

BZA APPLICATION FORM

GENERAL INFORMATION

BZA-017024-2018

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

Special Permit: _____ Variance: ☒ Appeal: _____

PETITIONER: Paul McCarthy, Angelika O'Connor

PETITIONER'S ADDRESS: 343 & 343 1/2 Broadway Camb Ma 02139

LOCATION OF PROPERTY: 343 & 343 1/2 Broadway Camb Ma 02139

TYPE OF OCCUPANCY: _____ ZONING DISTRICT: _____

REASON FOR PETITION:

<input type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

The duplex lot 131 & lot 132, currently existing as non-conforming lots need to be reestablished as full lots according to their Jan 4 1947 grandfathered Subdivision of Land. Existing parking for these lots also needs approval

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.15

Article 5 Section 5.31

Article _____ Section _____

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

Paul McCarthy Angelika O'Connor
(Petitioner(s)/Owner)
Paul McCarthy Angelika O'Connor
(Print Name)

Address:

343 & 343 1/2 Broadway
Cambridge Ma 02139

Tel. No.:

617-877-4139, 617-331-2340

E-Mail Address:

PJM1954@comcast.net

Date:

7-10-18

ckiangelo@comcast.net

PETITION STATEMENT
FOR 343 & 343 21/2 BROADWAY (LOT 131&LOT 132)

This petition is about the Merger Doctrine and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 343 ½ Broadway. When these two structures were initially built in 1872 they were considered as two separate "houses". Each side of the duplex mirrors the other with no egress or ingress to the other within the confines of the "houses" themselves.

In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1986 the two lots were acquired by the same person, and for whatever reason were combined into one deed. In May of 1993 and July of 1983 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the Merger Doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.
End

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 Paul McCarthy, Angelika O'Connor
(OWNER)

Address: 343 Broadway, 343½ Broadway

State that I/We own the property located at 343 & 343½ Broadway,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Paul McCarthy, Angelika O'Connor

*Pursuant to a deed of duly recorded in the date 6-28-14 11-08-01, Middlesex South
County Registry of Deeds at Book BK 70035 544, Page 534; or
Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____

Paul McCarthy, Angelika O'Connor
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

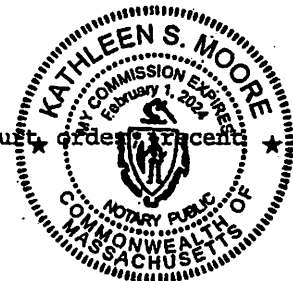
Commonwealth of Massachusetts, County of Middlesex

The above-name Paul McCarthy personally appeared before me,
this 10 of July, 20 18 and made oath that the above statement is true.

[Signature] Notary

My commission expires 2/1/2024 (Notary Seal).

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



QUITCLAIM DEED

Angelika O'Connor, being married to James L. O'Connor, and Paul McCarthy, being married to Paula McCarthy (a/k/a Paula Jane McCarthy), all of Cambridge, MA,
for consideration paid of \$1.00, hereby grants to
Paul McCarthy, individually, of 343 Broadway, Cambridge, MA 02139
with *QUITCLAIM COVENANTS*,

A certain parcel of land with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, now numbered 343 Broadway, bounded and described as follows:

SOUTHERLY	by Broadway, 32 feet;
WESTERLY	by Lot B, as shown on said plan, 90 feet;
NORTHERLY	by land of 63 Inman LLC, 32 feet; and
EASTERLY	by Inman Street, 90 feet.

Being shown as Lot A on a Plan dated January 4, 1947, recorded with the Middlesex South District Registry of Deeds in Book 7091, Page 341, and containing 2,880 square feet of land, more or less, according to said plan.

The premises are conveyed subject to an easement for the owner(s) of 343 ½ to pass and repass over that portion of the premises, as shown on Easement Plan with Parking, dated _____ by registered architect, Alexian Praugh, Cambridge, Mass., and recorded herewith.

Property Address: 343 Broadway, Cambridge, MA 02139

For title see deeds dated May 28, 1993 and recorded with said Deeds in Book 23253, Page 123, deed dated June 28, 2017 and recorded with said Deeds in Book 70035, Page 241, and deed dated November 8, 2001 and recorded with said Deeds in Book 34160, Page 534.

Grantor hereby terminates and relinquishes any rights of homestead in the premises hereby conveyed and warrants that no individual or entity is entitled to a right of homestead in the premises hereby conveyed as of the date hereof.

[Remainder of page intentionally left blank]

WITNESS our hands and seals this _____ day of _____, 2018.

Angelika O'Connor

James L. O'Connor

Paul McCarthy

Paula McCarthy, a/k/a Paula Jane McCarthy,
by Paul Brian McCarthy, attorney-in-fact,
under durable power of attorney dated
March 25, 2016, recorded with said Deeds,
Book 70035, Page 235

COMMONWEALTH OF MASSACHUSETTS, _____ (county)

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared Angelika O'Connor, and proved to me through satisfactory evidence of identification, which was _____ personal knowledge/ _____ driver's license/ _____ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of her knowledge.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS, _____ (county)

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared James L. O'Connor, and proved to me through satisfactory evidence of identification, which was _____ personal knowledge/ _____ driver's license/ _____ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of his knowledge.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS, _____ (county)

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared Paul McCarthy and Paula McCarthy, a/k/a Paula Jane McCarthy, by Paul Brian McCarthy, attorney-in-fact, , and proved to me through satisfactory evidence of identification, which was _____ personal knowledge/ _____ driver's license/ _____ passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and swore to its truth and accuracy to the best of his knowledge.

Notary Public
My Commission Expires:

Property Address: 343 1/2 Broadway, Cambridge, MA 02139

QUITCLAIM DEED

Angelika O'Connor, being married to James L. O'Connor, and Paul McCarthy, being married to Paula McCarthy (a/k/a Paula Jane McCarthy), all of Cambridge, MA,
for consideration paid of \$1.00, hereby grants to
Angelika O'Connor, individually, of 343 1/2 Broadway, Cambridge, MA 02139
with *QUITCLAIM COVENANTS*,

A certain parcel of land with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, now numbered 343 1/2 Broadway, bounded and described as follows:

SOUTHERLY	by Broadway, 28 feet;
WESTERLY	by land now or formerly of Antonio & Elise Simone, 90 feet;
NORTHERLY	by land now or formerly of Flora B. Crosby, 28 feet; and
EASTERLY	by Lot A, as shown on said Plan, 90 feet.

Being shown as Lot B on a Plan dated January 4, 1947, recorded with the Middlesex South District Registry of Deeds in Book 7091, Page 341, and containing 2,520 square feet of land, according to said plan.

The premises are conveyed with the benefit of an easement for the owner(s) of 343 ½ (Lot B) to pass and repass over Lot A, as shown on Easement Plan with Parking, dated _____ by registered architect, Alexian Praugh, Cambridge, Mass., and recorded herewith.

For title see deeds dated May 28, 1993 and recorded with said Deeds in Book 23253, Page 123, deed dated June 28, 2017 and recorded with said Deeds in Book 70035, Page 241, and deed dated November 8, 2001 and recorded with said Deeds in Book 34160, Page 534.

Grantor hereby terminates and relinquishes any rights of homestead in the premises hereby conveyed and warrants that no individual or entity is entitled to a right of homestead in the premises hereby conveyed as of the date hereof.

[Remainder of page intentionally left blank]

WITNESS our hands and seals this _____ day of _____, 2018.

Angelika O'Connor

James L. O'Connor

Paul McCarthy

Paula McCarthy, a/k/a Paula Jane McCarthy,
by Paul Brian McCarthy, attorney-in-fact,
under durable power of attorney dated
March 25, 2016, recorded with said Deeds,
Book 70035, Page 235

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Notary Public
My Commission Expires:

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Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS, _____ (county)

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Notary Public
My Commission Expires:

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:

It is a burden to the petitioners to not have the duplex legally subdivided as it should have been at the point of sale because it has presented a circumstance of zoning non-compliance and defective titles, which does not allow for any kind of personal decision making with regard to the properties, be it a change of uses, sale, or other considerations such as in making a will...

- 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:

DNA due to the 'special circumstance' of this petition, which makes no changes to structure or topography.

- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

Granting this petition will not have any effect on the direct abutters CHIN YUAN LIN & Sabina BERESA and Klaus DeBaraa, owners of 345 Broadway and 63 Tamar respectively. It will put into zoning compliance what should have been done at the point of sale in 1993. It will set the record straight.

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

Because it will take into account that everybody's rights have been considered, without encroaching upon the rights of my immediate neighbors this petition will enforce the directive

- * 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: Paul McCarthy, Angelika O'Connor PRESENT USE/OCCUPANCY: Residential
 LOCATION: 343 & 343 1/2 Broadway ZONE: O-1
 PHONE: 6173312340 REQUESTED USE/OCCUPANCY: Residential

	EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS
TOTAL GROSS FLOOR AREA:	LOT 12 1202.5	LOT 13 1205.5	LOT 13 3750 (max.)
LOT AREA:	2490	2520	5000 (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²	.48	.45	.75 (max.)
LOT AREA FOR EACH DWELLING UNIT:	2830.5	2650.5	1200 (min.)
SIZE OF LOT:			
WIDTH	31.45	29.45	(min.)
DEPTH	90	90	
Setbacks in Feet:			
FRONT	15.9	15.8	(min.)
REAR	18	18	(min.)
LEFT SIDE	0 Party Wall	0 Party Wall	(min.)
RIGHT SIDE	10 to 15.9	8 to 14.2	(min.)
SIZE OF BLDG.:			
HEIGHT	App 35	App 35	(max.)
LENGTH			
WIDTH			
RATIO OF USABLE OPEN SPACE TO LOT AREA: ³	.276	.28	.15 (min.)
NO. OF DWELLING UNITS:			(max.)
NO. OF PARKING SPACES:	2	2	(min./max)
NO. OF LOADING AREAS:	N/A	N/A	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	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.

Residences in Question are attached Duplexes
(with addresses 343 & 343 1/2)

Each side is an approximate mirror of the other
with the same SF areas. One lot is 2' wider than the
other. No other occupancies are on LOT.

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

GENERAL INFORMATION

BZA-017024-2018

2018 OCT -2 AM 11:31

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

Special Permit: _____

Variance: ☒Appeal: OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTSPETITIONER: Paul McCarthy, Angelika O'ConnorPETITIONER'S ADDRESS: 343 & 343 1/2 Broadway Camb Ma 02139LOCATION OF PROPERTY: 343 & 343 1/2 Broadway Camb Ma 02139

TYPE OF OCCUPANCY: _____ ZONING DISTRICT: _____

REASON FOR PETITION:

☐ Additions☐ New Structure☐ Change in Use/Occupancy☐ Parking☐ Conversion to Addi'l Dwelling Unit's☐ Sign☐ Dormer☒ Subdivision☐ Other: _____

DESCRIPTION OF PETITIONER'S PROPOSAL:

The duplex lot 131 & lot 132, currently existing as non-conforming lots need to be reestablished as full lots according to their Jan 4 1947 grandfathered Subdivision of Land. Existing parking for these lots also needs approval

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.15Article 5 Section 5.31

Article _____ Section _____

Applicants for a Variance must complete Pages 1-5Applicants for a Special Permit must complete Pages 1-4 and 6Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

Paul McCarthy Angelika O'Connor
(Petitioner(s)/Owner)

Paul McCarthy Angelika O'Connor
(Print Name)

Address: 343 Broadway & 343 1/2 Broadway
Cambridge Ma 02139

Tel. No.: 617-877-4139, 617-331-2340E-Mail Address: ~~PM~~ PSM1954@comcast.netDate: 7-10-18

okiangel@comcast.net

**PETITION STATEMENT
FOR 343 & 343 21/2 BROADWAY (LOT 131&LOT 132)**

This petition is about the Merger Doctrine and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 343 ½ Broadway. When these two structures were initially built in 1872 they were considered as two separate "houses". Each side of the duplex mirrors the other with no egress or ingress to the other within the confines of the "houses" themselves.

In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1986 the two lots were acquired by the same person, and for whatever reason were combined into one deed. In May of 1993 and July of 1983 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the Merger Doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.
End

PETITION STATEMENT
FOR 343 & 345 ELM BROADWAY (LOT 131&101 132)

This petition is about the Mager Doctrine and the hardship that it presents to the present owners and petitioners. The parcel in question contains a duplex structure presently known as and numbered 343 & 345 E Broadway. When these two structures were initially built in 1873 they were considered as two separate "houses", each side of the duplex mirror the other with no egress or ingress to the other within the confines of the "houses" themselves.

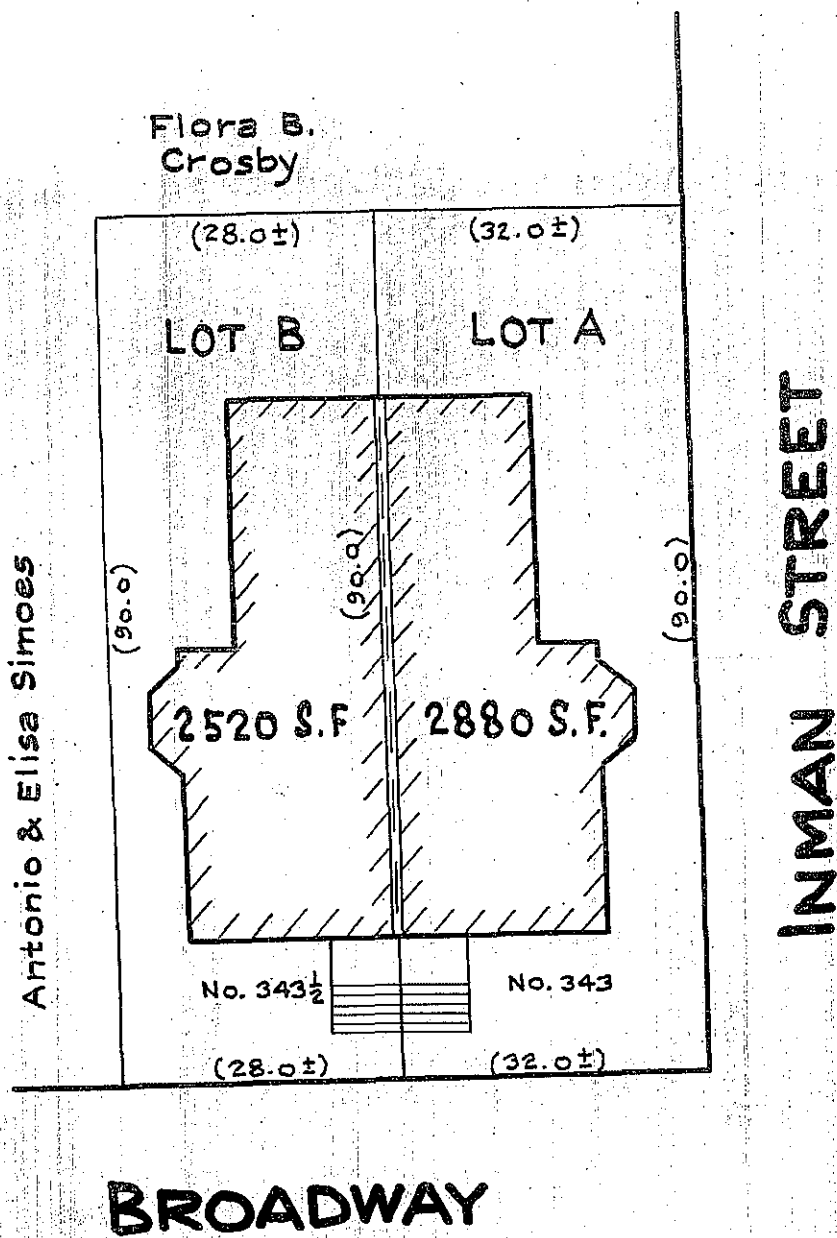
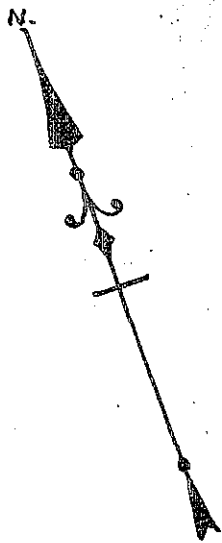
In January of 1947 the two lots were legally subdivided. Subsequently, in January of 1980 the two lots were acquired by the same person and for whatever reason were combined into one deed. In May of 1993 and July of 1993 the then owner, Thomas Franklin, deeded out the two respective lots in separate deeds to the present petitioners. What was lost in these two conveyances was that the two parcels had merged by virtue of the Mager Doctrine.

What this petition requests, and what equity demands, is that the two lots in question be restored to the status established in the 1947 subdivision along with the grandfathered driveway easement and the existing parking schematic that was established accordingly.

and

Subdivision of Land
in
CAMBRIDGE
Scale 1" = 20' January 4, 1947
Edward Smith Engineer
67 Pemberton St. Cambridge

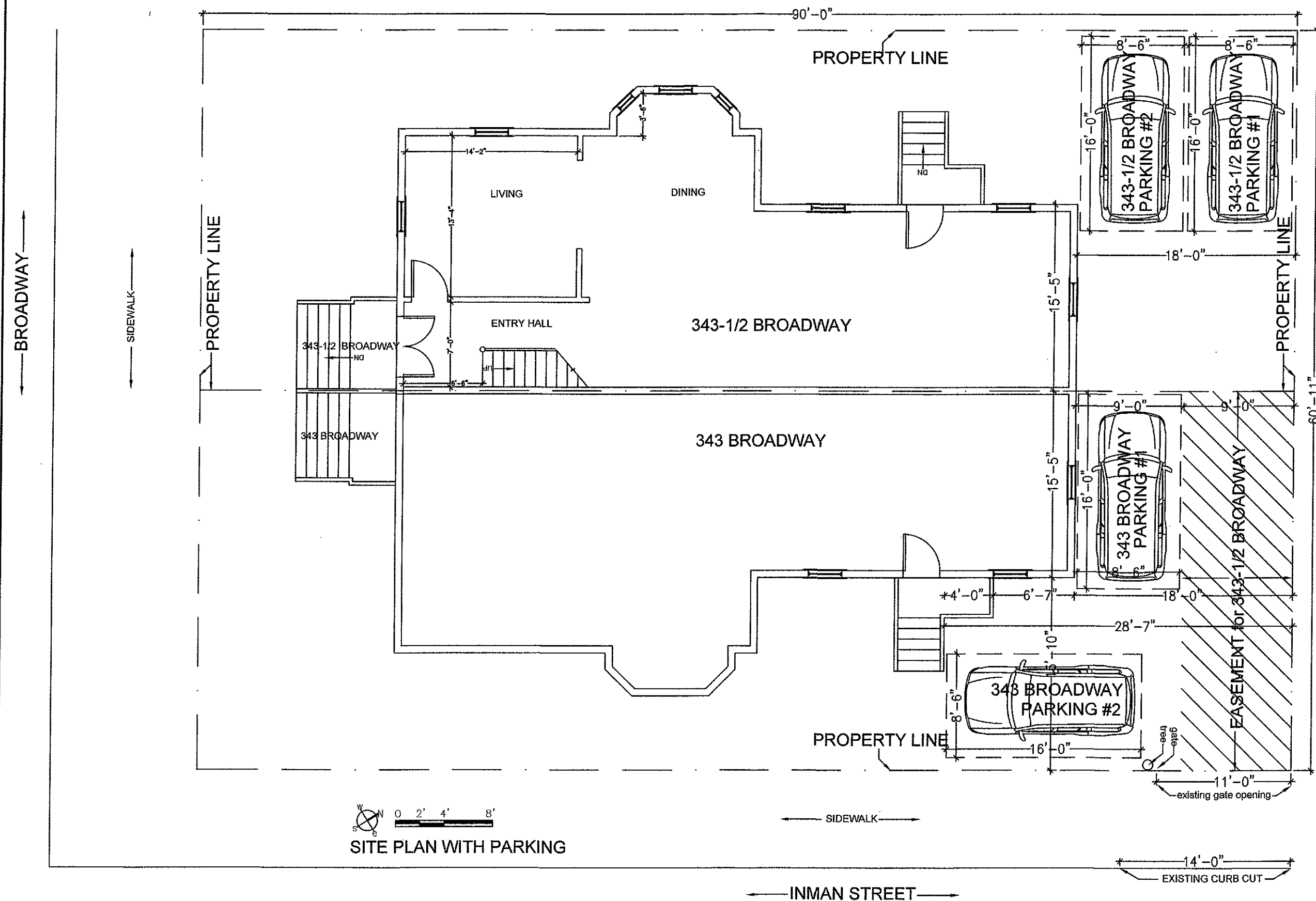
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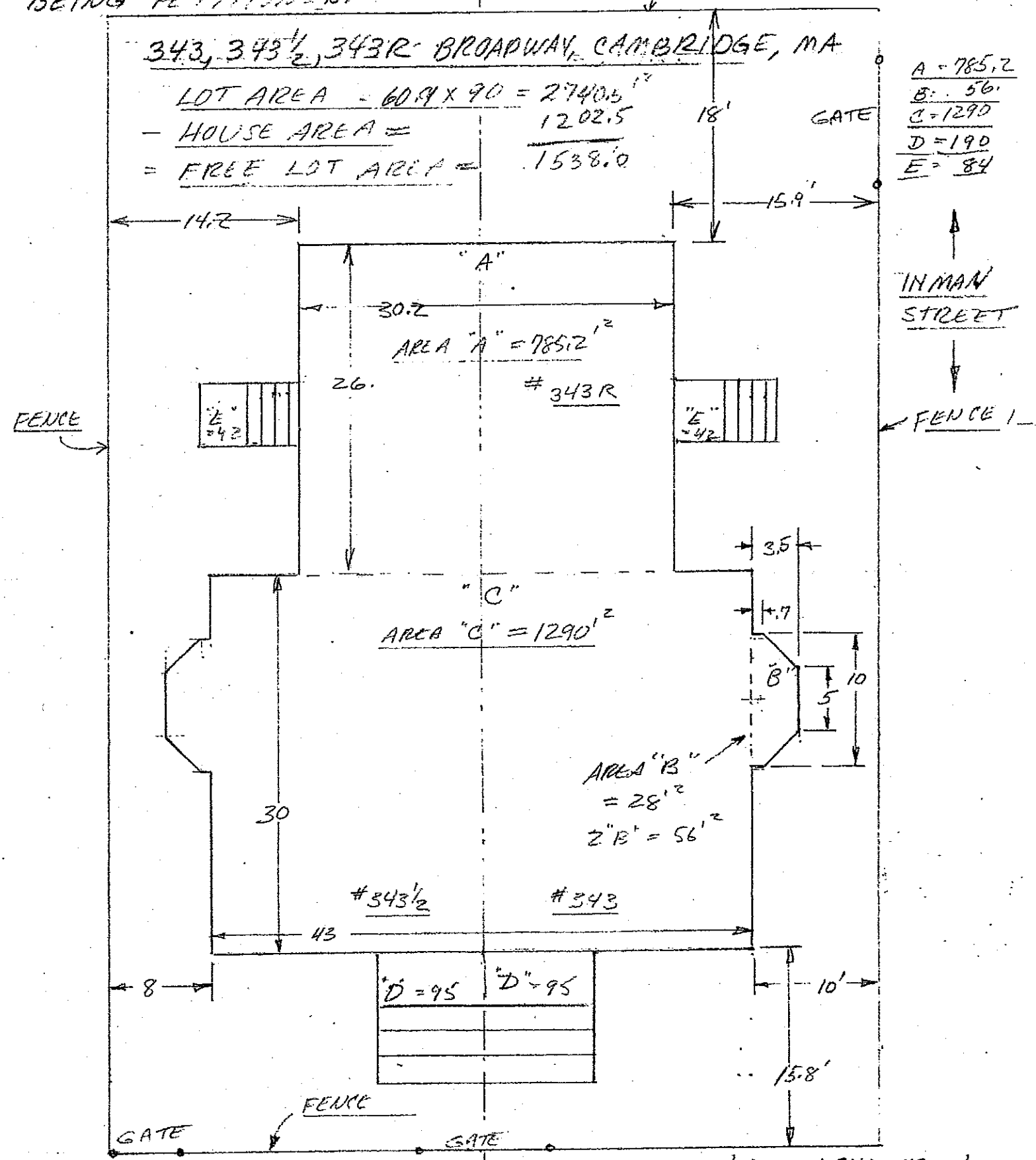
Middlesex Registry of Deeds, St. Paul
CAMBRIDGE, MASS.

Plan Number.....111
Rec'd Jan. 24, 1947 at 10:48 AM
with Deed
Benjamin F. Stultz et al
Douglas D. Ernst et al
Recorded, Book 709 Page 34

Attest *Albert D. Quinn*



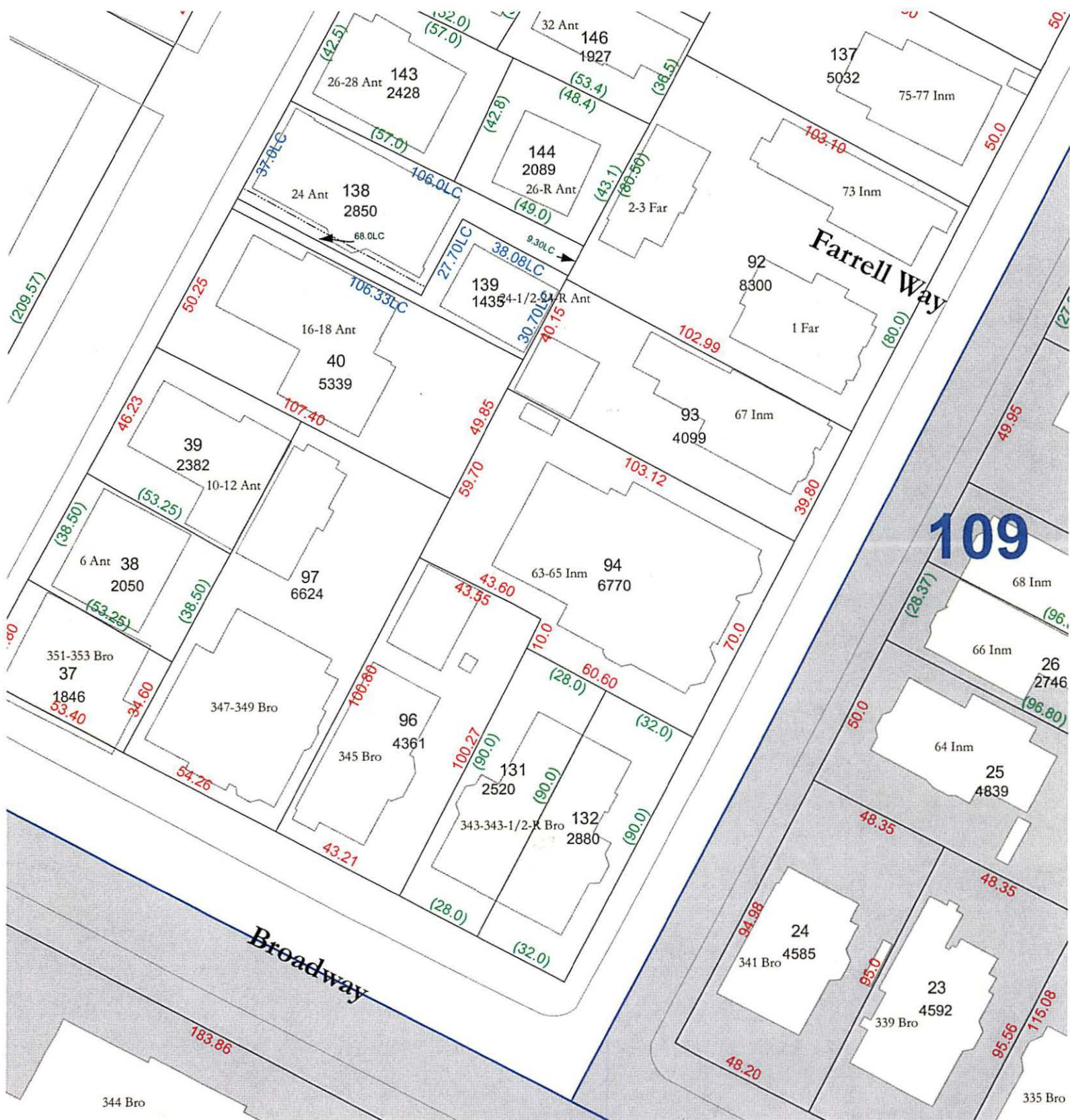
SECTION "Z-Z" REPRESENT THE
HOUSE AND LAND PORTIONS
BEING PETITIONED.



A = 785.2
B = 56.
C = 1290
D = 190
E = 84

SCALE 1" = 10'

DRAWN BY N. SVENSEN
MASS. P.E. # 23312
NOV 28, 1990.



343-343 1/2 Broadway



NO STOPPING
NO PARKING
STREET CLOSING
FROM 10:00 AM
TO 10:00 PM
FRI. JULY 2001



343 & 343 1/2 Broadway,

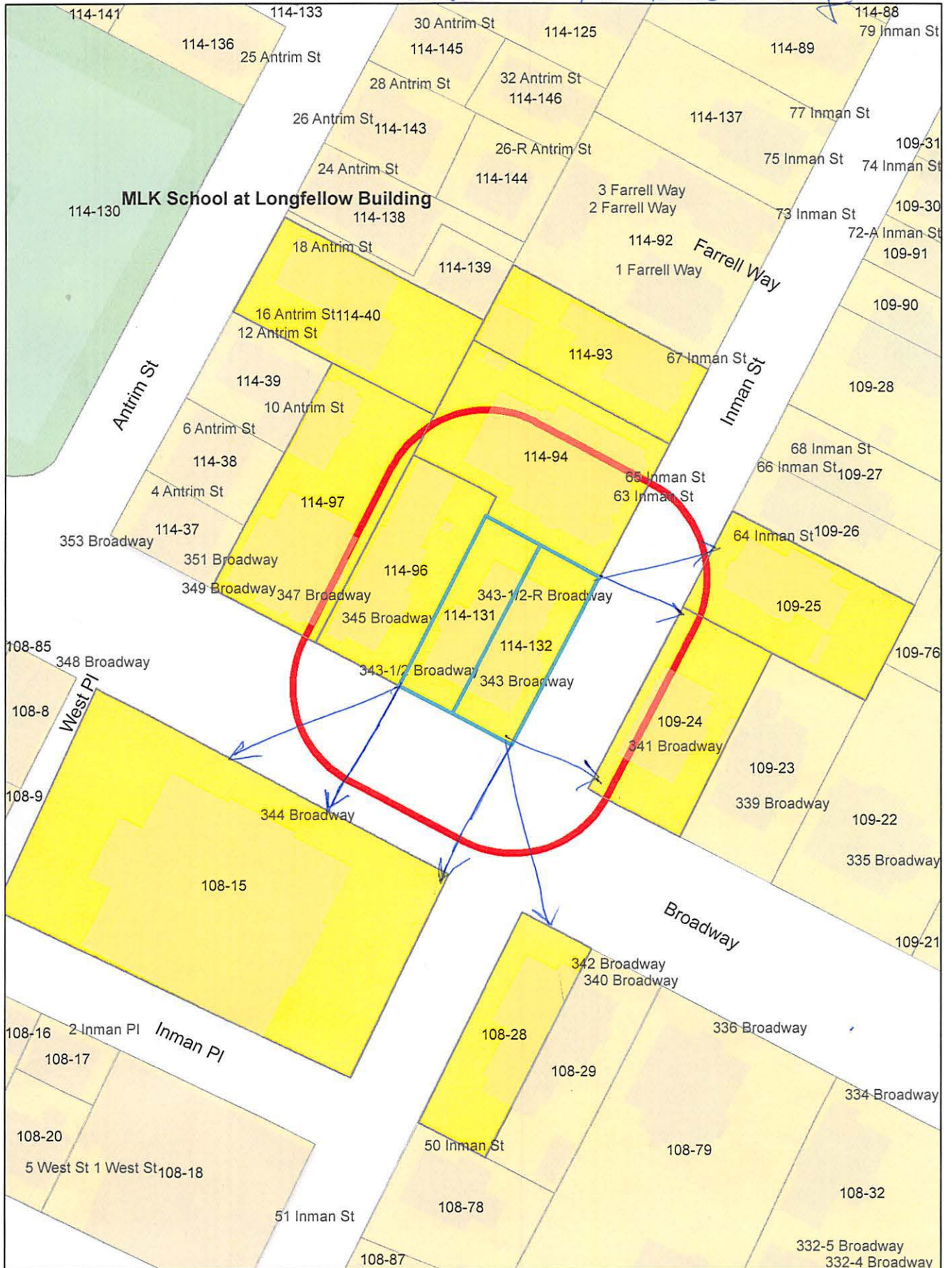


343 Broadway (Sideview)



343⁺ Broadway (side view)

343-343 1/2 Broadway



343-343 1/2 Broadway

Petitioner

109-24
ON THE RISE, INC.
341 BROADWAY
CAMBRIDGE, MA 02139

108-28
MURPHY, PAUL J. & MARGARET F. MURPHY
342 BROADWAY
CAMBRIDGE, MA 02139

114-131
O'CONNOR ANGELIKA
343 1/2 BROADWAY
CAMBRIDGE, MA 02139

109-25
ROSE, RENATE S.
64 INMAN ST. UNIT#1
CAMBRIDGE, MA 02139

109-25
CUDDY, BERNARD M. & BRENDA P. STANFIELD
64 INMAN ST., #2
CAMBRIDGE, MA 02139

Petitioner
114-132
MCCARTHY, PAUL & PAULA MCCARTHY
343 BROADWAY
CAMBRIDGE, MA 02139

114-93
MESS, SUSAN D. & DYLAN MESS
67 INMAN ST
CAMBRIDGE, MA 02139

114-94
63 INMAN LLC,
C/O CLAUD DE BANSA
61 FAYETTE ST.
CAMBRIDGE, MA 02139

114-96
LIN, CHIN YUAN & SABINA BERRETTA
14 WINCHESTER DRIVE
LEXINGTON, MA 02420

114-97
THOMSON, WARWICK,
TR. OF BARRIER REALTY TRUST
C/O W. THOMSON
14 MOUNT AUBURN ST
WATERTOWN, MA 02472

108-15
CAMBRIDGE CITY OF CITY HALL ANNEX
55 INMAN ST
CAMBRIDGE, MA 02139

114-40
LOPRESTI, JEAN
18 ANTRIM ST.
CAMBRIDGE, MA 02139

108-15
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

108-15
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER