



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

BZA APPLICATION FORM

Plan No: BZA-017313-2020

GENERAL INFORMATION

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : 38-40 High Street Ventures LLC C/O Sean D. Hope, Esq.

PETITIONER'S ADDRESS : 907 Mass Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 38-40 High St Cambridge, MA 02138

TYPE OF OCCUPANCY : 4.31 ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Dormer

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests Variance Relief 1) to add dormers to the roof increasing the gross floor area of the building by 202 sf and 2) locate a portion of the right side dormer within the setback.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 10.000 Section 10.30 (Variance).

Original Signature(s) :



(Petitioner(s) / Owner)

Sean D. Hope

(Print Name)

Address : 907 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : 617-953-8369

E-Mail Address : sean@hremassdevelopment.com

Date : July 27, 2020

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.

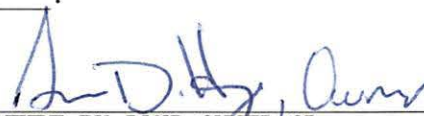
I/We 38-40 High Street Ventures LLC
(OWNER)

Address: 907 Massachusetts Avenue Cambridge

State that I/We own the property located at 38-40 High Street Cambridge, which is the subject of this zoning application.

The record title of this property is in the name of _____
38-40 High Street Ventures LLC

*Pursuant to a deed of duly recorded in the date 7/22/2020, Middlesex South County Registry of Deeds at Book _____, Page _____; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____



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 Sean D. Hope personally appeared before me, this 29th of July, 2020, and made oath that the above statement is true.



Notary

My commission expires  RYAN BERTRAM SEVERY (Notary Seal).
Notary Public
Commonwealth of Massachusetts
My Commission Expires Jan. 15, 2027

- 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:

A Literal enforcement of the Ordinance would be a substantial hardship to the Petitioner and future occupants of the dwelling because the existing two-family dwelling contains four bedrooms, two of which are located on the third floor without a bathroom. Further the existing stairs do not conform to the building code with a very low and awkward head height. Adding dormers to the third floor would remedy the stair building code violation, add a second bathroom to a four-bedroom dwelling and allow for more natural light with appropriate windows into the third floor living space.

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 hardship is owing to the siting of the property such that any change on the right side would like require zoning relief. Additionally the property was built before modern building codes so the non code compliant stairs can only be remedied by a dormer in the setback.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

Desirable relief may be granted without substantial detriment to the public good because the high street property is similar to several other dwellings in the neighborhood many of which have similar dormers to activate awkward living spaces. Granting relief will provide another functional family sized dwelling to the neighborhood that is consistent with the pattern of development.

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

Desirable relief may be granted without nullifying or derogating from the intent or purpose of this Ordinance because the neighborhood contains many family and the proposed zoning request will increase cambridge's housing stock of renovated properties with at least three bedrooms and two baths.

*** 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 38-40 High St Cambridge, MA 02138 (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:
- 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:
- 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:
- 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:
- 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:

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Hope Legal law Offices **PRESENT USE/OCCUPANCY:** Two Family
LOCATION: 38-40 High St Cambridge, MA 02138 **ZONE:** Residence B Zone
PHONE: 6174920220 **REQUESTED USE/OCCUPANCY:** Two Family

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	3176sf	3378sf	1912.5	(max.)
<u>LOT AREA:</u>	3825	3825	3825	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	.83	.85	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	1,912.5	1,912.5	2500	(min.)
<u>SIZE OF LOT:</u>				
<u>WIDTH</u>	45'	45'	50'	(min.)
<u>DEPTH</u>	85'	85'	n/a	
<u>SETBACKS IN FEET:</u>				
<u>FRONT</u>	10'+/-	10'+/-	10'	(min.)
<u>REAR</u>	22'	22'	25'	(min.)
<u>LEFT SIDE</u>	15'+/-	15'+/-	7.6'	(min.)
<u>RIGHT SIDE</u>	5'	5'	7.6'	(min.)
<u>SIZE OF BLDG.:</u>				
<u>HEIGHT</u>	26'6"	26'6"	35'	(max.)
<u>LENGTH</u>	51'	51'	n/a	
<u>WIDTH</u>	45'	45'	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	20%	20%	30%	(min.)
<u>NO. OF DWELLING UNITS:</u>	2	2	1+	(max.)
<u>NO. OF PARKING SPACES:</u>	2	2	2	(min./max)
<u>NO. OF LOADING AREAS:</u>	0	0	n/a	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	n/a	n/a	10'	(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.

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'.



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2020 JUL 29 PM 3:14
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

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Plan No: BZA-017313-2020

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Original Signature(s) :



(Petitioner(s) / Owner)

Sean D. Hope

(Print Name)

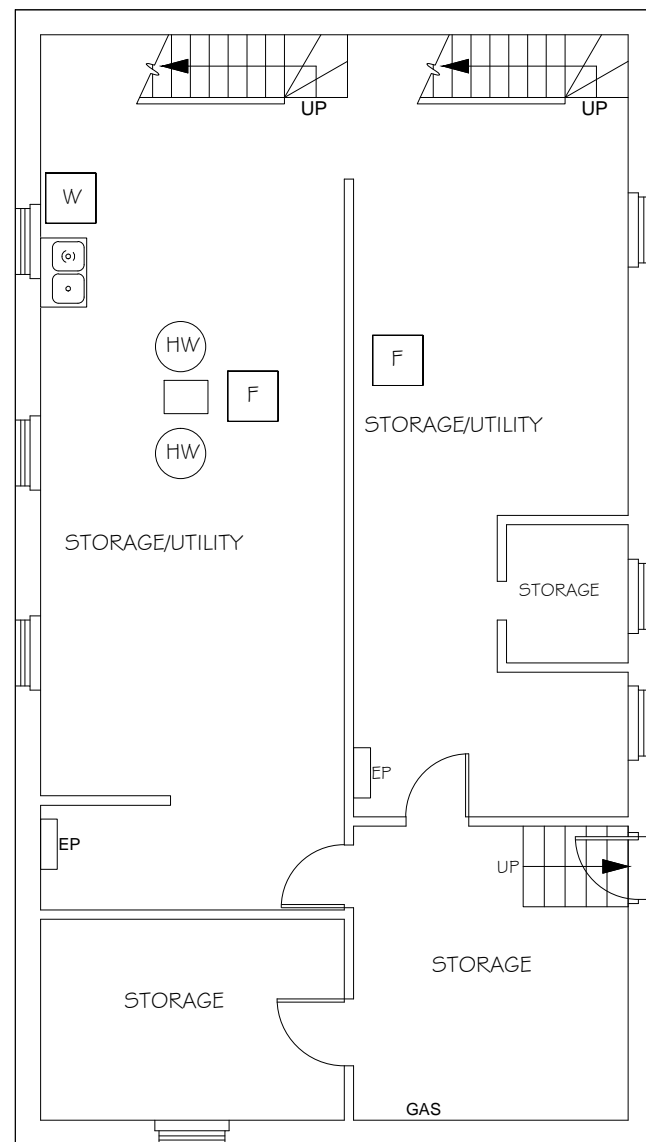
Address : 907 Massachusetts Avenue

Cambridge, MA 02139

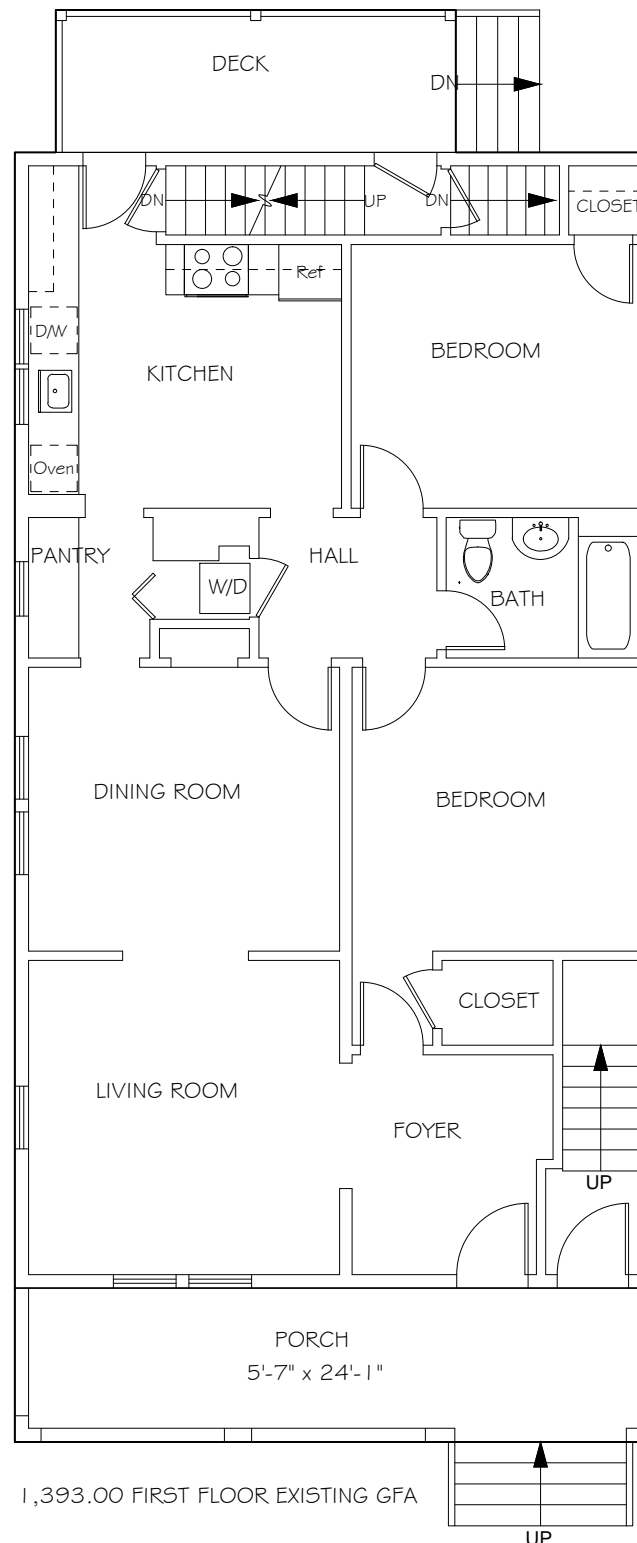
Tel. No. : 617-953-8369

E-Mail Address : sean@hremassdevelopment.com

Date : Ju.y 27, 2020

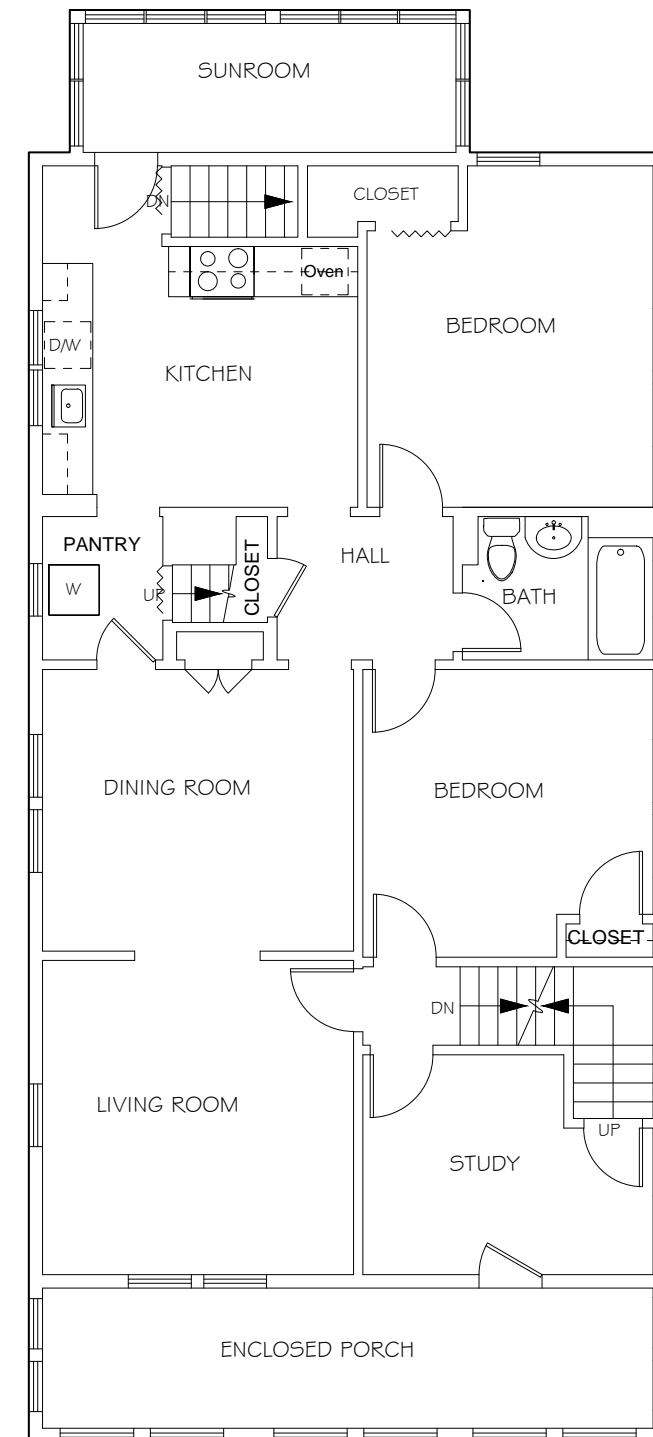


BASEMENT PLAN
Ceiling Height = 6'-8"



1,393.00 FIRST FLOOR EXISTING GFA

FIRST FLOOR PLAN
Ceiling Height = 8'-2"



1,393.00 SECOND FLOOR EXISTING GFA

SECOND FLOOR PLAN
Ceiling Height = 8'-1"



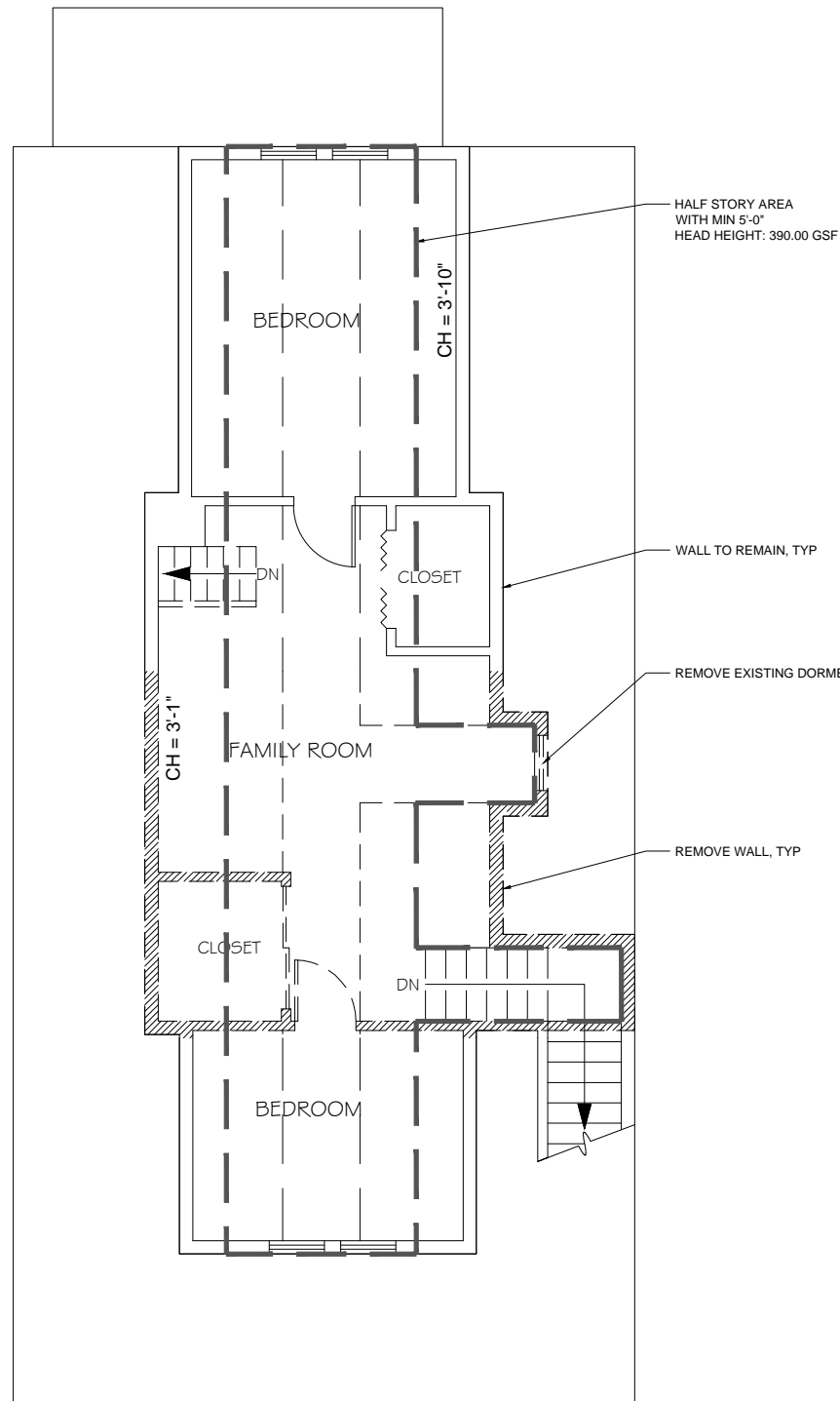
ARCHITECT:
GCD ARCHITECTS
2 Worthington St
Cambridge, MA 02138
Tel. 617-412-8450
www.glassmanchungdesign.com

DATE:
7-28-2020

PROJECT:
38-40 High St, Cambridge, MA
PROPOSED DORMER ADDITIONS

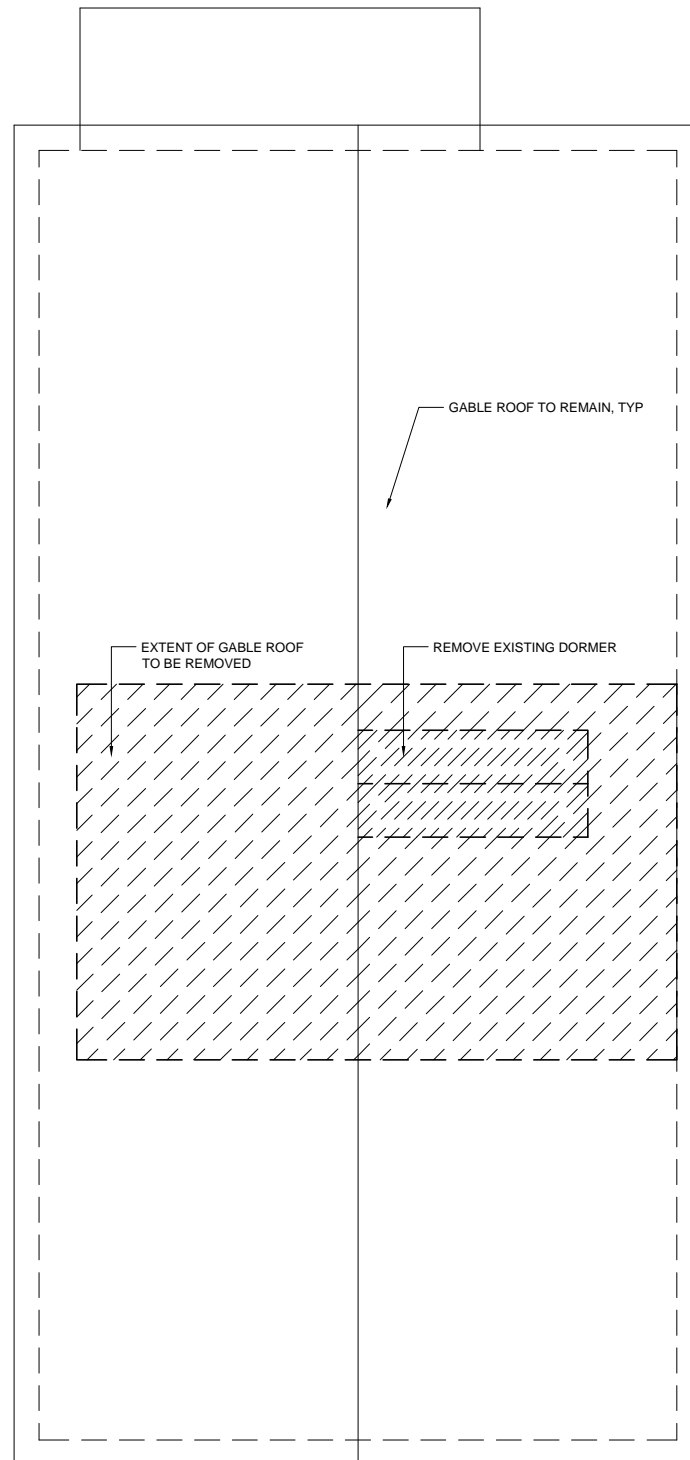
TITLE:
EXISTING PLANS

DRAWING:
D1.1

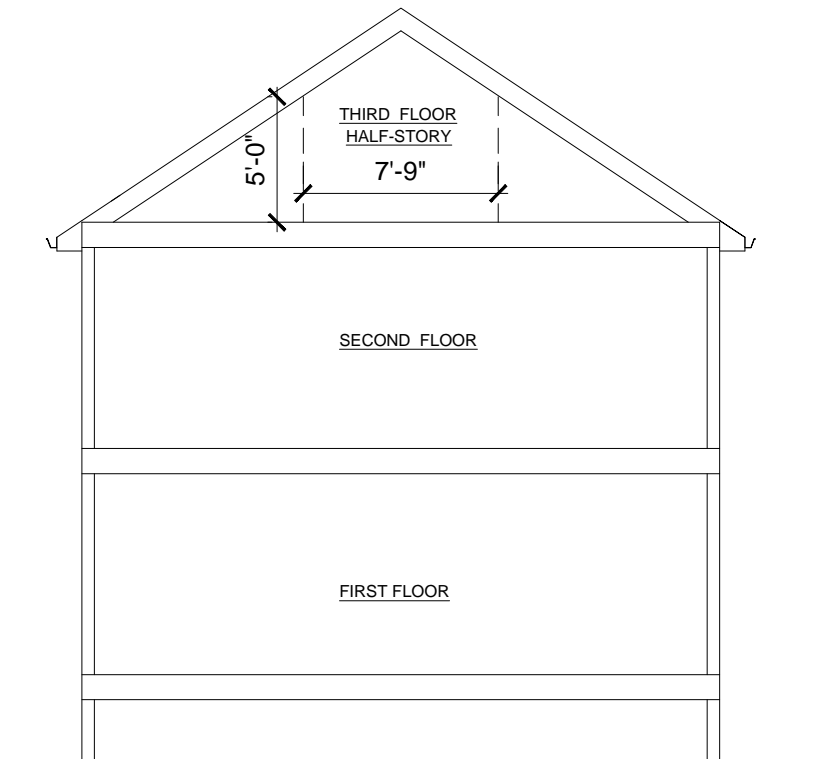
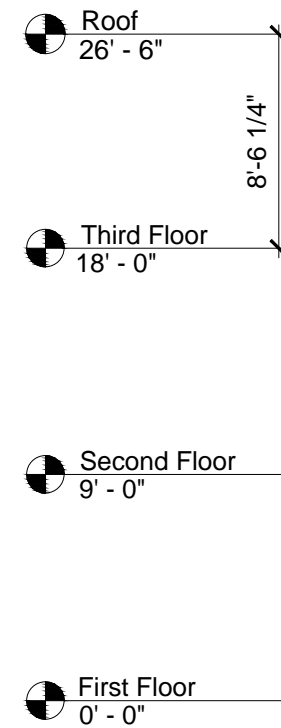


390.00 THIRD FLOOR HALF STORY EXISTING GFA

THIRD FLOOR PLAN



ROOF PLAN



HALF-STORY SECTION

EXISTING GSF
1,393.00 FIRST FLOOR EXISTING GFA
1,393.00 SECOND FLOOR EXISTING GFA
390.00 THIRD FLOOR HALF STORY EXISTING GFA
3,176.00 TOTAL EXISTING GFA



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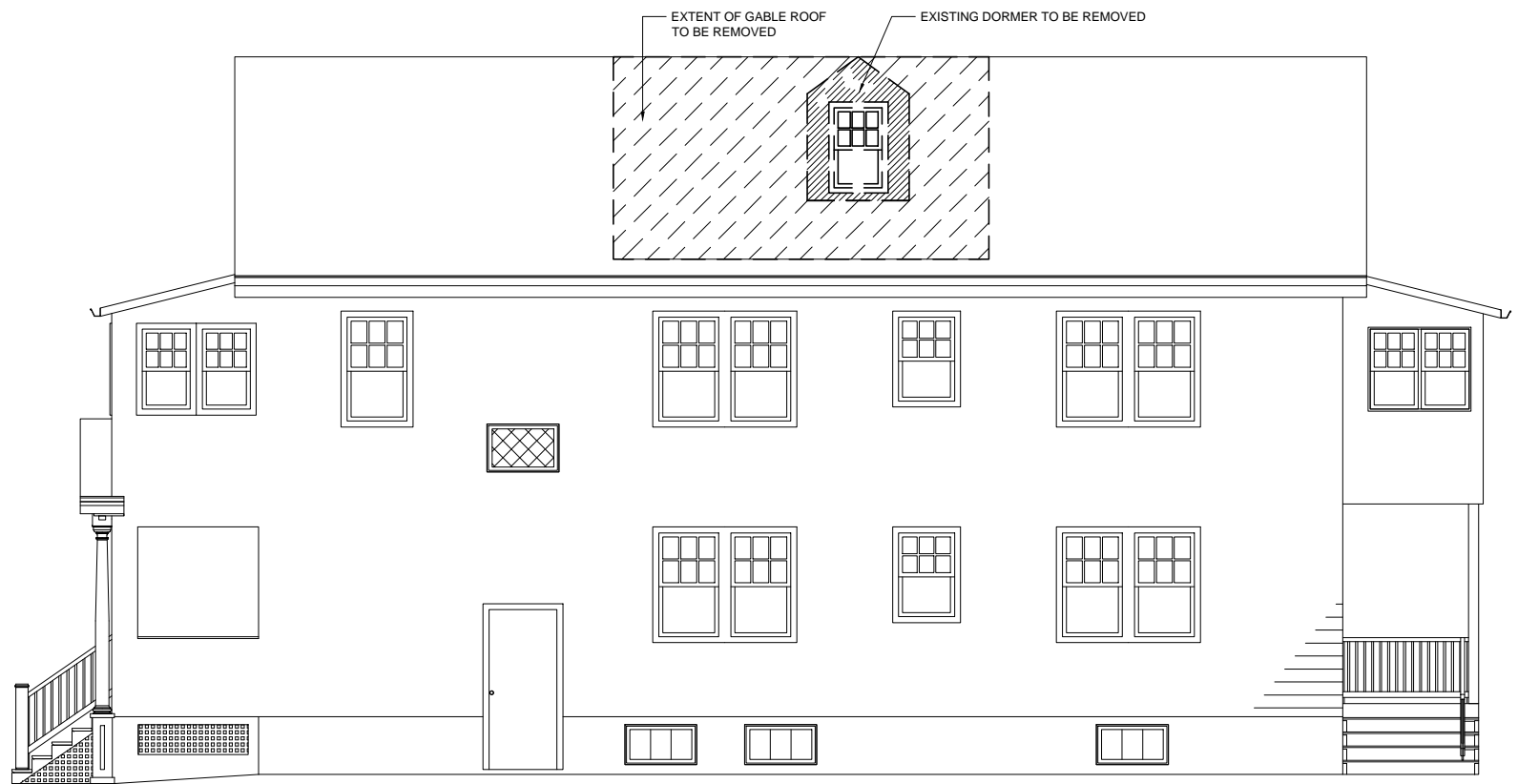
TITLE:
EXISTING PLANS

DRAWING:
D1.2

- Roof
26' - 6"
- Third Floor
18' - 0"
- Second Floor
9' - 0"
- First Floor
0' - 0"
- Ground Level
-3' - 9 1/2"
- Basement
-7' - 4"



FRONT ELEVATION



RIGHT SIDE ELEVATION









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38-40 High St, Cambridge, MA
PROPOSED DORMER ADDITIONS

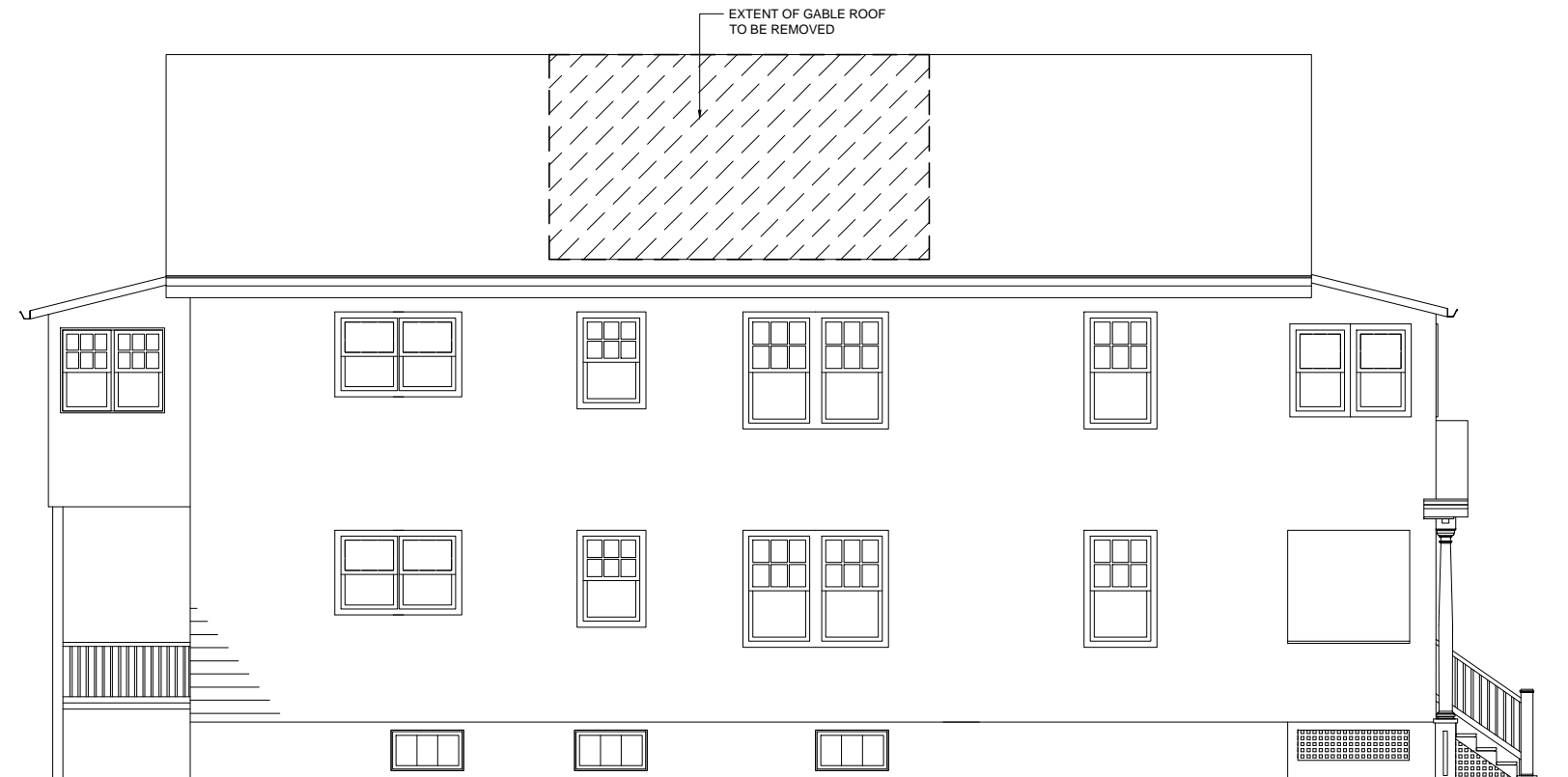
TITLE:
EXISTING ELEVATIONS

DRAWING:
D2.1

- 
Roof
 26' - 6"
- 8'-6"
- 
Third Floor
 18' - 0"
- 
Second Floor
 9' - 0"
- 
First Floor
 0' - 0"
- 
Ground Level
 -3' - 9 1/2"
- 
Basement
 -7' - 4"



REAR ELEVATION



LEFT SIDE ELEVATION



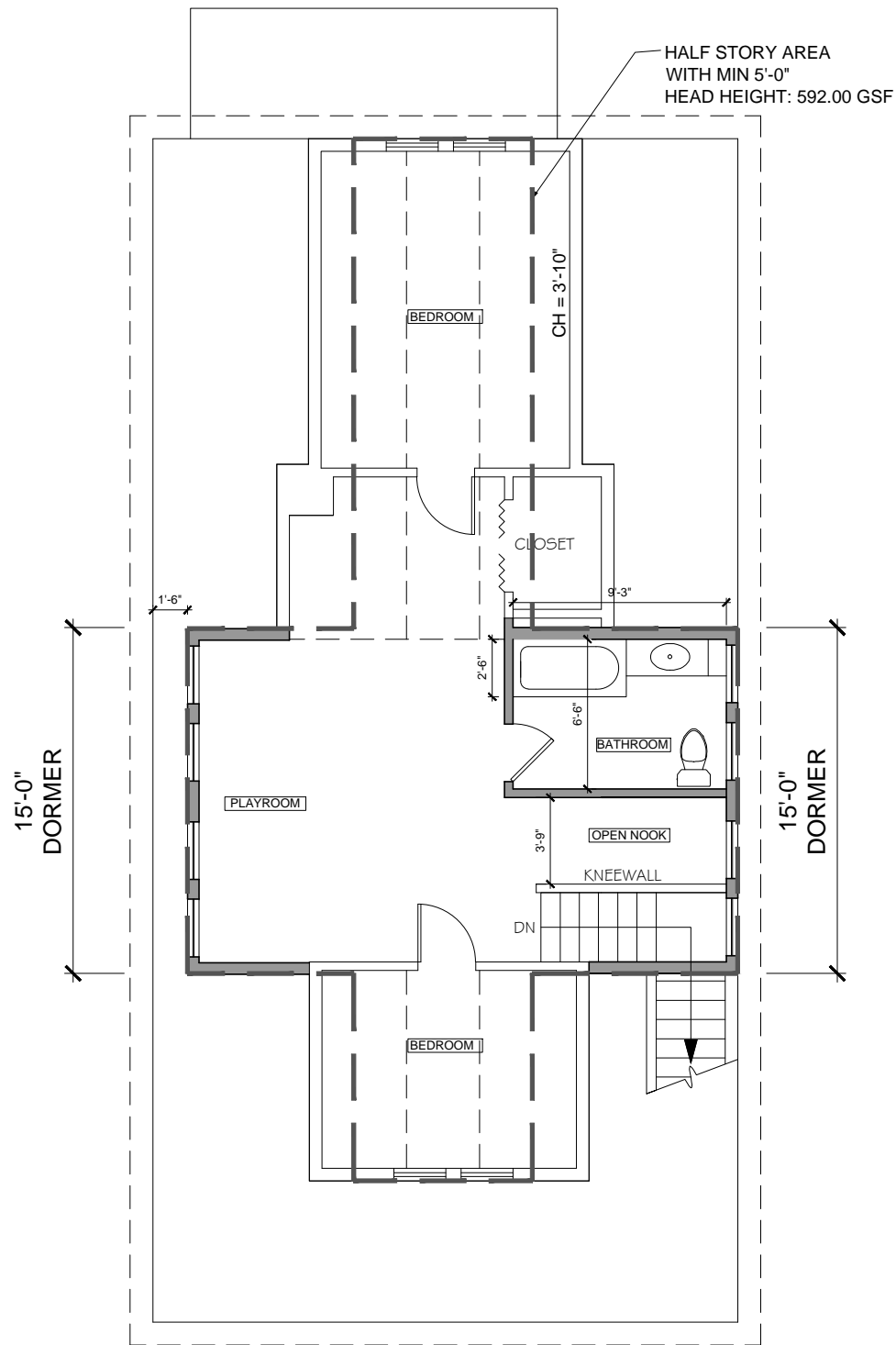
ARCHITECT:
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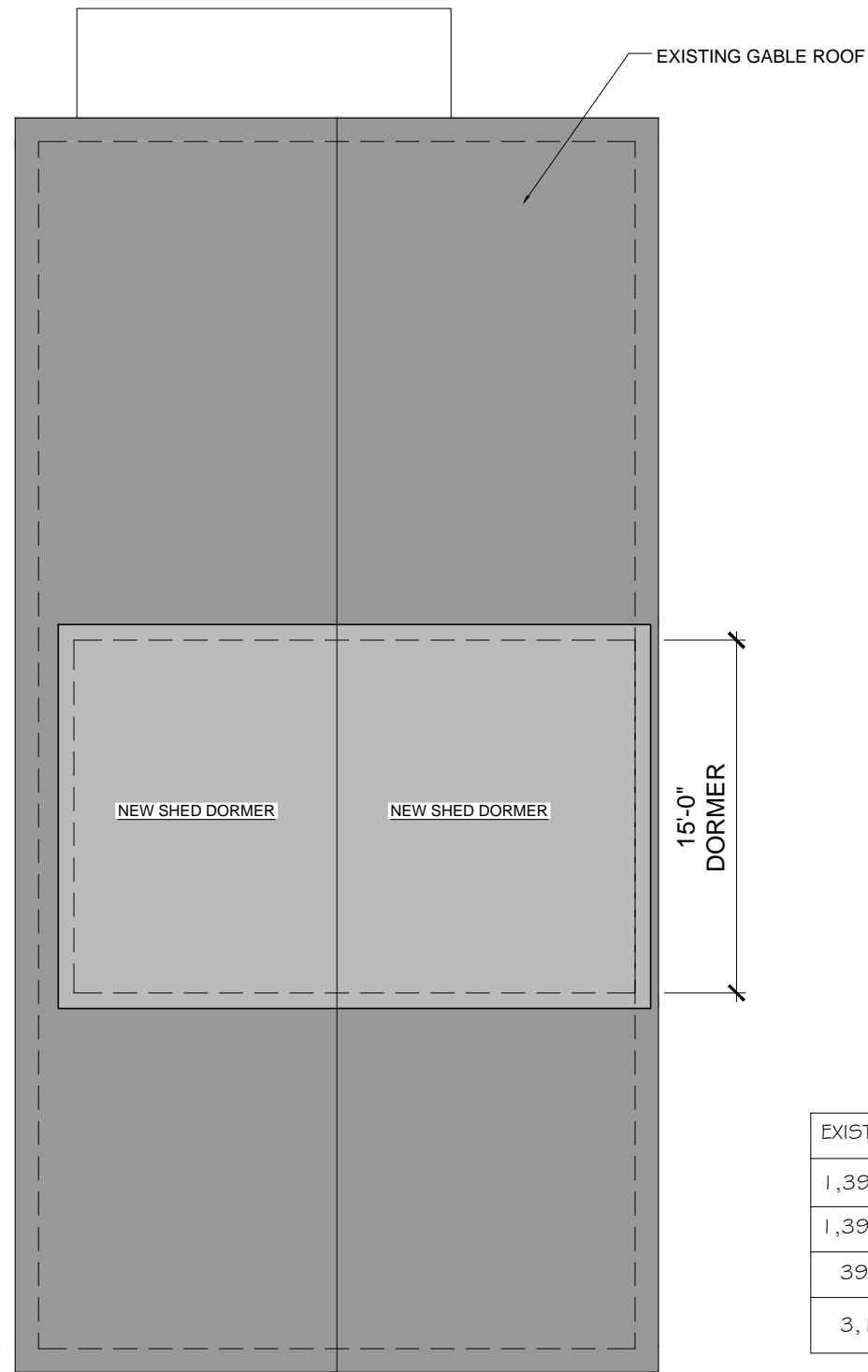
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38-40 High St, Cambridge, MA
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TITLE:
EXISTING ELEVATIONS

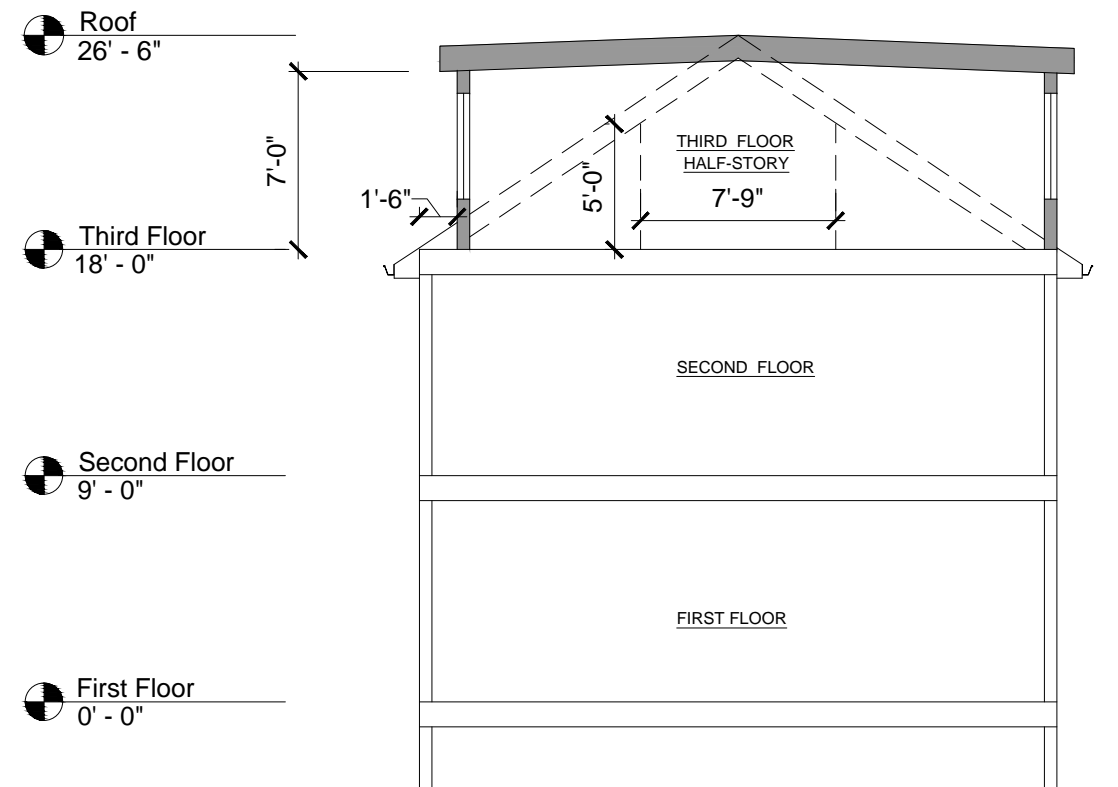
DRAWING:
D2.2



THIRD FLOOR PLAN



ROOF PLAN



DORMER SECTION

EXISTING GSF
1,393.00 FIRST FLOOR EXISTING GFA
1,393.00 SECOND FLOOR EXISTING GFA
390.00 THIRD FLOOR HALF STORY EXISTING GFA
3,176.00 TOTAL EXISTING GFA

PROPOSED GSF
1,393.00 FIRST FLOOR EXISTING GFA
1,393.00 SECOND FLOOR EXISTING GFA
592.00 THIRD FLOOR HALF STORY PROPOSED GFA
3,378.00 TOTAL PROPOSED GFA









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38-40 High St, Cambridge, MA
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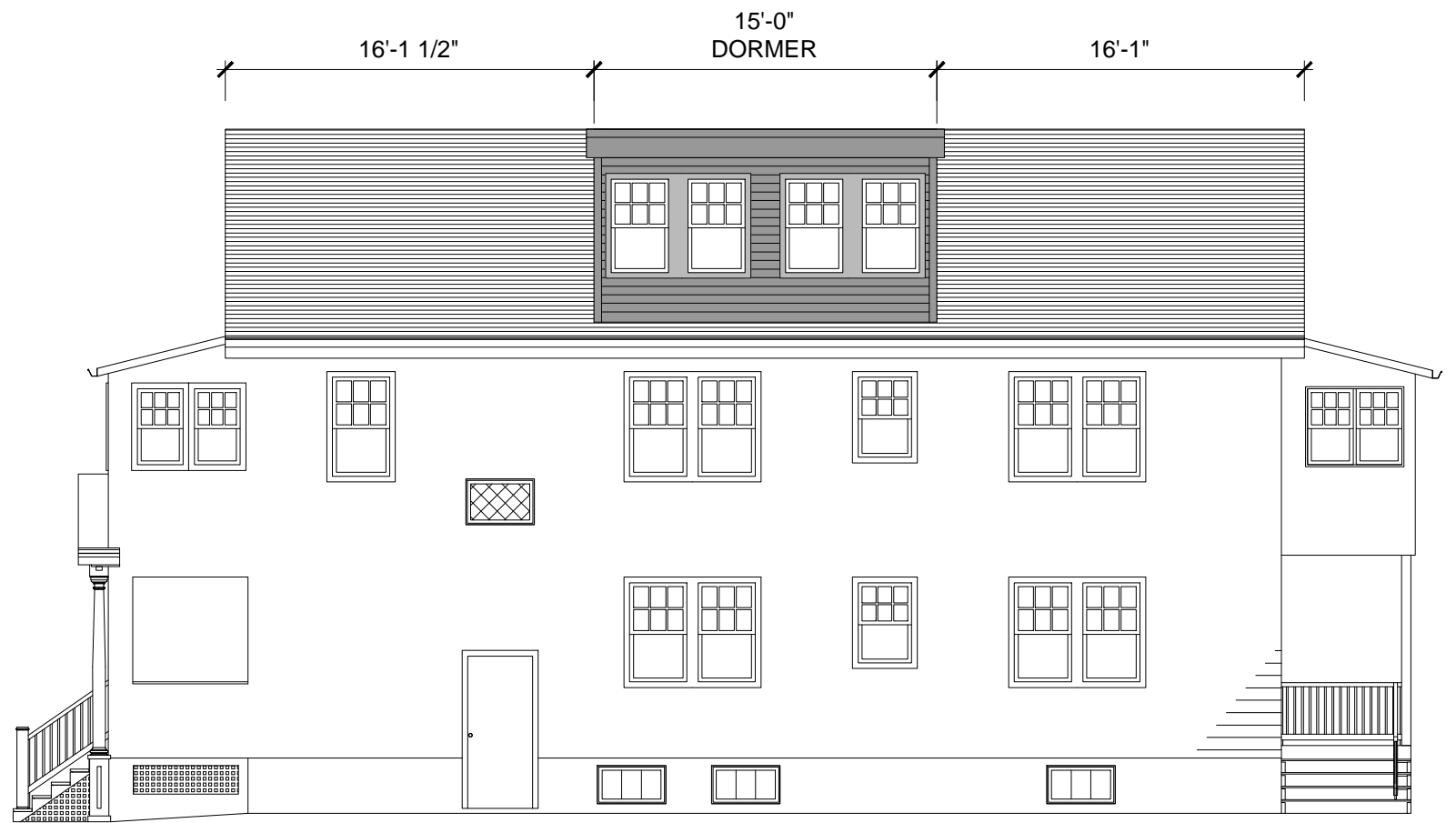
TITLE:
NEW WORK PLANS

DRAWING:
A1.1

- 
Roof
 26' - 6"
- 
Third Floor
 18' - 0"
- 
Second Floor
 9' - 0"
- 
First Floor
 0' - 0"
- 
Ground Level
 -3' - 9 1/2"
- 
Basement
 -7' - 4"



FRONT ELEVATION



RIGHT SIDE ELEVATION









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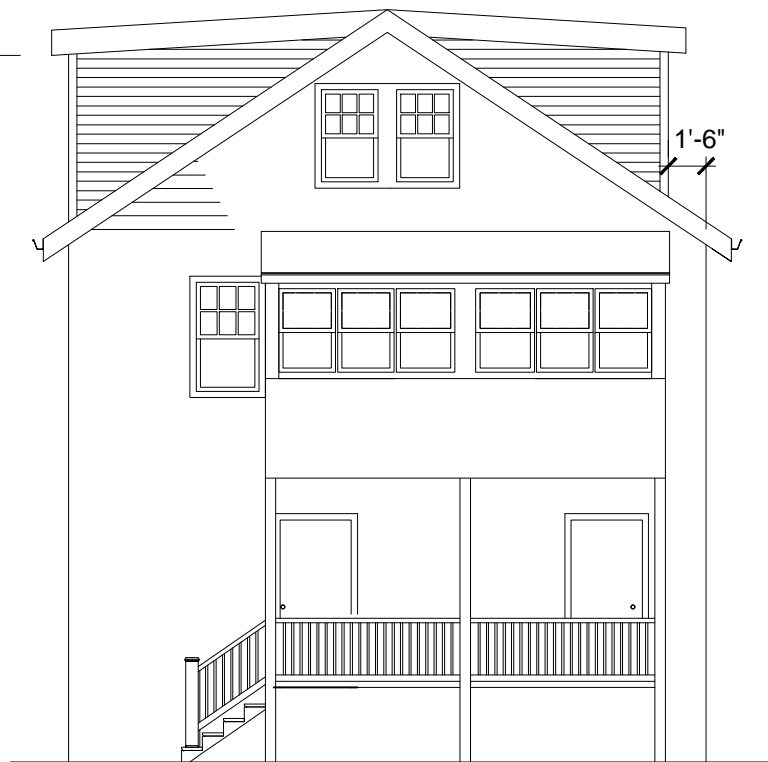
DATE:
7-28-2020

PROJECT:
38-40 High St, Cambridge, MA
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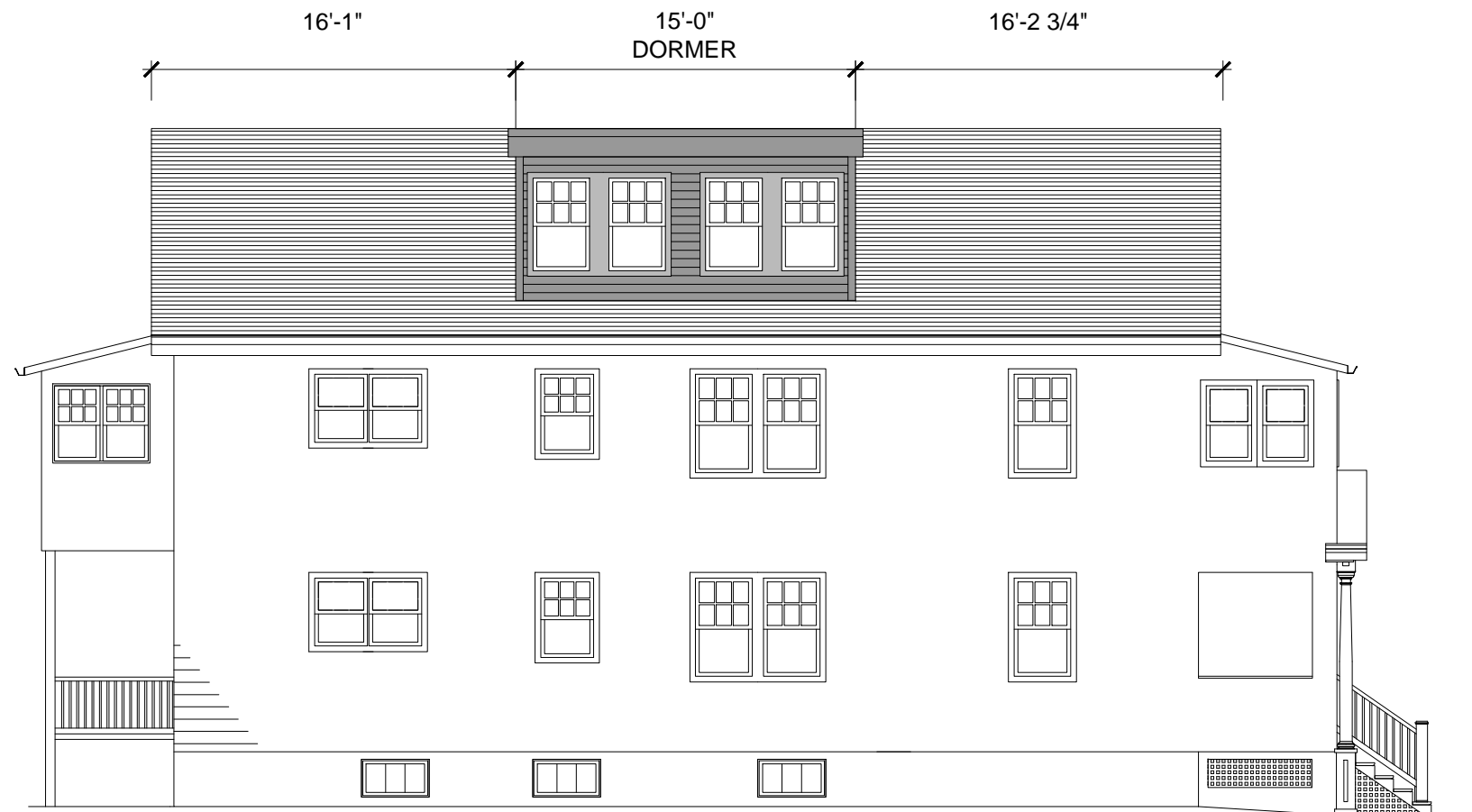
TITLE:
NEW WORK ELEVATIONS

DRAWING:
A2.1

- 
Roof
 26' - 6"
- 7'-0"
- 
Third Floor
 18' - 0"
- 
Second Floor
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REAR ELEVATION



LEFT SIDE ELEVATION



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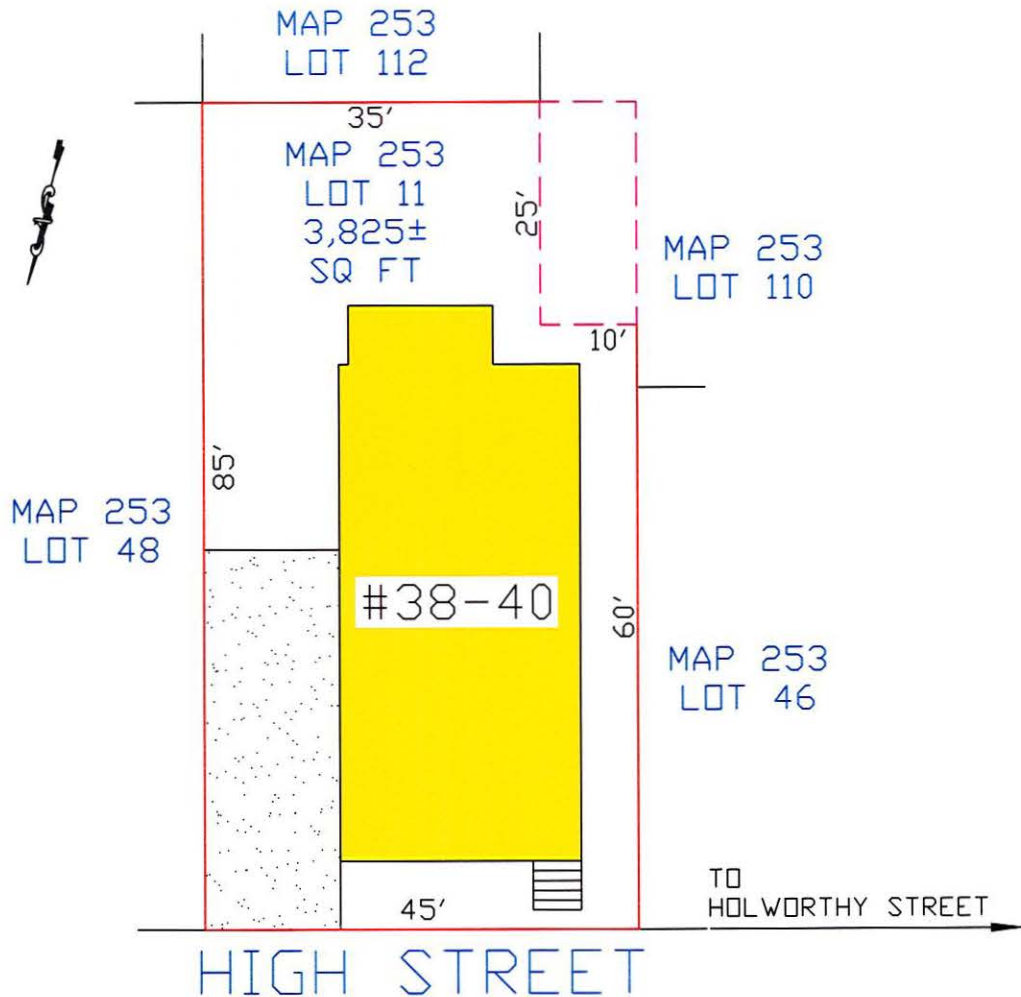
TITLE:
NEW WORK ELEVATIONS

DRAWING:
A2.2

File number: 200605-34	UNREGISTERED LAND		
Attorney: BLOOMENTAL & DEBASTOS, LLC	Deed Book 52570	Page 403	
Lender:	Plan Book 96	Page 6	Lot(s) 31
Owner: FLORA ATHANAS	REGISTERED LAND		
	Reg. Book	Sheet	Lot(s):
Date: 6/10/2020	Certificate of Title		
Assessor's Map 253 Blk: Lot 11	Census Tract		

MORTGAGE INSPECTION PLAN
38-40 HIGH STREET, CAMBRIDGE, MA

Scale: 1"=20'



CERTIFICATION

THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

NOTE: DEED AND ASSESSOR INFO DO NOT COMPLEMENT EACH OTHER. PORTION SHOWN IN MAGENTA ASSESSED AS PART OF PARCEL MAP 253 LOT 11, 3,825 SF +/- DEED DESCRIBES 3,575 SF.

FLOOD DETERMINATION

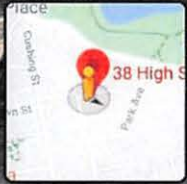
BY SCALE, THE DWELLING SHOWN HERE DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON A MAP OF COMMUNITY # 25017C0419E AS ZONE X DATED 6/4/10 BY THE NATIONAL FLOOD INSURANCE PROGRAM.



Olde Stone Plot Plan Service, LLC
P.O. Box 1166
Lakeville, MA 02347-
Tel: (800) 993-3302
Fax: (800) 993-3304

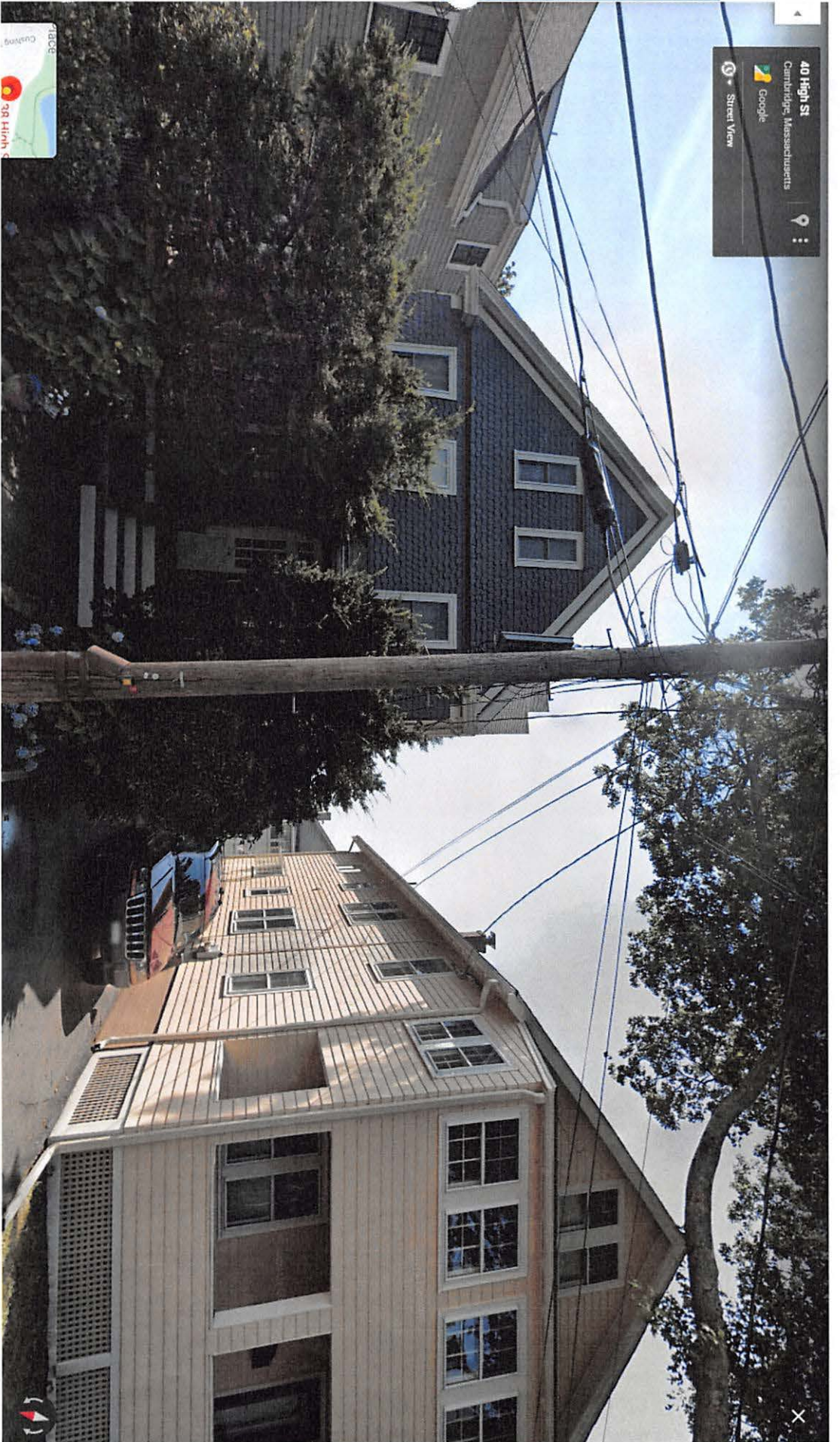
PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration and may reflect different information than shown here. The land as shown is based on client furnished information only or assessor's map & occupation and may be subject to further out-sales, takings, easements and rights of way. No responsibility is extended to the landowner or surveyor, or occupant. This is merely a mortgage inspection and is not to be recorded.

38-40 High St.



Google

Image capture: Jul 2019 © 2020 Google United States Terms Report a problem



40 High St
Cambridge, Massachusetts
Google
Street View





38-40 High St.

Petitioner
SEAN D. HOPE, ESQ.
907 MASS AVENUE
CAMBRIDGE, MA 02139

253-46
OBRIEN, FREDERICK J., JAMES F. OBRIEN &
DAVID W. OBRIEN
121-123 HOLWORTHY ST.
CAMBRIDGE, MA 02138-4575

253-48
PARDO, GEOFFREY & GALLUCCIO, LISSA
34 HIGH ST
CAMBRIDGE, MA 02138

253-145
AGRITHA, ANNEITA,
TRUSTEE THE AGRITHA REV TRUST
17 HOLMES ST
CAMBRIDGE, MA 02138

253-63
PFAU, JENNIFER
129-131 HOLWORTHY ST, #2
CAMBRIDGE, MA 02138

253-110
JENNINGS, MARY A. & KATHRYN A. NOONAN
115-117 HOLWORTHY ST
CAMBRIDGE, MA 02138

253-49
ESMONDE, CHRISTOPHER A.
32 HIGH ST.
CAMBRIDGE, MA 02138

253-61
BONACCI, THOMAS G. & KAREN C. BONACCI
21 HOLMES ST.
CAMBRIDGE, MA 02138-4505

253-63
GRAZIANO, RYAN & MARGOT THISTLE
129-131 HOLWORTHY ST., #3
CAMBRIDGE, MA 02138

253-44
DIPACE, JEANNE M. & MICHELLE PEPIN
109-111 HOLWORTHY ST., UNIT #111
CAMBRIDGE, MA 02138

253-44
DIPACE, MARIE T.
109-111 HOLWORTHY ST. UNIT#109
CAMBRIDGE, MA 02138

253-86
GOMES, ANN & RAYMOND GOMES
37 HIGH ST., UNIT #3
CAMBRIDGE, MA 02138

253-86
SAUNDERS, THERESA
37 HIGH ST., UNIT #37/1
CAMBRIDGE, MA 02138

253-86
RUSHKIN, ILIA & NATALIYA YUFA
37 HIGH ST., #2
CAMBRIDGE, MA 02138

253-63
MILLER, JUDITH GAIL
TRUSTEE OF THE MILLER FAMILY 2020 TRT
129-131 HOLWORTHY ST UNIT 1
CAMBRIDGE, MA 02138

253-112
BONACCI, KAREN C.
21 HOLMES ST
CAMBRIDGE, MA 02138

253-111
ATHANAS, FLORA
38 HIGH STREET
CAMBRIDGE, MA 02138



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.

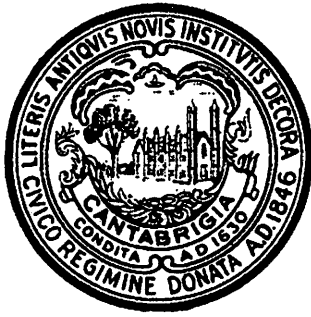
Name: Marki Grady Date: 8/11/2020
(Print)

Address: 38-40 High St.

Case No. BZA-017313-2020

Hearing Date: 8/27/20

Thank you,
Bza Members



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

August 13, 2020

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA cases to be heard on August 27, 2020.

The Planning Board have no comments on the cases listed on the BZA agenda.

HOPE LEGAL LAW OFFICES

907 Massachusetts Avenue
CAMBRIDGE, MA 02139
TELEPHONE (617) 492-0220
FAX (617) 492-3131
www.hopelegal.com

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2020 AUG 24 P 2:01

Sean D. Hope Esq.

sean@hopelegal.com

Ms. Maria Pacheco
Zoning Secretary
831 Massachusetts Avenue
Cambridge, MA

August 24, 2020

Re: BZA-Case No. 017313 (38-40 High Street)

Ms. Pacheco:

Included herewith is an updated Site Plan in support of the above-captioned Board of Zoning Appeal Case to be heard on August 27, 2020.

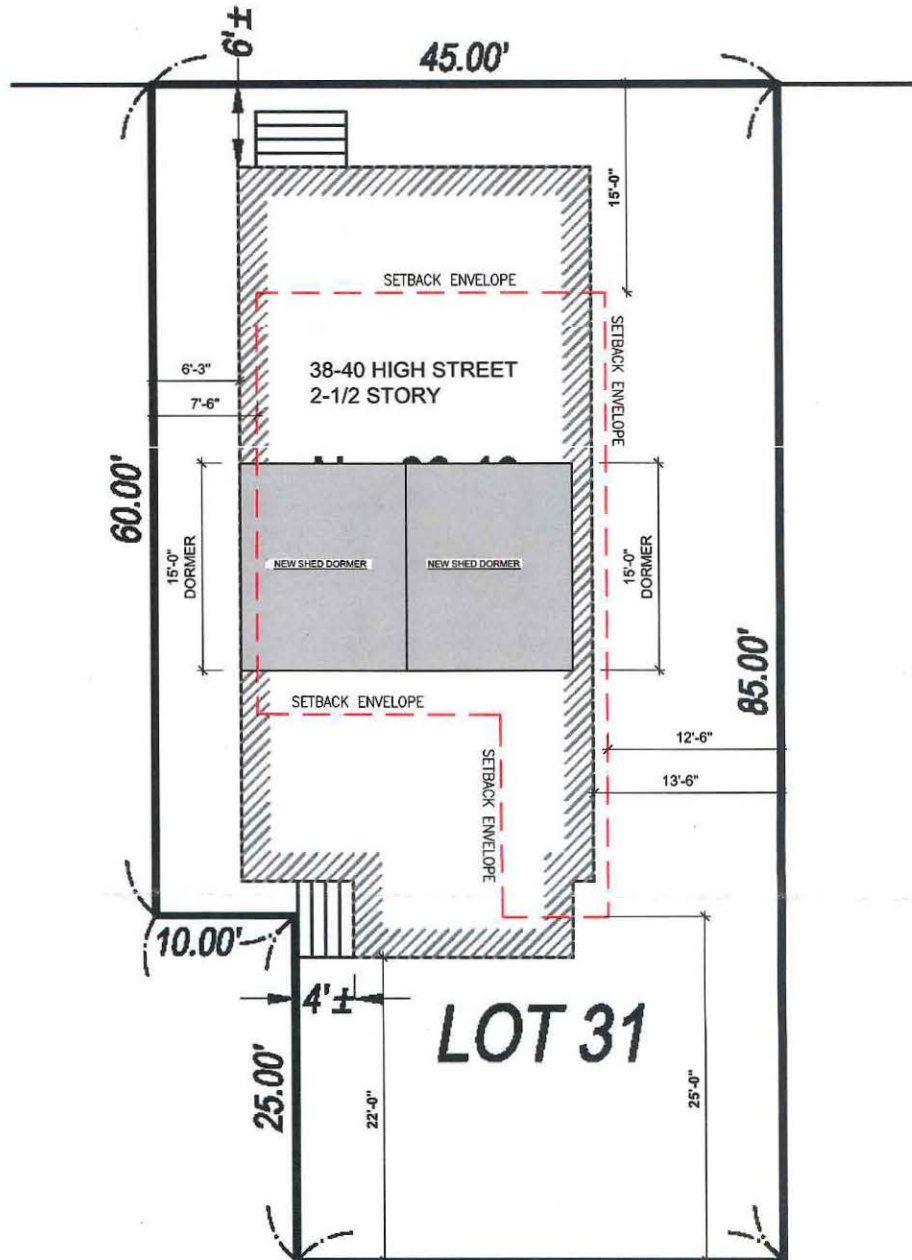
Thank you for your time and attention to this matter.

Very truly yours,

Sean D. Hope esq.



HIGH STREET



ZONING ANALYSIS BY GCD ARCHITECTS

SETBACKS:	REQUIRED:	EXISTING:	PROPOSED:
FRONT	15'	6'	NO CHANGE
LEFT SIDE	12'-6"	13'-6"	NO CHANGE
RIGHT SIDE	7'-6"	6'-3"	NO CHANGE
REAR	25'	22'	NO CHANGE
BUILDING HEIGHT	35'	26' +/-	NO CHANGE
LOT SIZE	5,000 SF	3,825 SF	NO CHANGE
FAR	.50	.83	.85