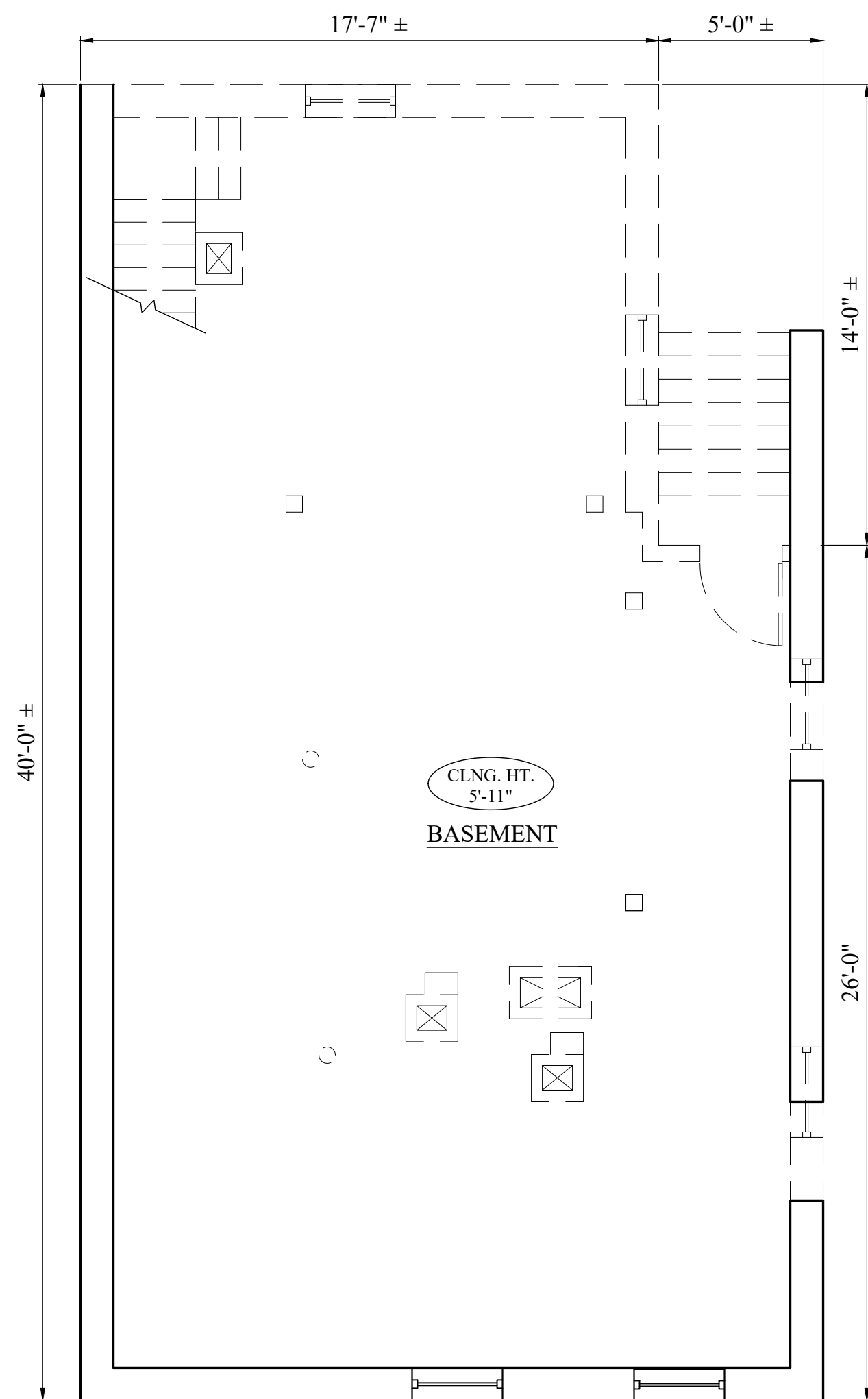
MA / DF

Drawing Name

PROPOSED  
LANDSCAPE  
PLAN

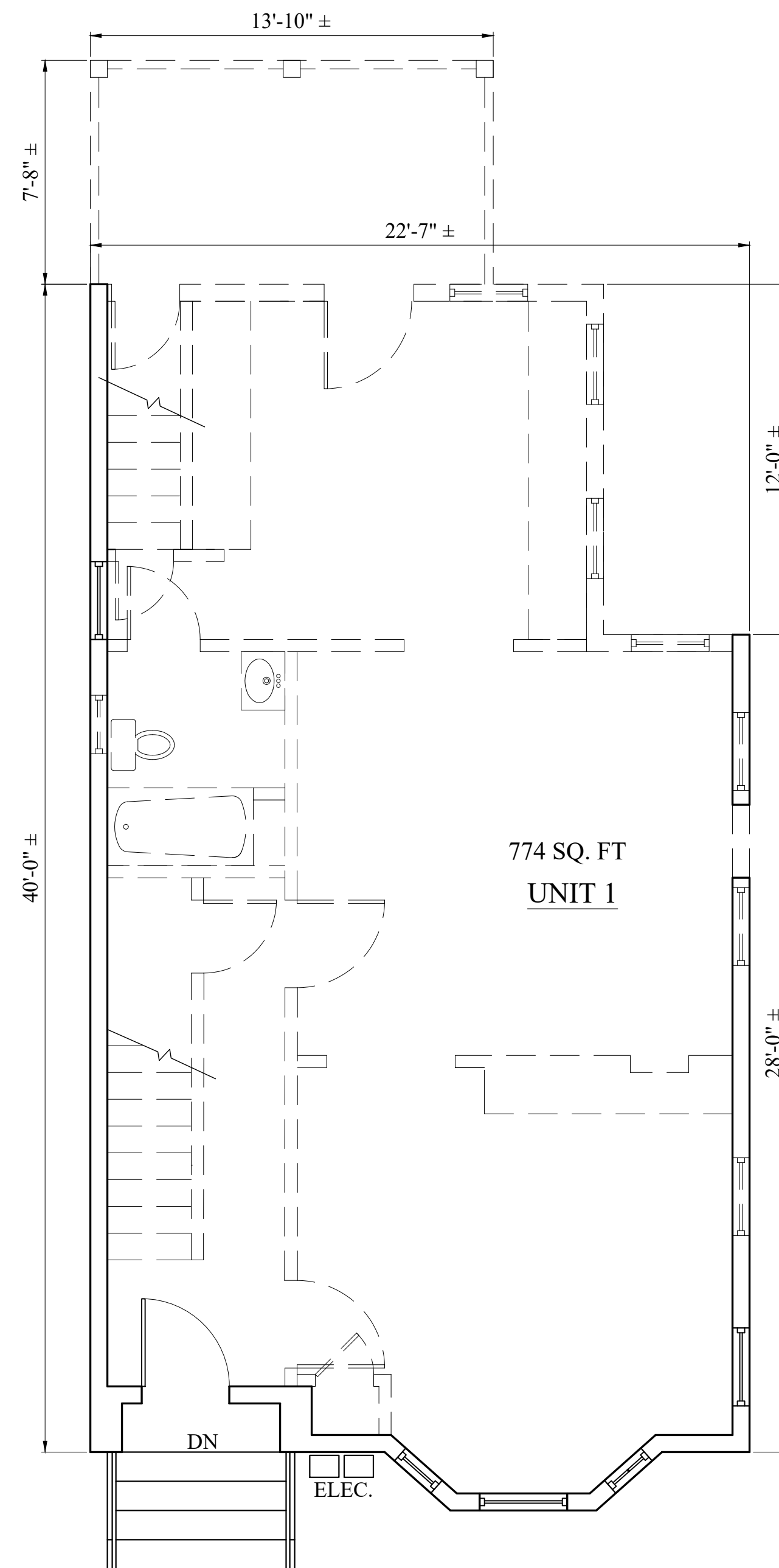
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— ELM STREET —

1 EXISTING BASEMENT FLOOR PLAN  
1/4" = 1'-0"



— ELM STREET —

2 EXISTING FIRST FLOOR PLAN  
1/4" = 1'-0"



Location  
TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139

Choo  
& Company, Inc.

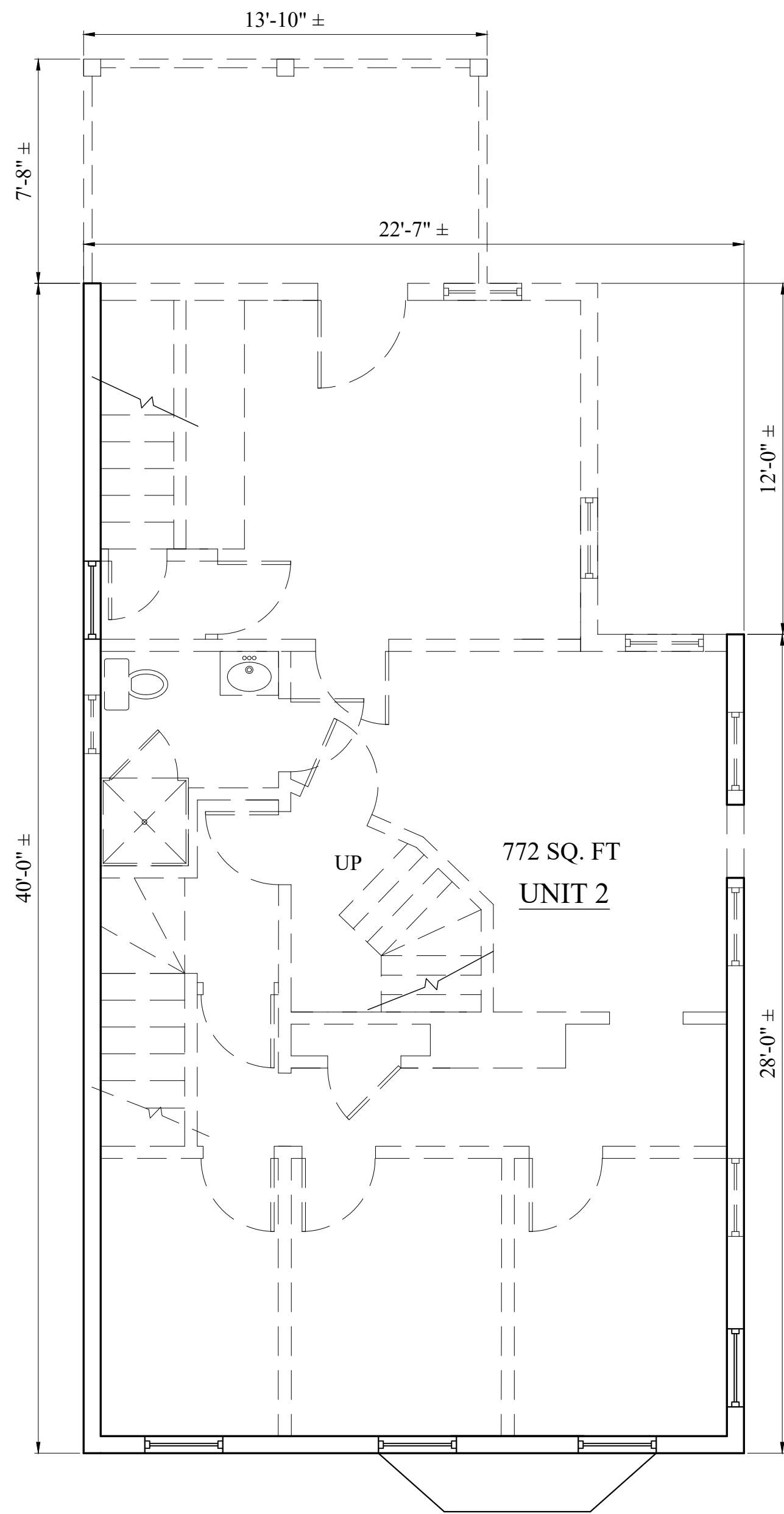
One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

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Date: 07-1-19  
Drawn By: MA / DF

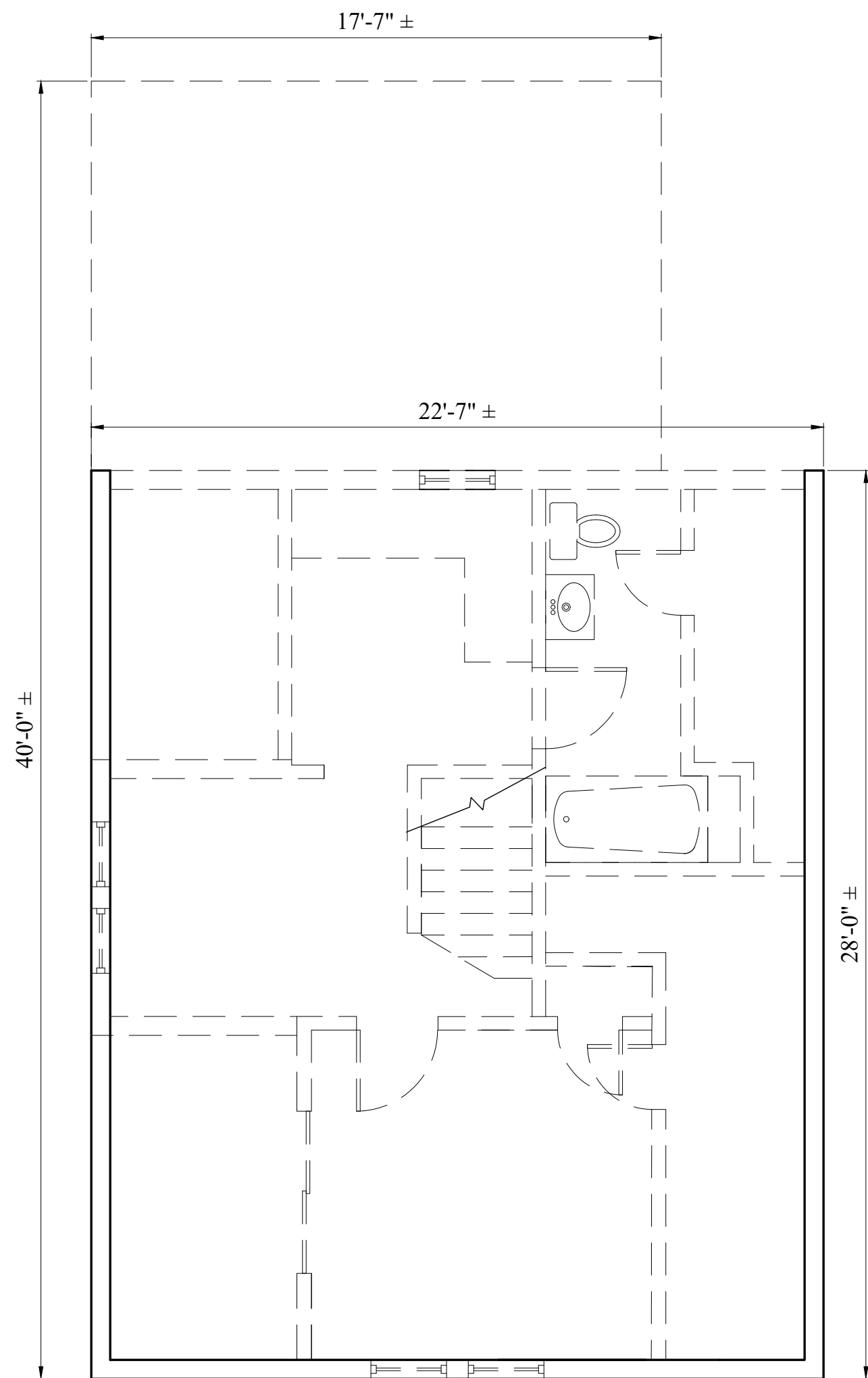
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EXISTING  
FLOOR PLANS

Sheet No.  
D-1.1



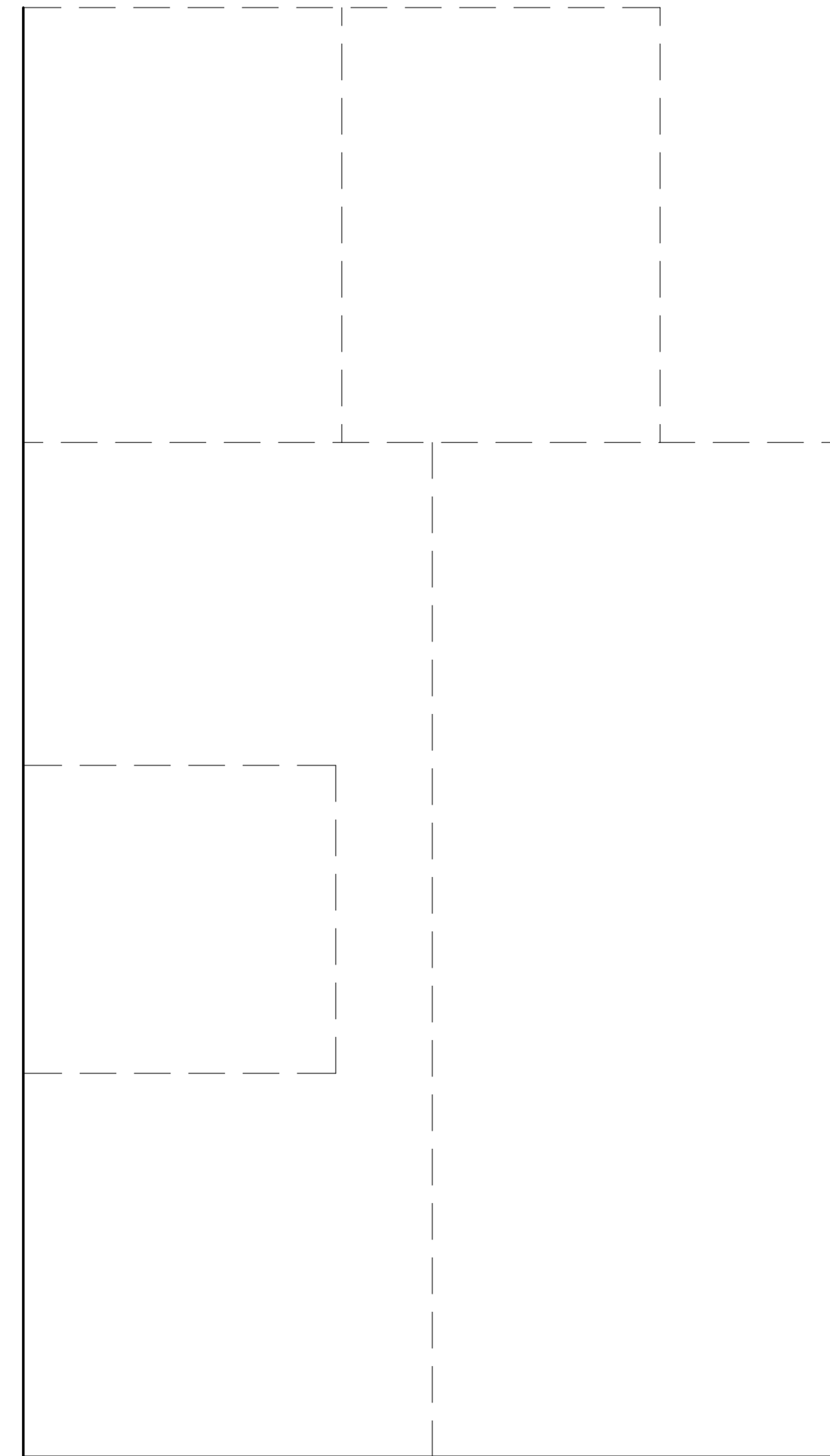
— ELM STREET —

1 EXISTING SECOND FLOOR PLAN  
1/4" = 1'-0"



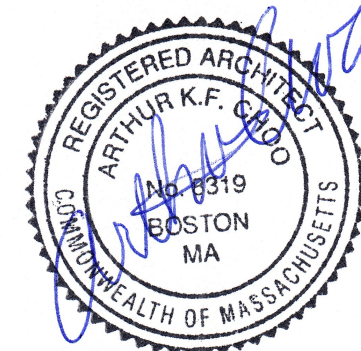
— ELM STREET —

2 EXISTING THIRD FLOOR PLAN  
1/4" = 1'-0"



— ELM STREET —

3 EXISTING ROOF PLAN  
1/4" = 1'-0"



Location

**TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139**

**Choo  
& Company, Inc.**

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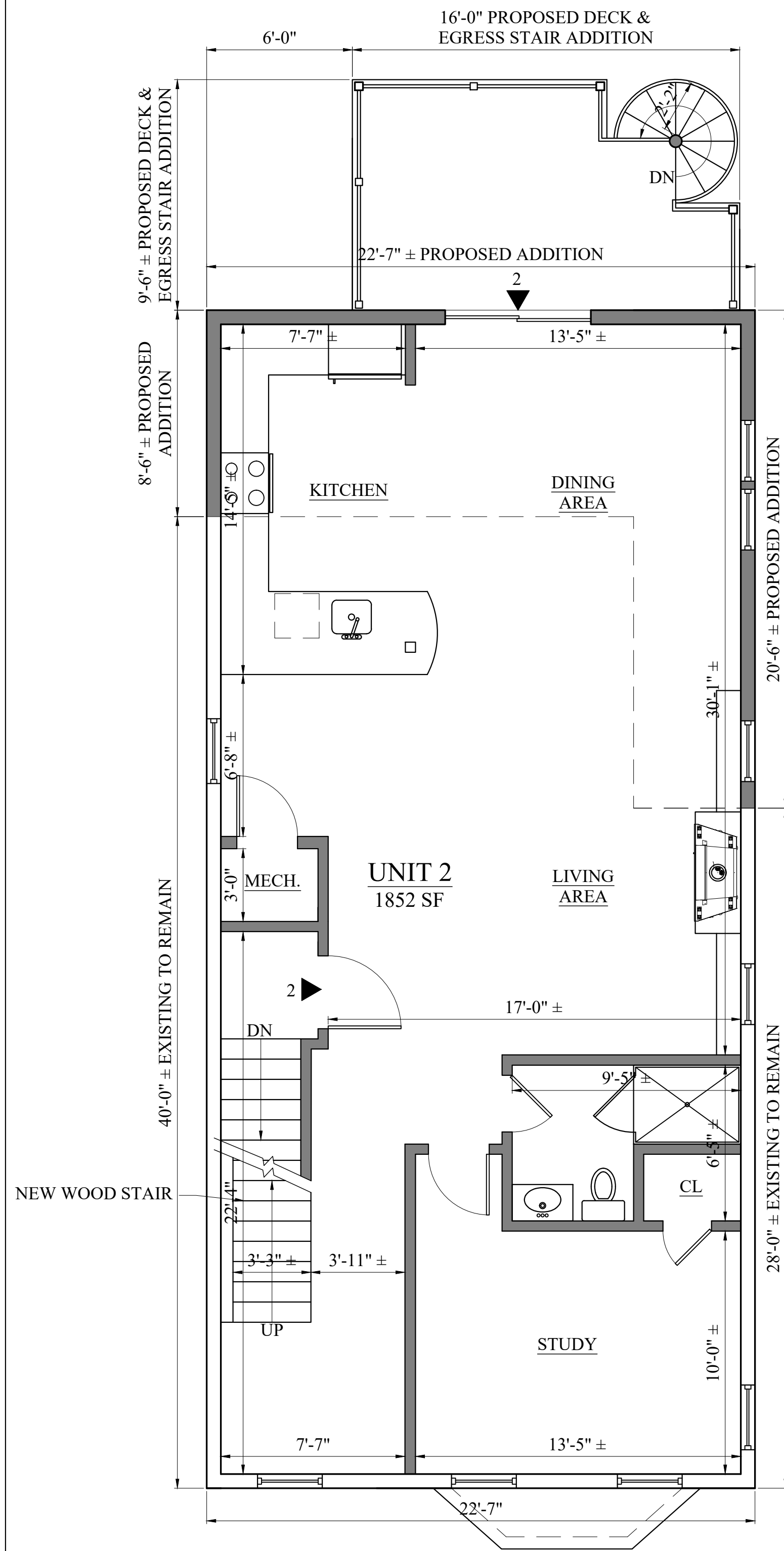
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**EXISTING  
FLOOR PLANS**

Sheet No.

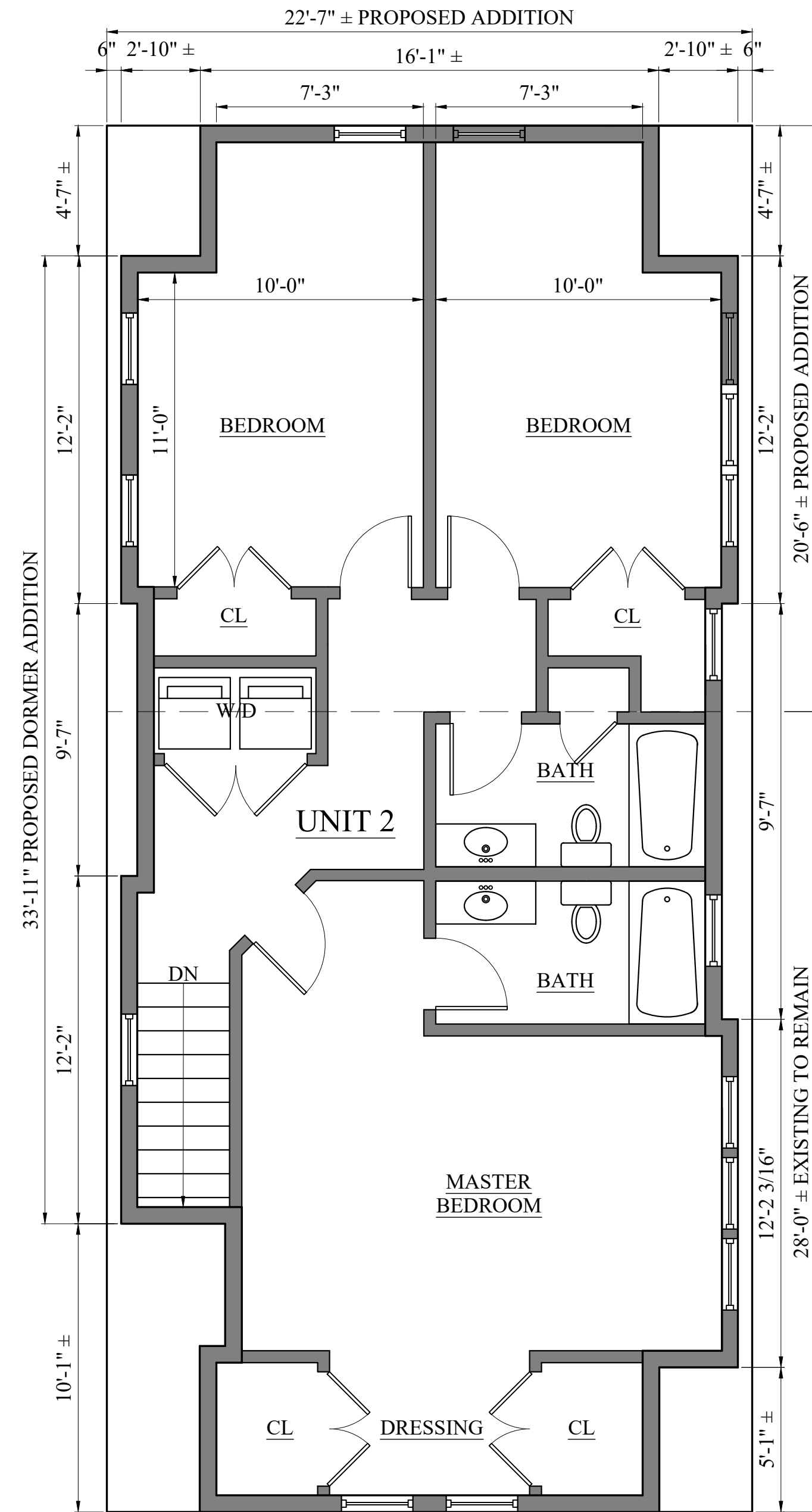
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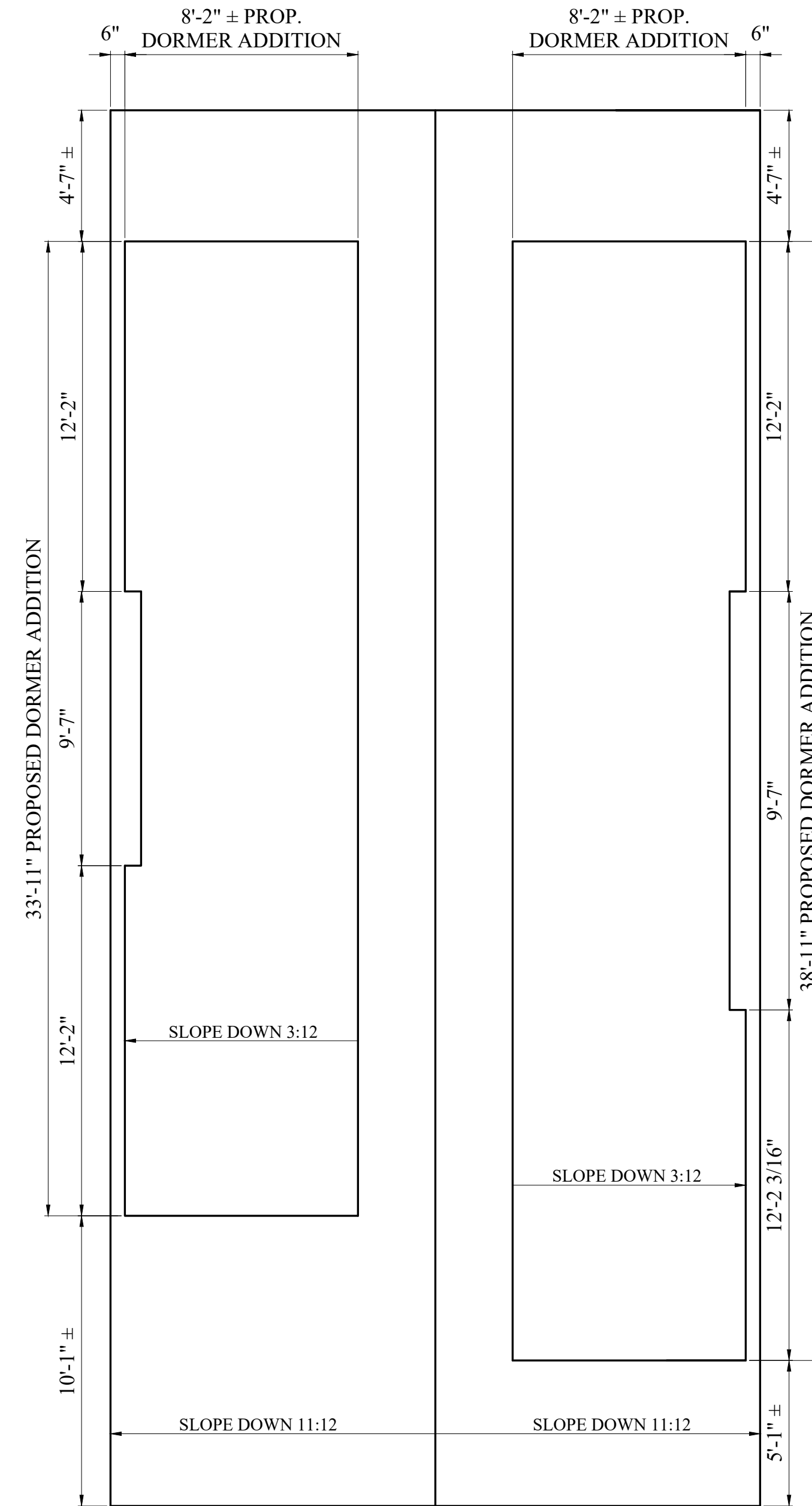
ELM STREET

1 PROPOSED SECOND FLOOR PLAN  
1/4" = 1'-0"



ELM STREET

2 PROPOSED THIRD FLOOR PLAN  
1/4" = 1'-0"

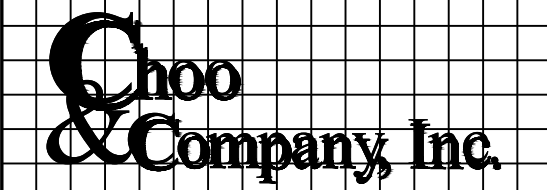


ELM STREET

3 PROPOSED ROOF PLAN  
1/4" = 1'-0"



THREE FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139



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617-786-7727 fax 617-786-7715

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Drawn By: MA / DF

Drawing Name  
PROPOSED  
FLOOR PLANS

Sheet No.  
A-1.2



Location

**TWO FAMILY RENOVATION & ADDITION**  
263 ELM STREET  
CAMBRIDGE MA 02139

**Choo & Company, Inc.**

REGISTERED ARCHITECT  
ARTHUR K.F. CHOO  
NO. 8319  
BOSTON  
MA  
COMMONWEALTH OF MASSACHUSETTS

No.	Revision Date
	4-27-2020 BZA

Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: DF

Drawing Name

**EXISTING & PROPOSED ELEVATIONS**

Sheet No.

A-2.1



Location

**TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139**

**Choo & Company, Inc.**

REGISTERED ARCHITECT  
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No. Revision Date

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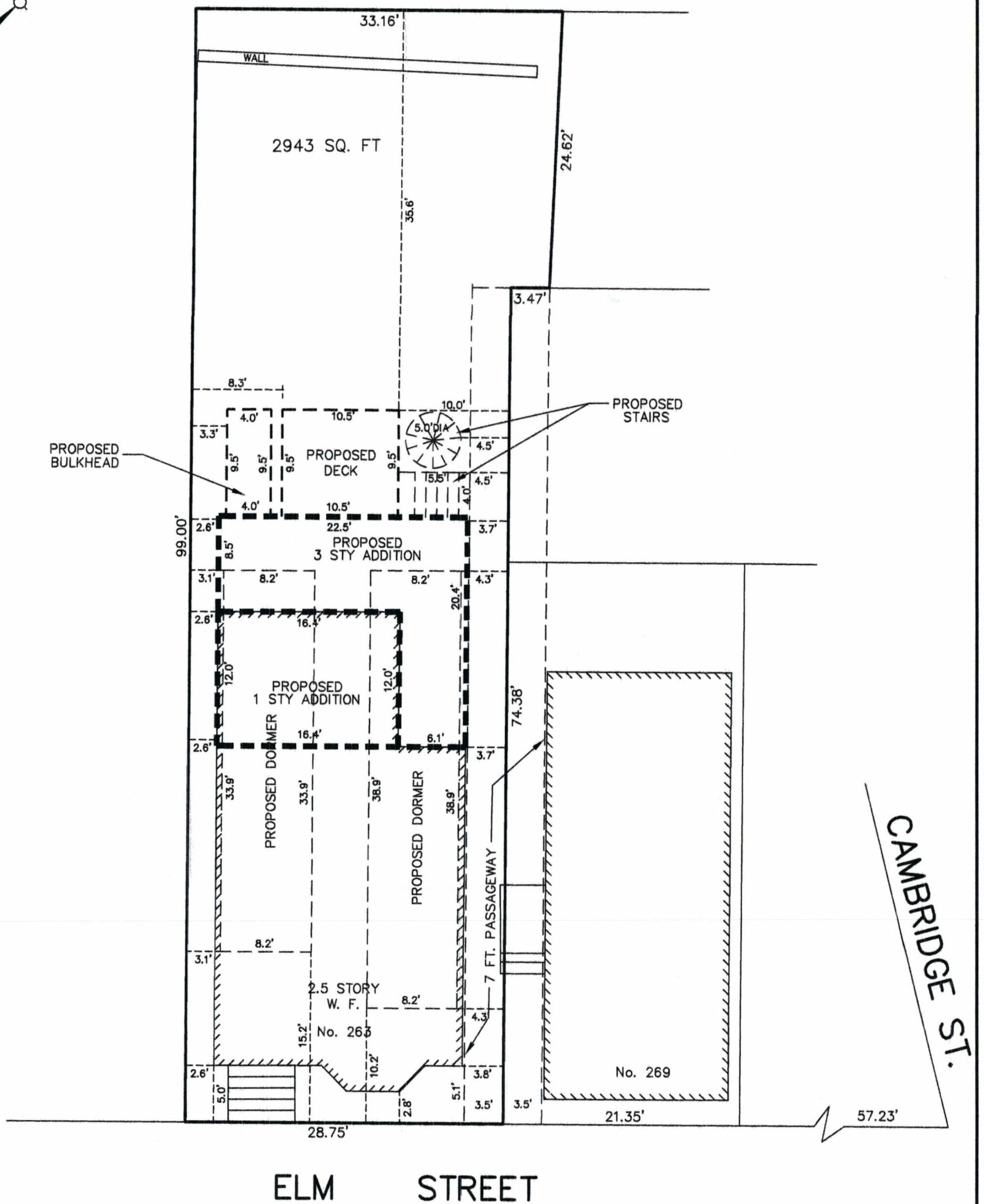
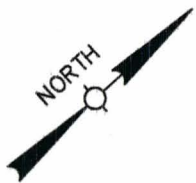
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Date: 07-1-19  
Drawn By: DF

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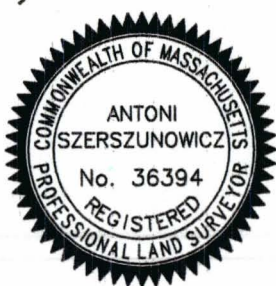
**PROPOSED  
ELEVATIONS**

Sheet No.

**A-2.2**



*Antoni Szerszunowicz*



**PLOT PLAN**  
263 ELM STREET  
**CAMBRIDGE, MASS.**

SCALE : 1" = 10'

SEPTEMBER 10, 2020

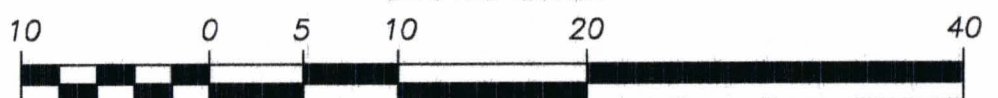
**AGH ENGINEERING**

166 WATER STREET

STOUGHTON, MA 02072

PHONE: (781)344-2386

GRAPHIC SCALE





TOW ZONE  
NO  
PARKING  
←





269  
E  
N



TOW ZONE  
NO  
PARKING  
→

263



This is a detailed street map of a residential area in Cambridge, Massachusetts. The map shows a grid of streets including Norfolk St, Cambridge St, and Elm St. Numerous lot numbers are labeled throughout the area, such as 82-30, 85-101, 80-10, and many others. A red line is drawn across the map, highlighting a specific path or boundary. Blue arrows are also present, indicating directions of travel or flow. The map is oriented with North at the top.

263 Elm St.

*Petitioner*  
JOAO PINTO  
1124 CAMBRIDGE STREET  
CAMBRIDGE, MA 02139

85-95  
RIBEIRO, ANTONIO F. & ISABEL C. QUELHAS,  
TRS THE QUELHAS RIBEIRO 2018 TRUST  
30 CHELSEA ST., #610  
EVERETT, MA 02149

85-80  
KAIPU NORFOLK LLC  
275 WASHINGTON ST, SUITE 400  
NEWTON, MA 02458

80-128  
JAS PROPERTIES  
243 BROADWAY  
MANAGEMENT OFFICE  
CAMBRIDGE, MA 02139

85-23  
SEEGER, JEREMY  
352 NORFOLK ST  
CAMBRIDGE, MA 02139

CHOO & COMPANY INC.  
C/O PING MANDAWA  
1 BILLINGS ROAD  
QUINCY, MA 02171

85-27  
CERQUEIRA, JOSEPH A.,  
TR. OF BETTENCOURT & NETO REALTY TR.  
87 PRICHARD AVE.  
SOMERVILLE, MA 02144

85-28  
GORE STREET PROPERTIES LLC  
1124 CAMBRIDGE ST  
CAMBRIDGE, MA 02139

85-81  
MCCAGUE, YVONNE & DANIEL HEENAN  
346 NORFOLK ST  
CAMBRIDGE, MA 02139

85-72  
PINTO, MARIA V.  
1124 CAMBRIDGE ST  
CAMBRIDGE, MA 02139

85-93  
CARDOSO, DAVID T. &  
DOMINGAS M. DOCANTO  
269 ELM STREET  
CAMBRIDGE, MA 02139-1426

85-30  
RIVERA, M. MARGARITA  
259 ELM STREET  
CAMBRIDGE, MA 02139

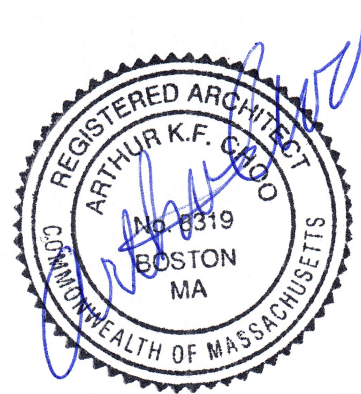
85-31  
BETTENCOURT, EMMANUEL A.  
TR. OF THE 255-257 ELM ST NOMINEE TR.  
255 ELM ST APT #1  
CAMBRIDGE, MA 02139

85-25  
SOUSA, CAROLE A.  
354 NORFOLK ST.  
CAMBRIDGE, MA 02139

85-64  
1100 CAMBRIDGE ST LLC  
28 JAMESON RD  
NEWTON, MA 02458

# PROPOSED REAR & VERTICAL ADDITIONS & RENOVATION

263 ELM STREET, CAMBRIDGE, MASSACHUSETTS



## ZONING SUMMARY

zone: BA (BUSINESS A) REQUIREMENTS PER C-2B

Use Regulations: Section Table	
Existing	Proposed
2F	2F

A=Allowed F=Forbidden C=Conditional

Dimensional Regulations: Table

	Code Requirement		Existing Condition	Proposed Project	Notes
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Max Use of Rear Yard					

Location

TWO-FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA, 02139

Choo  
& Company, Inc.

One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: MA / DF

Drawing Name

COVER  
SHEET

Sheet No.

A-0

## KEY

- ⊙ SMOKE DETECTOR
- ⊙ HEAT DETECTOR
- ⊙ CARBON MONOXIDE DETECTOR
- ◇ 1 HR FIRE-RATED WALL FROM EXTERIOR
- ⊠ FAN
- ⊙ 45 MIN. DOOR
- ⊙ 1-1/2 HOUR DOOR
- ⬡ WINDOW TYPE
- 1 1 HOUR CLG. ABOVE (SEE C.T.1/A-3.1)
- NEW WALL
- EX'G WALL TO REMAIN
- WALL TO BE REMOVED

## CODE SUMMARY

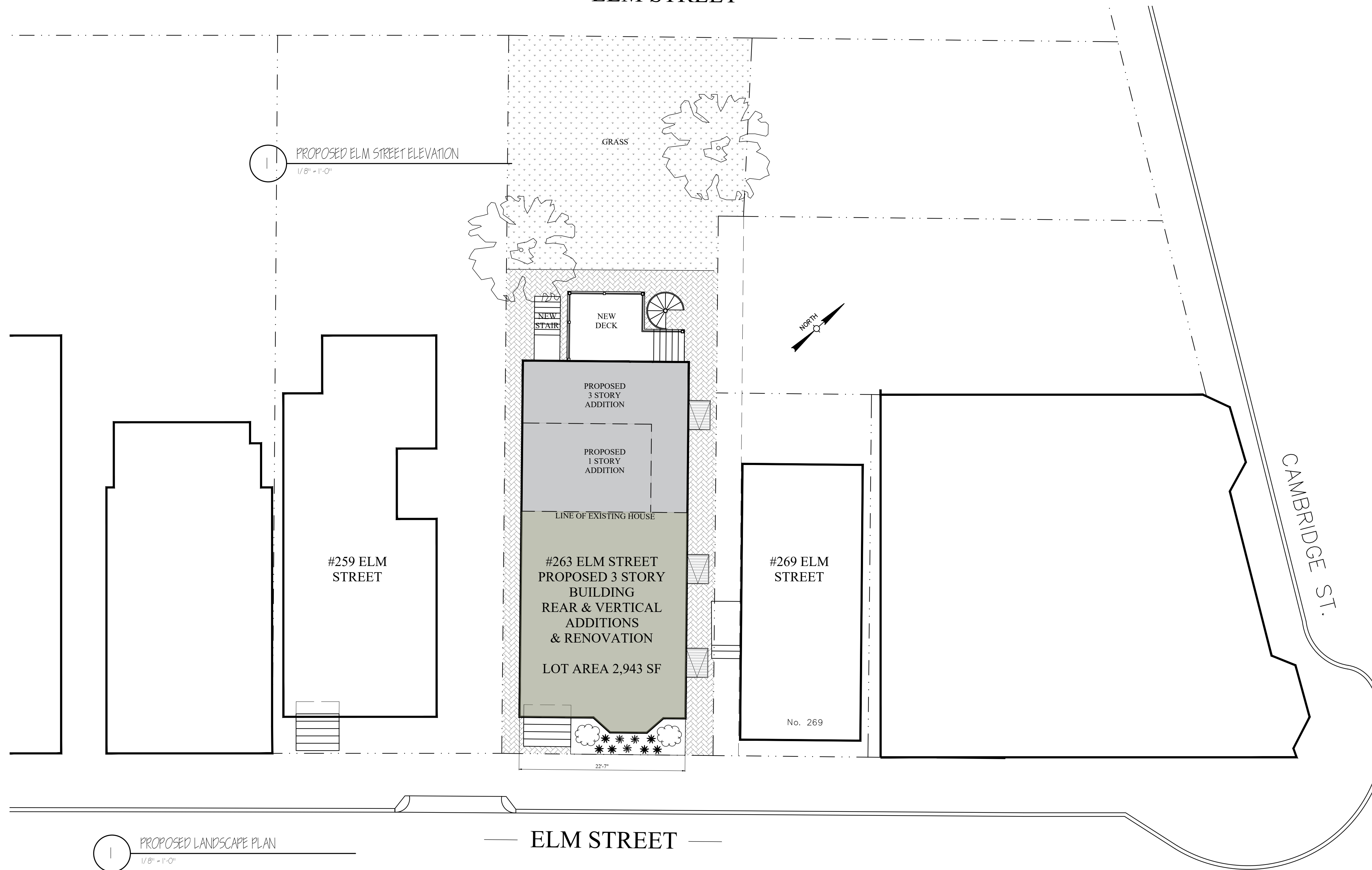
EX'G TYPE 5 CONSTRUCTION  
EX'G R-3 USE GROUP (TWO-FAMILY)  
EX'G 2.5 STORIES & BASEMENT  
PROPOSED 3 STORIES & BASEMENT  
EX'G NON-SPRINKLERED & ALARMED

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— ELM STREET —



NOTE: THE PLOT UNDERLAY IS TAKEN FROM SURVEY PREPARED BY ANTONI SZERSZUNOWICZ DATED AUGUST 25, 2018 & THE SURROUNDING CONTEXT IS TAKEN FROM THE CAMBRIDGE ZONING MAP

Location

TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139

**Choo & Company, Inc.**  
One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

Project No:	19149
Scale:	AS NOTED
Date:	07-1-18
Drawn By:	MA / DF

Drawing Name

PROPOSED  
LANDSCAPE  
PLAN &  
ELEVATION

Sheet No.

1

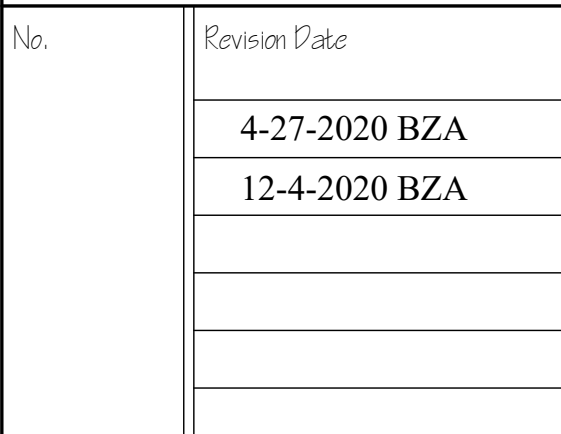
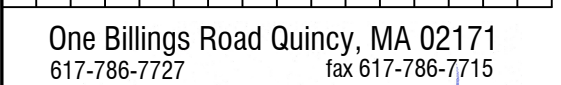


— ELM STREET —



— ELM STREET —

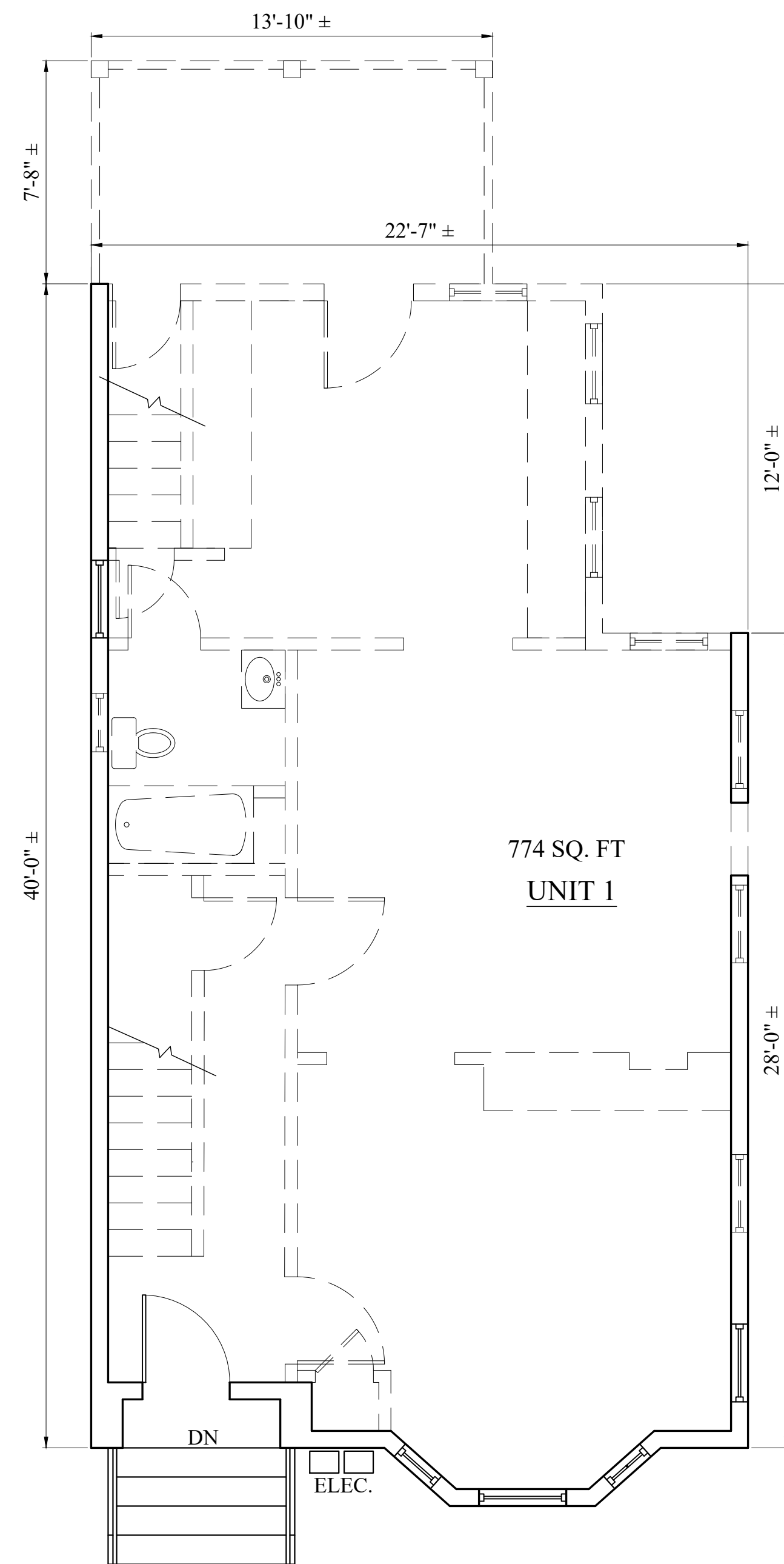
TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139



Drawing Name

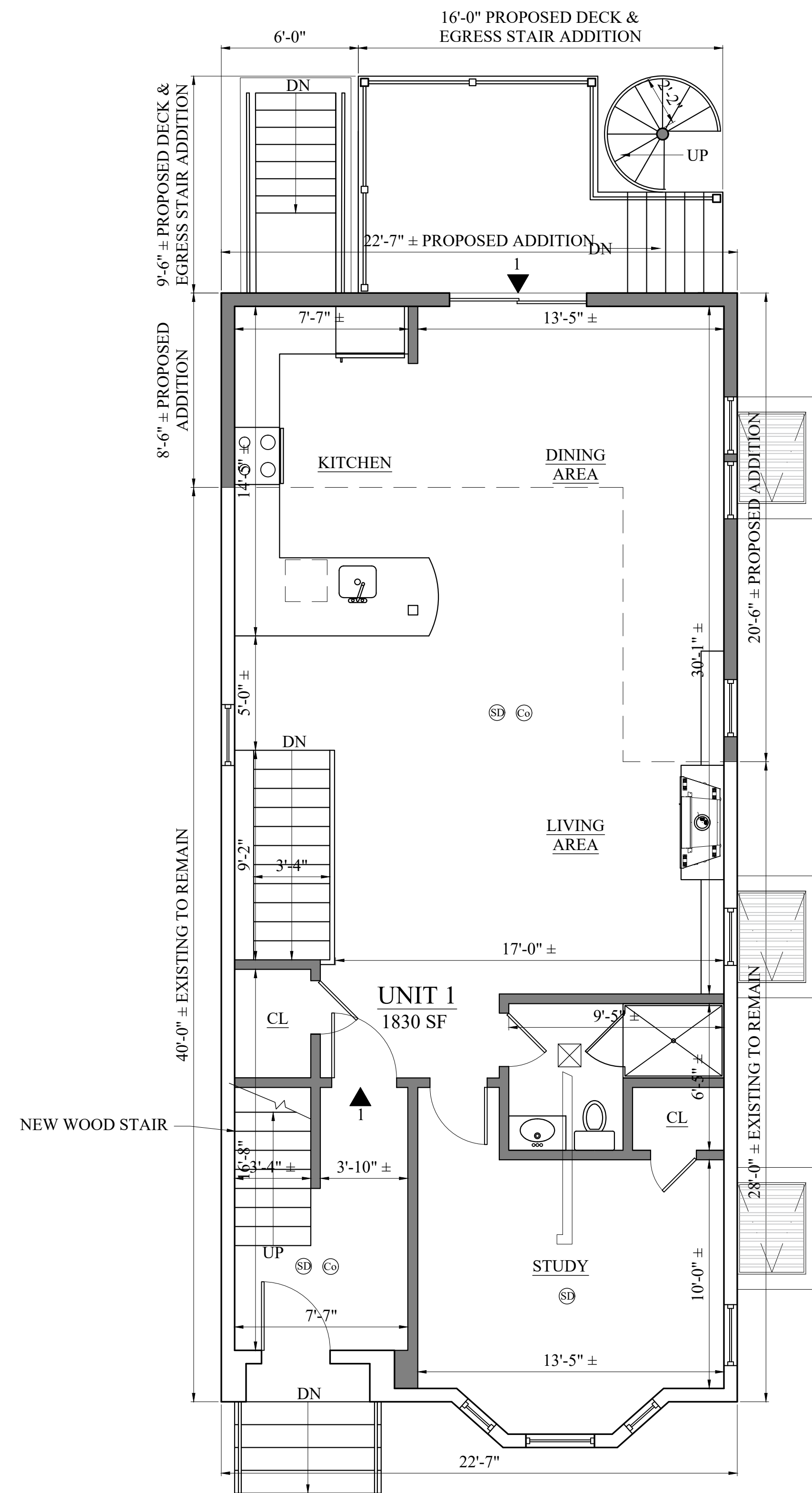
Sheet No.

A-|||



— ELM STREET —

1 EXISTING FIRST FLOOR PLAN  
1/4" = 1'-0"



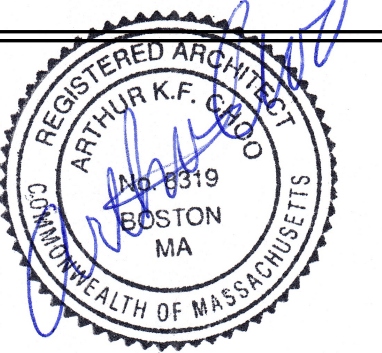
— ELM STREET —

2 PROPOSED FIRST FLOOR PLAN  
1/4" = 1'-0"

TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139

Choo  
& Company, Inc.

One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715



No.	Revision Date
	Revision
	4-27-2020 BZA
	12-4-2020 BZA

Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: MA / DF

Drawing Name  
EXISTING  
& PROPOSED  
FIRST FLOOR  
PLANS

Sheet No.  
A-1.2



ELM STREET

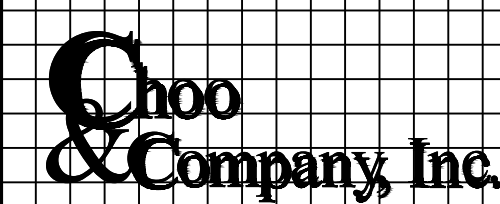


ELM STREET

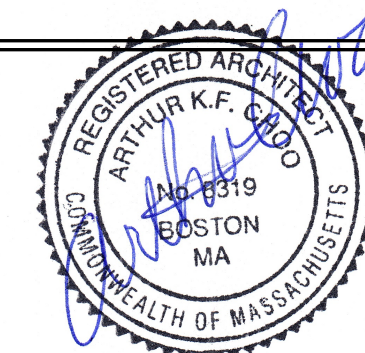
### 33'-11" PROPOSED DORMER ADDITION

Location
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TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139



One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715



No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

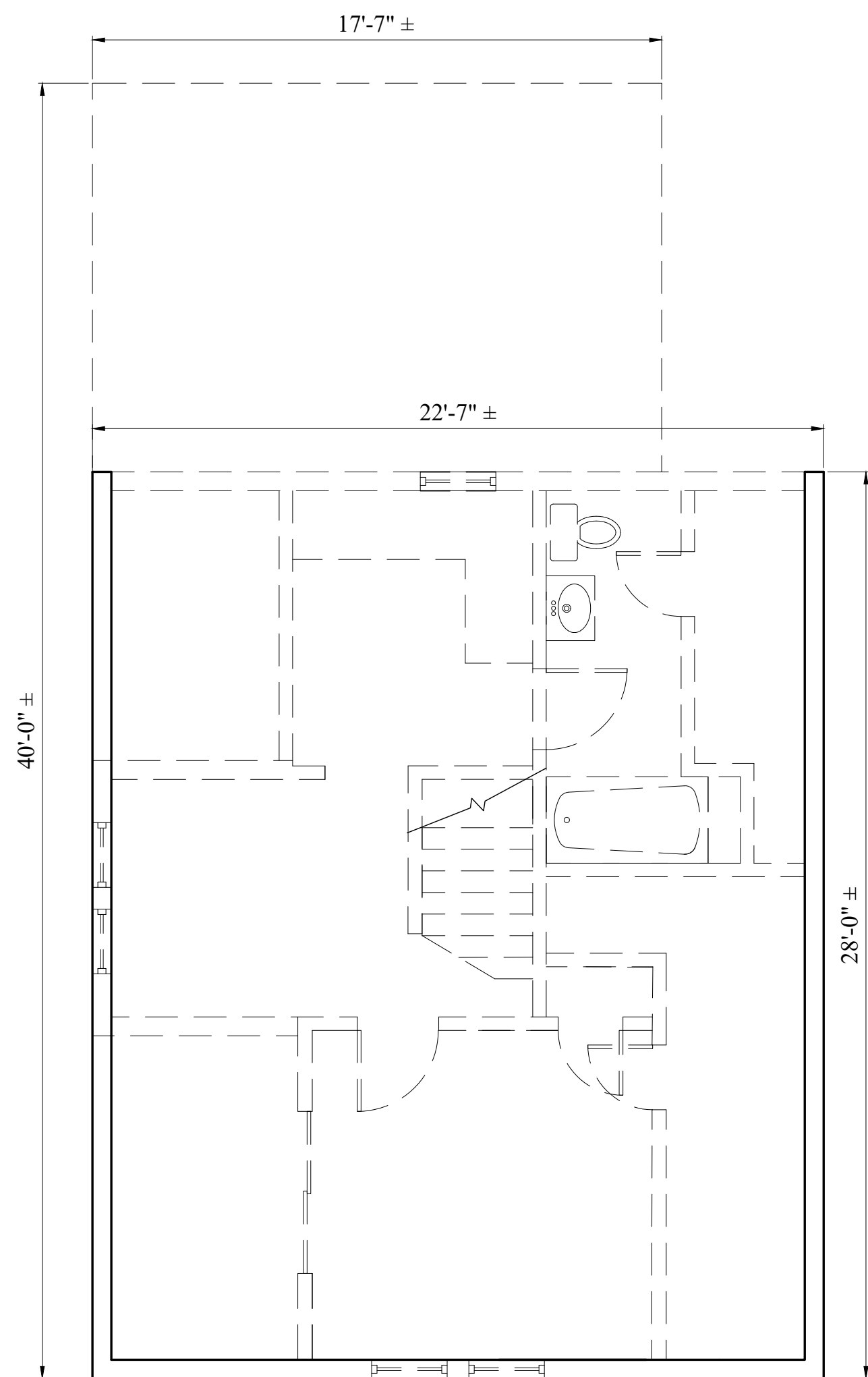
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Scale: AS NOTED  
Date: 07-1-19  
Drawn By: MA / DF

Drawing Name
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## EXISTING & PROPOSED SECOND FLOOR PLANS

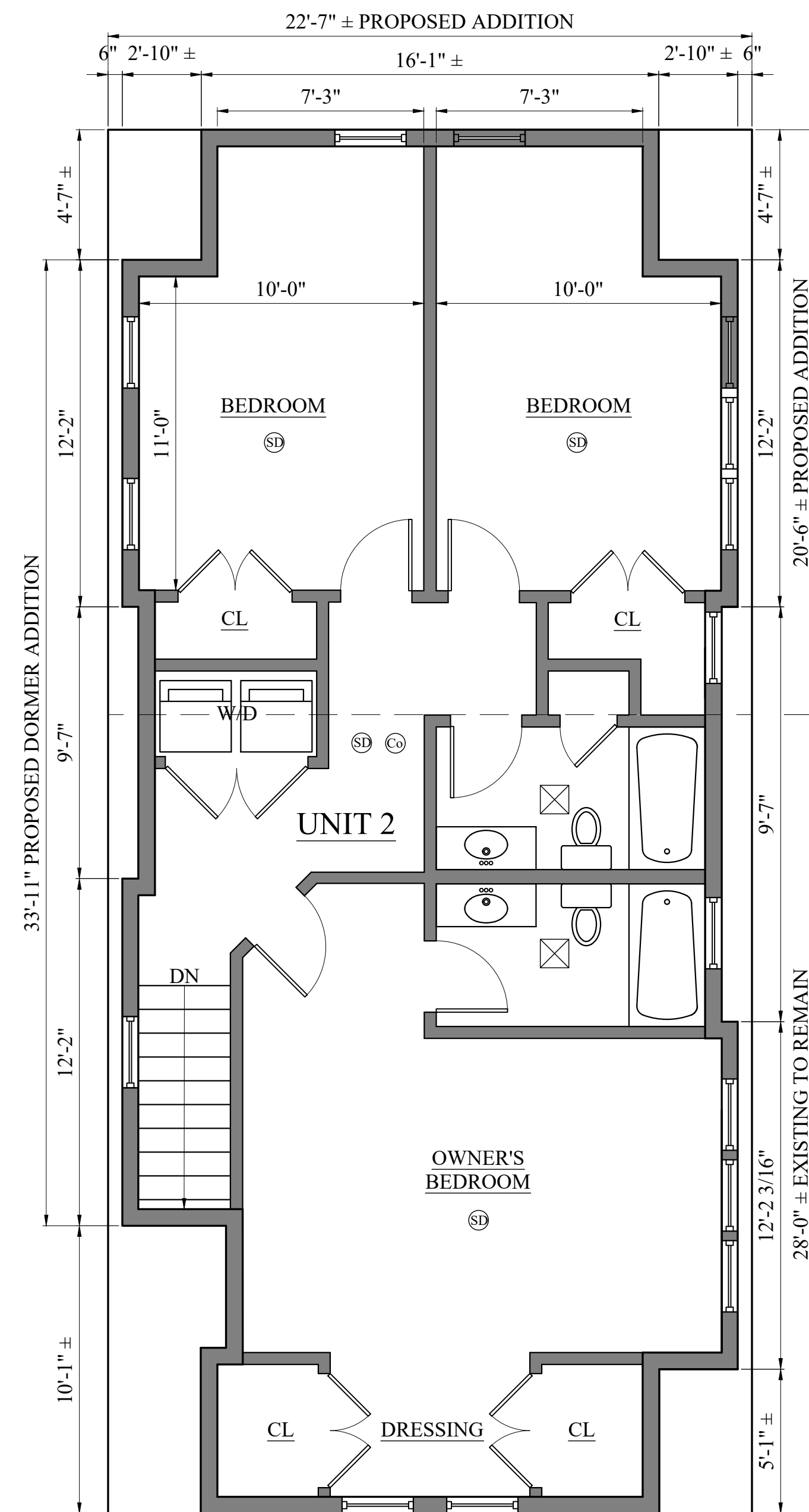
Sheet No.

A-13



1 EXISTING THIRD FLOOR PLAN  
1/4" = 1'-0"

— ELM STREET —



2 PROPOSED THIRD FLOOR PLAN  
1/4" = 1'-0"

— ELM STREET —

Location

**TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139**

**Choo  
& Company, Inc.**

One Billings Road Quincy, MA 02171  
617-786-7727 fax 617-786-7715

REGISTERED ARCHITECT  
ARTHUR K.F. CHOO  
MA 02139  
BOSTON  
MA  
COMMONWEALTH OF MASSACHUSETTS

No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

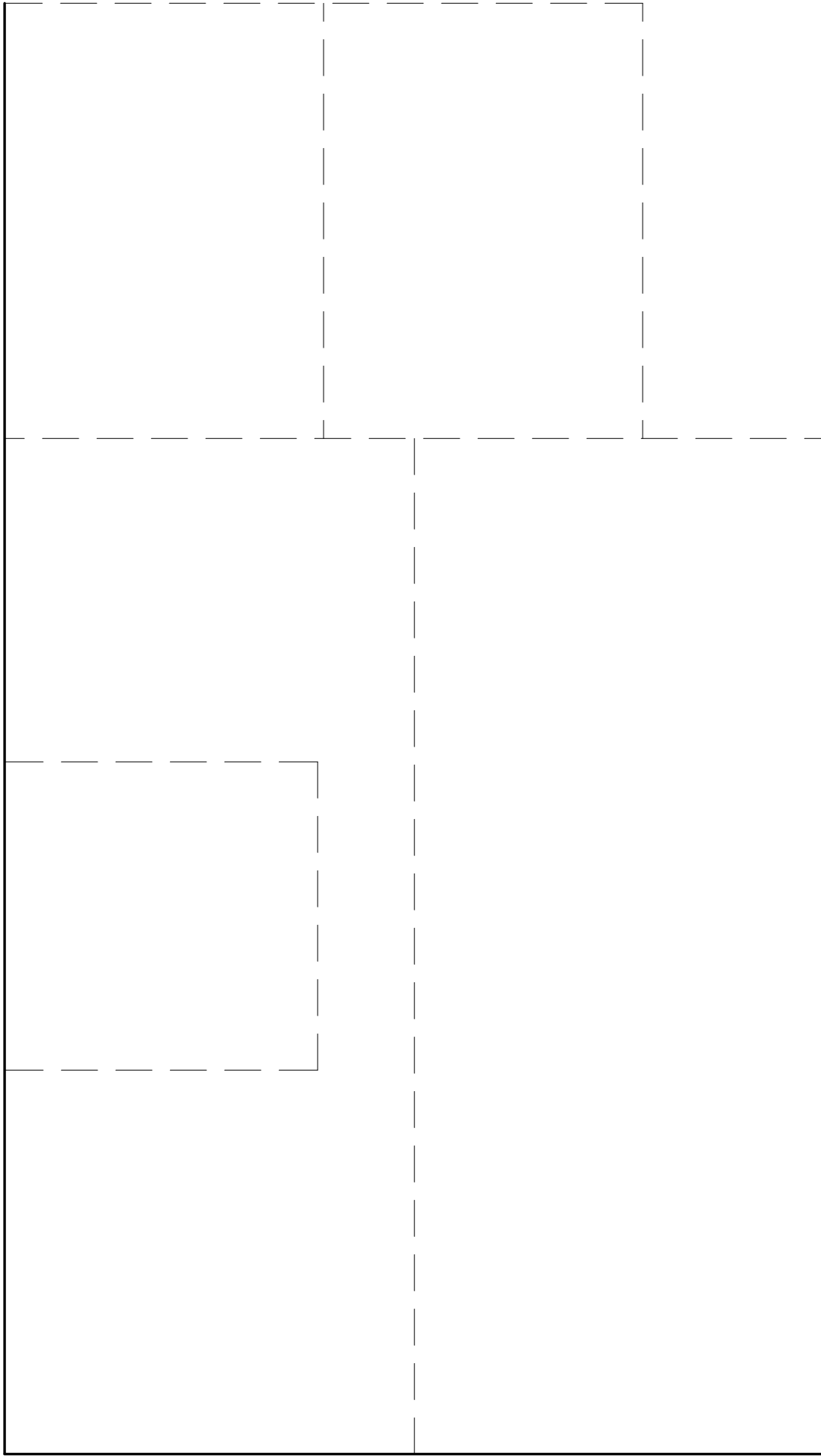
Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: MA / DF

Drawing Name

**EXISTING  
& PROPOSED  
THIRD FLOOR  
PLANS**

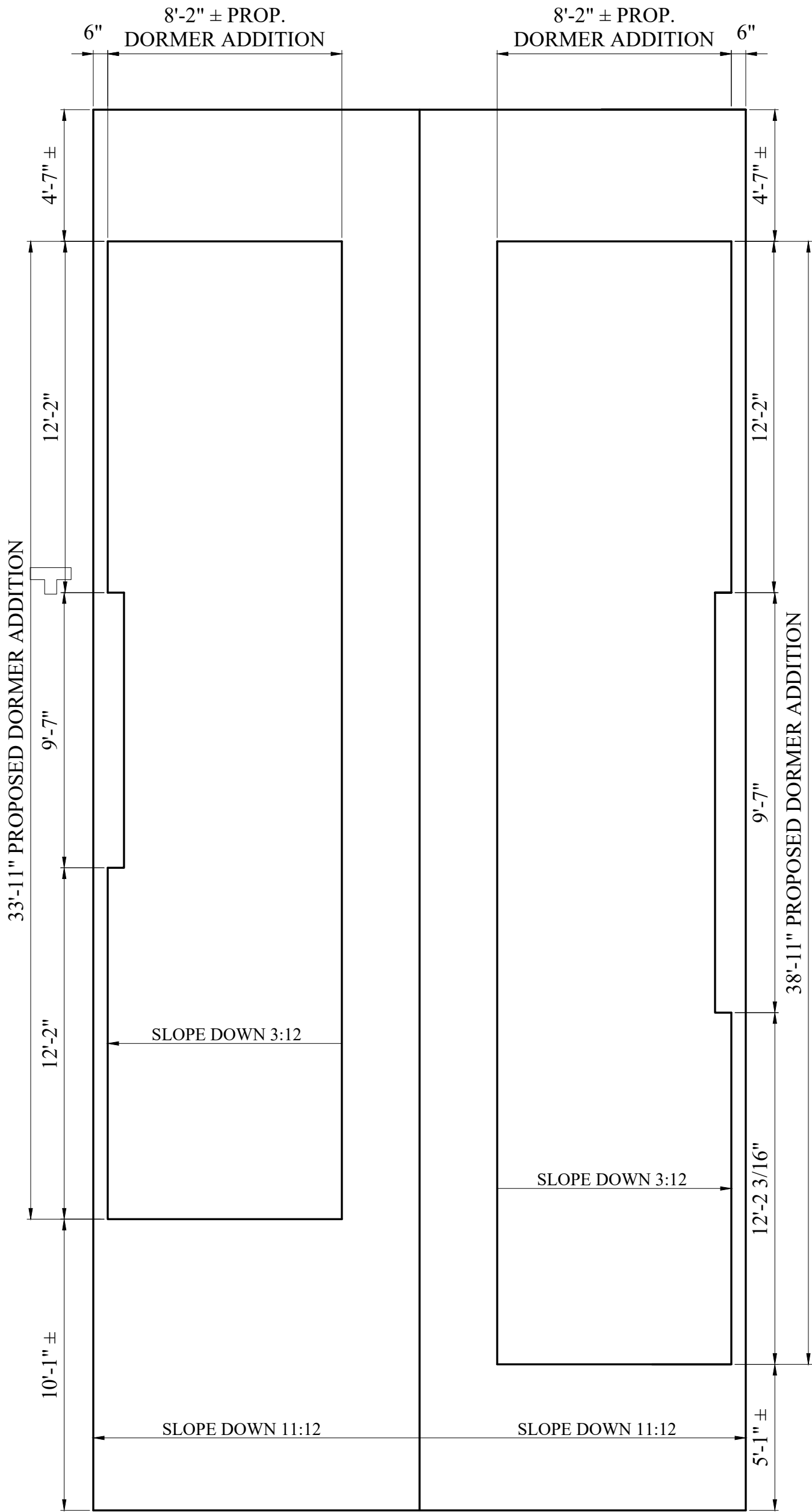
Sheet No.

A-1.4



— ELM STREET —

1 EXISTING ROOF PLAN  
1/4" = 1'-0"



— ELM STREET —

2 PROPOSED ROOF PLAN  
1/4" = 1'-0"

Location

TWO FAMILY  
RENOVATION & ADDITION  
263 ELM STREET  
CAMBRIDGE MA 02139

**Choo  
& Company, Inc.**

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No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: MA / DF

Drawing Name  
  
EXISTING  
& PROPOSED  
ROOF PLANS

Sheet No.  
  
A-1.5



Location

**TWO FAMILY RENOVATION & ADDITION**  
263 ELM STREET  
CAMBRIDGE MA 02139

**Choo & Company, Inc.**  
One Billings Road Quincy, MA 02171  
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REGISTERED ARCHITECT  
ARTHUR K.F. CHOO  
NO. 8319  
BOSTON  
MA  
COMMONWEALTH OF MASSACHUSETTS

No.	Revision Date
	4-27-2020 BZA
	12-4-2020 BZA

Project No: 19149  
Scale: AS NOTED  
Date: 07-1-19  
Drawn By: DF

Drawing Name  
**EXISTING & PROPOSED ELEVATIONS**

Sheet No.  
**A-2.1**

