



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 FEB -3 PM 2:21
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 161398

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Matthew W. Bagedonow & Christine M. Bagendonow, Trustees of 35 Buena Vista Nominee Trust C/O Damon Sidel

PETITIONER'S ADDRESS: 10 Grand View Ave, Somerville, MA 02143

LOCATION OF PROPERTY: 35 Buena Vista Pk, Unit 1, Cambridge, MA

TYPE OF OCCUPANCY: Residential

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Addition of an unenclosed deck on the rear of Unit 1, of which 3/4 will be covered by the existing deck above of Unit 2. This would add gross area increasing the already non-conforming FAR and violates the minimum rear yard. The deck is shown in the original plans and was removed at some point in the past.

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 (Variances).

Original
Signature(s):

Matthew Bagedonow
Matthew Bagedonow (Feb 3, 2022 08:41 EST)

(Petitioner (s) / Owner)

Matthew Bagedonow

(Print Name)

Address: _____
 Tel. No. 617-863-6491
 E-Mail Address: dsidel@mixdesigndevelop.com

Date: Feb 3, 2022

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Matthew W. Bagedonow & Christine M. Bagendonow, Trustees of 35 Buena Vista Nominee Trust Present Use/Occupancy: Residential
Location: 35 Buena Vista Pk., Unit 1., Cambridge, MA Zone: Residence C-1 Zone
Phone: 617-863-6491 Requested Use/Occupancy: Residential

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3454.32	3581.81	3385.50	(max.)
<u>LOT AREA:</u>		4511	4511	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.77	0.79	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1504	1504	1500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	50 / 60	50 / 60	50	
	<u>DEPTH</u>	82.57 / 82.07	82.57 / 82.07	n/a	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	16.1	16.1	14.2	
	<u>REAR</u>	20.4 - 20.8	14.4	20.0	
	<u>LEFT SIDE</u>	10.9 - 16.5	10.9 - 16.5	15.7	
	<u>RIGHT SIDE</u>	17.1	17.1	15.7	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	33	33	35	
	<u>WIDTH</u>	45.3	45.3	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		55%	54%	30%	
<u>NO. OF DWELLING UNITS:</u>		3	3	3	
<u>NO. OF PARKING SPACES:</u>		3	3	3	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		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.:

none

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 BAGEDONOW, MATTHEW W. & CHRISTINE M. BAGEDONOW, TRUSTEES of 35 Buena Vista Nominee Trust
(OWNER)

Address: 118 Oxford St. Cambridge MA 02140

State that I/We own the property located at 35 Buena Vista Park, Cambridge MA 02140 which is the subject of this zoning application.

The record title of this property is in the name of BAGEDONOW, MATTHEW W. & CHRISTINE M. BAGEDONOW, TRUSTEES

*Pursuant to a deed of duly recorded in the date 07/30/2013, Middlesex South County Registry of Deeds at Book 62346, Page 170; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

[Signature]
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 MATTHEW BAGEDONOW personally appeared before me, this 26 of JANUARY, 2022, and made oath that the above statement is true.

My commission expires 05/25/2023
Notary
STEPHEN R. GALANTIE
Notary Public
Massachusetts
Commission Expires May 25, 2023
(Notary Seal)

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

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 owner cannot use the Unit 1 backyard as desired to its fullest extent because access to it is through a common hall and down a set of steps.

- 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 existing house already has decks on upper floors above the requested deck on the first floor, thus making the deck on the first floor a covered deck that counts towards FAR and does not fall under the exception to Projections into yards for uncovered decks and stairs in section 5.24.2.

- 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 deck will be constructed under existing decks and therefore will only be covering an addition 2 ft x 21 ft of the backyard. The structure is not visible from the street and is reasonably private and not highly visible from adjacent houses.

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

It is the applicant's understanding that the intent of the rear setback and FAR requirements are to set standards for the impact of a development on its neighbors. The proposed deck is still an outside use consistent with backyard uses and presents little to no increase in the appearance of the building's mass.

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

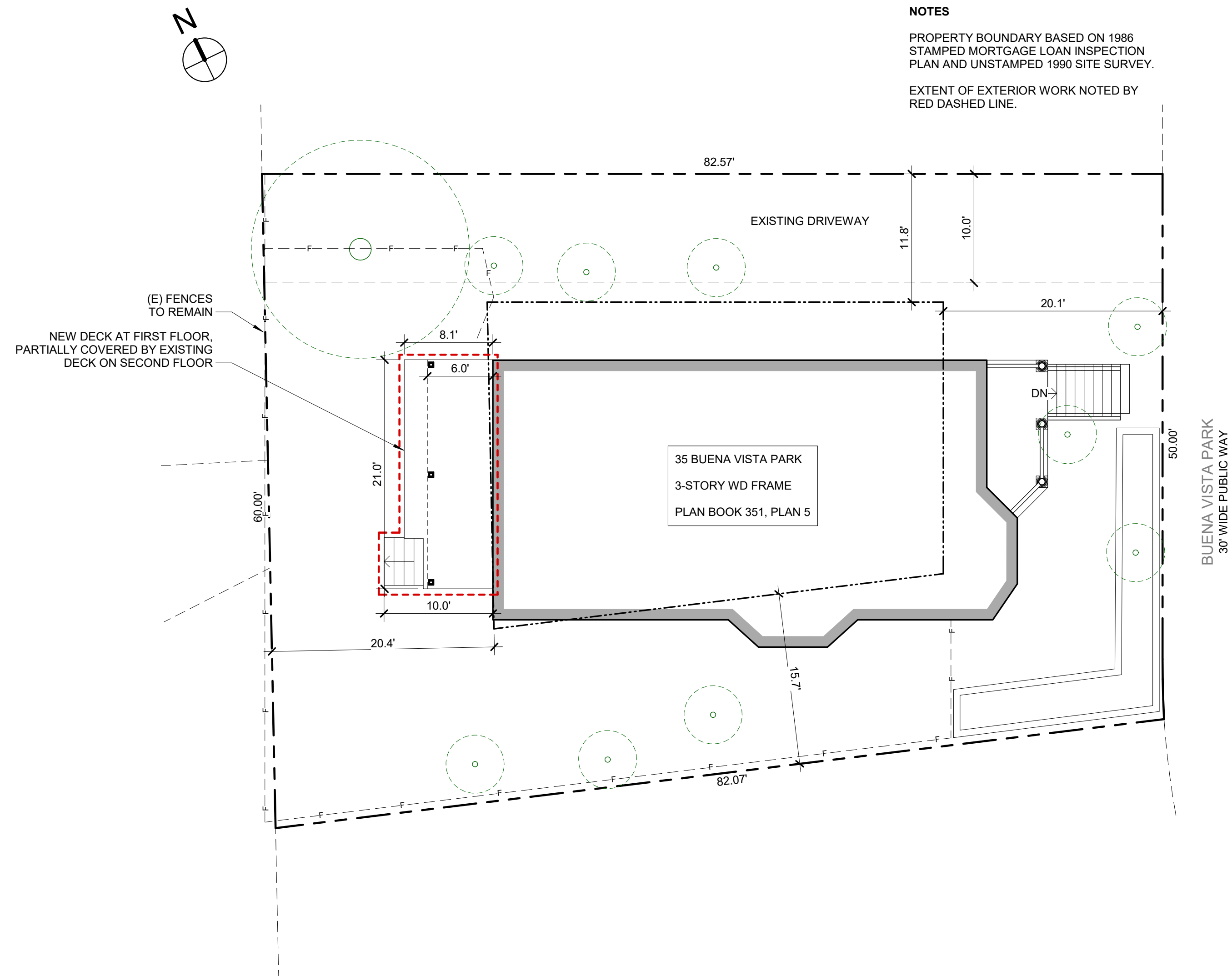
ZONING

	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet			(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
					Front	Side	Rear		
C-1 Multifamily Dwellings	0.75	5,000	1,500	50'	14.2'	15.7'	20'	35'	30%
Existing	0.77	4,511	1,504	50'	16.1'	10.9"	20.4'	33'	55%
Proposed	0.79	4,511	1,504	50'	16.1'	10.9"	20.4'	33'	54%
	(E) Nonconforming, Increase	(E) NC, No Change	A, No Change	A, No Change	A, No Change	(E) NC, No Change	A, No Change	A, No Change	A, Decrease

Dimensions of site are taken from the 1986 Mortgage Loan Inspection Plan (stamped) and 1990 Site Survey. Dimensions of first floor taken by architect, other floors based on exterior observation only.

* The dimension at southeast corner is the worst-case scenario. Most of the southern side of the house violates minimum side yard and all of the northern side of the house conforms to the minimum side yard as shown below.

RELEVANT ZONING SECTION(S):
5.24.2 ...unenclosed steps... which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.



① SITE PLAN
1/8" = 1'-0"

- GENERAL NOTES:**
- ALL DIMENSIONS ARE TO FACE OF STUD AT NEW WALLS AND FINISHED FACE AT EXISTING WALLS UNLESS OTHERWISE NOTED.
 - DIMENSIONS NOTED "FIN" ARE TO FINISHED FACE.
 - DIMENSIONS NOTED "CLR" ARE CLEAR.
 - ALL DIMENSIONS SHALL BE VERIFIED IN THE FIELD.
 - INTERIOR PARTITIONS TO BE 2x4 WOOD STUD WALLS W/ 5/8" GWB.
 - INTERIOR PARTITIONS AT BATHROOMS TO BE 2x4 WOOD STUD WALLS W/ 5/8" MOISTURE RESISTANT GWB OR 1/2" CEMENT BOARD WHERE TILE IS INDICATED.

- DESIGN/BUILD NOTES:**
- ALL WORK RELATED TO HVAC, PLUMBING, AND ELECTRICAL SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED ON A DESIGN/BUILD BASIS. ALL WORK SHALL COMPLY WITH ALL RELEVANT FEDERAL, STATE, AND LOCAL CODES AND ORDINANCES.
 - HVAC, ELECTRICAL, AND PLUMBING LAYOUTS WHERE SHOWN ARE FOR INFORMATION AND COORDINATION PURPOSES ONLY. INSTALLERS SHALL HAVE FULL RESPONSIBILITY FOR COMPLIANCE WITH ALL APPLICABLE CODES AND SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS THE ARCHITECT FROM ANY AND ALL LIABILITY IN CONNECTION THEREIN.

- ELECTRICAL NOTES:**
- MOUNTING HEIGHTS FOR ELECTRICAL RECEPTACLES AND SWITCHES SHALL MATCH EXISTING BUILDING EQUIPMENT AND CODE. ELECTRICAL RECEPTACLES MAY BE NO LOWER THAN 18" A.F.F. (CENTERLINE) MAXIMUM HEIGHT FOR CONTROLS IS 48" A.F.F.
 - COVER PLATES FOR ANY DEVICES SHALL NOT BE INSTALLED UNTIL APPLICATION OF ALL FINISH MATERIALS HAS BEEN COMPLETED.
 - ALL ELECTRICAL WORK SHALL BE COORDINATED WITH HVAC, CABINETWORK, PARTITION CONSTRUCTION AND ANY OTHER WORK WHERE SO REQUIRED/APPROPRIATE EVEN IF NOT SPECIFICALLY REQUESTED.
 - ELECTRICAL CONTRACTOR WILL COORDINATE ANY CHANGES OR CHANGE REQUESTS IN ELECTRICAL POWER OR DEVICE REQUIREMENTS WITH OWNER AND ARCHITECT.
 - COMPLY WITH ALL MANUFACTURER REQUIREMENTS FOR ELECTRICAL, TELEPHONE, AND OTHER ASSOCIATED DEVICES.

APPLICABLE CODE:
MASSACHUSETTS STATE BUILDING CODE (780 CMR) 9TH EDITION AND 2015 INTERNATIONAL RESIDENTIAL CODE

No.	Description	Date

**BAGEDONOW
RESIDENCE
35 BUENA VISTA
PARK, CAMBRIDGE**

**SITE PLAN & ZONING
SUMMARY**

Project number 202114
Date 2/1/2022

A1.0

Scale As indicated

Recorded Plan Plan of Premises in Cambridge surveyed for Frank E. Evans, by W.A. Mason & Son Co.

Date of Plan October 23, 1924

In Middlesex South Registry of Deeds PlanBook 351

No. 5

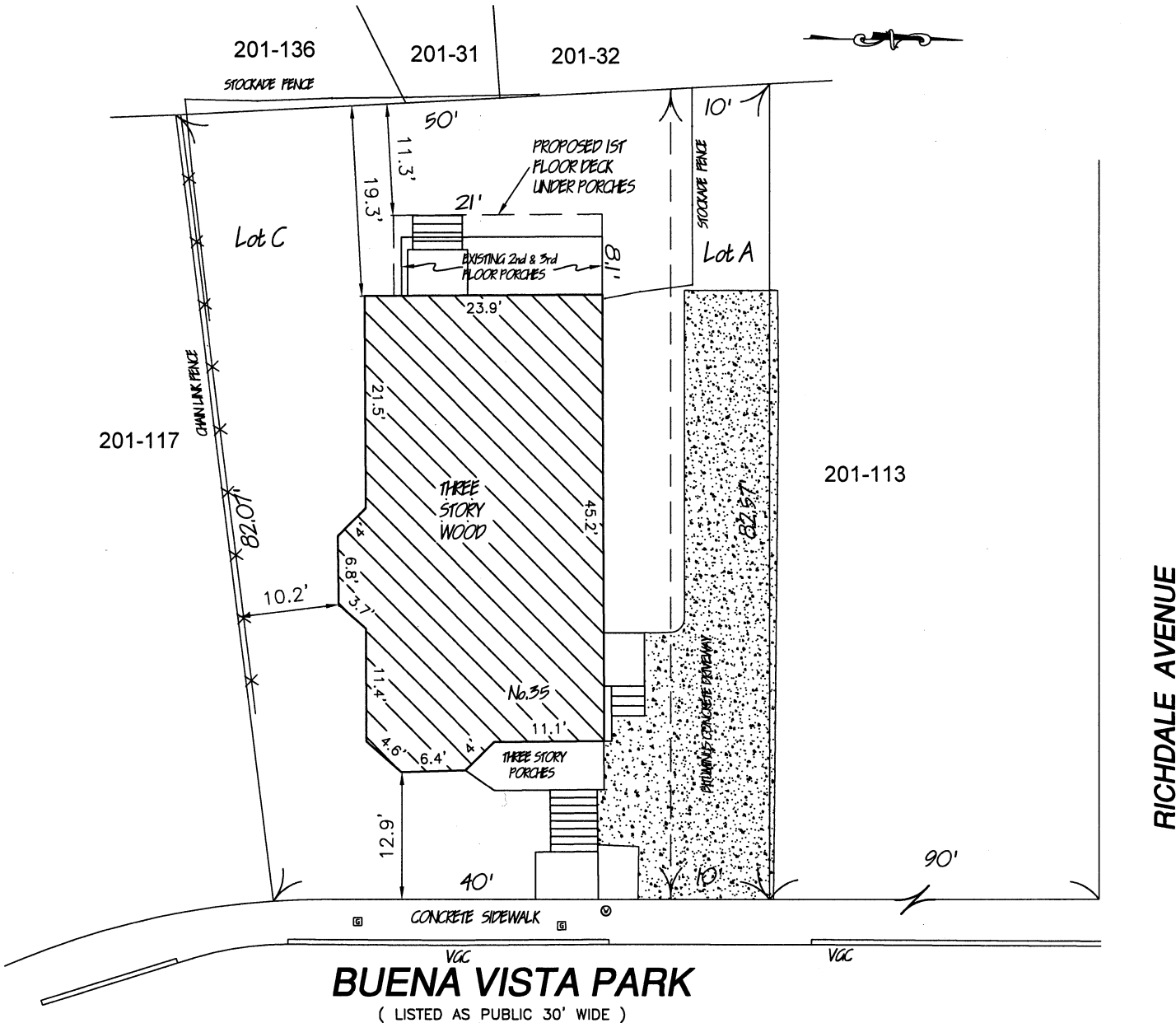
Filed Plan No.

See Also Plan #240 of 1970, recorded in Book 11810, page 522.

CERTIFIED PLOT PLAN

35 Buena Vista Park, Cambridge

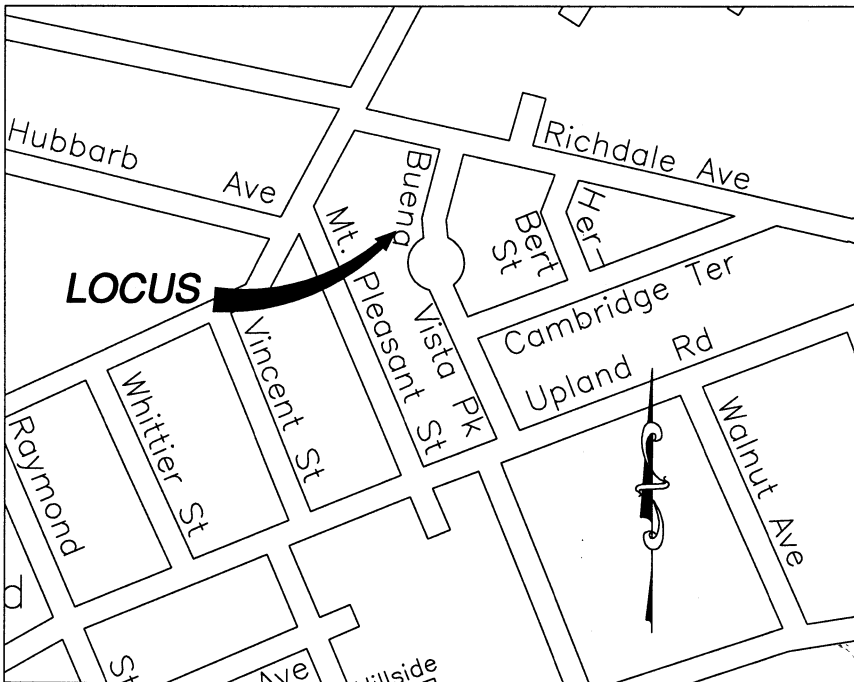
MAP 201 LOT 132



Jan. 21, 2022
JN 84007
Scale: 1." = 16'



BUILDING OFFSETS SHOWN ARE TO SHINGLES



I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE COMMONWEALTH OF MASSACHUSETTS PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING 250 CMR SECTION 6.00.



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ANDERSON SURVEYS, INC.
Professional Land Surveyors
800 High Street
Hanson, MA 02341-0149
(781) 293-3349
andersonsurveys.com

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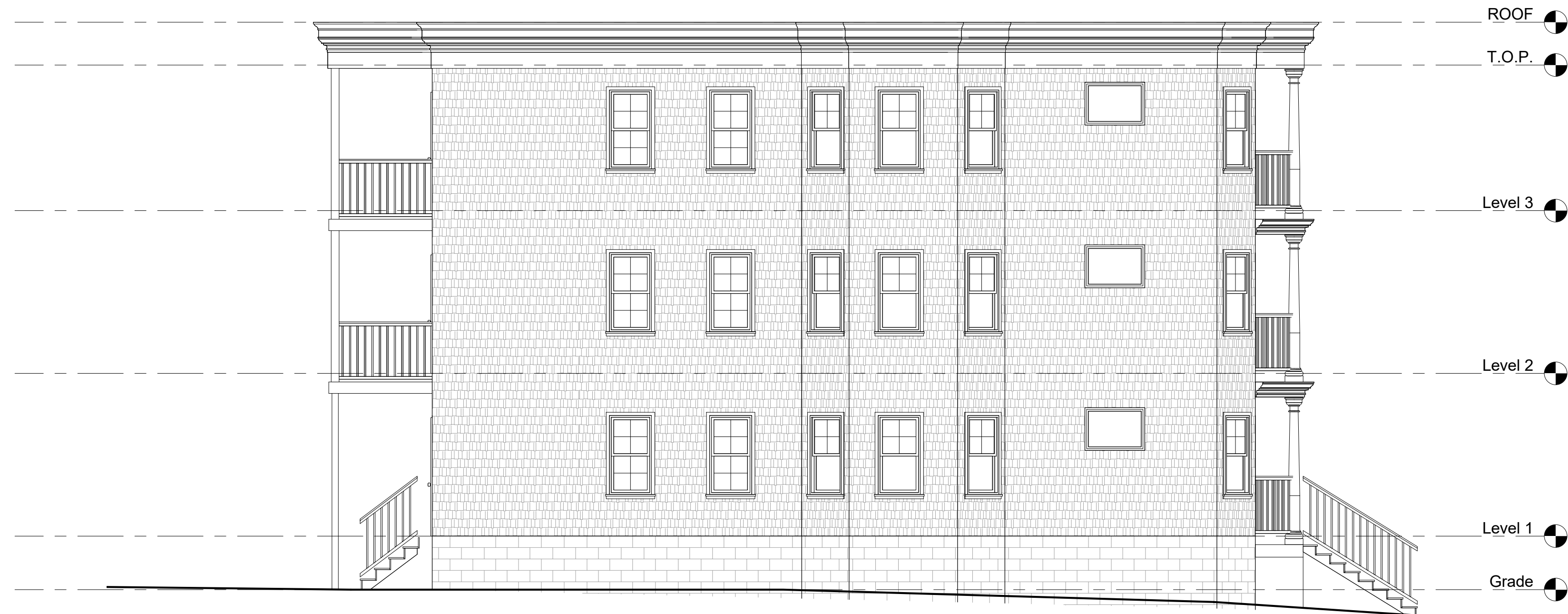
**EXISTING
ELEVATIONS**

Project number 202114
Date 2/1/2022

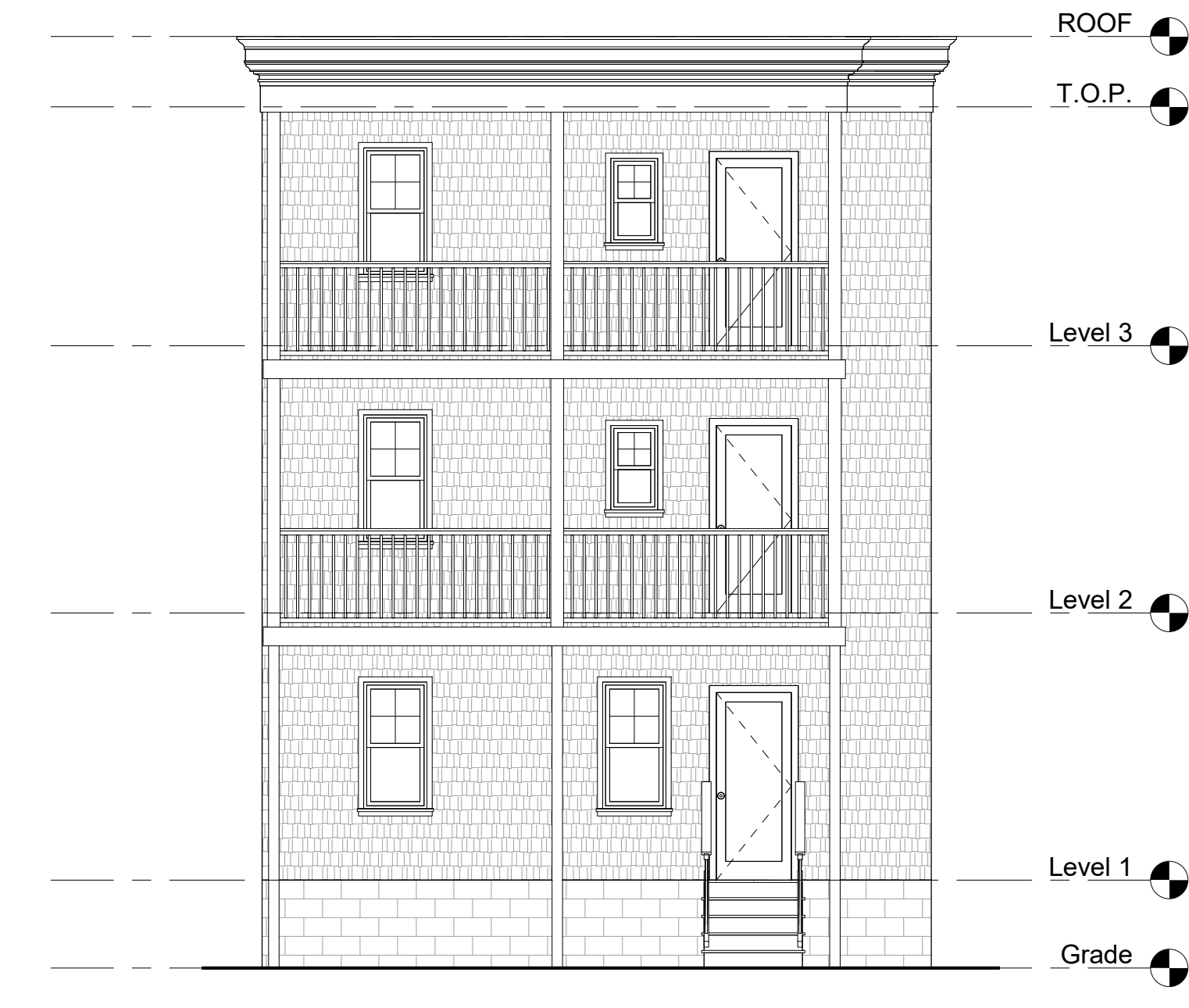
A2.1

Scale 3/16" = 1'-0"

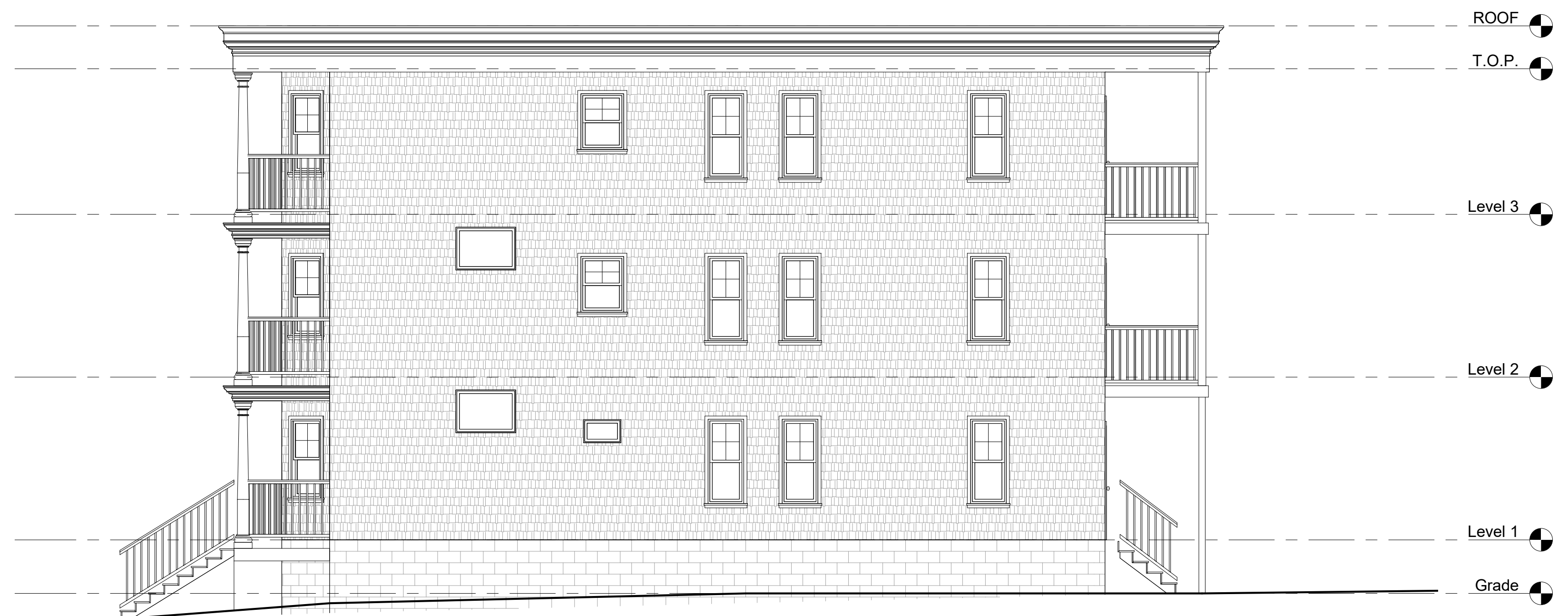
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④ EXISTING SIDE ELEVATION
3/16" = 1'-0"



③ EXISTING REAR ELEVATION
3/16" = 1'-0"



② EXISTING DRIVEWAY ELEVATION
3/16" = 1'-0"



① EXISTING FRONT ELEVATION
3/16" = 1'-0"

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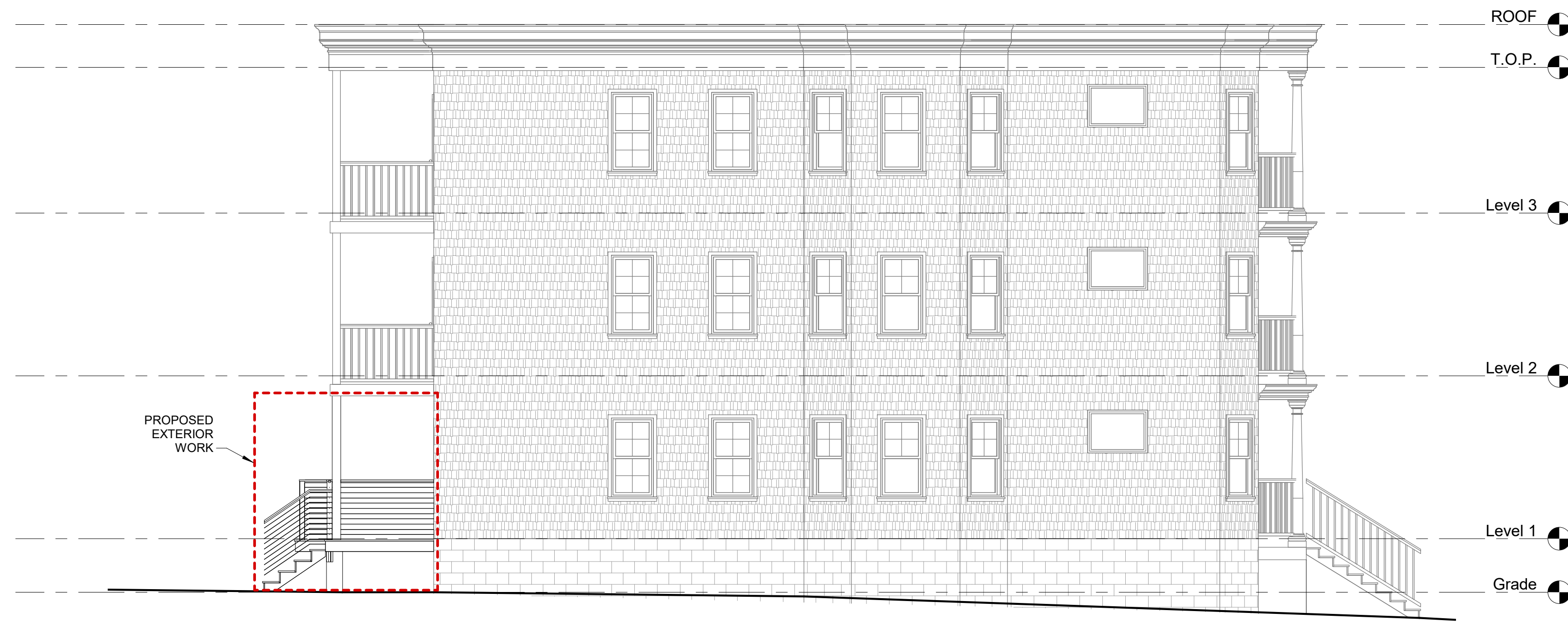
**PROPOSED
ELEVATIONS**

Project number 202114
Date 2/1/2022

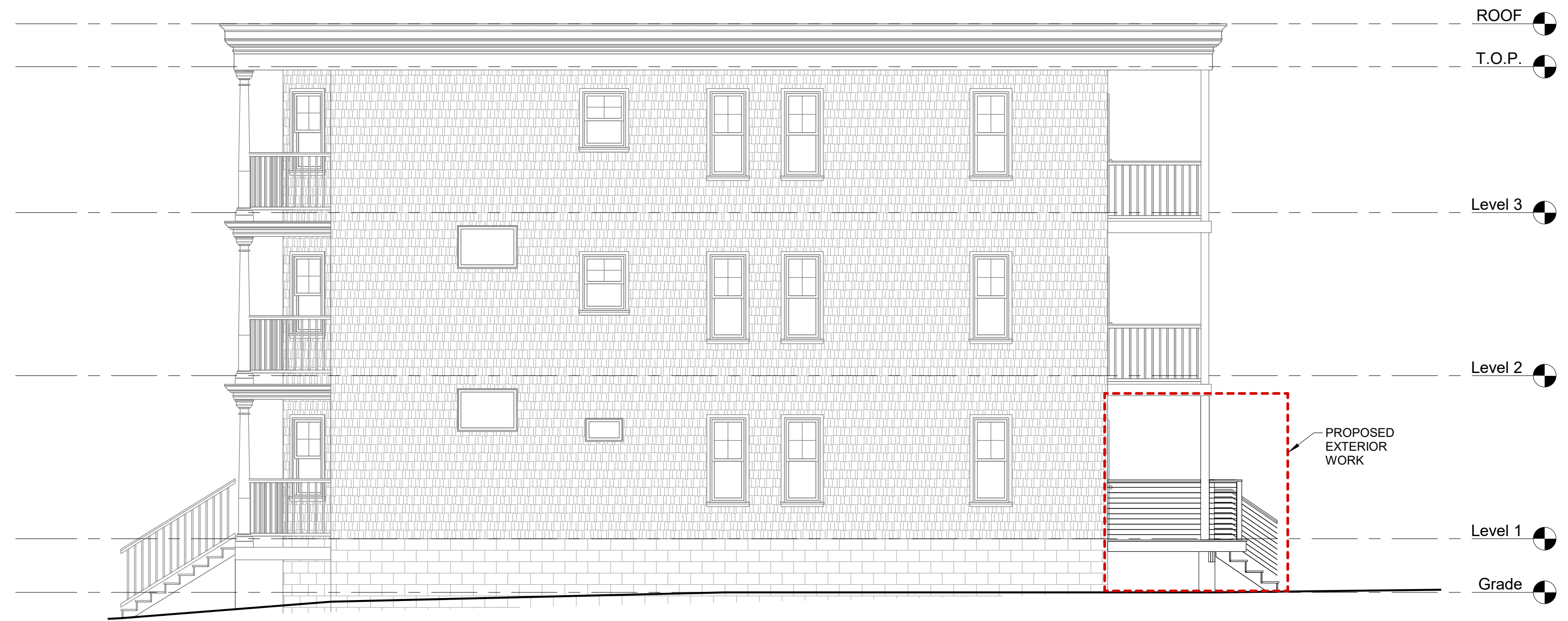
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Scale 3/16" = 1'-0"

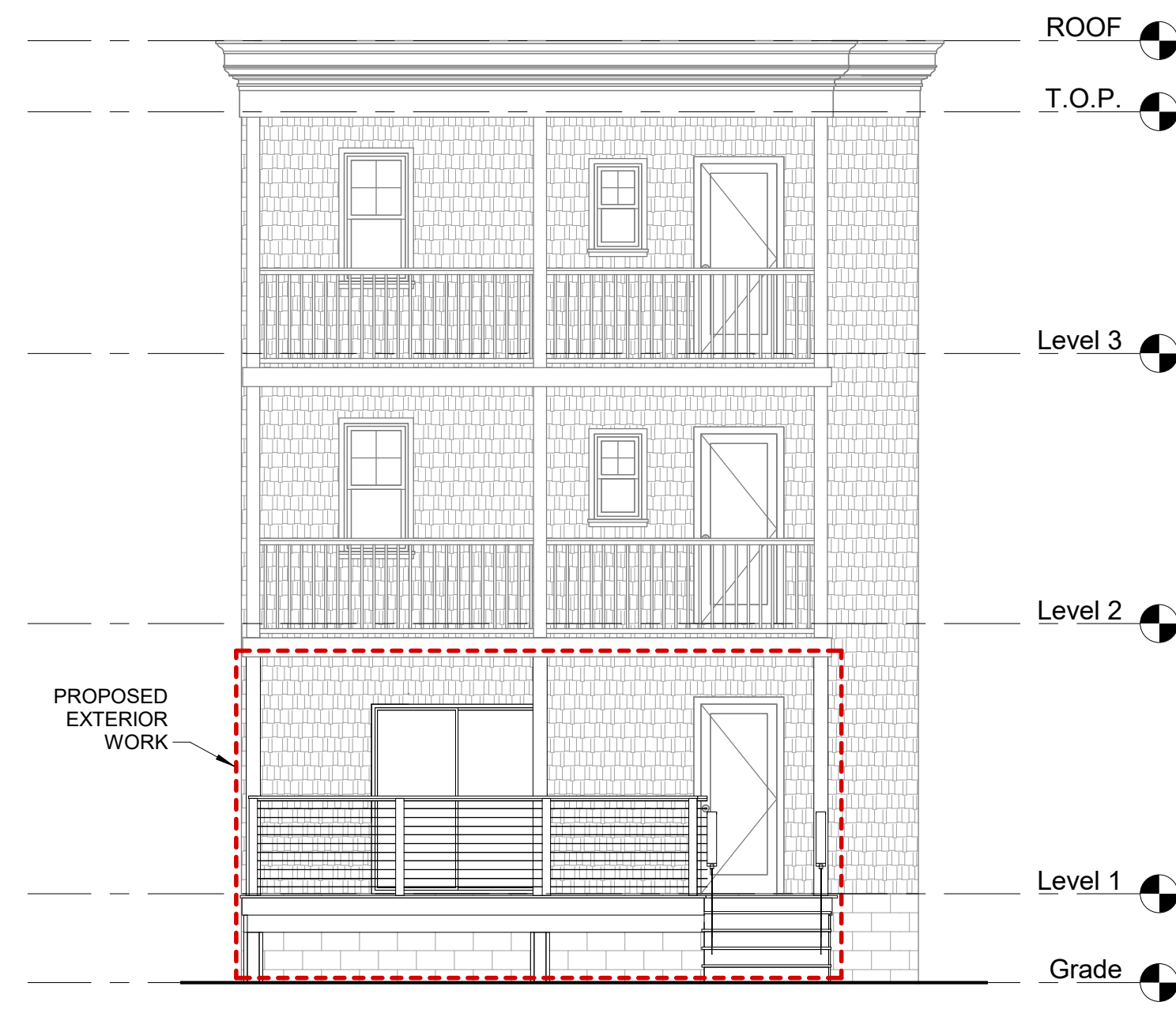
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④ PROPOSED SIDE ELEVATION
3/16" = 1'-0"



② PROPOSED DRIVEWAY ELEVATION
3/16" = 1'-0"



③ PROPOSED REAR ELEVATION
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① PROPOSED FRONT ELEVATION
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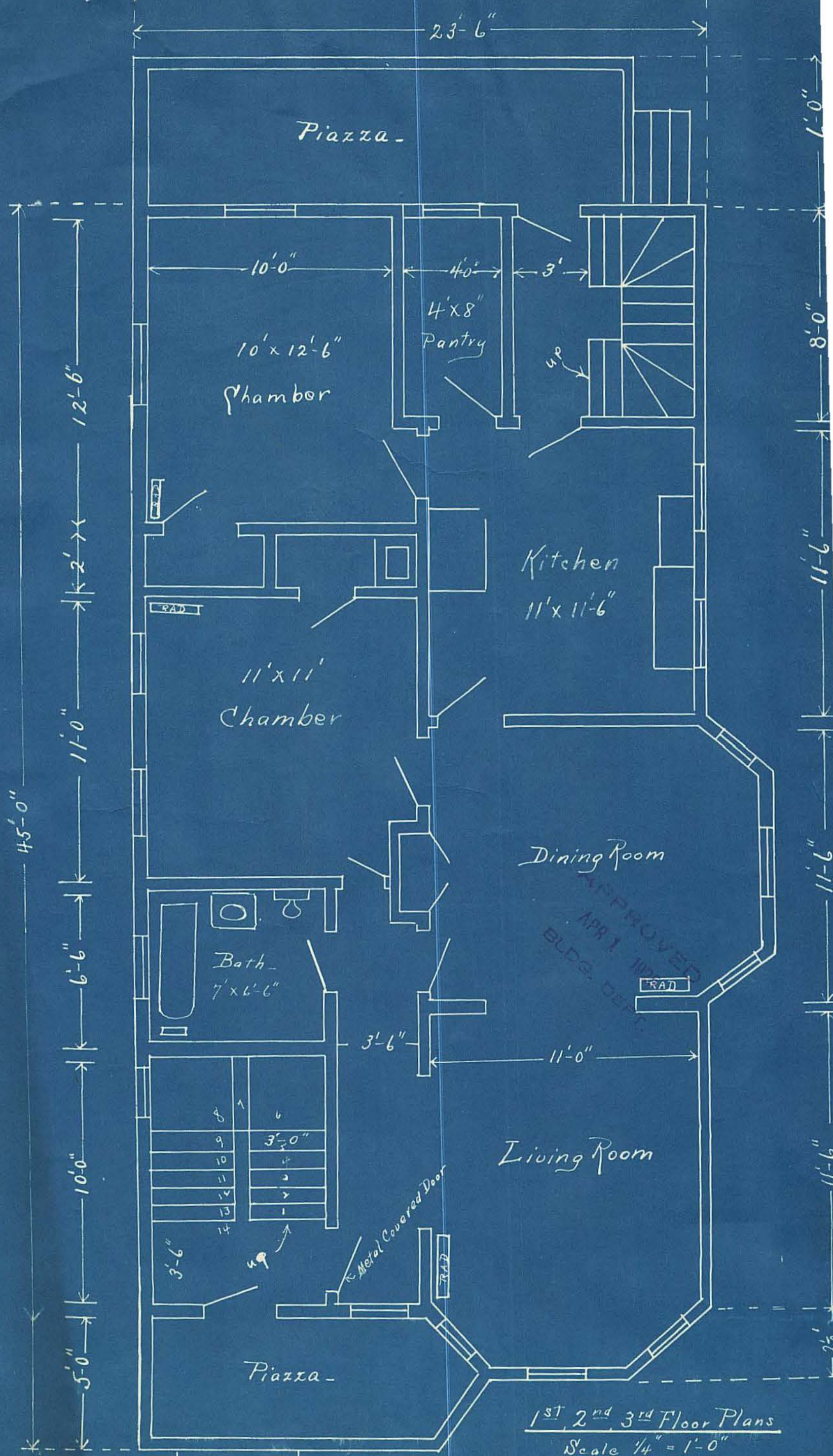








Cement Plaster, Both Sides -



APPROVED
 APR 1 1914
 BLDG. DEPT.

1st, 2nd, 3rd Floor Plans
 Scale 1/4" = 1'-0"

J.J. McCarthy
 Cambridge
 No. 2

35 Buena Vista, ph #1 Petitioner

201-119
JACKSON, JIM & JAY R. WARREN
30 BUENA VISTA PK., #3
CAMBRIDGE, MA 02140

DAMON SIDEL
10 GRAND VIEW AVENUE
SOMERVILLE, MA 02143

201-132
BAGEDONOW, MATTHEW W. &
CHRISTINE M. BAGEDONOW, TRUSTEES
118 OXFORD ST., #118
CAMBRIDGE, MA 02140

201-119
LUDTKE, MELISSA M.
30 BUENA VISTA PK., #2
CAMBRIDGE, MA 02140

201-117
TURETSKY, EUGENE & SOPHIA TURETSKY
70 NAUSET AVE EAST
NORTH FALMOUTH, MA 02556

201-113
92-96 RICHDALE AVE, LLC
31 PHILEMON STREET
ARLINGTON, MA 02474

201-119
BANIS, OLGA & GEORGE BANIS
30 BUENA VISTA PK., #1
CAMBRIDGE, MA 02140

201-136
MCNULTY, STEVEN & KATHERINE BERSETH
60-62 MT. PLEASANT ST.
CAMBRIDGE, MA 02140-2614

201-32
MCAULIFFE, JAMES F.,
TR. THE JAMES F. MCAULIFFE REV TRUST 2014
458 SUDBURY ST
CONCORD, MA 01742

201-34
WACHS, JUDITH T.,
TRS OF THE JUDITH T. WACHS REV. TRS.
86 RICHDALE AVE
CAMBRIDGE, MA 02140

201-28
SIMMONS, PAUL K., LORETTA P. SIMMONS &
DONNA S. JOHNSON CO-TRS THE PAUL K.
C/O LORETTA P. SIMMONS
50 MT. PLEASANT ST
CAMBRIDGE, MA 02140

201-31
YADAV, NIRU,
TRUSTEE THE 76 WALDEN STREET REALTY TR
76 WALDEN ST
CAMBRIDGE, MA 02140

201-32
PEMBERTON, ROBERT E., JR.
72 WALDEN ST., #2
CAMBRIDGE, MA 02140

201-32
ROHR, REBECCA
72 WALDEN ST., UNIT# 3
CAMBRIDGE, MA 02140

201-10
JUN, TIMOTHY M., MYUNG S.
JUN & YEONGHEE J. JUN
66 WALDEN ST., #1
CAMBRIDGE, MA 02140

201-118
LEAHY, JESSICA G. TRUSTEE OF THE JESSICA LEAHY
FAMILY WEALTH TRUST THE JESSICA LEAHY FAMILY
WEALTH TRUST
10 LEDGEWOOD WAY UNIT #28
PEABODY, MA 01960

201-10
JUN TIMOTHY & SPINKS SUZANNAH &
MACDOUGALL CYNTHIA ET AL
66 WALDEN ST - UNIT 2
CAMBRIDGE, MA 02140

201-33
HAWKINS, ELVA D.
TRUSTEE THE ELVA D. HAWKINS TR
70 WALDEN ST
CAMBRIDGE, MA 02140

201-137
JOBE, SHIRLEY A.
TR. OF 54 MOUNT PLEASANT STREET REALTY TR.
54 MT PLEASANT ST
CAMBRIDGE, MA 02140



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

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/Additions/

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<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	33	33	35	
	<u>WIDTH</u>	45.3	45.3	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		55%	54%	30%	
<u>NO. OF DWELLING UNITS:</u>		3	3	3	
<u>NO. OF PARKING SPACES:</u>		3	3	3	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		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.:

none

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 BAGEDONOW, MATTHEW W. & CHRISTINE M. BAGEDONOW, TRUSTEES of 35 Buena Vista Nominee Trust
(OWNER)

Address: 118 Oxford St. Cambridge MA 02140

State that I/We own the property located at 35 Buena Vista Park, Cambridge MA 02140 which is the subject of this zoning application.

The record title of this property is in the name of BAGEDONOW, MATTHEW W. & CHRISTINE M. BAGEDONOW, TRUSTEES

*Pursuant to a deed of duly recorded in the date 07/30/2013, Middlesex South County Registry of Deeds at Book 62346, Page 170; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

[Signature]
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 MATTHEW BAGEDONOW personally appeared before me, this 26 of JANUARY, 2022, and made oath that the above statement is true.

My commission expires 05/25/2023
Notary
STEPHEN R. GALANTIE
Notary Public
Massachusetts
Commission Expires May 25, 2023
(Notary Seal)

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

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 owner cannot use the Unit 1 backyard as desired to its fullest extent because access to it is through a common hall and down a set of steps.

- 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 existing house already has decks on upper floors above the requested deck on the first floor, thus making the deck on the first floor a covered deck that counts towards FAR and does not fall under the exception to Projections into yards for uncovered decks and stairs in section 5.24.2.

- 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 deck will be constructed under existing decks and therefore will only be covering an addition 2 ft x 21 ft of the backyard. The structure is not visible from the street and is reasonably private and not highly visible from adjacent houses.

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

It is the applicant's understanding that the intent of the rear setback and FAR requirements are to set standards for the impact of a development on its neighbors. The proposed deck is still an outside use consistent with backyard uses and presents little to no increase in the appearance of the building's mass.

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