



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

BZA APPLICATION FORM

Plan No: BZA-017169-2019

GENERAL INFORMATION

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

Special Permit : ✓ Variance : ✓ Appeal :       

PETITIONER : Dimiter Kostov

PETITIONER'S ADDRESS : 118 Adena Road Newton, MA 02465

LOCATION OF PROPERTY : 45 Orchard St Cambridge, MA

TYPE OF OCCUPANCY : Two-family dwelling ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

Variance to convert existing barn to a dwelling unit and add two single-story additions.

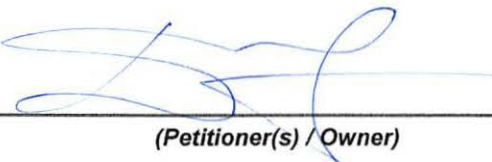
Special permit for a reduction in required off-street parking spaces.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 6.000 Section 6.35.1 (Reduction in Parking).

Original Signature(s) :

  
(Petitioner(s) / Owner)

Dimiter Kostov, architect

(Print Name)

Address : 118 Adena Rd

Newton, MA 02465

Tel. No. : 617-653-5604

E-Mail Address : dkostov@comcast.net

Date : October 7, 2019

**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 Abigail Lipson  
(OWNER)

Address: 45 Orchard Street, Cambridge 02140

State that I/We own the property located at 45 Orchard Street, Cambridge.  
which is the subject of this zoning application.

The record title of this property is in the name of Abigail Lipson Trust

\*Pursuant to a deed of duly recorded in the date 11/24/2015, Middlesex South  
County Registry of Deeds at Book 66429, Page 468; or

Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

Abigail Lipson  
Abigail Lipson  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

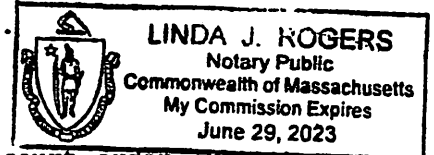
\*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Abigail Lipson personally appeared before me,  
this 18<sup>th</sup> of Sept, 2019, and made oath that the above statement is true.

Linda J. Rogers Notary

My commission expires June 29, 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 original horse barn is currently not used for its intended purpose or to its capacity, and only serves as a storage shed. Repurposing it to a dwelling unit would allow for the existing structure to be utilized as the main residence for the property owner. It has been designed to accommodate aging in place, which would allow the owner to remain living on the property for extended period of time.

In addition, maintaining the existing barn in its current form is a financial strain to the owner, who is now retired. Moving into the dwelling unit would allow her to rent the existing two-family house which would provide her with the retirement income she needs to maintain a dignified lifestyle.

- 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 existing barn is non-conforming to the provisions of the Zoning Ordinance as it sits well within the required setbacks. Therefore, literal enforcement of these provisions is not possible.

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

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

The proposed conversion and additions do not present substantial detriment to the public good, because the structure already exists on the lot and we are not proposing a substantial increase to its size, such that would affect the views or experiences of the neighbors.

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

The proposed project is consistent with the City of Cambridge's policy for encouraging re-use and re-purposing of existing structures and does not affect the overall character of the lot or the neighborhood at large.

**\* 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 45 Orchard St Cambridge, MA (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:  
The existing property has two off-street parking spaces. Due to the placement of structures on the lot, adding a third space would require significant reconfiguration of the parking arrangement and the addition of a driveway, which would measurably reduce the amount of usable open space and green space on the lot, and would impact existing trees and vegetation. Furthermore, the proposed project is located within 3 to 7-minute walking distance to multiple MBTA transit stations along bus routes 77, 83, 87, 96, and Red Line and Commuter Train. It is also in close proximity to shopping, restaurants and entertainment with easy pedestrian access. All of these are consistent with the points outlined in 6.35.1 of the Ordinance.
- 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:  
Keeping the existing off-street parking configuration will not have any effect on the vehicular access to or egress from the site. The proposed dwelling unit conversion project is in keeping with the lower density residential character of the street and neighborhood, and it only requires one additional parking space, which can easily be accommodated by street parking.
- 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 proposed project is located on a quiet street in a Residence B zone, and the use of on-street parking will have no effect on 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 project proposes to maintain the existing vehicular access to the lot and will not create nuisance or hazard to the occupant(s) or citizens of Cambridge.
- 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:  
The project is consistent with the City's objective for re-use and re-purpose of existing structures. Due to its proximity to public amenities, we feel that keeping the existing two off-street parking spaces and not adding a third will allow for optimizing the usable open and green spaces on the lot, while encouraging the occupants to walk, bike, or utilize public transportation.

**BZA APPLICATION FORM****DIMENSIONAL INFORMATION**

**APPLICANT:** J. Schwartz Design **PRESENT USE/OCCUPANCY:** \_\_\_\_\_

**LOCATION:** 45 Orchard St Cambridge, MA **ZONE:** Residence B Zone

**PHONE:** \_\_\_\_\_ **REQUESTED USE/OCCUPANCY:** \_\_\_\_\_

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> <sup>1</sup>	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>4379</u>	<u>4712</u>	<u>3994</u>	(max.)
<u>LOT AREA:</u>	<u>7988</u>	<u>7988</u>	<u>5000</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>	<u>0.55</u>	<u>0.59</u>	<u>0.5</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>3944</u>	<u>2662.7</u>	<u>2500</u>	(min.)
<u>SIZE OF LOT:</u> <u>WIDTH</u>	<u>53.58</u>	<u>53.58</u>	<u>50</u>	(min.)
<u>DEPTH</u>	<u>147.3</u>	<u>147.3</u>	<u>N/A</u>	
<u>SETBACKS IN FEET:</u> <u>FRONT</u>	<u>20.4</u>	<u>20.4</u>	<u>15</u>	(min.)
<u>REAR</u>	<u>3.6</u>	<u>3.6</u>	<u>25</u>	(min.)
<u>LEFT SIDE</u>	<u>0.2</u>	<u>0.2</u>	<u>7.5 SUM20</u>	(min.)
<u>RIGHT SIDE</u>	<u>19.85</u>	<u>9.85</u>	<u>7.5 SUM20</u>	(min.)
<u>SIZE OF BLDG.:</u> <u>HEIGHT</u>	<u>27.7</u>	<u>27.7</u>	<u>27.7</u>	(max.)
<u>LENGTH</u>	<u>22.6</u>	<u>39</u>	<u>N/A</u>	
<u>WIDTH</u>	<u>30'</u>	<u>40'</u>	<u>N/A</u>	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	<u>0.41</u>	<u>0.46</u>	<u>0.5</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>2</u>	<u>3</u>	<u>2</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>2</u>	<u>2</u>	<u>3</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>38.75</u>	<u>24.75</u>	<u>20</u>	(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.

THE EXISTING LOT HAS A TWO-FAMILY DWELLING AND A BARN. THE MAIN TWO-FAMILY HOUSE IS TWO-STORY AND IS APPROXIMATELY 30'X60'. THE EXISTING BARN IS ONE-AND-A-HALF STORY AND MEASURES APPROXIMATELY 22.6'X30'.

BOTH STRUCTURES ARE TYPE V CONSTRUCTION. THE PROPOSED ADDITIONS TO THE BARN WILL ALSO BE TYPE V, WOOD, LIGHT-FRAME, ON CONCRETE FOUNDATIONS.

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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2019 OCT 22 AM 11:29

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
Plan No. BZA-017169-2019

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Original Signature(s) :

(Petitioner(s) / Owner)

Dimiter Kostov, architect

(Print Name)

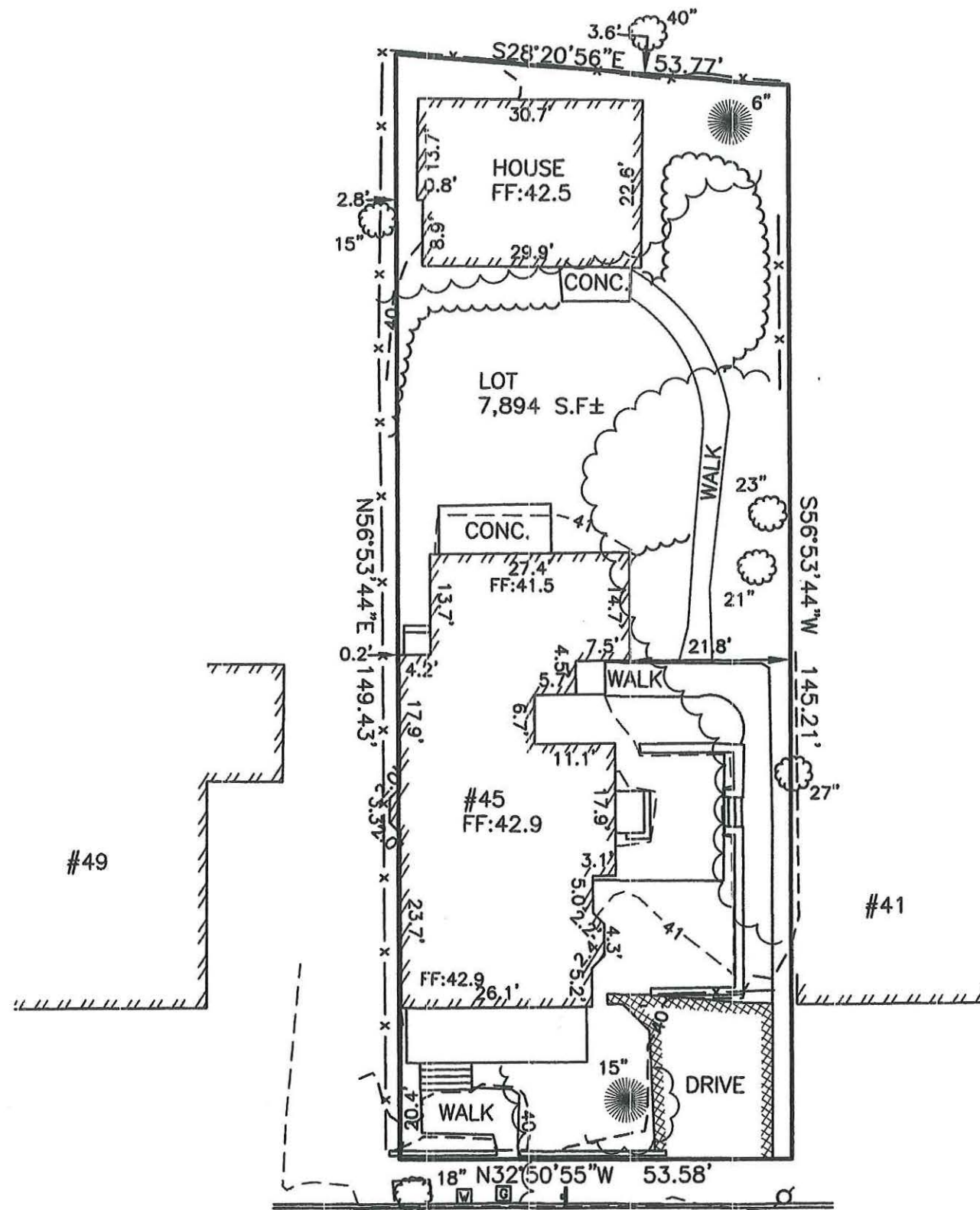
Address : 118 Adena Rd  
Newton, MA 02465

Tel. No. : 617-653-5604

E-Mail Address : dkostov@comcast.net

Date : October 7, 2019





ORCHARD STREET

DEED REFERENCE:  
BOOK: 66429 PAGE: 488

© DMH  
RIM:38.9

ESTABLISHED 1916

**EMB**

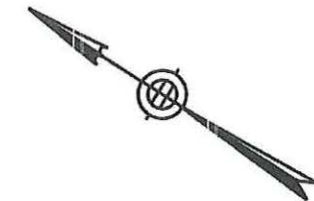
EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET  
WEST NEWTON, MA 02465

(617) 527-8750

info@everettbrooks.com



## PLAN OF LAND IN CAMBRIDGE, MA

45 ORCHARD STREET  
EXISTING CONDITION

SCALE: 1 IN. = 20 FT.

DATE: NOVEMBER 19, 2018

DRAWN: GAR

CHECK: BB

REVISIONS:


PROJECT NO. 25684





VIEW OF AREA BETWEEN BARN AND HOUSE



EXISTING BARN



VIEW OF BARN'S SIDYARD

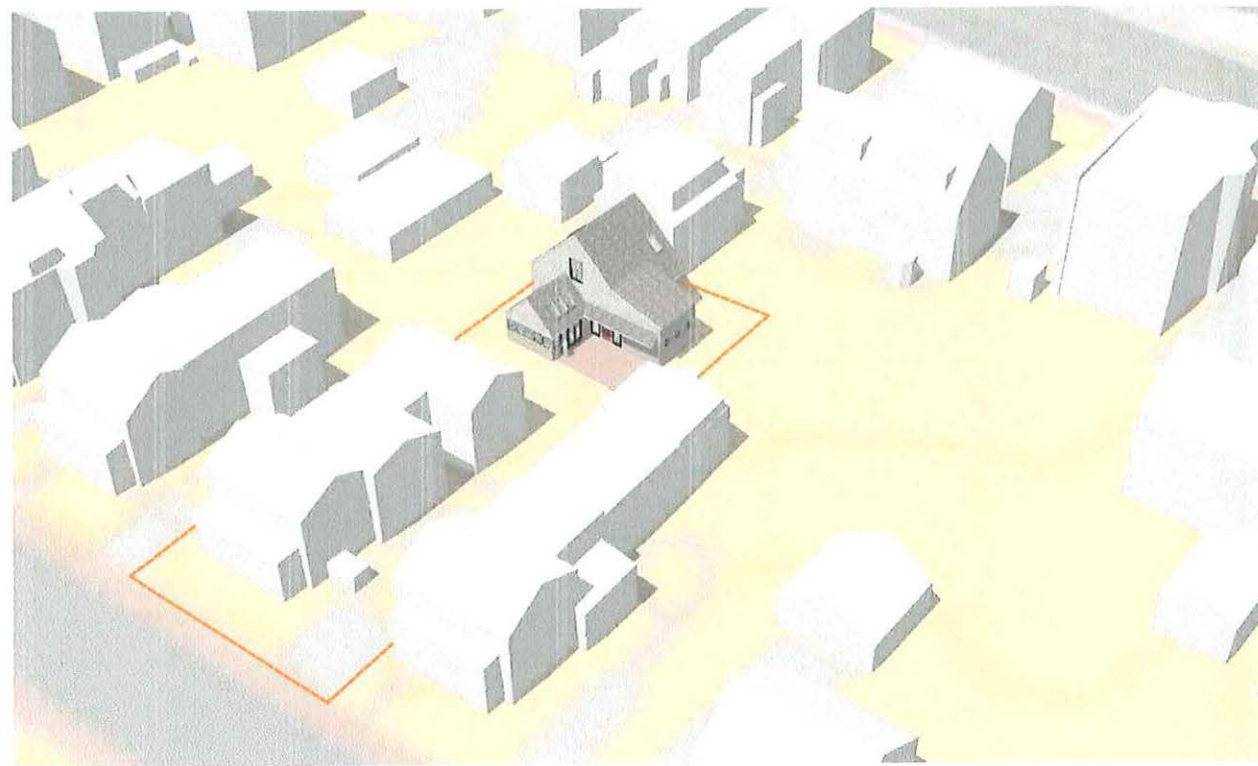


VIEW TOWARD BARN FROM DRIVEWAY

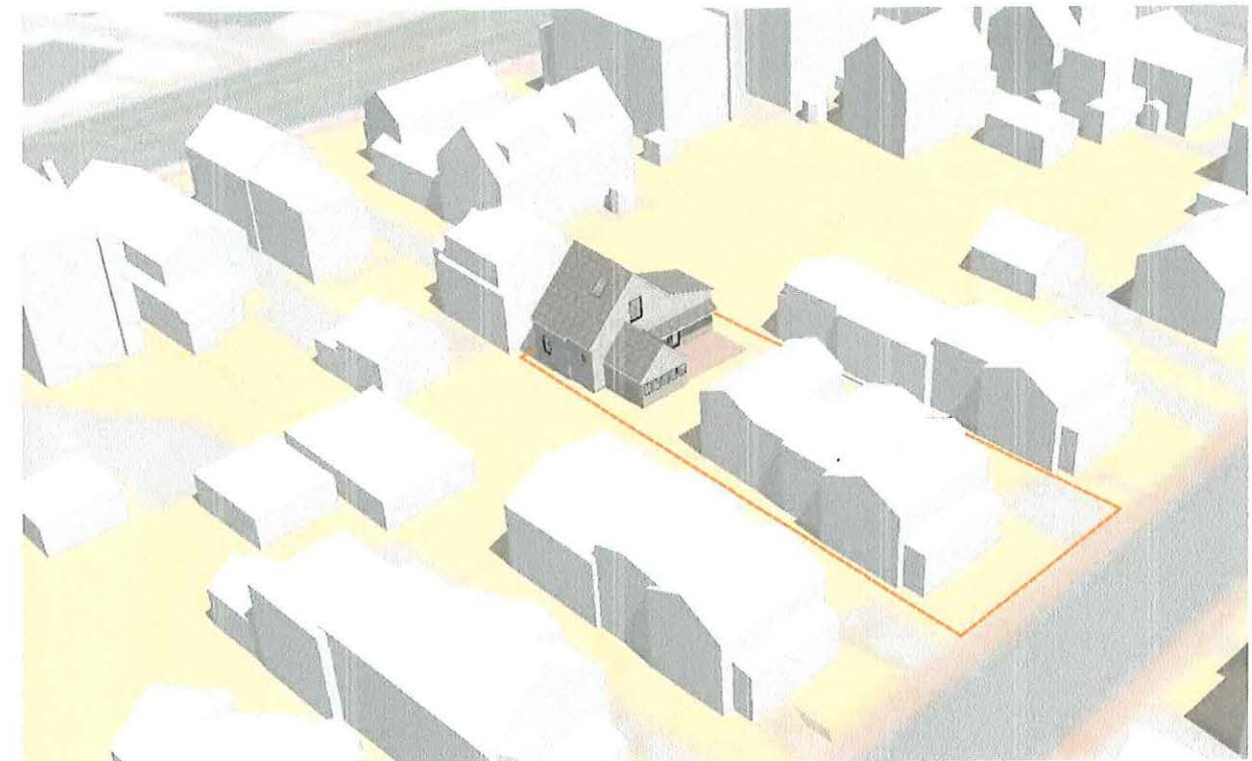


ARTISTIC RENDERING OF PROPOSED ALTERATION

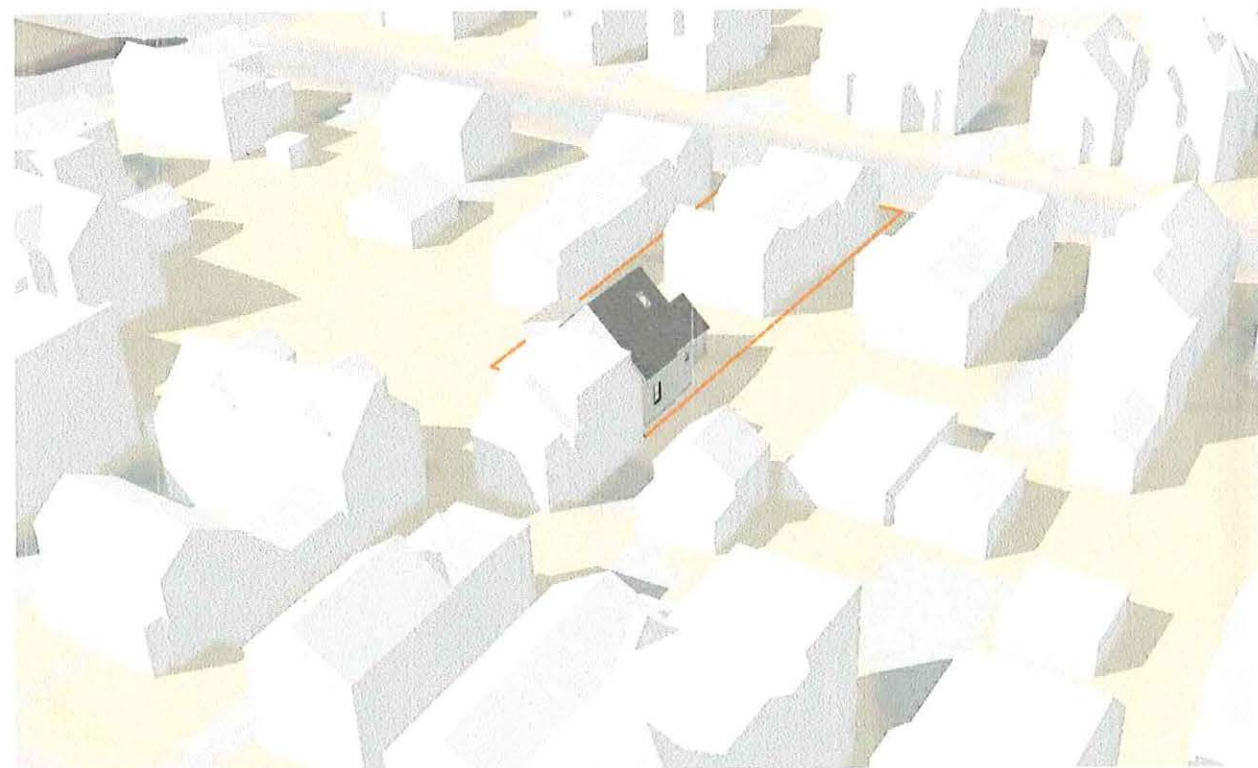




Front Right Corner



Front Left Corner

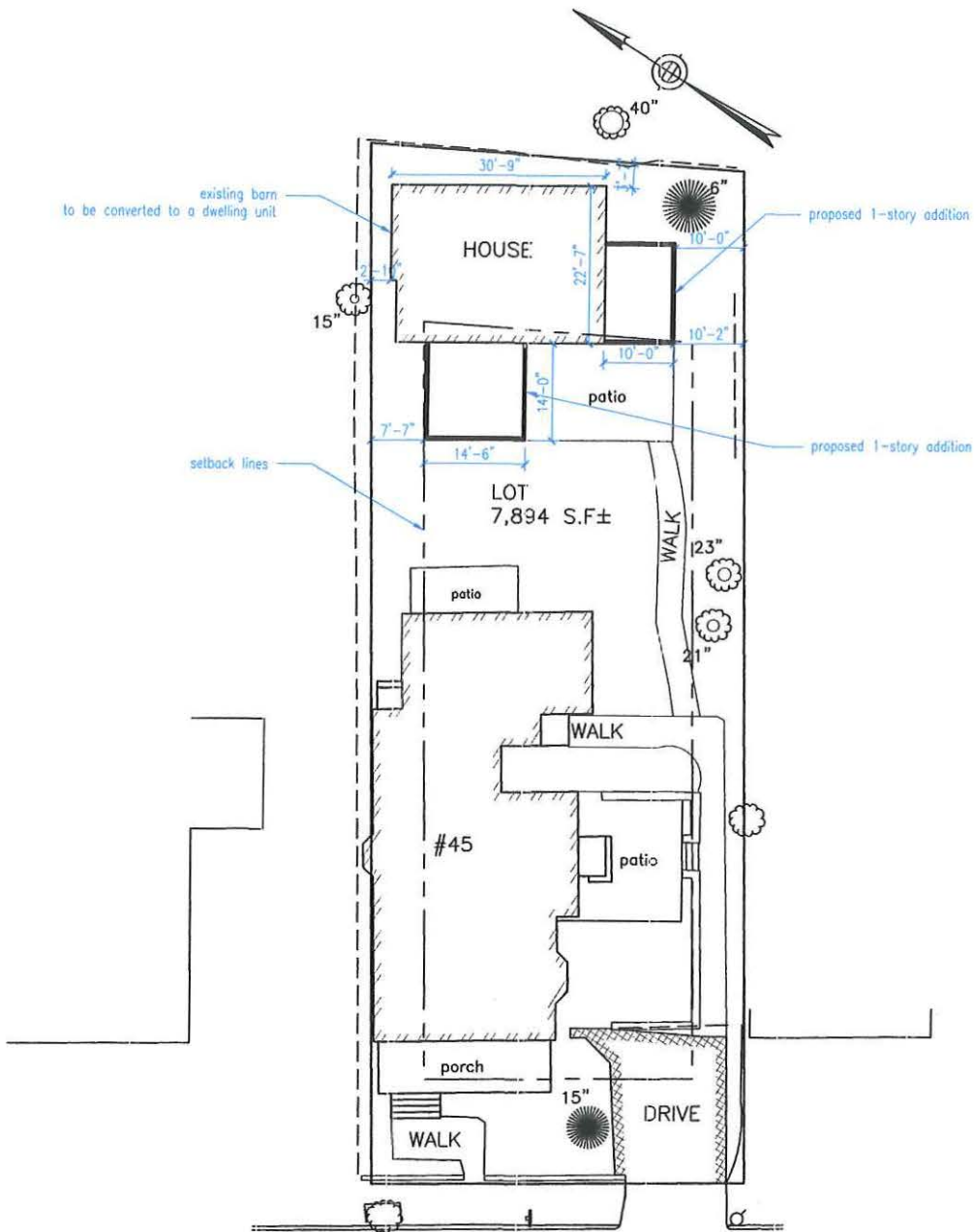


Rear Right Corner



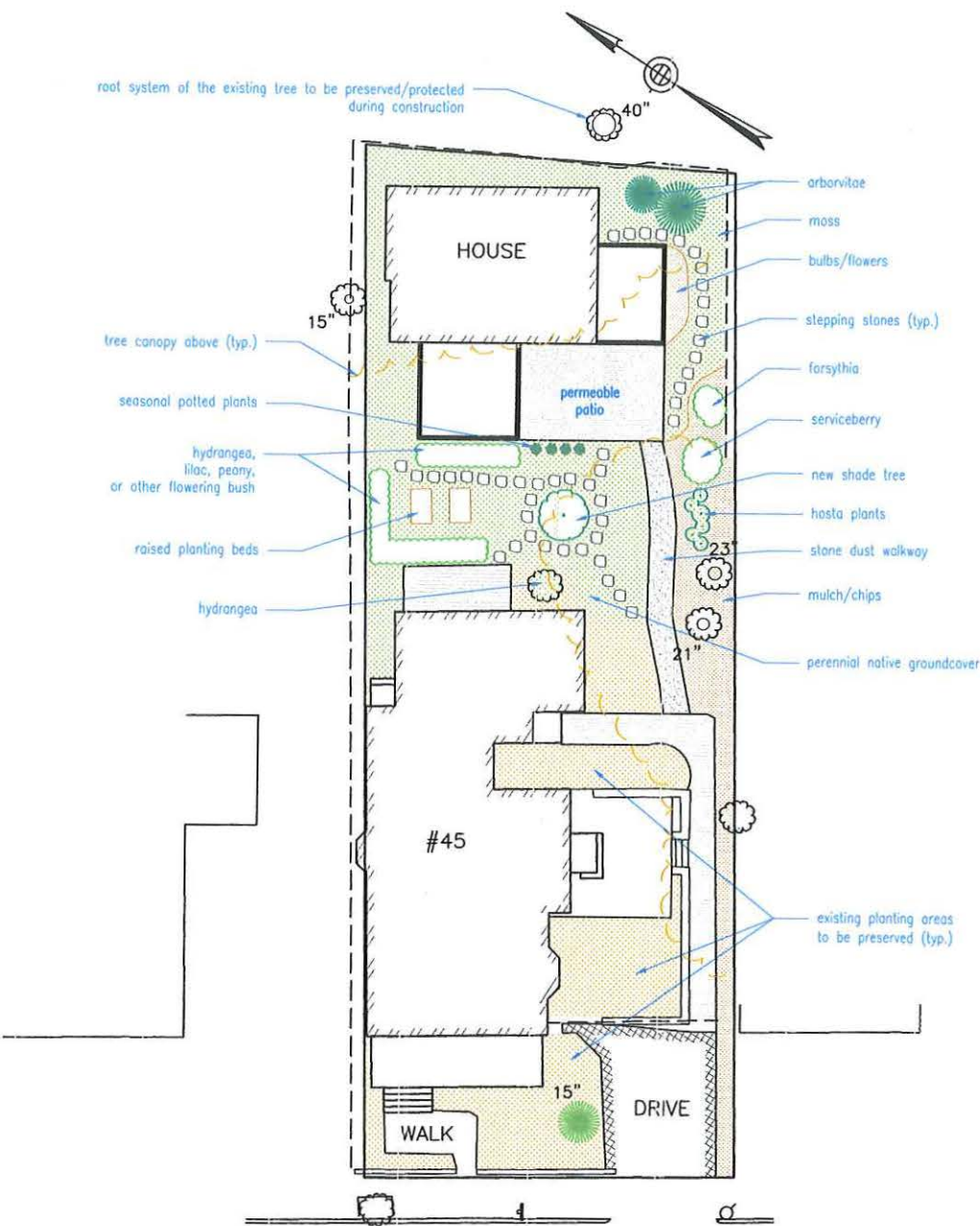
Rear Left Corner





ORCHARD STREET

Proposed Site Plan



ORCHARD STREET

Proposed Landscape Plan

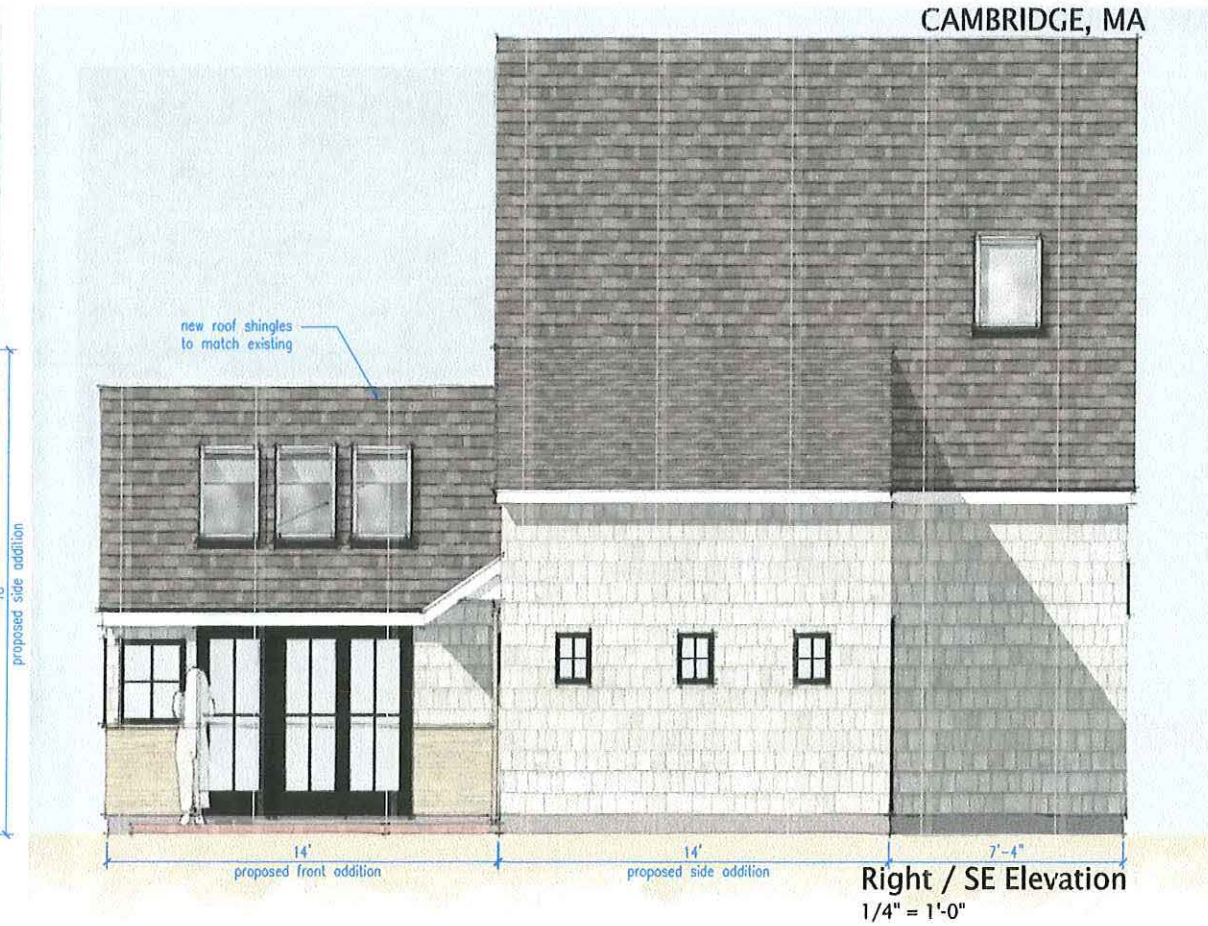


ELEVATIONS  
July 9, 2019

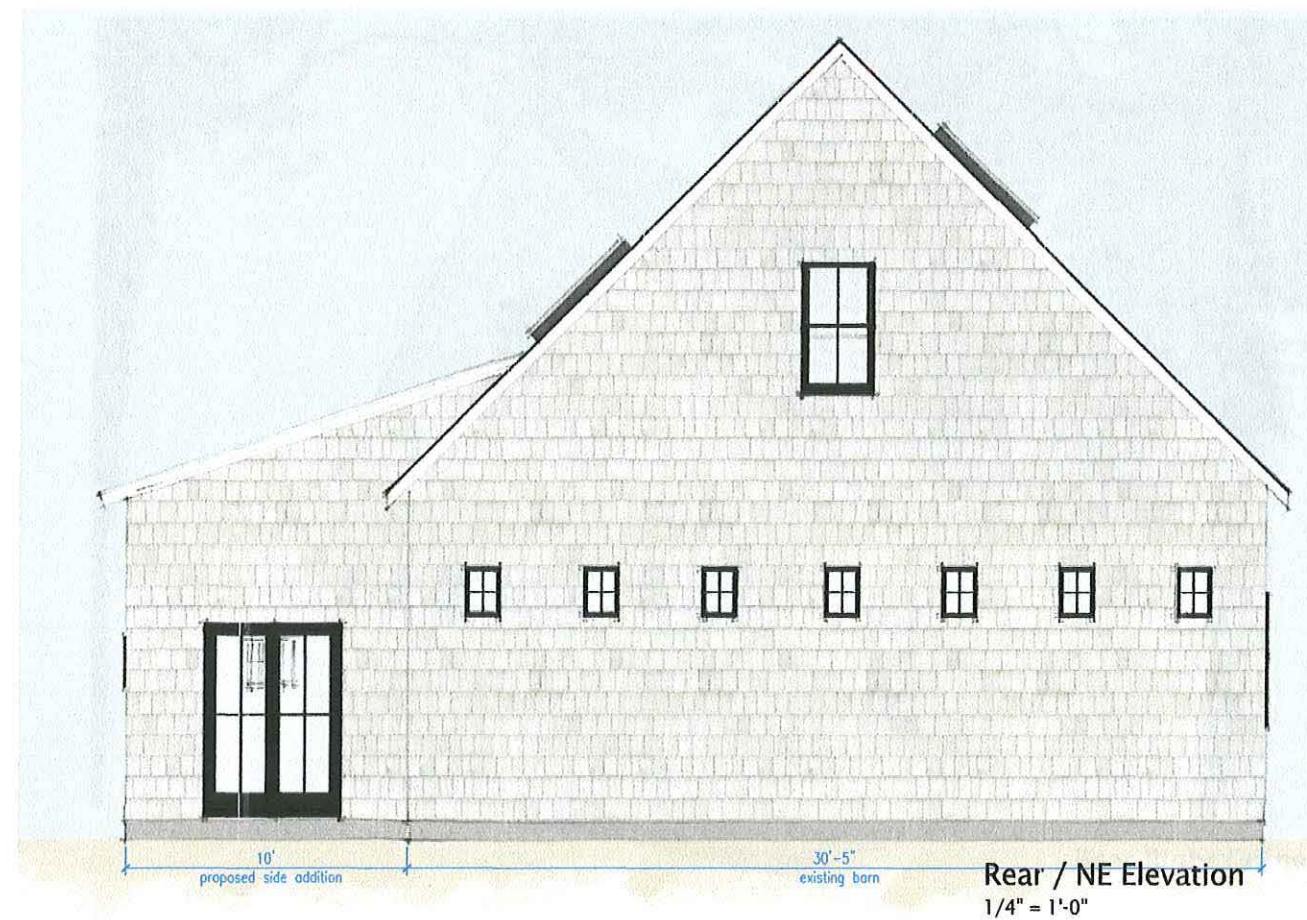


Front / SW Elevation  
1/4" = 1'-0"

45 ORCHARD STREET  
CAMBRIDGE, MA



Right / SE Elevation  
1/4" = 1'-0"



Rear / NE Elevation  
1/4" = 1'-0"



Left / NW Elevation  
1/4" = 1'-0"



45 Orchard Street,  
Cambridge, MA

Pemberton Farms  
Marketplace

Elm St @ Russell St  
Bus Lines 87,96

5 mins

Posto

45 Orchard St

Massachusetts Ave  
opp Walden St

Bus Lines  
77,83

4 mins

Elm St @ Beech St  
Bus Lines 87,96

2 mins

3 mins

Bus Lines 77,83,96  
Massachusetts  
Ave opp Beech St

Yume Wo Katate

7 mins

Porter Square  
Shopping Center

Porter Red Line, Commuter Rail

PROXIMITY TO PUBLIC TRANSPORTATION





45 ORCHARD ST



existing 2-car off-street  
parking space



resident permit parking allowed on both sides of the street



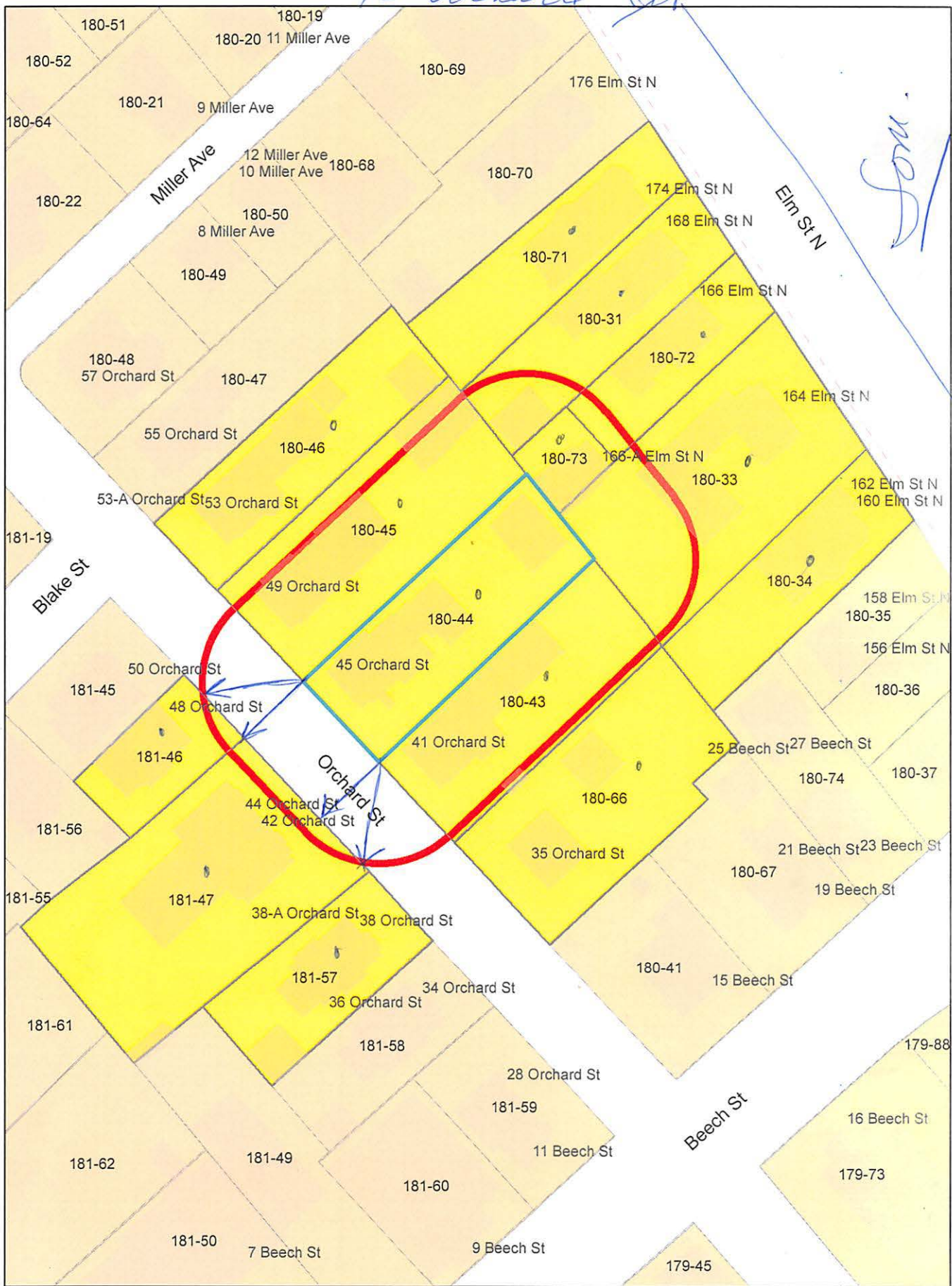
45 ORCHARD STREET,  
CAMBRIDGE, MA

ON-STREET PARKING CONDITIONS



45 orchard st

son





45 Orchard St.

Petitioner

180-31  
WILEY, STEWART & SUSAN D. MATKOSKI  
168 ELM ST NORTH  
CAMBRIDGE, MA 02140

180-33  
FOLLETT, RICHARD & PHYLLIS FOLLETT  
164 ELM ST #1  
CAMBRIDGE, MA 02140

DIMITER KOSTOV, ARCHITECT  
118 ADENA ROAD  
NEWTON, MA 02465

180-33  
MITARACHI, JOHN PAUL & REGINA MITARACHI  
164 ELM ST N. UNIT#164/3  
CAMBRIDGE, MA 02140

180-34  
SUPPANISANUWONG, MOOKDA  
TRS OF MOOKDA SUPPANISANUWONG REV TR  
162 ELM ST N  
CAMBRIDGE, MA 02140

180-44  
LIPSON, ABIGAIL,  
TRUSTEE THE ABIGAIL LIPSON TRUST  
45 ORCHARD ST  
CAMBRIDGE, MA 02140

180-43  
WINTERS, PAMELA  
41 ORCHARD ST #41R  
CAMBRIDGE, MA 02140

180-43  
SAMUELS, RICHARD L. &  
VARDIT HAIMI SAMUELS  
41 ORCHARD ST. UNIT#41F  
CAMBRIDGE, MA 02140

180-45  
OLIVER, SHERAN O.  
TR. OF SHERMAN O. OLIVER LIVING TRUST  
49 ORCHARD ST  
CAMBRIDGE, MA 02140

180-66  
WALSH, DAVID  
447 THAYER POIND RD  
WILTON, CT 02140

180-72  
GOULD, KAREN L.  
166 ELM ST NORTH, UNIT #1  
CAMBRIDGE, MA 02140

180-72  
HAUG, STEFANIE & STEPHEN J. WELLER  
166 ELM ST., UNIT #2  
CAMBRIDGE, MA 02140

180-73  
CHRISTY, SAMUEL T. & JANE KATZ  
166A ELM ST NORTH  
CAMBRIDGE, MA 02140

181-46  
SPEAKMAN, ANNE C. &  
SALLY A. KELLY, TRUSTEES  
48 ORCHARD ST  
CAMBRIDGE, MA 02140

181-47  
SOARES, ANTONIO P. AND GILDA C. SOARES,  
TRS OF SOARES FAMILY TRUST  
44 ORCHARD ST.  
CAMBRIDGE, MA 02140

181-57  
ROBERTS, ROBERT B. &  
VIRGINIA S. ROBERTS, TRUSTEE  
38 ORCHARD ST  
CAMBRIDGE, MA 02140

180-46  
AGRAWAL, KRISHNA  
53 ORCHARD STREET, UNIT #1  
CAMBRIDGE, MA 02139

180-33  
SZABO, SUSANNE  
164 ELM ST NORTH, #164/2  
CAMBRIDGE, MA 02140

180-46  
OKUN, DOUGLAS R.,  
TRUSTEE THE DOUGLAS OKUN REV TRUST  
334 WALDEN ST  
CAMBRIDGE, MA 02138

180-46  
WEITZ, JAMES & ELINOR C WINSLOW  
53 ORCHARD STREET, UNIT #2  
CAMBRIDGE, MA 02139

180-71  
KATZ, BENJAMIN  
174 ELM ST NORTH., #1  
CAMBRIDGE, MA 02140

180-71  
SMITH, MICHAEL A. & SITA C. SMITH  
174 ELM ST NORTH., #3  
CAMBRIDGE, MA 02140

180-71  
ESDAILE, MICHAEL J.  
174 ELM ST., #N 2  
CAMBRIDGE, MA 02140