



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 NOV 18 PM 2:44
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 153882

General Information

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

Special Permit: X

Variance: X

Appeal:

PETITIONER: Albert & Denise Moody C/O Thomas Downer

PETITIONER'S ADDRESS: 13 Regent Street, Cambridge, MA 02140

LOCATION OF PROPERTY: 27 Haskell St., Unit 2, Cambridge, MA

TYPE OF OCCUPANCY: residential

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/ /Dormer/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Increase FAR to allow enlarging existing dormer by 33 sf of non-conforming structure; max 15' wide dormer.

Adding a 3rd window to enlarged dormer within side yard setback.

SECTIONS OF ZONING ORDINANCE CITED:

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

Original
Signature(s):

Thomas A. Downer

(Petitioner, (s) / Owner)

THOMAS A. DOWNER

(Print Name)

Address:

13 REGENT ST., CAMBRIDGE, MA

Tel. No.

617-491-2519

E-Mail Address:

tdowner70@gmail.com

Date: 11/17/2021

CITY OF CAMBRIDGE

BOARD OF ZONING APPEALS



City Hall, 220 Massachusetts Avenue, Cambridge, MA 02139

617-497-0100

City of Cambridge

SEA Number: 163832

General Information

The undersigned hereby petition the Board of Zoning Appeals for the following:

Special Permit: ☒ X
Variance: ☐ X
Appeal: ☐ X

PETITIONER: Allen & Denise Mosby, 22 Thomas Square

PETITIONER'S ADDRESS: 18 Regent Street, Cambridge, MA 02140

LOCATION OF PROPERTY: 22 Haskell Street, Cambridge, MA

TYPE OF OCCUPANCY: Residential
EXISTING DISTRICT: Residential B Zone

REASON FOR PETITION:

Additional: ☐ Other: ☐

DESCRIPTION OF PETITIONER'S PROPERTY:

Request for a variance to allow existing structure to be used for a non-conforming structure; max 15' wide corner

Adding a side window to existing corner within side yard setback

REASONS FOR VARIANCE OR VARIANCE CITED:

- Article 8.000 Section 8.01 (Table of Districtal Regulations)
- Article 8.000 Section 8.02.0 (Non-conforming structures)
- Article 10.000 Section 10.03 (Variance) & Sec. 10.40 (Special Permit)

Allen & Denise Mosby

(Petitioner(s) / Owner)

Original
Signature(s)

Allen & Denise Mosby

(Print Name)

120 Regent Street, Cambridge, MA

617-497-0100

allen@mosby.com

Address:
Tel. No.:
E-mail Address:

Date: 10/1/16

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 ALBERT F. MOODY + DENISE MOODY

(OWNER)

Address: 27 HASKELL STREET, UNIT 2

State that I/We own the property located at 27 HASKELL ST.,
which is the subject of this zoning application.

The record title of this property is in the name of ALBERT F. III
+ DENISE M. MOODY

*Pursuant to a deed of duly recorded in the date JUN, 27, 2013, Middlesex South
County Registry of Deeds at Book 62123, Page 297; or

Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.

Albert F. Moody + Denise Moody
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

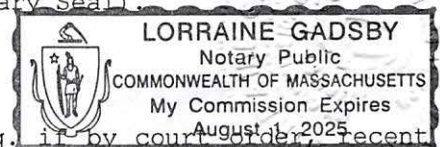
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Albert Moody + Denise Moody personally appeared before me,
this 1st of Nov, 2021, and made oath that the above statement is true.

Lorraine Gadsby Notary

My commission expires August 1, 2025 (Notary Seal).



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

REAL ESTATE APPLICATION FORM - OWNERSHIP INFORMATION

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

Name: ALBERT E. WILSON & DENISE WILSON

Address: 27 HASKELL STREET, UNIT 2

These two lots are properly located as

which is the subject of this notice of application.

The record title of this property is to wit: ALBERT E. WILSON

& DENISE W. WILSON

Reference to a deed of gift recorded in Book 217, Page 247.

County Registry of Deeds at Boston, Massachusetts.

Midwestern Real Estate Company, Inc., 1000 North Dearborn Street, Chicago, Illinois.

Date: _____

NOTARIZED AND SIGNED BY: ALBERT E. WILSON
NOTARIZED AND SIGNED BY: DENISE W. WILSON

Witnessed evidence of Agent's standing to represent petitioners may be requested.

Commissioner of the Department of Public Safety, Boston, Massachusetts.

The above-named ALBERT E. WILSON & DENISE W. WILSON are personally appeared before me.

and made oath that the facts stated in this application are true.

Notary Public for the State of Massachusetts.

My commission expires on _____.

If ownership is not shown in record, please include a statement of ownership on this application.



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 homeowners own a condominium consisting of the 2nd and 3rd floors of a two and 1/2 story house on an undersized, 4133 sf, lot. The 3rd floor has minimal headroom and the homeowners would like to increase the size of the existing dormer to 15' wide to provide a functional bathroom. The increased dormer length will increase the GFA by 33sf and will increase the FAR non-conformance by less than 1%. Without relief their home will continue with insufficient headroom in their only 3rd floor bath.

- 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:

As the building and lot were created well prior to the current zoning limitations, the structure has been non-conforming since the current dimensional requirements of the Residence B district were enacted. The hardship is due to a greatly undersized lot. As the building is non-conforming for almost all dimensional requirements, there is no addition that does not require a zoning variance.

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

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

The proposed dormer addition meets the 15' length requirement, increases the FAR by less than 1%, and does not increase any other non-conforming dimensional requirement.

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

The proposed addition will improve the health, safety, and welfare of the occupants, limits the increased non-conformance to the FAR, and if granted, would result in a more functional home that is comparable to other homes in the neighborhood.

- * 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

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 27 HASKELL ST. (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:

Extending the existing 3rd floor dormer and adding a 3rd matching window within the side yard setback does not increase the existing non-conformance on all three floors.

- 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 added window on the 3rd floor is not part of access or egress, and will not affect congestion or the 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:

The added window on the 3rd floor will have no effect on the operation of or the development of adjacent uses.

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

The added window on the 3rd floor in the extended dormer will improve the quality of the new bath for the occupants, and will not be a nuisance or hazard to the occupants or citizens of the City.

- 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:

Extending the existing 3rd floor dormer and adding a 3rd matching window within the side yard setback does not impair the integrity of the district as it is a similar condition of other houses in the district.

BZA Application Form**DIMENSIONAL INFORMATION****Applicant:** Albert & Denise Moody**Present Use/Occupancy:** residential**Location:** 27 Haskell St., Unit 2, Cambridge, MA**Zone:** Residence B Zone**Phone:** 617-491-2519**Requested Use/Occupancy:** residential

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3746	3779	2067	(max.)
<u>LOT AREA:</u>		4133	4133	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		90.64%	91.44%	50%	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2067	2067	2500	
<u>SIZE OF LOT:</u>	WIDTH	48.62	48.62	50	
	DEPTH	85	85	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	12.1	12.1	15	
	REAR	23.3	23.3	25	
	LEFT SIDE	2.9 / 2.7	2.9 / 2.7	7.5	
	RIGHT SIDE	18.4	18.4	7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	35'-10"	35'-10"	35'	
	WIDTH	42.5	42.5	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		38.4%	38.4%	40%	
<u>NO. OF DWELLING UNITS:</u>		2	2	2	
<u>NO. OF PARKING SPACES:</u>		2	2	2	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		8.3	8.3	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.:

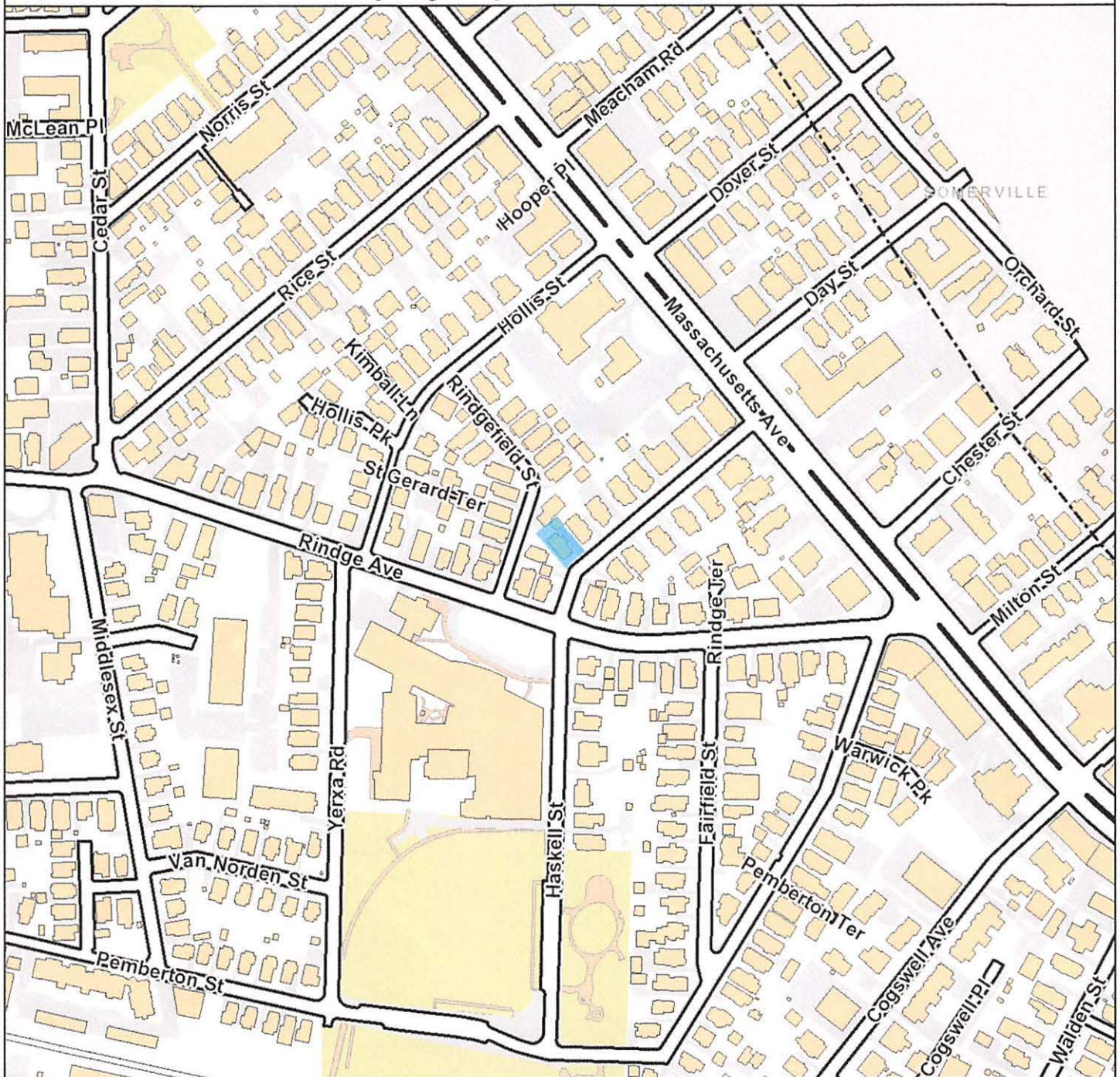
2 car garage 19' x 18.3'

Dormer addition construction will be wood frame with wood shingle siding and wood trim to match existing.

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**





City of Cambridge
Massachusetts

1" = 286 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis



- Rail
- Building Footprints
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath

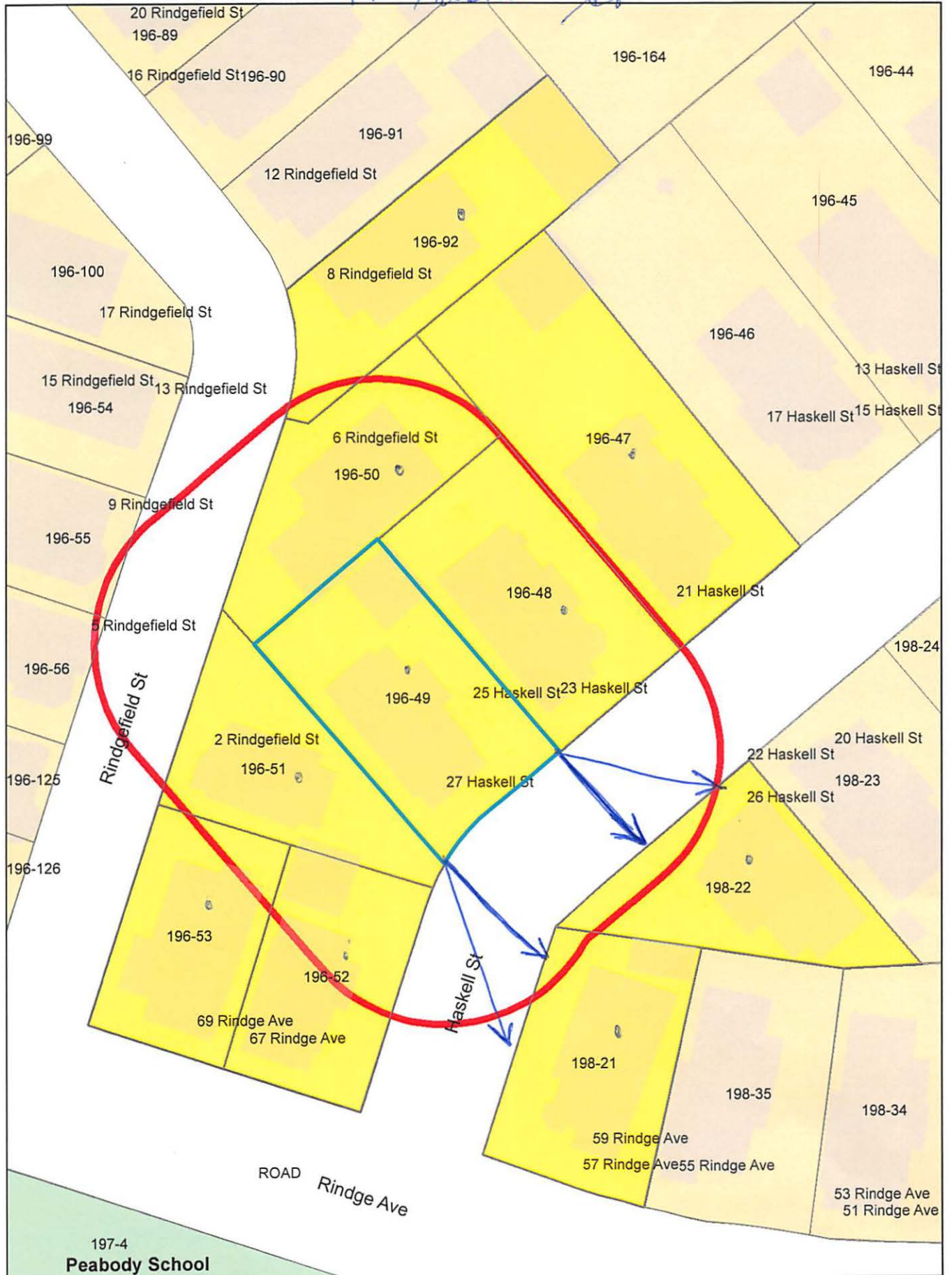
ARLINGTON

MEDFORD



BOSTON

27 Haskell St.



27 Haskell St.

Petitioner

196-50
ZURN, CHRISTOPHER F. & MICHELLE SAUNDERS
6 RINDGEFIELD ST
CAMBRIDGE, MA 02140-1841

196-92
SMITH-FAWZI, MARY C. & WAFIAE W. FAWZI
8 RINDGEFIELD ST
CAMBRIDGE, MA 02140

THOMAS A. DOWNER
13 REGENT STREET
CAMBRIDGE, MA 02140

196-53
HANSMEIER, BRETT & NANDINI MANI
69 RINDGE AVE
CAMBRIDGE, MA 02140

198-22
MORRISSEY, MICHAEL A.
38 PARK AVE
CAMBRIDGE, MA 02138

196-49
MOODY, ALBERT F., III & DENISE M. MOODY
27 HASKELL ST., #2
CAMBRIDGE, MA 02140

196-48
BEGLEY, LUKE A. & RACHELLE M. BEGLEY
TRUSTEES, THE BEGLEY FAM LIV TRS
25 HASKELL ST
CAMBRIDGE, MA 02140

198-21
CHIU MICHAEL YIH CHIH ANN
285 3RD ST - UNIT 531
CAMBRIDGE, MA 02142

196-52
MUIR STEPHEN & KATHERINE BECKER
67 RINDGE AVE
CAMBRIDGE, MA 02140

196-47
PETERSON, ALAN N. & CATHERINE PETERSON
19 HASKELL ST
CAMBRIDGE, MA 02140

196-49
MONEY, IRENE GAWEL
27 HASKELL ST. UNIT#1
CAMBRIDGE, MA 02139

196-51
HARRISON, TODD M. & ALICIA CROTHERS
2 RINDGEFIELD ST
CAMBRIDGE, MA 02140-1841

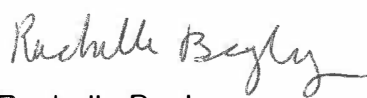

11/30/2021

City of Cambridge
Board of Zoning Appeals
831 Mass Avenue
Cambridge, MA

Dear Board of Zoning Appeals:

We are writing in support of project BZA153882-2021 filed by Albert and Denise Moody at 27 Haskell St, Unit 2. We have reviewed the plans to increase the size of the existing dormer by 7 foot 6 ½ inches and add an additional window. We do not have any further concerns about the plans submitted to the board. As neighbors of the property, we are in full support of the project.

Sincerely,



Luke Begley and Rachelle Begley
25 Haskell St
Cambridge, MA 02140



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: THOMAS DOWNER Date: 11/22/21
(Print)

Address: 27 Haskell St.

Case No. BZA-153882

Hearing Date: 12/16/21

Thank you,
Bza Members

11/30/2021

City of Cambridge
Board of Zoning Appeals

831 MASS AVENUE, CAMBRIDGE, MA

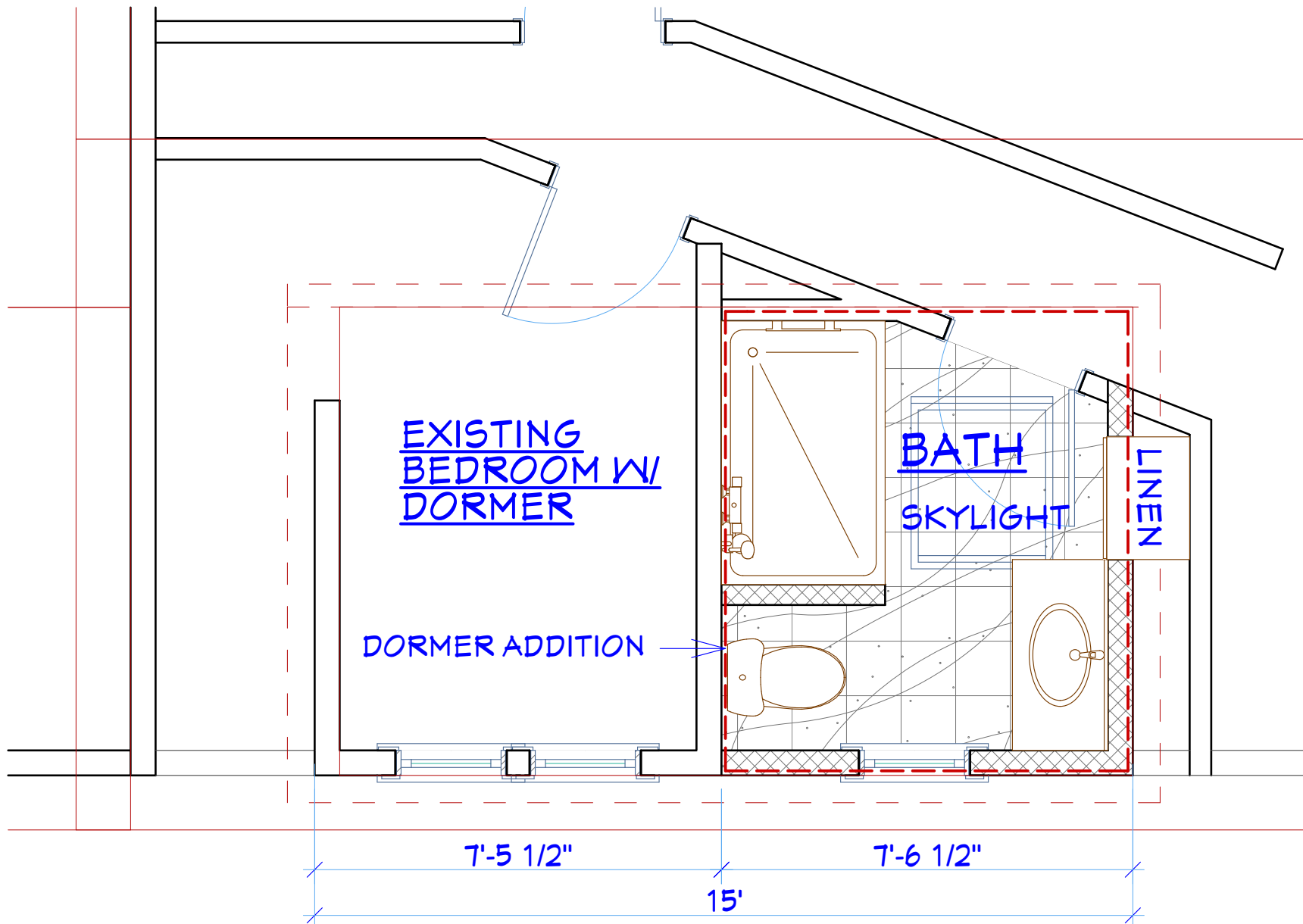
Dear Board of Zoning Appeals:

I am writing in support of project BZA153882-2021 filed by Albert and Denise Moody at 27 Haskell St, Unit 2. As a direct neighbor, I have reviewed the plans to increase the size of the existing dormer by 7 foot 6 ½ inches and add an additional window. I do not have any further concerns about the plans submitted to the board.

SINCERELY,

A handwritten signature in black ink, appearing to read "Irene Money". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

IRENE MONEY
27 HASKELL ST, UNIT 1
CAMBRIDGE, MA 02140



A-1

3rd FLOOR BATH PLAN

SCALE: 3/8" = 1'-0"

MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021

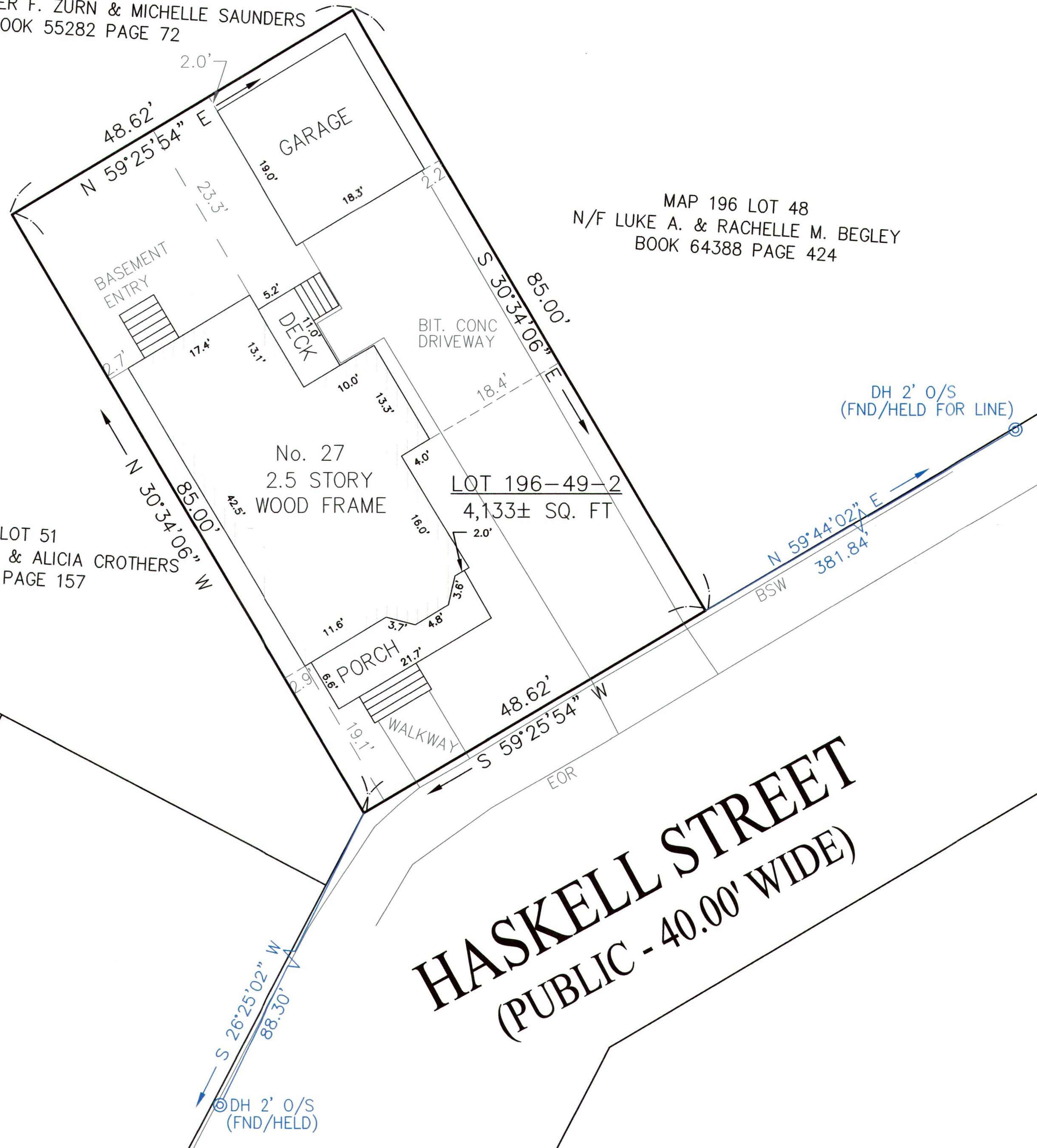


PLAN NO. 855 OF 2003

MAP 196 LOT 50
N/F CHRISTOPHER F. ZURN & MICHELLE SAUNDERS
BOOK 55282 PAGE 72

MAP 196 LOT 48
N/F LUKE A. & RACHELLE M. BEGLEY
BOOK 64388 PAGE 424

MAP 196 LOT 51
N/F TODD M. HARRISON & ALICIA CROTHERS
BOOK 23970 PAGE 157



ZONING TABLE

RESIDENCE B	REQUIRED	EXISTING
LOT SIZE (2,500/DU)	5,000 SQ. FT.	4,133± SQ. FT.
FRONTAGE	50.00'	48.62'
MINIMUM FRONT SETBACK	15.0'	19.1'
MINIMUM SIDE SETBACK	7.5'/SUM OF 20	2.7'/21.1'
MINIMUM REAR SETBACK	10.0'	23.3'
MINIMUM OS RATIO	40%	38.4%

OWNER OF RECORD

ALBERT F. III & DENISE M. MOODY
DEED BOOK 62123 PAGE 297 S.M.R.D.

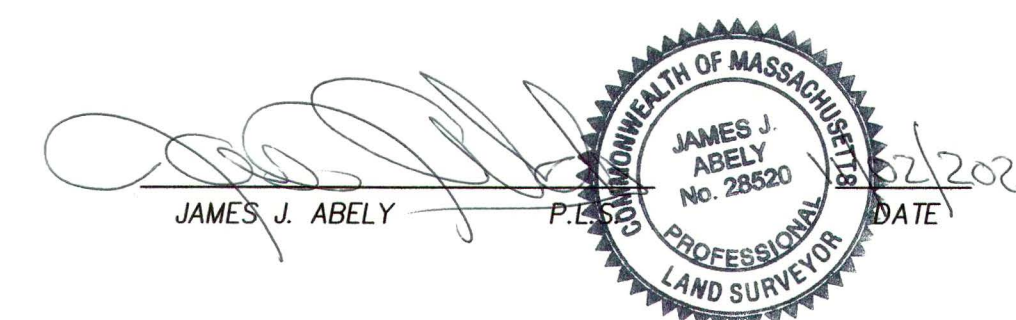
ZONING DISTRICT

TAX MAP 196 PARCEL 49-2
RESIDENCE B DISTRICT

PLAN REFERENCES

ACCEPTANCE PLAN FOR HASKELL STREET
PLAN NO. 855 OF 2003

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY.



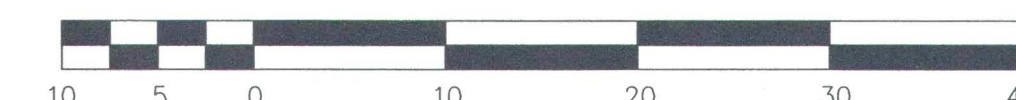
PLAN OF LAND

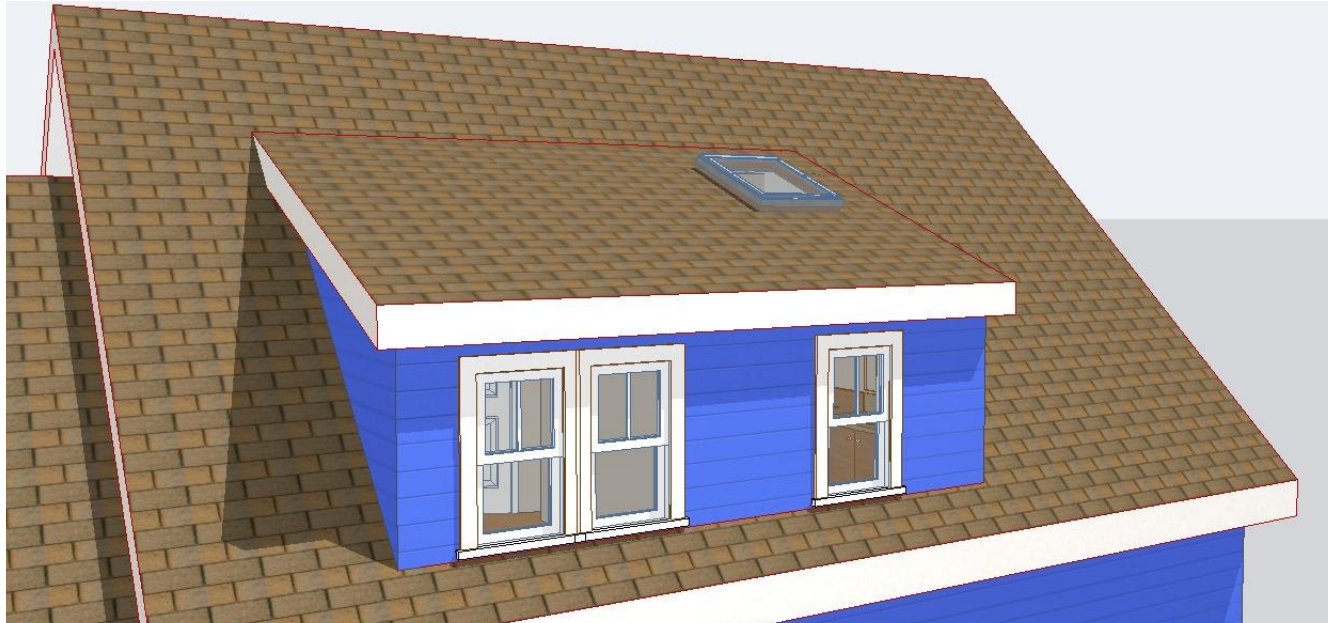
27 HASKELL STREET
CAMBRIDGE, MA

SCALE 1" = 10' OCTOBER 21, 2021
PREPARED BY

VINEYARD ENGINEERING
& ENVIRONMENTAL SERVICES INC.
LAND SURVEY, CIVIL ENGINEERING
& ENVIRONMENTAL SERVICES

17 SALEM STREET
MEDFORD MA 02155
TEL. 781-933-3330 FAX. 781-933-3334
Vineyardeng.com





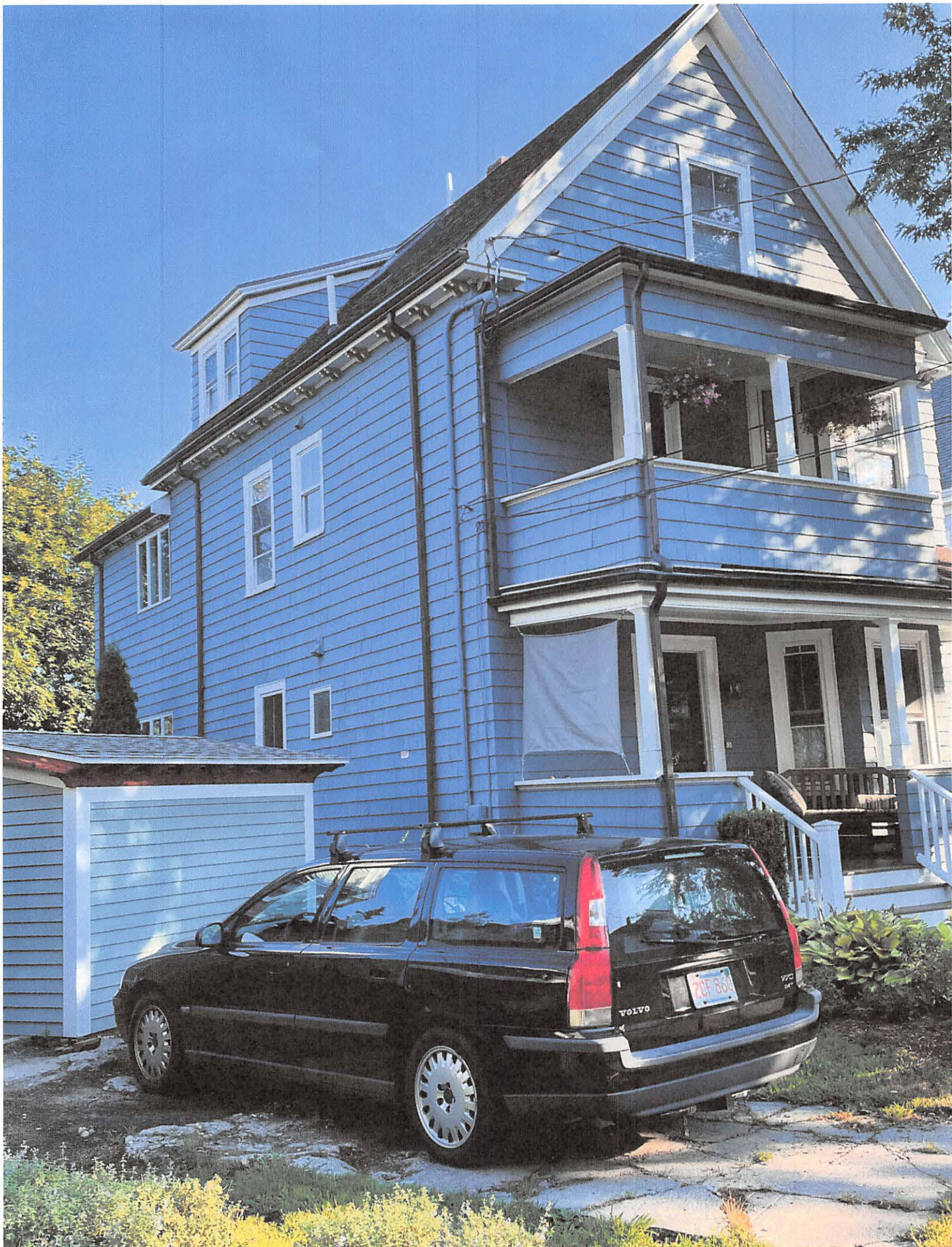
New Dormer Perspective 1



New Dormer Perspective 2

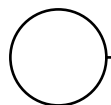
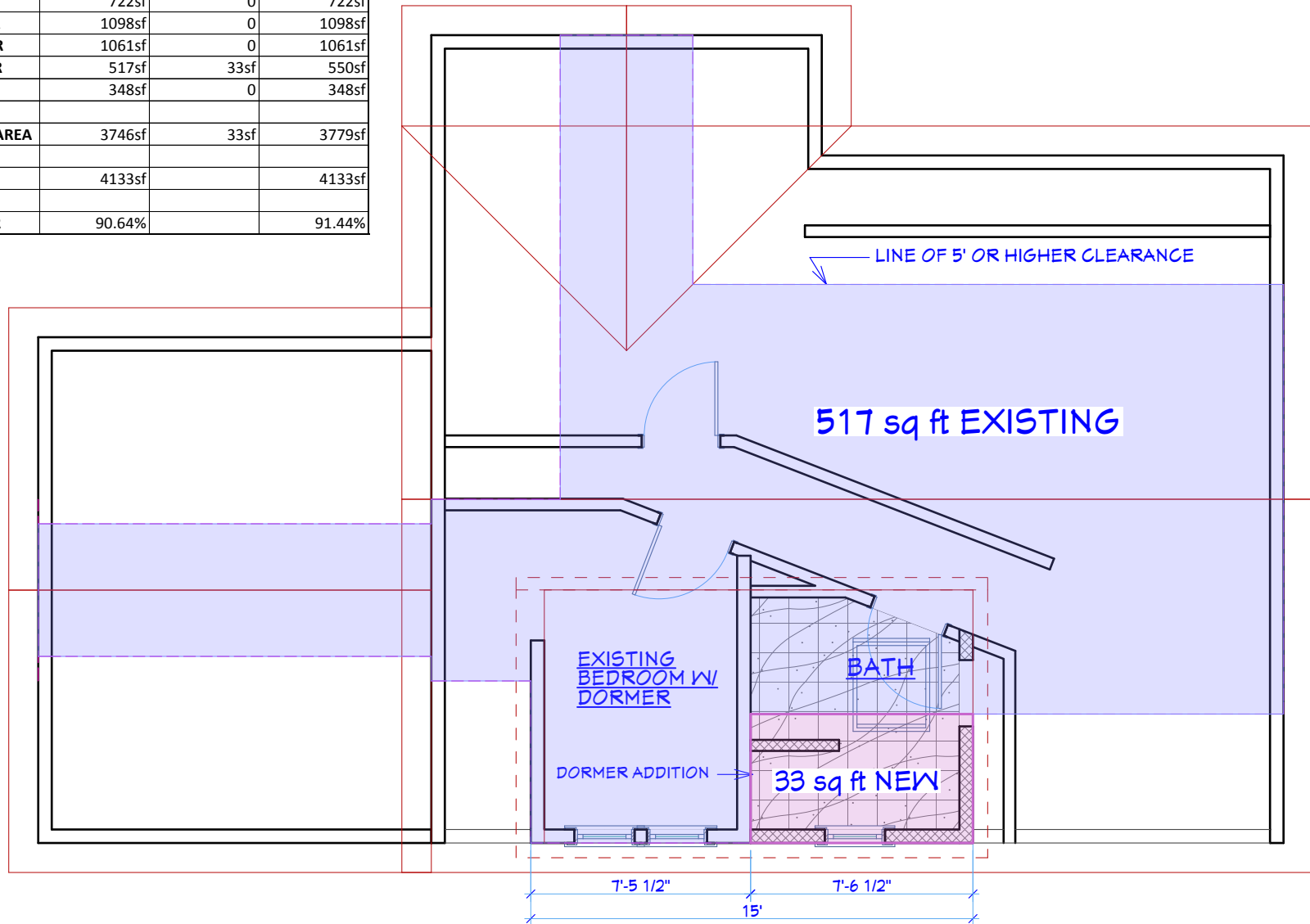
SHEET A-2

MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021





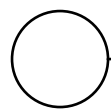
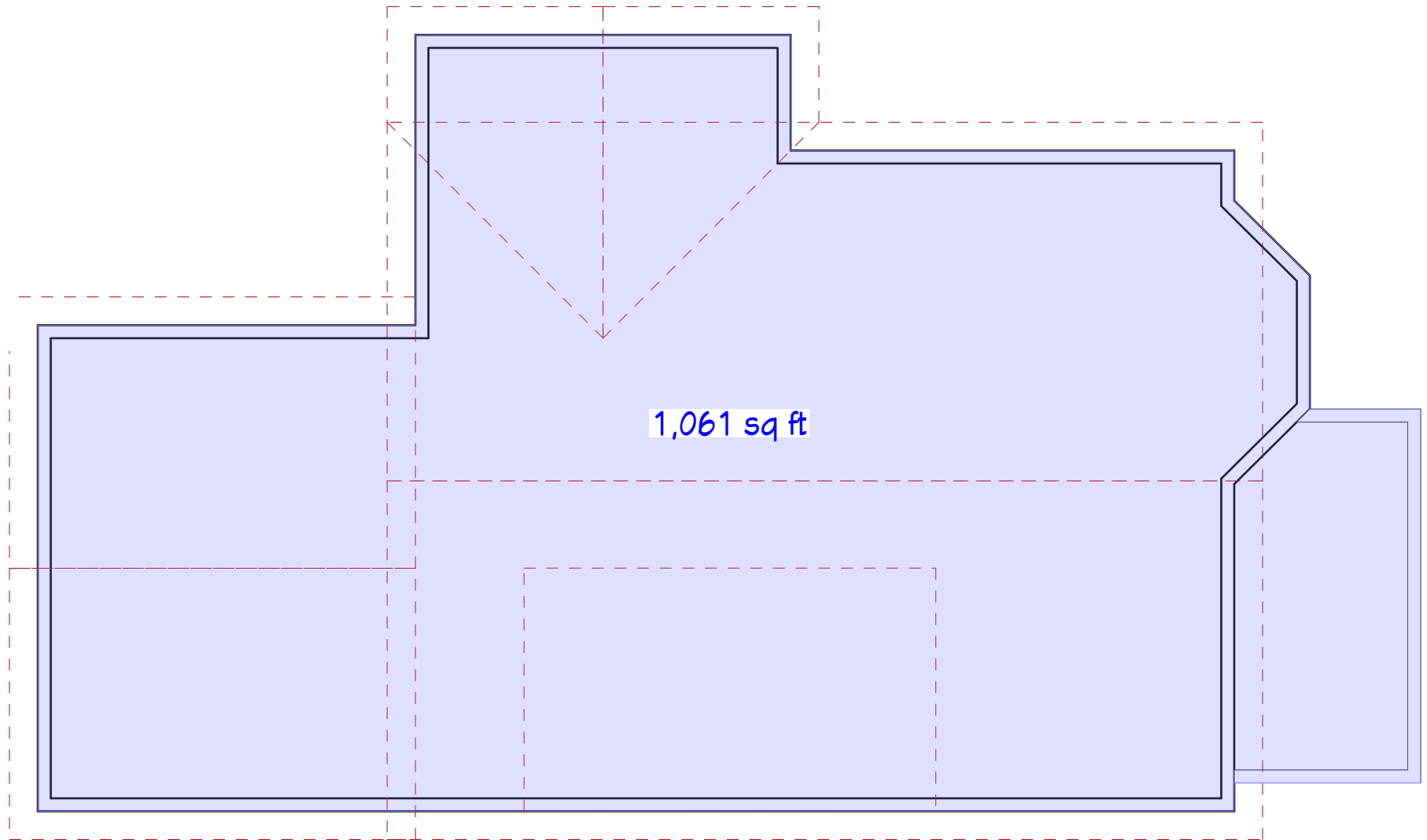
FLOOR	EXISTING FLOOR AREA	NEW FLOOR AREA	NEW TOTAL AREA
BASEMENT	722sf	0	722sf
1ST FLOOR	1098sf	0	1098sf
2ND FLOOR	1061sf	0	1061sf
3RD FLOOR	517sf	33sf	550sf
GARAGE	348sf	0	348sf
TOTAL GROSS AREA	3746sf	33sf	3779sf
LOT AREA	4133sf		4133sf
TOTAL FAR	90.64%		91.44%



3rd FLOOR PLAN FAR NEW

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

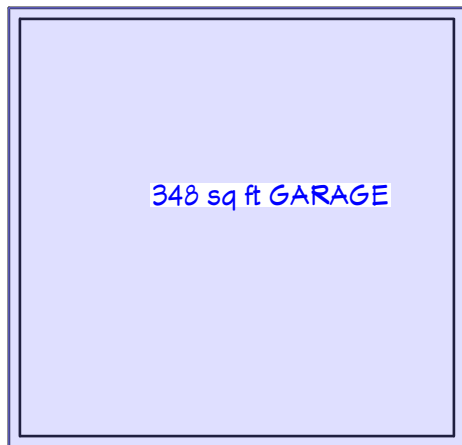
MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021



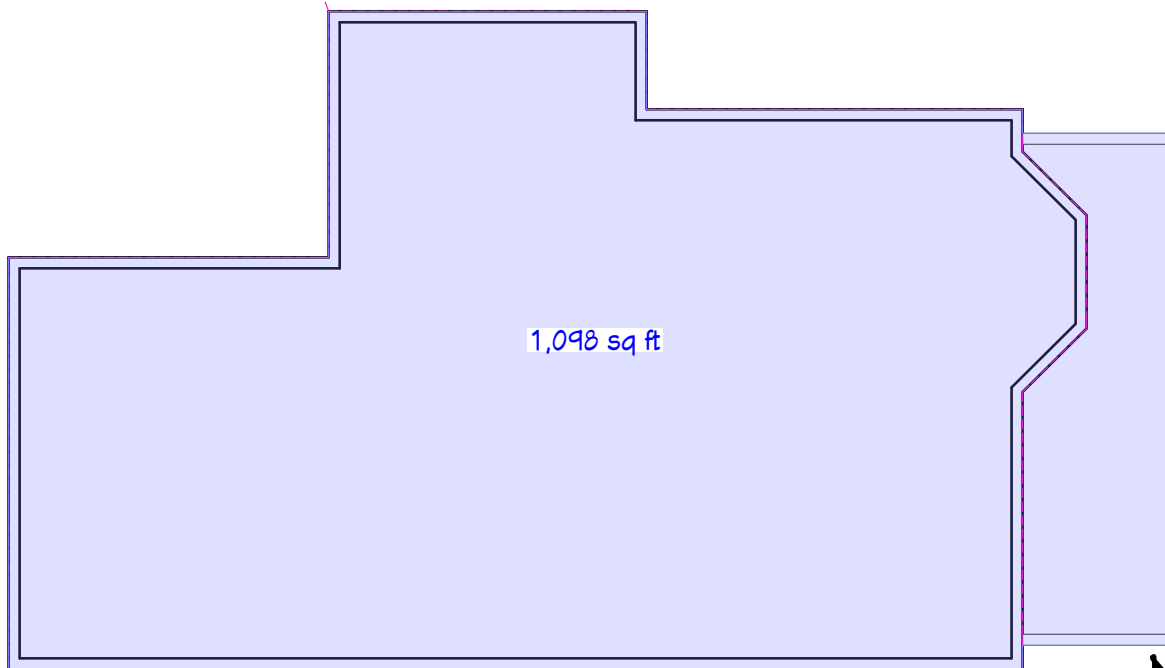
2nd FLOOR PLAN FAR

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

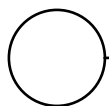
MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021



348 sq ft GARAGE



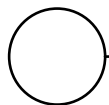
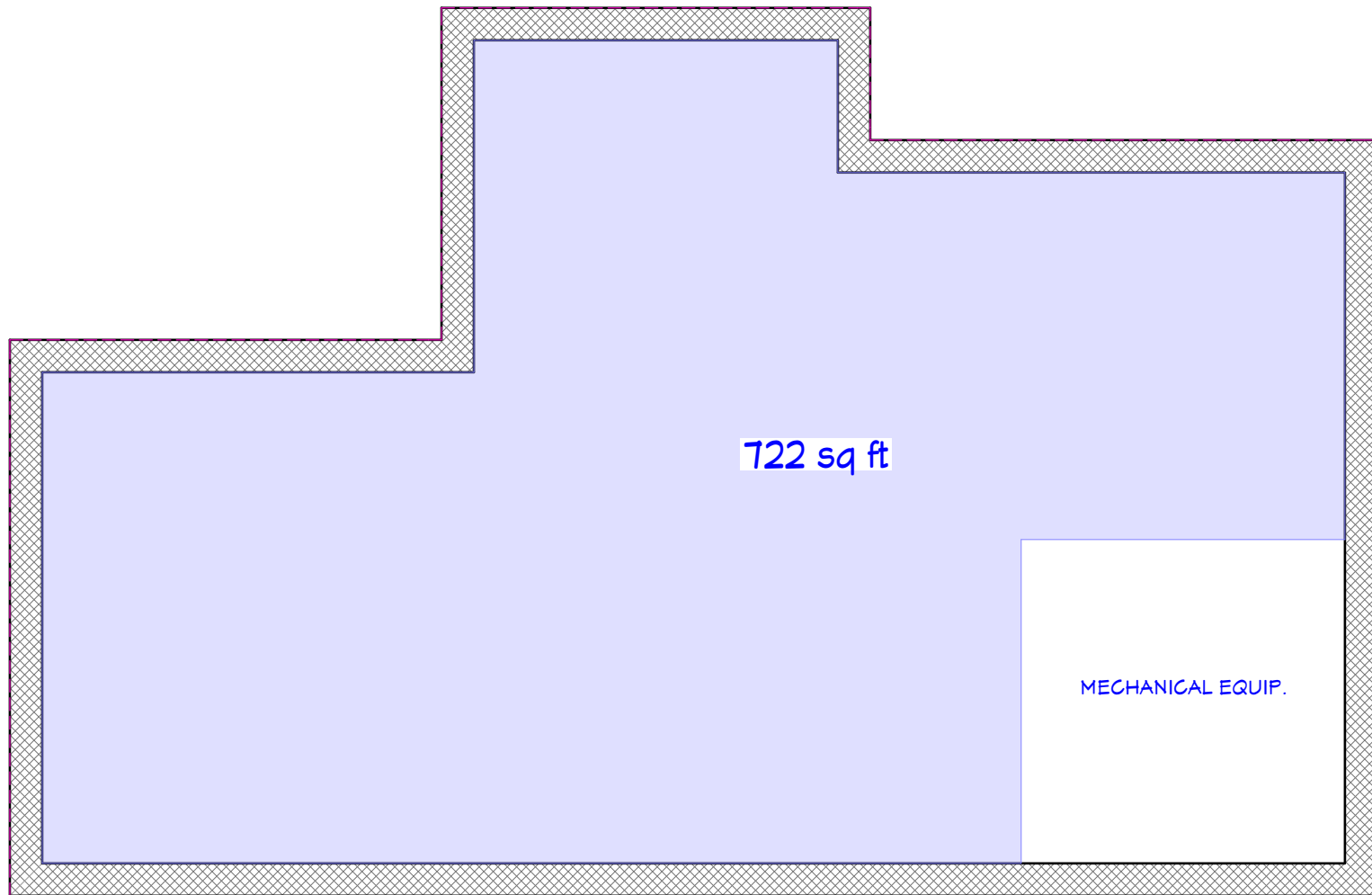
1,098 sq ft



1st FLOOR PLAN FAR

SCALE: 1/8" = 1'-0"

MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021



BASEMENT PLAN FAR

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

MOODY RESIDENCE
BATH RENOVATION
1 NOVEMBER 2021



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 27 HASKELL ST. (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:

Extending the existing 3rd floor dormer and adding a 3rd matching window within the side yard setback does not increase the existing non-conformance on all three floors.

- 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 added window on the 3rd floor is not part of access or egress, and will not affect congestion or the 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:

The added window on the 3rd floor will have no effect on the operation of or the development of adjacent uses.

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

The added window on the 3rd floor in the extended dormer will improve the quality of the new bath for the occupants, and will not be a nuisance or hazard to the occupants or citizens of the City.

- 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:

Extending the existing 3rd floor dormer and adding a 3rd matching window within the side yard setback does not impair the integrity of the district as it is a similar condition of other houses in the district.

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 homeowners own a condominium consisting of the 2nd and 3rd floors of a two and 1/2 story house on an undersized, 4133 sf, lot. The 3rd floor has minimal headroom and the homeowners would like to increase the size of the existing dormer to 15' wide to provide a functional bathroom. The increased dormer length will increase the GFA by 33sf and will increase the FAR non-conformance by less than 1%. Without relief their home will continue with insufficient headroom in their only 3rd floor bath.

- 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:

As the building and lot were created well prior to the current zoning limitations, the structure has been non-conforming since the current dimensional requirements of the Residence B district were enacted. The hardship is due to a greatly undersized lot. As the building is non-conforming for almost all dimensional requirements, there is no addition that does not require a zoning variance.

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

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

The proposed dormer addition meets the 15' length requirement, increases the FAR by less than 1%, and does not increase any other non-conforming dimensional requirement.

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

The proposed addition will improve the health, safety, and welfare of the occupants, limits the increased non-conformance to the FAR, and if granted, would result in a more functional home that is comparable to other homes in the neighborhood.

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