



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

2020 JAN -2 PM 3:37
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017238-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : ✓ Appeal : _____

PETITIONER : Amanda W. Bowen, Trustee - C/O Sarah Like Rhatigan, Esq.

PETITIONER'S ADDRESS : 12 Marshall Street Boston, MA 02108

LOCATION OF PROPERTY : 273 Upland Rd Cambridge, MA

TYPE OF OCCUPANCY : Two-Family Residential ZONING DISTRICT : Residence C-1 Zone

REASON FOR PETITION :

 Parking

DESCRIPTION OF PETITIONER'S PROPOSAL :

 The Petitioner seeks a variance to allow for the parking of two (2) compact cars within the front yard setback, in an area that has been used for the parking of one (1) vehicle.

SECTIONS OF ZONING ORDINANCE CITED :

Article 6.000 Section 6.44.1.C (Parking Setbacks).

Article 10.000 Section 10.30 (Variance)

Original Signature(s) :

(Petitioner(s) / Owner)

 Sarah Like Rhatigan, Esq. on behalf of the Petitioner
 (Print Name)

Address : Trilogy Law LLC, 12 Marshall St. Boston MA 02108

Tel. No. : 617-543-2009

E-Mail Address : sarah@trilogylaw.com

Date : 1/2/20

BZA APPLICATION FORM - OWNERSHIP INFORMATION

(To be completed by OWNER, signed before a notary, and returned to Secretary of Board of Appeal).

I/We **Amanda W. Bowen, Trustee of the Alice Wick Hall Trust - 2015, u/d/t March 17, 2015**

(OWNER)

Address: **273 Upland Road, Unit 273, Cambridge, Massachusetts 02138**

State that I/We own the property located at **273 Upland Road, Unit 273, Cambridge, Massachusetts 02138** which is the subject of this zoning application.

The record title of this property is in the name of **Amanda W. Bowen, Trustee of the Alice Wick Hall Trust - 2015, u/d/t March 17, 2015**

pursuant to a deed dated **March 17, 2015** and duly recorded in the Middlesex South County Registry of Deeds at Book **65106**, Page **231**.

Amanda W. Bowen

SIGNATURE BY LAND OWNER BY: Amanda W. Bowen, Trustee of the Alice Wick Hall Trust - 2015, u/d/t March 17, 2015

Commonwealth of Massachusetts, County of Middlesex

The above-name **Amanda W. Bowen, Trustee as aforesaid**

personally appeared before me, this 12th day of **December, 2019**, and made oath that the above statement is true.

Malinda Reagan

Notary
My commission expires (Notary Seal).

07/27/2023



MALINDA L. REAGAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
July 27, 2023

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:

The Petitioner seeks a variance to allow for the parking of two (2) compact cars within the front yard setback, in an area that has been used for the parking of one (1) vehicle. In 1980, the BZA granted zoning relief to allow for parking of two compact cars in this location, in connection with a variance to allow for the conversion of the garage to a single-family residence. Parking for two vehicles would have been necessary in order for the second dwelling unit to comply with minimum parking requirements.

Notwithstanding this 1980 Decision, there is now uncertainty as to whether the special permit was ever acted upon with regard to parking. Recent history suggests the parking area may not have been widened enough (to the full proposed 14 ft. wide) or used for two cars as proposed.

This case arises as a result of a query from a prospective purchaser of one of the newly created condominium units and the Building Commissioner's determination that he could not confirm, upon the evidence presented, that a second parking space is legally established in this location.

A literal enforcement of the ordinance imposes substantial hardship, both financial and otherwise, on the owners of this two-family residential property, rendering the property non-compliant in terms of the minimum parking requirements. There are no alternative parking plans that would comply with dimensional requirement of the Cambridge Zoning Ordinance. The plans presented to the BZA represent a plan with the most minimal impacts on neighboring uses with the most minimal zoning relief necessary. There are no physical alterations required in order to create the parking area called for in this application (16 ft., 2 inches wide and 18 ft., 10 inches deep). The only physical change from the perspective of the neighborhood would be the use of such space for the parking of two (instead of one) vehicles.

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 hardships described herein are owing to the unique circumstances relating to the siting of the structures on this undersized lot, and the prior grant of a variance to allow for use as a two-family residence together with a grant of rights to park two (2) vehicles that may not have been acted upon by a prior owner. These unique circumstances collectively result in the Petitioner requiring zoning relief in order to legalize parking of two (instead of one) vehicle in the front yard setback.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

Variance relief from the requirements of Section 6.44.1(c) may be granted without any detriment to the public good. There is currently (and by right) a parking area located in the front yard setback that has been used for at least 35 years for the parking of one vehicle. There will be minimal impacts to neighbor of an addition of one vehicle in this location. Similar front yard parking conditions occur throughout the neighborhood and the District and throughout the City. There already exists a curb cut in this location. Allowing an additional vehicle to park in this location will result in improved conditions, guaranteeing that the Petitioners are able to park two cars on their property, thereby removing a car from on street parking in this neighborhood, which will have a net positive benefit for the public.

There will be no adverse impacts to the District in terms of street congestion or adequate parking on account of the relief requested herein. In fact, the changes to parking will improve these conditions, guaranteeing that the Petitioner is able to park on their Property (and not on the City street).

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

Consistent with the stated intent and purpose of the ordinance, as detailed in Section 1.30 of Article 1.000 Preamble of the Zoning ordinance as well as M.G.L Ch. 40A Zoning Section 10 Variances, the proposed project will:

- Create quality housing for the benefit of the Petitioners and successor owners.
- Not result in use or activity not otherwise permitted in the ordinance.
- Not result in negative impacts listed in the Section 1.3 regarding traffic, population density, blight and pollution.

- * **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: Trilogy Law LLC PRESENT USE/OCCUPANCY: Two-Family

LOCATION: 273 Upland Rd Cambridge, MA ZONE: Residence C-1 Zone

PHONE: _____ REQUESTED USE/OCCUPANCY: Two-Family

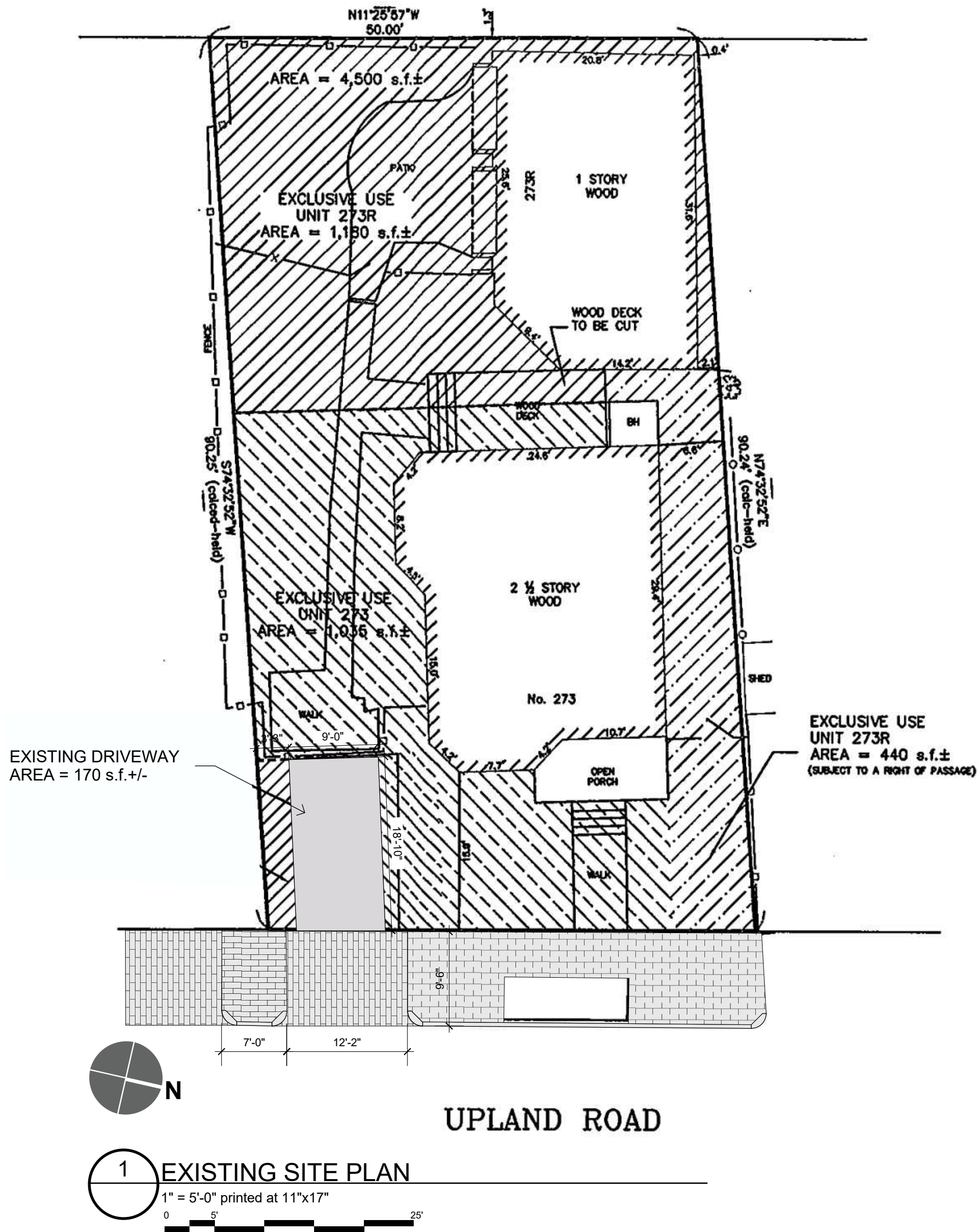
	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	3,078 sf	3,078 sf	3,375 sf	(max.)
<u>LOT AREA:</u>	4,500 sf	4,500 sf	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	0.68	0.68	0.75	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	2,250 sf	2,250 sf	1,500 sf	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	50 ft	50 ft	50 ft	(min.)
DEPTH	90 ft	90 ft	n/a	
<u>SETBACKS IN FEET:</u>				
FRONT	13.3 ft	13.3 ft	10 ft	(min.)
REAR	1.3 ft	1.3 ft	20 ft	(min.)
LEFT SIDE	14.4 ft	14.4 ft	7.5 ft	(min.)
RIGHT SIDE	0.4 ft	0.4 ft	7.5 ft	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	17/ 35 ft	17/ 35 ft	35 ft	(max.)
LENGTH	n/a	n/a	n/a	
WIDTH	n/a	n/a	n/a	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>	0.35	0.41	0.30	(min.)
<u>NO. OF DWELLING UNITS:</u>	2	2	2	(max.)
<u>NO. OF PARKING SPACES:</u>	1*	2	2	(min./max)
<u>NO. OF LOADING AREAS:</u>	0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	18 ft	18 ft	10 ft	(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.

Note: Existing Conditions noted here reflect the dimensions for the property upon completion of construction/renovations allowed pursuant to a variance granted by this Board of Zoning Appeal on May 30, 2019, BZA Case No. 017114-2019 and building permit issued subsequent thereto.

* In 1980, the BZA granted zoning relief to allow parking of two (2) compact cars in this area within the front yard setback (see copy of BZA Decision dated May 1980, attached hereto).

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



SK1.1

SCALE:
 AS NOTED
 JOB #:
 1915
 DATE:
 2019-12-12

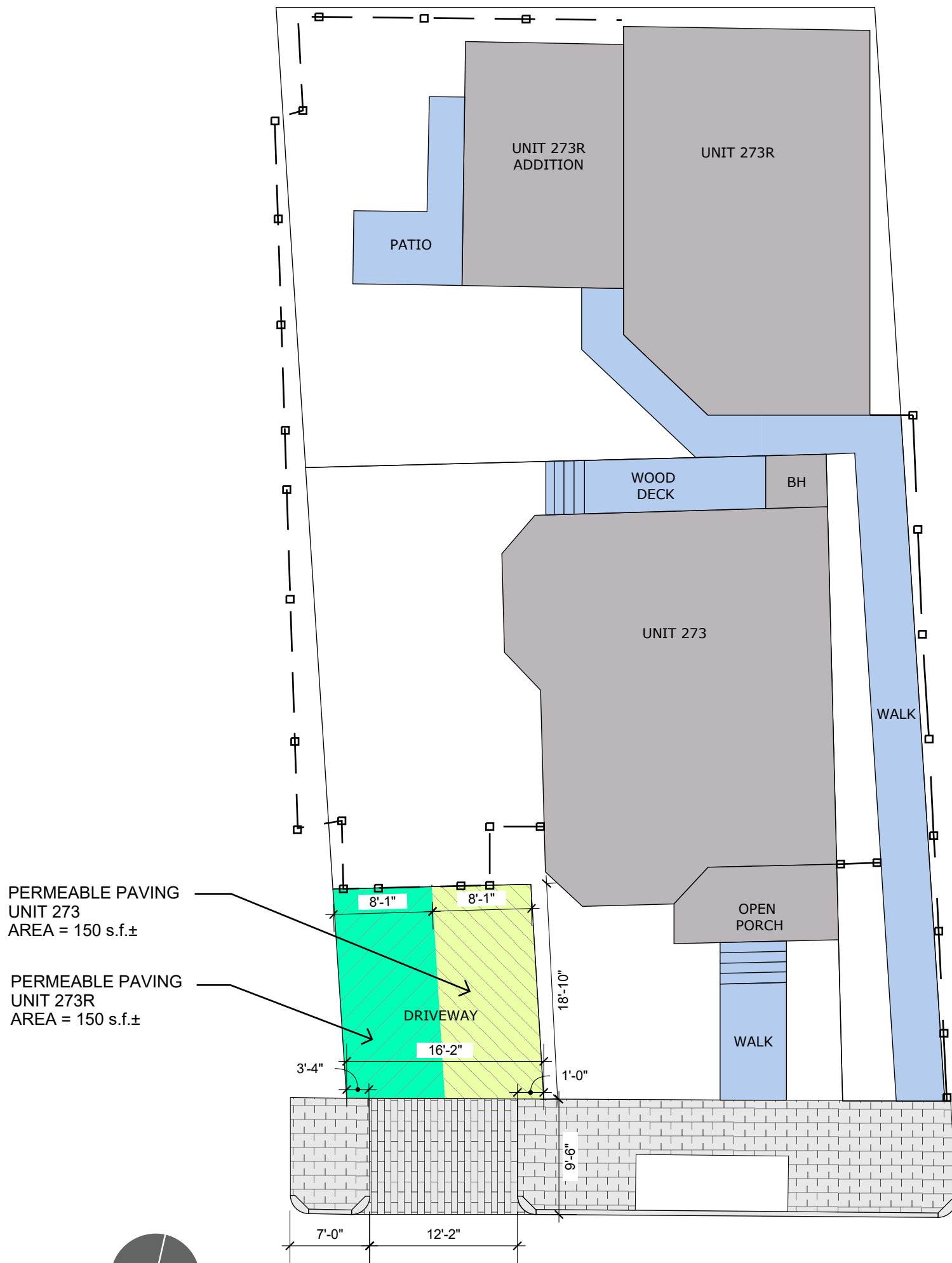
EXISTING SITE PLAN

273 & 273R UPLAND RD
 CAMBRIDGE, MA 02140

Luke McKneally Architect
 LM WORKS LLC

26 Whitney Rd
 Medford, MA 02155
 tel: (617) 835-8999
 Luke@LMDesignWorks.com

LOT AREA = 4,500 s.f. ±



PERMEABLE PAVING
 UNIT 273
 AREA = 150 s.f.±

PERMEABLE PAVING
 UNIT 273R
 AREA = 150 s.f.±



1 PROPOSED SITE PLAN
 1" = 5'-0" printed at 11"x17"
 0 5' 25'

SK1.2

SCALE:
 AS NOTED
 JOB #:
 1915
 DATE:
 2019-12-12

PROPOSED SITE PLAN

273 & 273R UPLAND RD
 CAMBRIDGE, MA 02140

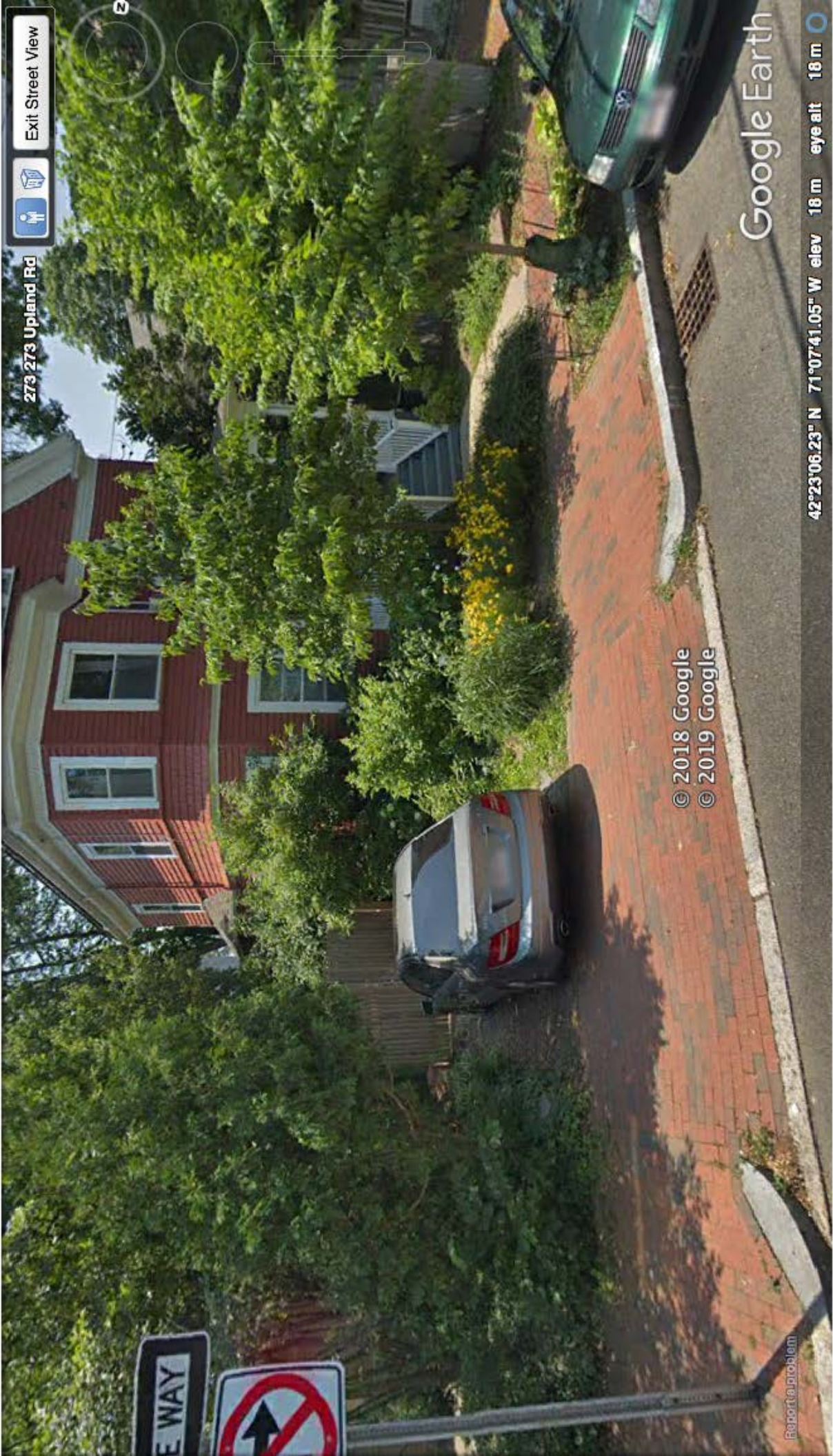
Luke McKneally Architect
 LM WORKS LLC

26 Whitney Rd
 Medford, MA 02155
 tel: (617) 835-8999
 Luke@LMDesignWorks.com

273 273 Upland Rd



Exit Street View



© 2018 Google
© 2019 Google

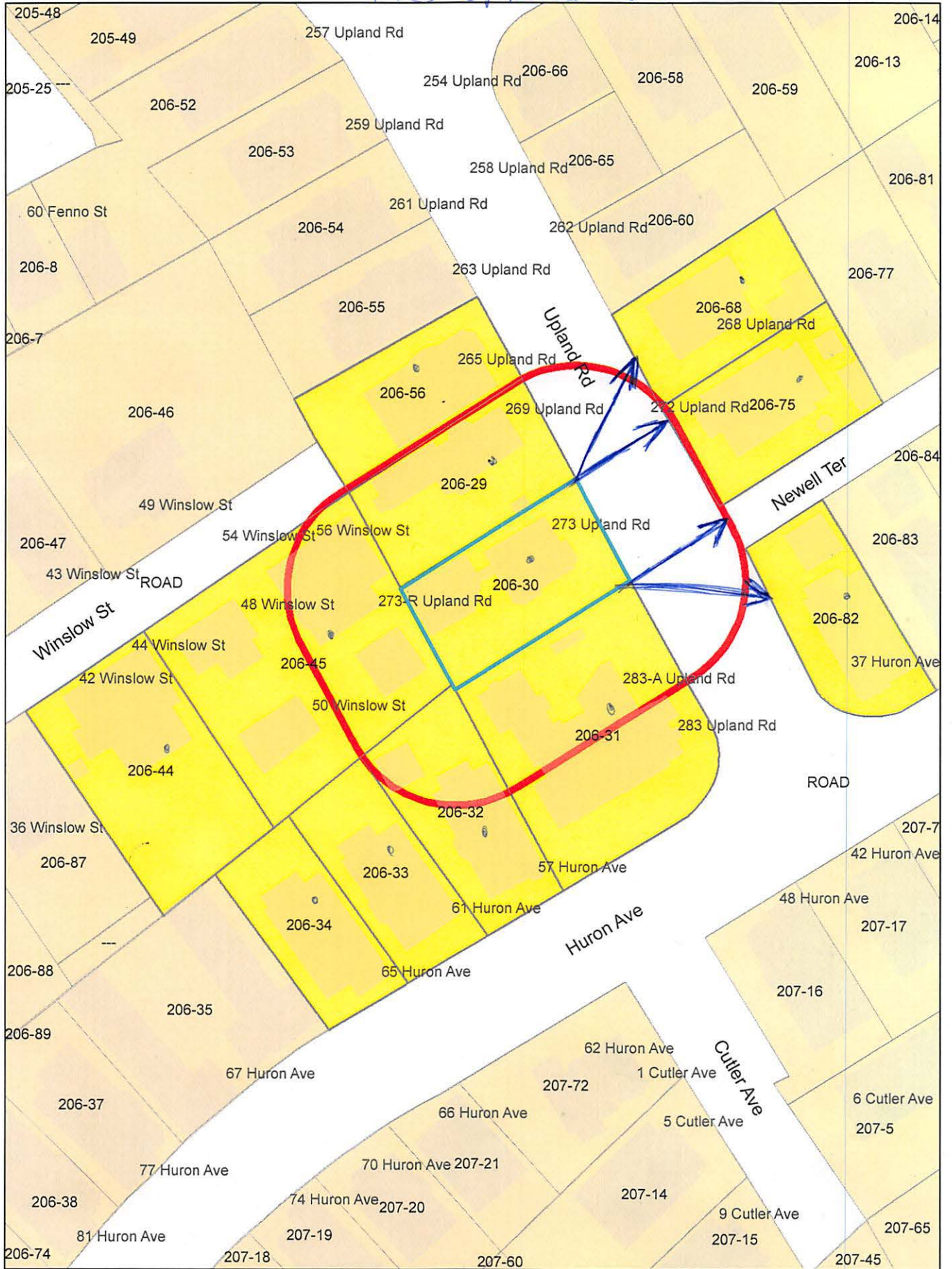
Google Earth

42°23'06.23" N 71°07'41.05" W elev 18 m eye alt 18 m

Report a problem



273 Upland Rd.



273 Upland Rd.

Revisions

206-29
PEARL, MATTHEW & TOBEY PEARL
269 UPLAND RD
CAMBRIDGE, MA 02140

206-31
MENAND, LOUIS & ALISON SIMMONS
283 UPLAND RD. UNIT#1
CAMBRIDGE, MA 02140

TRILOGY LAW LLC
C/O SARAH L. RHATIGAN, ESQ.
12 MARSHALL ST.
BOSTON, MA 02108

206-33
SULIKOWSKI, ALAN V. & MARISA G. FENOGLIO
40 HURON AVE
CAMBRIDGE, MA 02138-6707

206-68
HICKEY, JOHN E.
268 UPLAND ROAD
CAMBRIDGE, MA 02138

206-75
BOWDEN, JULIE D. & RICHARD P. GRUDZINSKI
TRUSTEES, THE JULIE D. BOWDEN, LIV TR
500 WESTOVER DRIVE #12562
SANFORD, NC 24330

206-32
HARRINGTON, JOHN F.
57 HURON AVE.
CAMBRIDGE, MA 02138-6707

206-44
ROSENQUIST, KLARA & DIEGO CANDIDA
42-44 WINSLOW ST
CAMBRIDGE, MA 02138

206-82
LOVE, VIRGINIA W.
37 HURON AVE., #2
CAMBRIDGE, MA 02138

206-30
HALL, ALICE W.,
TRUSTEE THE ALICE WICK HALL TRUST 2015
57 MADISON STREET
MEDFORD, MA 02155

206-34
DAMATO, STEPHEN J.
63-65 HURON AVE
CAMBRIDGE, MA 02138-6707

206-56
PATIL, PARIMAL G. & EMILY T. HUDSON
265 UPLAND RD
CAMBRIDGE, MA 02138

206-82
LIEU, TINA T.
37 HURON AVENUE, UNIT #1
CAMBRIDGE, MA 02138

206-45
ALPERT, HELLE MATHIASSEN,
TRUSTEE THE HELLE MATHIASSEN REV TRUST
54-56 WINSLOW ST., #56
CAMBRIDGE, MA 02138

206-45
BOSLEY, KATRINE
50 WINSLOW ST
CAMBRIDGE, MA 02138

206-45
SHORE, DANIEL S. & ABBIE L. SHORE
54-56 WINSLOW ST., #54
CAMBRIDGE, MA 02138

206-45
PYE, VIRGINIA,
TRUSTEE THE VIRGINIA PYE TRUST
48 WINSLOW ST
CAMBRIDGE, MA 02138

206-31
BRIGHT, JOHN D. JUDY C. BRIGHT
283 UPLAND RD #3
CAMBRIDGE, MA 02138

BK14004 PG060

K6-15

CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL

11-80PM 133 178

13-13-80
MAY 13 1980
CITY OF CAMBRIDGE MASS.

CASE NO.: 4737
PREMISES: 273 Upland Road Residence B Zone
Middlesex County Registry of Deeds, Book: 11200; Pg: 307
PETITIONER: Alice Bowen Hall

DATE OF REJECTION OF PERMIT BY SUPT. OF BLDGS;
AND FILING OF PETITION: April 30, 1980

DATES OF PUBLIC NOTICE: May 8 and 15, 1980

DATE OF HEARING: May 22, 1980

PETITION: Variance: Conversion of existing three-bay garage
to residence.
Special Permit: Off-street parking for two compact cars.

VIOLATION: Article 4, Section 4.21 f & j (conversion);
Article 5, Section 5.31 (Dimensions); Article 6,
Section 6.55 (off-street parking space of insufficient
size); Article 6, Sec. 6.56 (off-street parking with
insufficient setback)

At the public hearing held on May 22, 1980, the full Board heard
Alice Bowen Hall, 273 Upland Road, Cambridge, owner and occupant
of the property and Joseph Schiffer, 3 Concord Avenue, Cambridge,
an architect.

Petitioner seeks to convert a three-car garage located at the rear
of the property to an apartment unit for her elderly mother. The
garage is a one-story, concrete block structure with a flat roof
and is in a dilapidated condition. Petitioner states that her
house, a two-and one-half story structure on the lot, is not
adequately designed to accommodate her mother. This apartment
would allow her mother to live nearby yet afford her privacy in
the small, one-story apartment.

Petitioner also requests a Special Permit to allow parking for
two compact cars in a fourteen by sixteen foot area (14' x 16')
now used for one car.

After hearing the above testimony, the Board finds:

Variance:

1. That a literal enforcement of the provisions of the Ordinance
would involve a substantial hardship to the petitioner in that she
would not be able to make use of the existing concrete block
structure on the site nor could she make use of permitted density
on the site in reasonable fashion because the Ordinance prohibits
two dwellings.
2. That the hardship is owing to the position of the structure
on the site and to the size of the lot - ten percent smaller size
than currently permitted in the zone; and that petitioner's intention
to use the house for another family member conforms to the intent
of the Ordinance.
3. Desirable relief may be granted without detriment to public
good because proposed density is basically similar to that permitted
by the Ordinance and because it is a two-family zone and will result
in a two-family situation, although in two structures.


Special Permit:

1. That the requirements of the Ordinance will be met.
2. That the street is not presently congested and parking in this manner would not cause congestion.
3. That the adjacent houses have similar use. This is a minor change and would not adversely affect them.
4. That established neighborhood character is for parking as petitioner proposes. This would not impair the integrity of the district or derogate from the intent and purpose of the Ordinance.

THEREFORE, the Board of Zoning Appeal voted four-to-one to GRANT the relief sought and hereby annuls the refusal of the Superintendent of Buildings and requests him to issue the necessary permits to allow construction to convert the existing three-bay garage to a single-family residence and to allow off-street parking for two compact cars on premises known as 273 UPLAND ROAD, CAMBRIDGE, MASSACHUSETTS, with the following condition:

That the structure be built in general conformance with the plans dated 4/8/80 designed by Joseph J. Schiffer & Associates and that the facade be as described in testimony, vertical wood siding with natural wood stain.

Vote: Hugh Russell, Brendan Sullivan, David Blackman and Melvin Gadd voted to Grant. Janice Campbell voted against the motion.



 Hugh Adams Russell, Chairperson

ATTEST: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 6/13/80 by Patricia McLaughlin, Secretary.


JUL 8 1980

Date: _____

Twenty days have elapsed since the date of filing of this decision.

No appeal has been filed) ✓

Appeal has been filed and dismissed or denied _____



 City Clerk City of Cambridge

