

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

BZA APPLICATION FORM

Plan No: BZA-013852-2017

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following : Special Permit : V Appeal :
PETITIONER: Elizabeth J. Peoples and James Jeffery Peoples - C/O Peter L. Cohen, Esq.
PETITIONER'S ADDRESS: 11 Donnell Street, #1 Cambridge, MA 02138-1305
LOCATION OF PROPERTY : 38 Essex St Cambridge, MA
TYPE OF OCCUPANCY : ZONING DISTRICT : Residence B Zone
REASON FOR PETITION :
Parking
DESCRIPTION OF PETITIONER'S PROPOSAL :
Proposal to formally establish two (2) parking places off private way on corner lot. Parking area will be composed of pervious pavers and replace part of existing asphalt area intermittently used for parking. (Balance of current asphalt will be replaced with open green space.)
SECTIONS OF ZONING ORDINANCE CITED:
Article 5.000 Section 5.30 (Table of Dimensional Requirements).
Article 5.000 Section 5.24 (Yards).
Article 6.000 Section 6.40 (Off-Street Parking Facilities).
Original Signature(s): Alangella (Petitioner(s) / Owner) Peter L. Cohen Attorney at Law (Print Name)
Address: 11 Donnell St. #1 (ambridge, Mr 02138-1305) Tel. No.: 617-497-7180
E-Mail Address: 1. (ohlne) Cambridge Law. biz

Poten L. Cohen, Wilderer at Lew St. 111 Connell St. 111 Connell St. 111 Conditions of Lew Conditions of Law. 617 (1977) 1800 Combinidae Law. 617.

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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_ELIZABETH J. PEOPLES & JAMES JEFFERY PEOPLES (OWNER)
Address: 38 ESSEX STREET, CAMBRIDGE MA 02139
State that I/We own the property located at
which is the subject of this zoning application.
The record title of this property is in the name of
JAMES JEFFERY PEOPLES & ELIZABETH J. PEOPLES
Pursuant to a deed of duly recorded in the date01/07/15, Middlesex South County Registry of Deeds at Book 64768, Page135; or
Middlesex Registry District of Land Court, Certificate No.
Book Page
and pursuant to a confirmatory deed duly recorded on 2/27/2015 at Book 64972, Page 197 with said Deeds. SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR ASENT
*Written evidence of Agent's standing to represent petitioner may be requested.
Commonwealth of Massachusetts, County of Michielek
The above-name James Jeffer Regres and Elizabeth J. Reorles personally appeared before me,
this Mof July, 2017, and made oath that the above statement is true.
My commission expires March 9,2018 (Notary Seal).

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Attorney at Law PRESENT USE/OCCUPANCY: Single Family

LOCATION: 38 Essex St Cambridge, MA ZONE: Residence B Zone

PHONE: REQUESTED USE/OCCUPANCY: Single Family

			OSE/OCCOPANCI . ST.		
		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹	
TOTAL GROSS FLOOR AREA:		n/a	n/a	n/a	(max.)
LOT AREA:		2,019 SF	n/a	2,500	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: 2		0.97	no change	0.5	(max.)
LOT AREA FOR EACH DWELLI	ING UNIT:	2,019 SF	no change	2,500	(min.)
SIZE OF LOT: WID	тн	40'-0"	no change	50'-0"	(min.)
DEP	тн	50'-6"	no change	50'-0"	
SETBACKS IN FEET: FRO	NT	8'-0" avg	no change	15'-0"	(min.)
REA	ıR	8'-0" avg	no change	20'-0"	(min.)
LEF	T SIDE	n/a	n/a	n/a	(min.)
RIG	HT SIDE	10'-0"	no change	7'-6"	(min.)
SIZE OF BLDG.: HEI	GHT	30'-8"	no change	35'-0"	(max.)
LEN	GTH	n/a	n/a	n/a	
WID	тн	n/a	n/a	n/a	
RATIO OF USABLE OPEN SPA	ACE	62%	44%	40%	(min.)
NO. OF DWELLING UNITS:		1	no change	1	(max.)
NO. OF PARKING SPACES:		0	2	1	(min./max)
NO. OF LOADING AREAS:		n/a	n/a	n/a	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		n/a	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.

n/a

SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, S ECTION 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

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 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:

Please see attached SUPPORTING STATEMENT FOR A VARIANCE - Attachment B - Pages 5.1 - 5.4

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or to pograp hy 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:

Please see attached SUPPORTING STATEMENT FOR A VARIANCE - Attachment B - Pages 5.1 - 5.4

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

Substantial detriment to the public good for the following reasons:
Please see attached SUPPORTING STATEMENT FOR A VARIANCE - Attachment B - Pages 5.1 - 5.4

2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
Please see attached SUPPORTING STATEMENT FOR A VARIANCE - Attachment B - Pages 5.1 - 5.4

* 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 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:

In January 2015, longtime Cambridge residents Liz and Jeff Peoples purchased a severely distressed single-family house at 38 Essex St., located on the corner of the private way known as Percy Place. Over the following year, they spent a considerable sum, improving the exterior and performing a "gut rehab" to the interior, to make this long neglected building into a modern, practical and attractive urban home for themselves. Now, having lived in the home since October, 2015, the Peoples want to complete the transformation of their formerly run-down property by improving the landscaping and formalizing and expanding off-street parking on their lot so that they, like the other residents of Percy Place, will have parking adjacent to their home. They propose to remove the unattractive existing asphalt paving from their lot and replace it with a combination of attractive permeable paver parking spaces for two cars, and green open space. (See Proposed Architectural Site Plan, sheet A-002, and sheet A-002B, which provide alternative versions).

One of the proposed parking spaces is slated for the parking and charging of an electric car. Being environmentally oriented citizens, determined to help reduce their carbon footprint, the Peoples are helping to promote the alternative energy economy by having ordered an electric vehicle. They plan to recharge this vehicle every night, by attaching it to an appropriate electrical charging outlet installed on the Percy Place side of their house, in order that it may be fully fueled and ready to go every morning. It is worth noting that the competition for on-street parking on Essex St., located close to Central Square, is fierce for all vehicles, especially during snow emergencies and on street cleaning days. And for reasons that will be noted below, parking on Percy Place is problematic.

A literal enforcement of the dimensional requirements regarding parking would impose a substantial hardship on the Peoples, because, if they are prohibited from parking on their improved property:

- (1) they would have nowhere else to park and charge their electric vehicle near their home;
- (2) they would have no reliable place to park their conventional vehicle;
- (3) their property value would suffer.

Homeowners who make the substantial investment of capital required to perform a high quality gut renovation on a derelict building expect to have off-street parking. If they are unable to secure such off-street parking, then their use and enjoyment of the property would be diminished and the value to any potential subsequent owners would likewise be significantly diminished.

(4) it would lead to neighborhood strife.

Percy Place is a private way and some of the owners of homes with Percy Place addresses claim that they have special "deeded" parking rights that allow only them to park on Percy Place. However, a thorough review of the title history of the street, combined with legal research, has been unable to substantiate any such claims. There seems to be confusion on the part of some of the owners about who exactly has which rights to park where on Percy Place. That said, some Percy Place residents park on the street right in front of their residences, some park in a way that their vehicle straddles their property and is partly on the street, and some park in driveways (but within the front yard setbacks in ways that appear not to be in compliance with the zoning ordinance). If the Peoples are prohibited from having satisfactory off-street parking on their own property, then they may need to park on Percy Place, and this could lead to acrimony and strife with the Percy Place neighbors, as the legal rights as to who may park on the street are neither universally agreed upon nor well-documented in the public record. This certainly would be a hardship for the Peoples. Although it may not technically be relevant to an analysis of the Peoples' hardship, it is worth considering that acrimony and strife amongst the Percy Place neighbors cannot be good for anybody.

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 topography of Percy Place at its mouth, right in front of #40 Essex St., is the source of a problem that uniquely affects the People's property and ability to park. See "Entry to Percy Place" (photo 1) and "Side View of 40 Essex St." (photo 3) on Street Images (sheet A-003). See also the tree dimension and sidewalk "bump-out" shown on the north side of the mouth of Percy Place on the Existing Architectural Site Plan (sheet AX-002) and the Existing Locus Plan (sheet A-001).

Although this bottleneck at the mouth of Percy place limits the width of all vehicles wishing to enter or exit Percy Place, its dimensions affect 38 Essex St. in a uniquely adverse way. While the bottleneck's existence makes it impossible for the Peoples to park in front of their property on Percy Place without blocking ingress and egress by other vehicles, it does not prevent the owners of other properties from parking partially or wholly within the segments of Percy Place that abut their respective houses. Examination of the Existing Locus Plan shows the following parking conditions with respect to the Percy Place neighbors:

- 4 Percy Place on-street parking for one car in front of the house, plus a second parking place in the adjacent driveway.
- 3 Percy Place on-street parking for one car in front of the house (which does not have a driveway).
- 2 Percy Place on-street parking for one car in front of the house (which car straddles the property line between the street and the house) plus parking for a second car in the adjacent

driveway.

- 1 Percy Place on-street parking for one car fully on the street; parking for a second car located partially on the street and partially on the property; and parking for a third car located in the new driveway of that property.
- 40 Essex St. on-street parking for two cars located mainly on Percy Place abutting the residence but overlapping the property line.

Thus the other five (5) properties that share frontage on Percy Place have a total of ten (10) parking places among them for an average of two per property. Because of the existence of the tree and bump-out on the north side of the mouth of Percy Place and because of the existence of the curb on the south side of Percy Place, 38 Essex does not have any ability to park in front of their property on Percy Place as the owners of the other five properties do. This condition fully justifies the grant of relief from the strict dimensional requirements for off-street parking on the lot of 38 Essex St.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

Liz and Jeff Peoples, accompanied by their architect and legal counsel have met with their neighbors on a number of occasions. Following each meeting, their architect has refined the proposals to address issues raised by the neighbors. As part of this application, two variations of the Proposed Architectural Site Plan are presented to you. Proposed Architectural Site Plan Option #2 (A-002B) shows a curved parking place entry for one of the cars. Proposed Architectural Site Plan Option #1 (A-002) features a more rectilinear design.

Both versions of the Proposed Architectural Site Plan are designed to be attractive and match the parking arrangements established directly next door at 1 Percy Place. The granting of zoning relief for either or both of these proposals will in no way derogate from the public good. On the contrary, the implementation of either design will improve the look of Percy Place in a way that is consistent with neighborhood tastes and values. Allowing the Peoples to park on their property will also affirmatively serve the public good by reducing competition for parking on Essex St. and avoiding unnecessary strife with owners of properties on Percy Place about who may or may not enjoy the benefits of on-street parking on Percy Place. Allowing the Peoples the ability to have an electric car charging station on their property will enhance the public good, because the use of such electric cars advances an important goal of the City of Cambridge, the reduction of the carbon footprint of its citizens.

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

The principal purpose of the zoning ordinance is to set dimensional standards for new construction. This of course has created complications where the dimensional standards have been superimposed on long-ago constructed buildings that are situated on lots that were created by subdivisions done prior to the enactment of zoning and that have resulted in building lots and

homes with very limited room for expansion. In creating the Zoning Enabling Act, the legislature anticipated the problem by creating a mechanism by which local boards may issue variances from their local zoning ordinances. It was the legislature's intent that local zoning boards of appeal have this important tool to grant relief in thoughtful fact-specific ways from the new development zoning standards in appropriate cases. The building lot on which the Peoples' home exists was created by a subdivision of land in Cambridge around the time of the Civil War, approximately 150 years ago and is a prime example of the kind of situation for which variance procedures were created.

It is doubtful whether any of the other ten parking places that are on, partially on, or accessible from Percy Place would meet the dimensional standards of the zoning ordinance, if the homes with which they are associated were being newly constructed today. Given the parking patterns in the neighborhood generally, the *de facto* neighborhood parking standard on Percy Place, and that allowing the Peoples to park on their own property would reduce competition for on-street parking, Liz and Jeff Peoples are making a reasonable proposal for two off-street parking places. The Peoples intend to build the landscaping and parking places with the same loving attention to detail and quality that they have used in the reconstruction of their 150-year old house. The approval of their proposal would neither nullify nor derogate from the purposes of the zoning ordinance. It would simply provide them the ability to park the same number of vehicles — two (2) — as the average of their neighbors on Percy Place.

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



CITY OF CAMBR. 3E MASSACHUSETTS BOARD OF ZONING APPEAL 831 MASSACHUSETTS AVENUE CAMBRIDGE, MA 0213217 JUL 12 PM 3: 07

BZA APPLICATION FORM

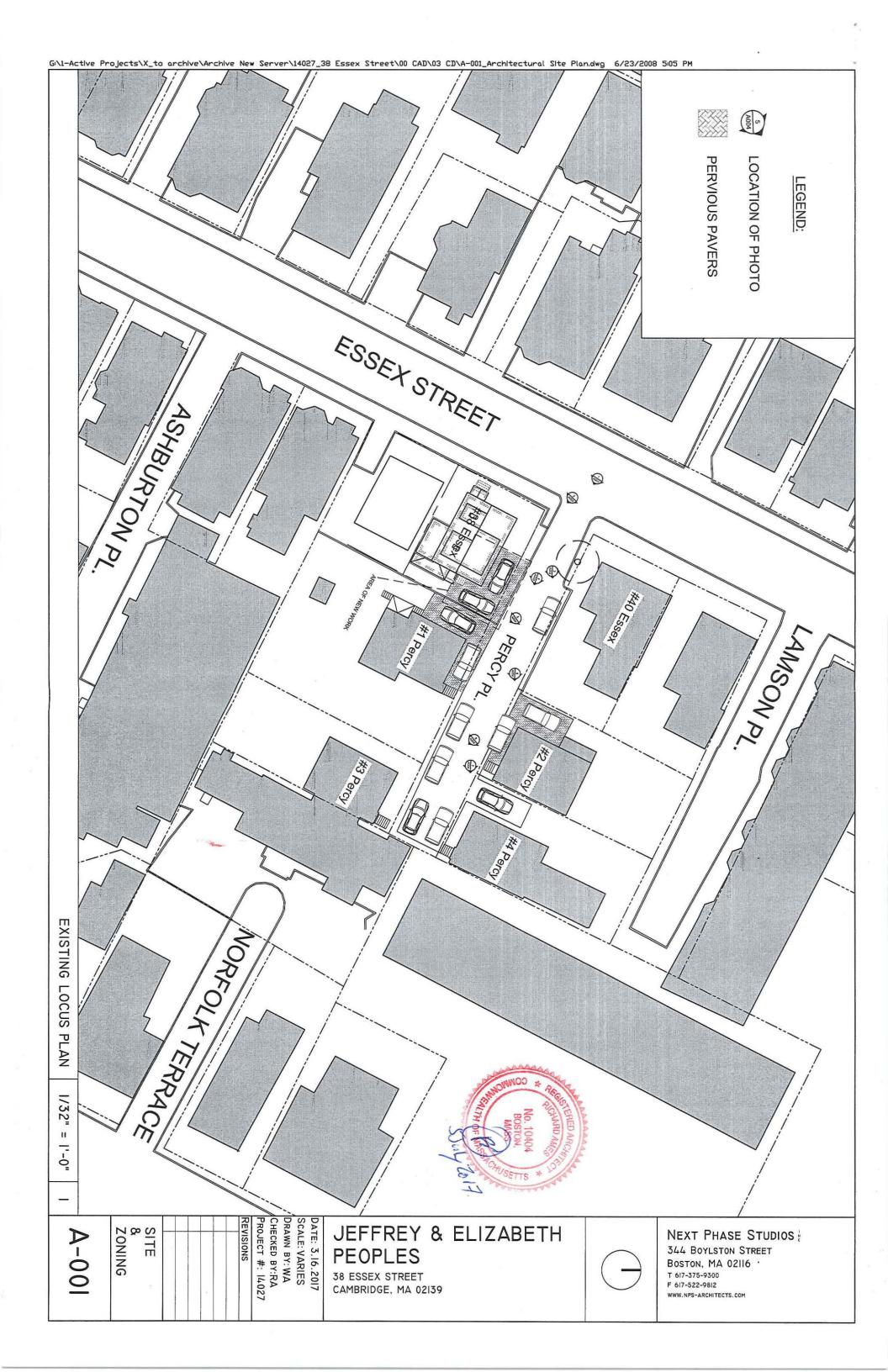
CAMBRIDGE, MASSACHUSES Plan No: BZA-013852-2017

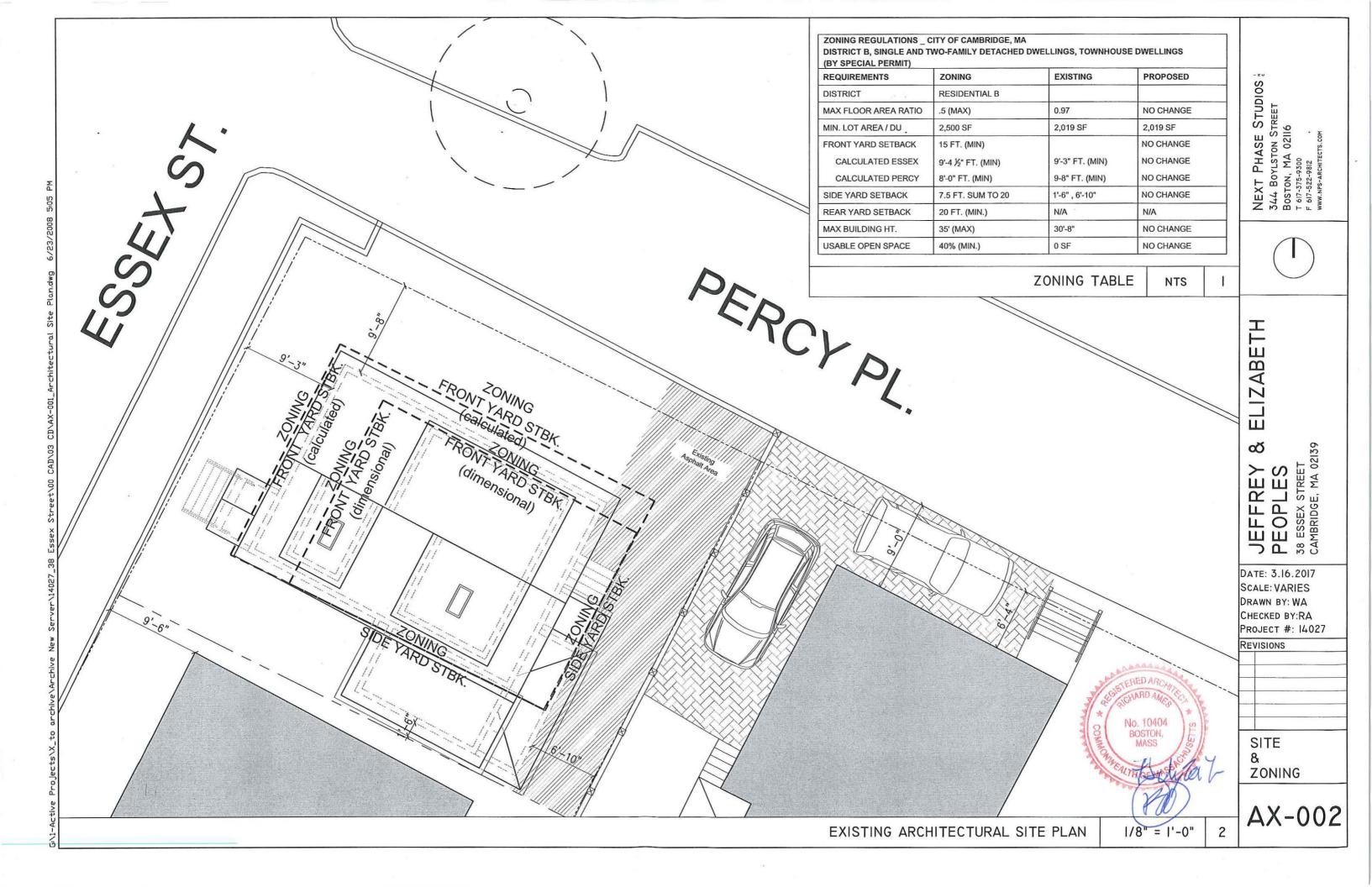
GENERAL INFORMATION

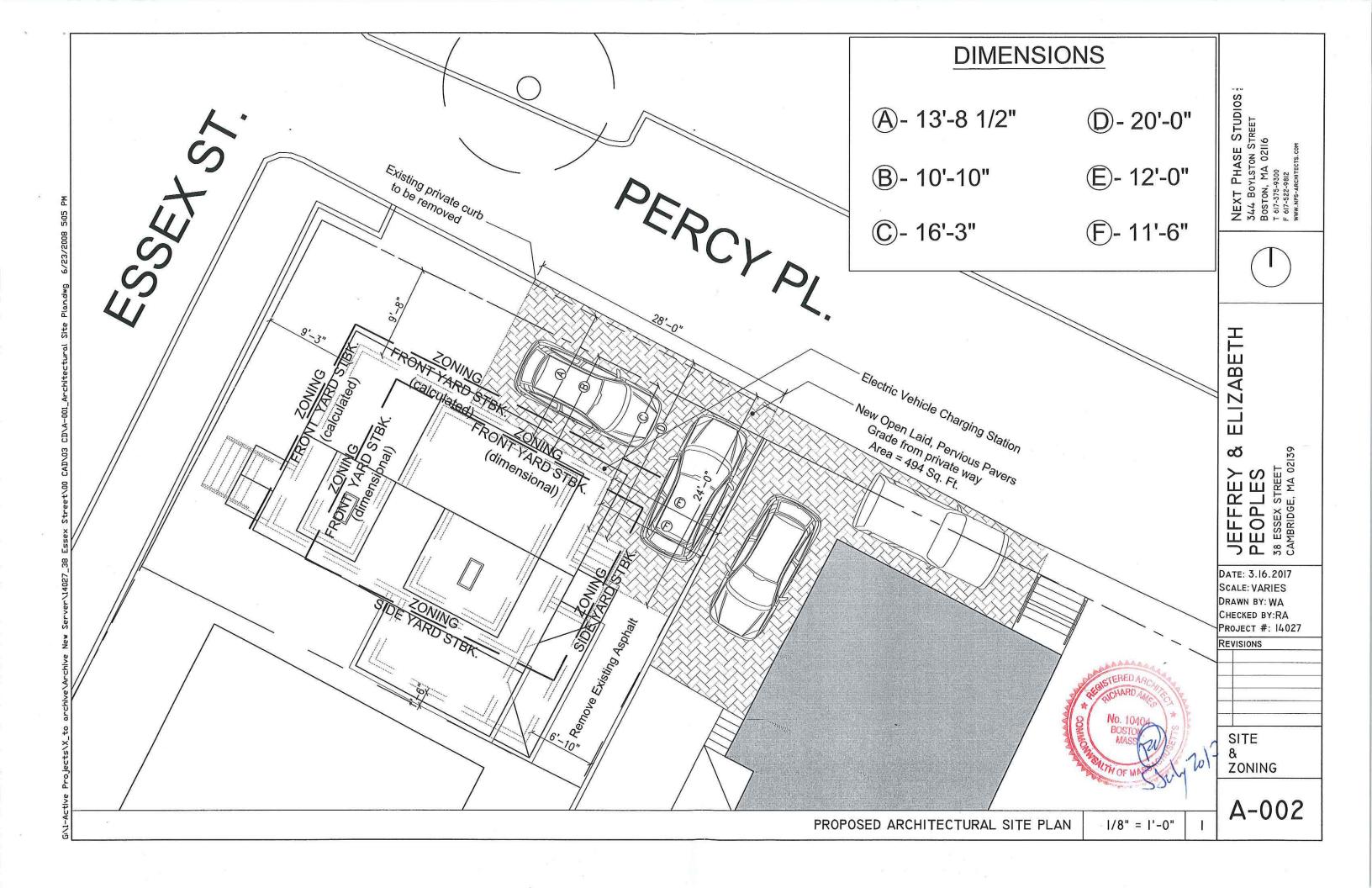
	/ petitions the Board of Zoning Appeal for the following:
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LOCATION OF PROPE	TY: 38 Essex St Cambridge, MA
TYPE OF OCCUPANC	:ZONING DISTRICT : Residence B Zone
REASON FOR PETITIO	F: 1
P	rking
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Article 6.000	Section 6.40 (Off-Street Parking Facilities).
	Original Signature(s): Original Signature(s): Original Signature(s
	Address: 11 Donnell St. #1 (ambridge, MA 02138-130) Tel. No.: 617-497-7180 E-Mail Address: P. (ohene) (ambridge Law. biz

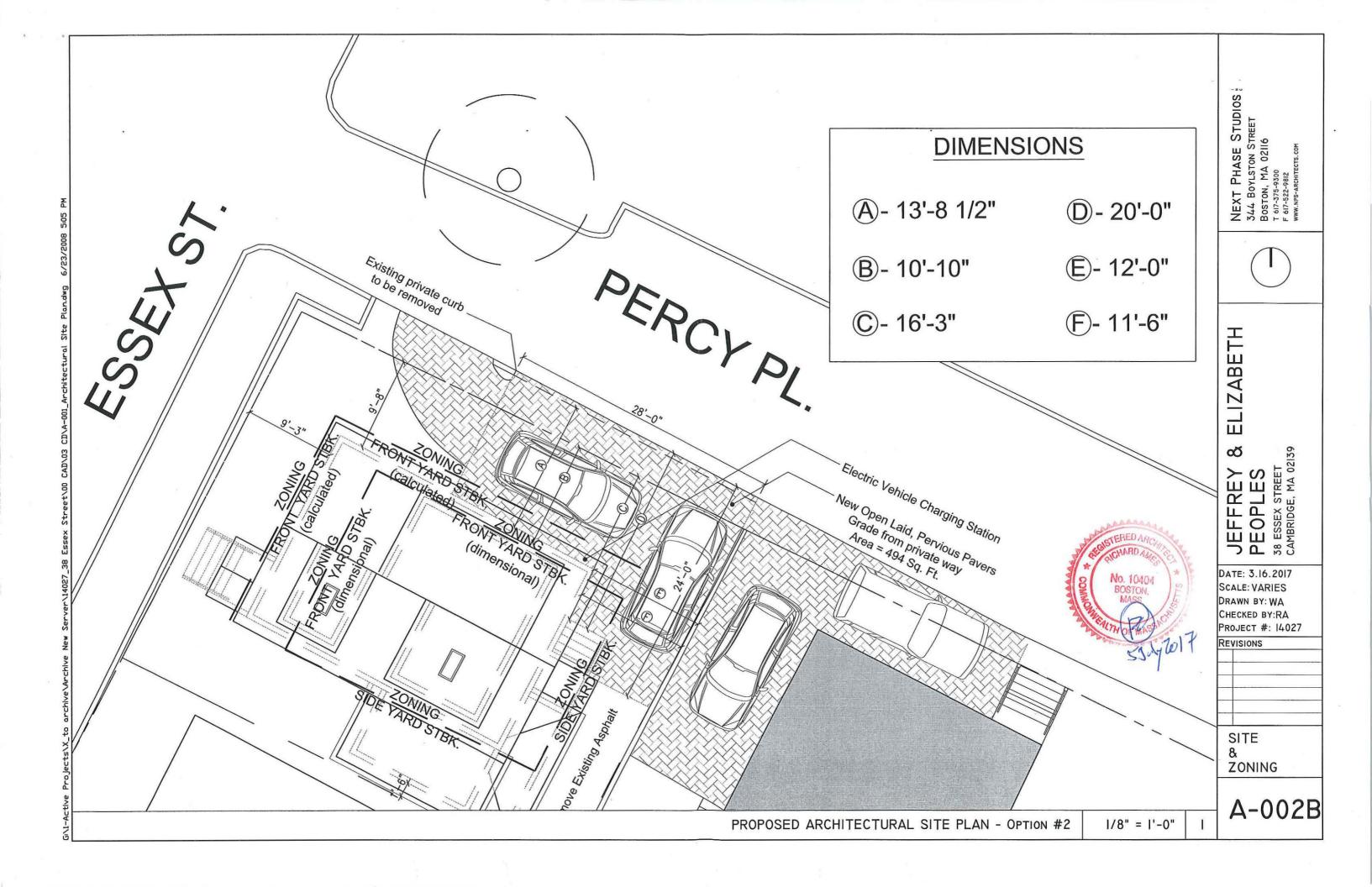
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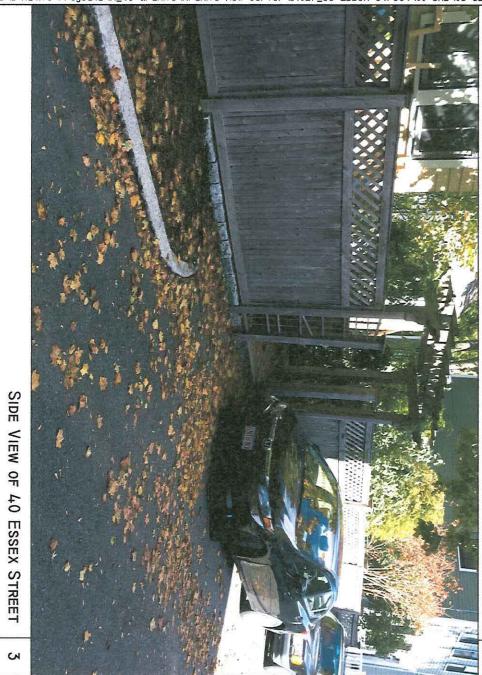
F103 /1 1/373











ENTRY TO PERCY PLACE |

CORNER OF 38 ESSEX STREET AND PERCY PLACE

A-00

STRAIGHT VIEW DOWN PERCY PLACE

4

DATE: 3.16.2017
SCALE: NTS
SCALE: NTS
DRAWN BY: WA
CHECKED BY:RA
PROJECT #: 14027
REVISIONS
STREET
IMAGES

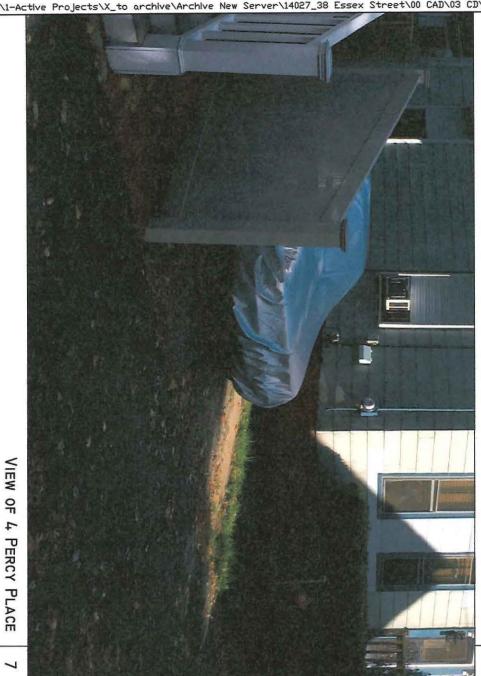
JEFFREY & ELIZABETH PEOPLES

38 ESSEX STREET CAMBRIDGE, MA 02139



NEXT PHASE STUDIOS & 344 BOYLSTON STREET
BOSTON, MA 02II6
T 617-375-9300
F 617-522-9812
WWW.NPS-ARCHITECTS.COM

Gi\1-Active Projects\X_to archive\Archive New Server\14027_38 Essex Street\00 CAD\03 CD\A-001_Architectural Site Plan.dwg 6/23/2008 5:05 PM



VIEW OF I PERCY PLACE

VIEW OF 2 PERCY PLACE



VIEW OF 3

PERCY PLACE

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STREET IMAGES

DATE: 3.16.2017
SCALE: NTS
DRAWN BY: WA
CHECKED BY:RA
PROJECT #: 14027 REVISIONS

38 ESSEX STREET CAMBRIDGE, MA 02139

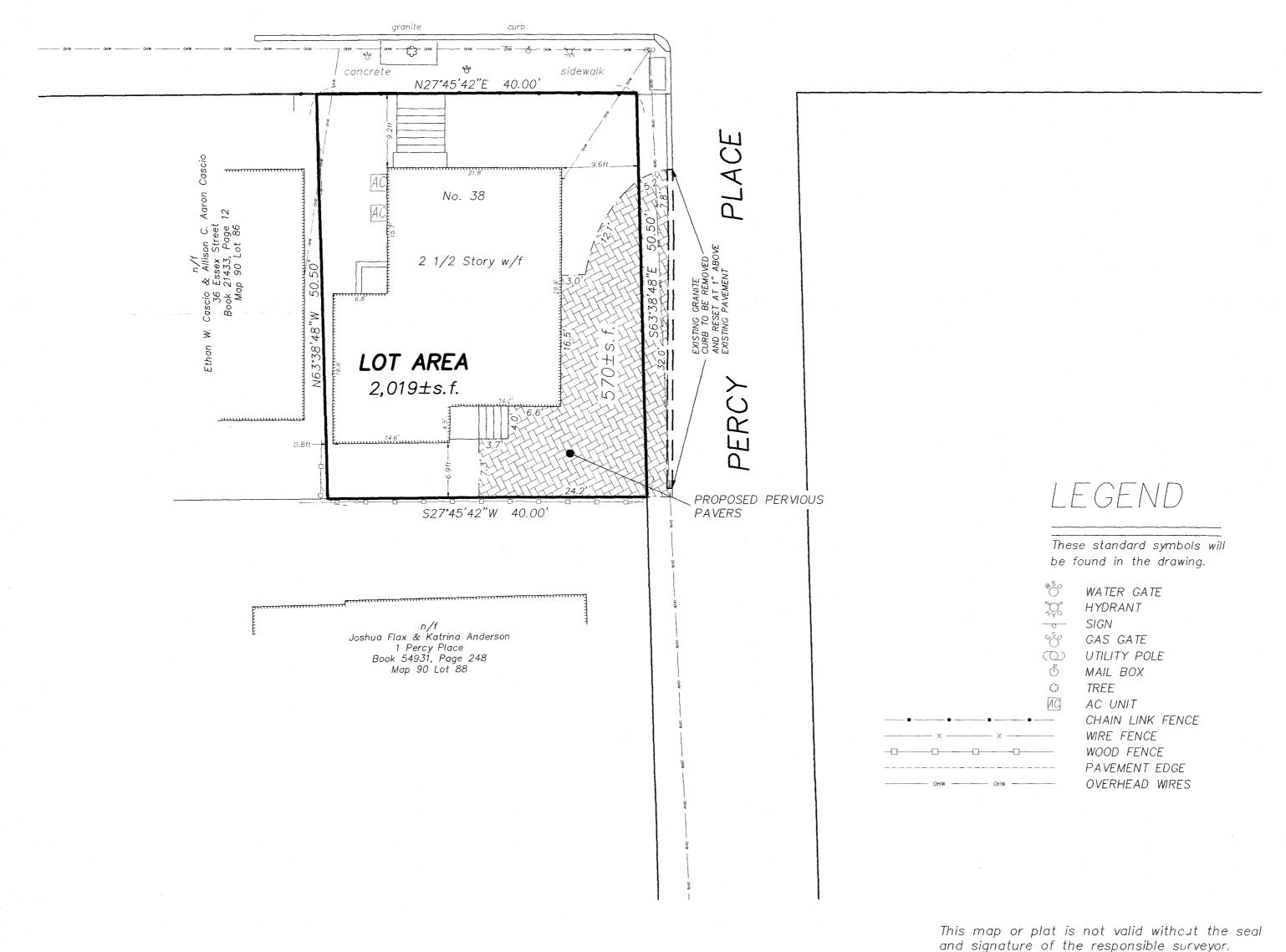
JEFFREY & ELIZABETH PEOPLES

NEXT PHASE STUDIOS ! 344 BOYLSTON STREET BOSTON, MA 02II6 T 617-375-9300 F 617-522-9812 www.nfs-architects.com



ESSEX

STREET



GENERAL NOTES

OWNER OF RECORD: JAMES JEFFERY & ELIZABETH J. PEOPLES 38 ESSEX ST. CAMBRIDGE, MA 02139

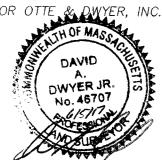
DEED REFERENCE: BOOK 64768, PAGE 135 PLAN REFERENCE: LAND COURT PLAN No. 9414A TAX MAP REFERENCE: MAP 90 LOT 87

ACCORDING TO THE F.E.M.A. MAP FOR MIDDLESEX COUNTY, MAP No. 25017C0576E, DATED JUNE 4, 2010 THE PARCEL(S) FALLS IN AN AREA CLASSIFIED AS ZONE "X".

I HEREBY CERTIFY THAT THE STRUCTURES ARE LOCATED ON THE GROUND AS SHOWN ACCORDING TO AN ACTUAL FIELD SURVEY BY OTTE & DWYER, INC., LAND SURVEYORS ON OCTOBER 12, 2016.

6/5/17

PROFESSIONAL LAND SURVEYOR



CERTIFIED PLOT PLAN SHOWING PROPOSED PERVIOUS PAVERS

38 ESSEX STREET CAMBRIDGE, MASS. 02139

PREPARED FOR

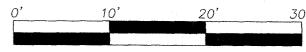
JEFFERY & ELIZABETH PEOPLES

OTTE & DWYER, INC., LAND SURVEYORS WWW.OTTEDWYER.COM

59 APPLETON STREET P.O. BOX 982 SCALE: 1"=10'

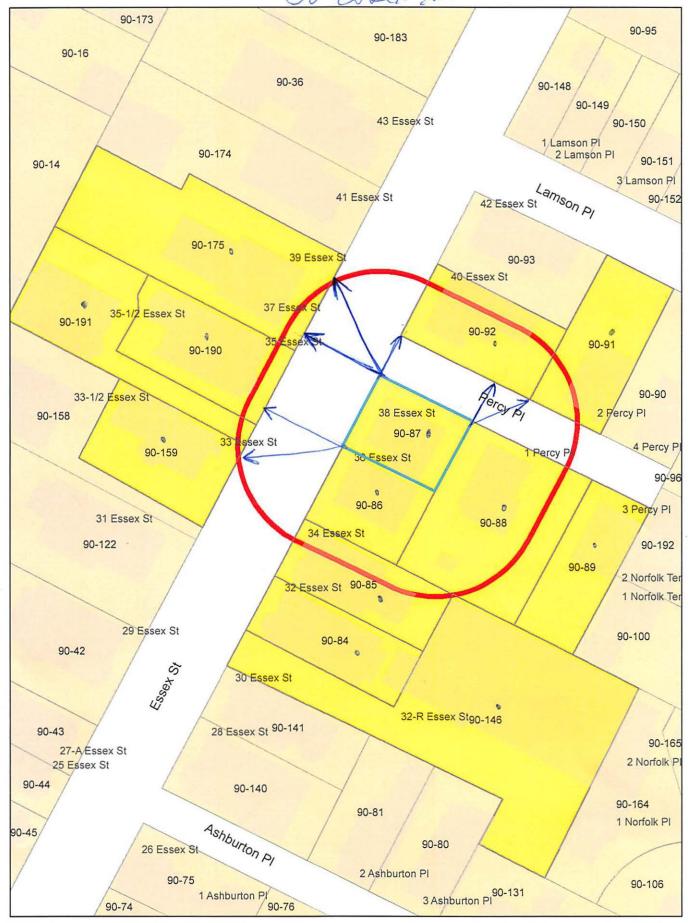
SAUGUS, MA 01906 (781)233-8155 NOVEMBER 30, 2016

REVISED: JUNE 5, 2017 TO ADD ADDITIONAL AREA OF PROPOSED PAVERS



JN. 12036

38 Essex St.



38 Essex St.

90-84 NEIMAN, DAVID 32 ESSEX ST. CAMBRIDGE, MA 02139 90-85 LIM, JOO KUN 34 ESSEX ST. CAMBRIDGE, MA 02139 PETER L. COHEN, ATTORNEY
11 DONNELL STREET #1
CAMBRIDGE, MA 02138-1305

90-89 KEATING, MELISSA S. & JEFFREY C. KEATING 3 PERCY PL. CAMBRIDGE, MA 02139 90-88 FLAX, JOSHUA & KATRINA ANDERSON 1 PERCY PL CAMBRIDGE, MA 02139 90-87 PEOPLES, JAMES JEFFREY & ELIZABETH J. PEOPLES 38 ESSEX ST CAMBRIDGE, MA 02139

90-91 SCONIERS, ALICYN M. & MAX C. DOBLES 2 PERCY PL CAMBRIDGE, MA 02139 90-92 KING, JONATHAN A. & JACQUELINE DEE TRS OF JONATHAN A. & JACQUELINE DEE KING TR 40 ESSEX ST CAMBRIDGE, MA 02139 90-146 ELIAS, PAUL TR. 32R ESSEX STREET REALTY TRUST 3 ASHBURTON PLACE CAMBRIDGE, MA 02139

90-159 HUME, BARBARA J. & LAURIE A. FRIEDMAN 33 ESSEX ST CAMBRIDGE, MA 02139 90-175 TAYLOR, AMELIA 37 ESSEX ST CAMBRIDGE, MA 02139

90-190 HOU, PHILIP 35 ESSEX ST CAMBRIDGE, MA 02139

90-191 ROCKWELL, ALEXANDRA & QUENTIN SULLIVAN 494 OLD COUNTY RD WESTPORT, MA 02790

90-86 CASCIO, ETHAN W. & ALLISON C. AARON CASCIO 36 ESSEX STREET CAMBRIDGE, MA 02139