



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JUL 20 PM 12:20
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 130355

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Daniel A. Smith

PETITIONER'S ADDRESS: 45 Regent Street, Cambridge, MA 02140

LOCATION OF PROPERTY: 45 Regent St., Cambridge, MA

TYPE OF OCCUPANCY: Res. 2 Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

24 Sq. Ft. extension of existing second floor deck.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).

Article: 8.000 Section: 8.22.2.D (Non-Conforming Structure).

Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):

(Petitioner (s) / Owner)

Daniel A. Smith

(Print Name)

Address:

Tel. No. 617-642-0880

E-Mail Address: dansmith56@comcast.net

Date: 7/19/2021

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Daniel A. Smith
Location: 45 Regent Street
Phone: 617-642-0880

Present Use/Occupancy: Res. 2 Family
Zone: Residence B Zone
Requested Use/Occupancy: Residential

		<u>Existing</u> <u>Conditions</u>	<u>Requested</u> <u>Conditions</u>	<u>Ordinance</u> <u>Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2341	2365	1650	(max.)
<u>LOT AREA:</u>		3300	3000	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		69.5%	69.5%	50%	
<u>LOT AREA OF EACH DWELLING UNIT</u>		N/A	N/A	N/A	
<u>SIZE OF LOT:</u>	WIDTH	33	33	50	
	DEPTH	100	100	100	
<u>SETBACKS IN FEET: FRONT</u>		12	12	12' setback matches neighboring structures	
	REAR	44	44	25	
	LEFT SIDE	6	6	7.5	
	RIGHT SIDE	5	5	7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	33	33	35	
	WIDTH	44	44	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		61%	61%	40%	
<u>NO. OF DWELLING UNITS:</u>		2	2	N/A	
<u>NO. OF PARKING SPACES:</u>		0	0	N/A	
<u>NO. OF LOADING AREAS:</u>		0	0	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.

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 - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.


I/We DANIELA A. SMITH + ELAINE SOO HOO
(OWNER)

Address: 45 REGENT ST. CAMBRIDGE, MA 02140

State that I/We own the property located at 43/45 REGENT ST., which is the subject of this zoning application.

The record title of this property is in the name of _____
DANIELA A. SMITH TRUST + ELAINE SOO HOO TRUST

*Pursuant to a deed of duly recorded in the date 7/2/2019, Middlesex South County Registry of Deeds at Book 72875, Page 392; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

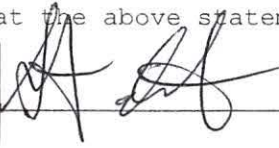

SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Daniel A. Smith personally appeared before me, this 21 of June, 2021, and made oath that the above statement is true.



 Notary

My commission expires _____ (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 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 Regent 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:

Existing residence is non-conforming. (FAR exceeds current standard, side setbacks are less than current requirement.)

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:

Traffic will not be altered in any way.

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:

No adverse impact to neighbors.

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:

No nuisance or hazard will be created as a result of proposed deck extension.

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:

This is a very small, 24 Sq. Ft. foot addition to an existing 2nd floor deck. The enlarged deck will be 72 total Sq. Ft. once complete. There is no foreseeable negative impact on neighbors or district.

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

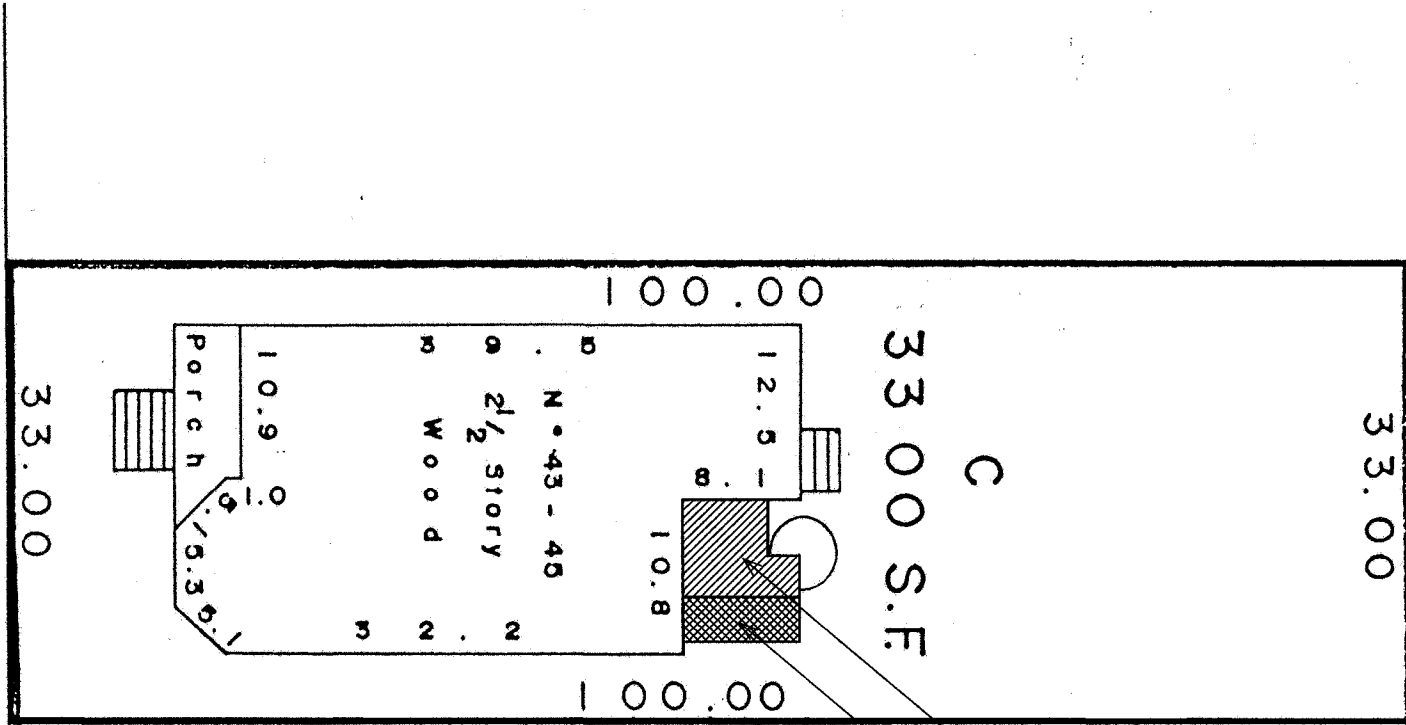
DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

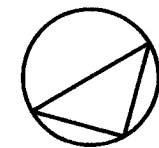
ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140

A 1

REGENT ST.



SITE PLAN



EXISTING DECK AREA

NEW DECK AREA
3' x 8' - 24 SQ. FT.

33 00 S.F.

C

33.00

100.00

100.00

33.00

10.9
Porch
10.0
15.3
10.8

N. 43 - 45
2 1/2 STORY
WOOD

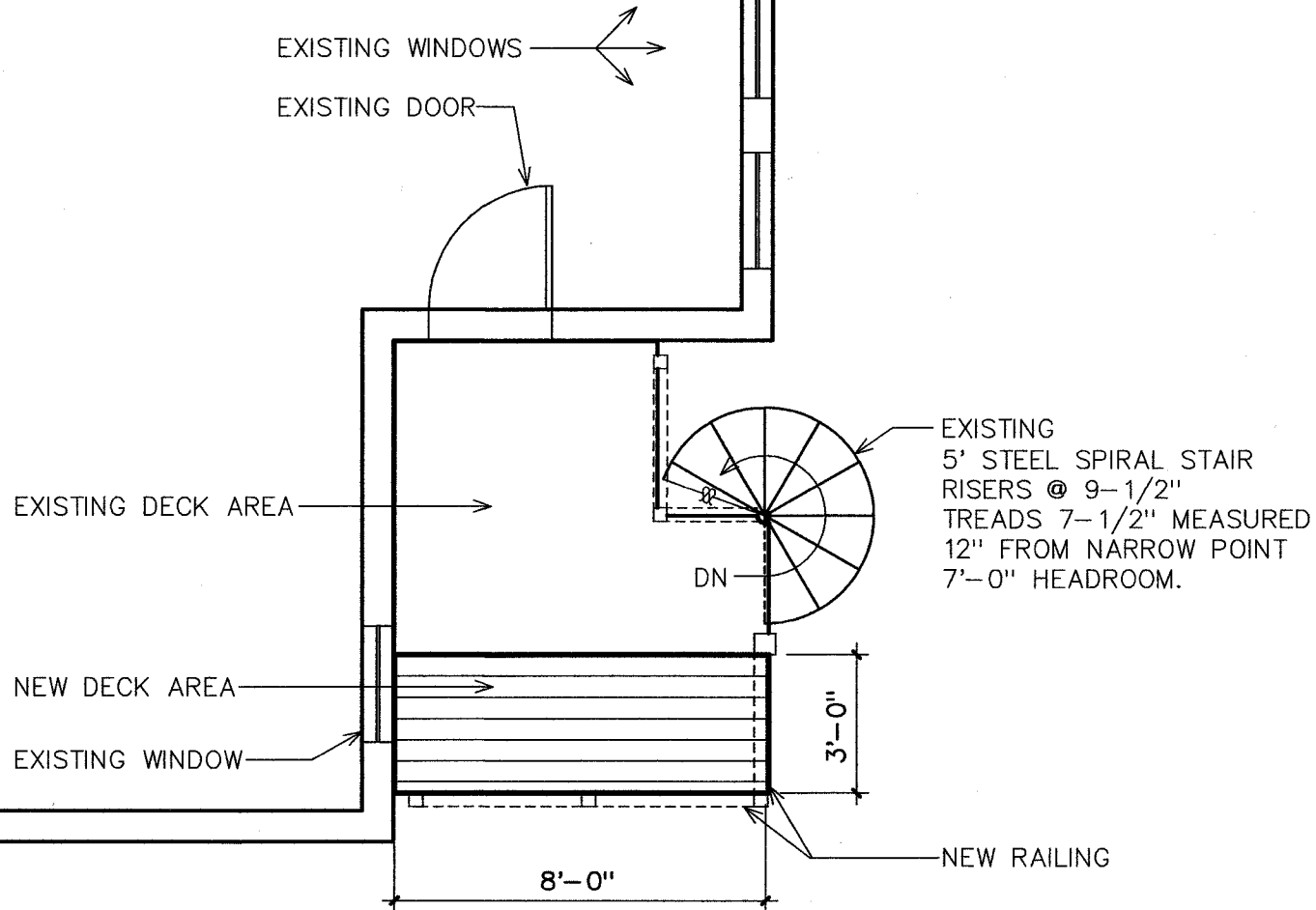
12.5
10.8

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140

SECOND FLOOR



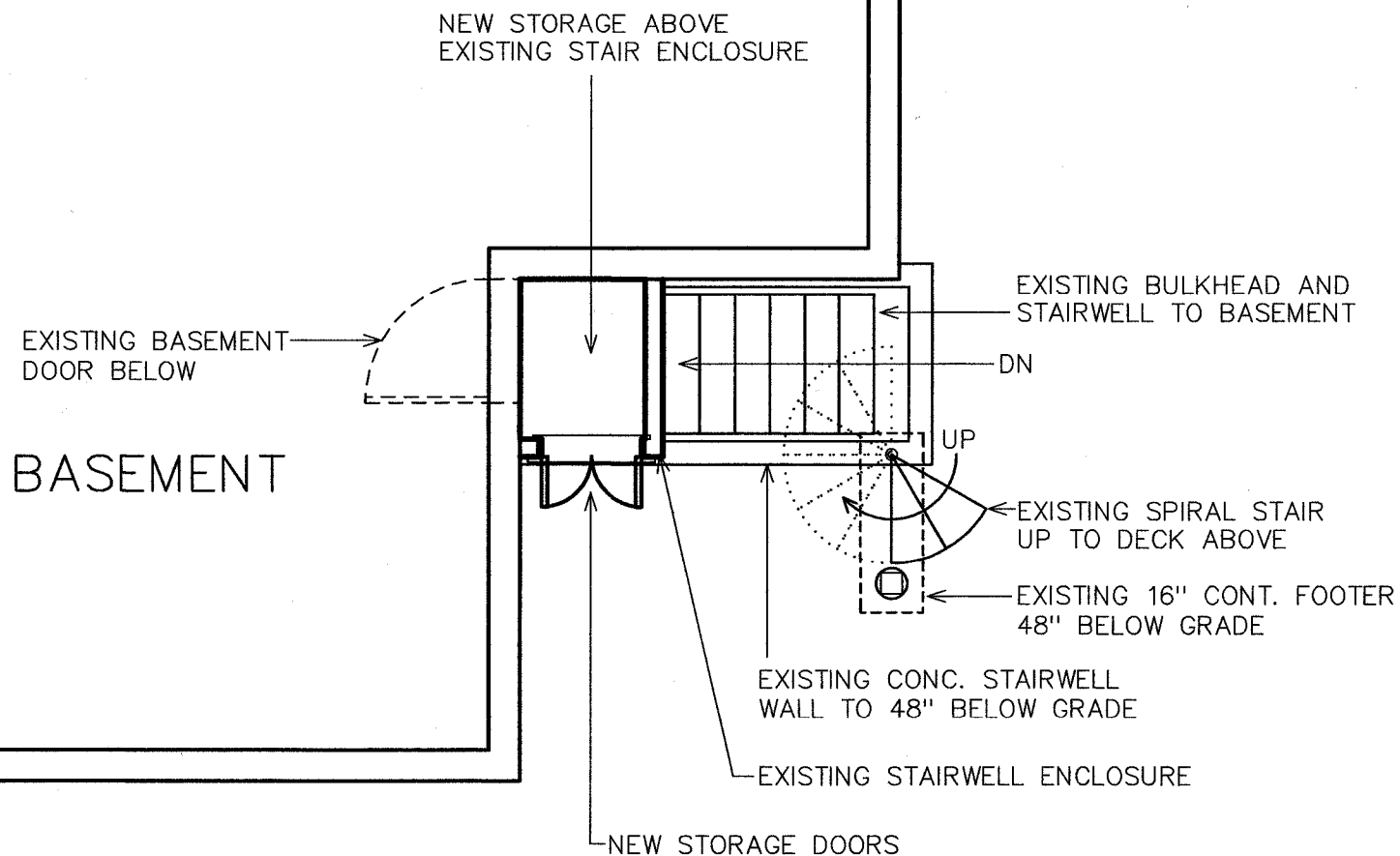
DECK PLAN AT SECOND FLOOR
1/4" = 1'-0" SCALE

A2

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140



PLAN AT GRADE LEVEL
1/4" = 1'-0" SCALE

A3

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140

EXISTING (5) 3/8" DIAM.
LAG BOLTS EVENLY
SPACED INTO STUDS.

EXISTING P.T.
2x6 STRINGERS.

EXTEND EXISTING
P.T. 2x6 JOISTS @
16" O.C. WITH
JOIST HANGERS.

(4) 1/2" DIAM. LAG
BOLTS INTO STUDS
AT CONNECTION.

EXISTING (2) P.T. 2x6 JOISTS

EXISTING 4x4 P.T.

EXISTING SPIRAL STAIR
SUPPORT COLUMN.

EXISTING 4X6 P.T.

EXISTING 6x6 P.T. COLUMN

EXISTING 4x6 P.T. BEAM

NEW 4x4 P.T. DIAGONAL STRUT

NEW 4x6 P.T. BEAM

1/2" DIAM. BOLTS @ JOINT

SIMPSON THA413
BEAM SADDLES.

DECK FRAMING PLAN
1/4" = 1'-0" SCALE

A4

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140

EXISTING DOOR BEYOND

3'-0"

EXTEND EXISTING
P.T. 2x6 JOISTS

NEW P.T. 4x6 BEAM

ELEVATE EXISTING ENCLOSURE
SHINGLE ROOF.

NEW STORAGE ABOVE
EXISTING STAIR ENCLOSURE

NEW STORAGE DOORS

EXISTING SHINGLE ROOF

EXISTING STAIR ENCLOSURE

EXISTING BULKHEAD

RECONSTRUCT EXIST.
RAILING IN NEW
LOCATION WITH
BALUSTER SPACING
NOT TO EXCEED 4"

NEW DIAGONAL STRUT

EXISTING WINDOW

EXISTING P.T. 6x6
COLUMN WITH STAIR
BEYOND

EXISTING SPIRAL
STAIR AND
HANDRAIL

EXISTING FOOTER

EXISTING STAIRWELL

NORTH ELEVATION
1/4" = 1'-0" SCALE

A5

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
617-642-0880

6/15/2021

ADDITION TO EXISTING DECK
43/45 REGENT STREET
CAMBRIDGE, MA 02140

EXISTING WINDOW

NEW RAILING W/ SPACING
NOT TO EXCEED 4"

REPLACE AND EXTEND
EXISTING P.T. 2x6 JOISTS

BOLTS 1/2" DIAM.

NEW P.T. 4x6 BEAM

NEW P.T. DIAGONAL STRUT
4x4 CUT FROM 4x6

EXISTING P.T. 6x6 COLUMN

RECONSTRUCT EXISTING RAILING
WITH BALUSTER SPACING NOT
TO EXCEED 4"

NEW SHINGLE ROOF POSITION
WITH SLOPE 4/12, BEYOND

NEW STORAGE ABOVE
EXISTING STAIR ENCLOSURE

EXISTING SPIRAL STAIR

EXISTING DOOR
AND WINDOWS

EXISTING BULKHEAD

EXISTING STAIR ENCLOSURE
ROOF TO BE ELEVATED
FOR NEW STORAGE.

EXISTING BASEMENT STAIR, BEYOND

WEST ELEVATION
1/4" = 1'-0" SCALE

A6

N/F H.M. REAGAN

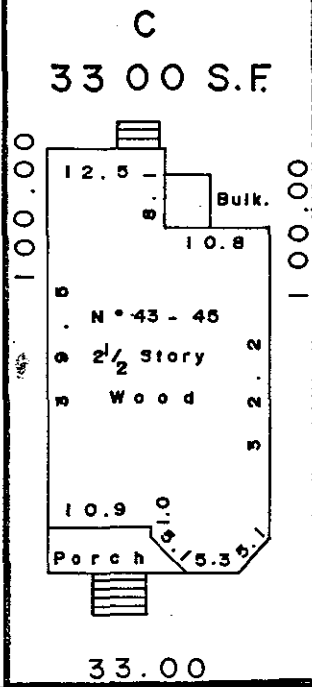
33.00

G
R
E
E
N
O
U
G
H

G.

N/F

B



REGENT ST.

MORTGAGE SURVEY PLAN

Location CAMBRIDGE

Scale 1 in. = 20 ft. Date DEC. 15, 1988

Plan reference: BEING LOT C ON A PLAN BY
 N. J. HOLLAND, C.E. DATED NOV. 15,
 1919 . RECORDED WITH MIDDLESEX
 SOUTH REGISTRY OF DEEDS PLAN
 BOOK 288 PLAN 30.

ERNEST H. FAGERSTROM, R.L.S.
 138 Norwell Avenue, Norwell

I hereby certify that the building shown on this plan is located on the ground as shown thereon and that it conforms to the zoning and building laws of the city of Cambridge when constructed and to restrictions on record.

Ernest H. Fagerstrom



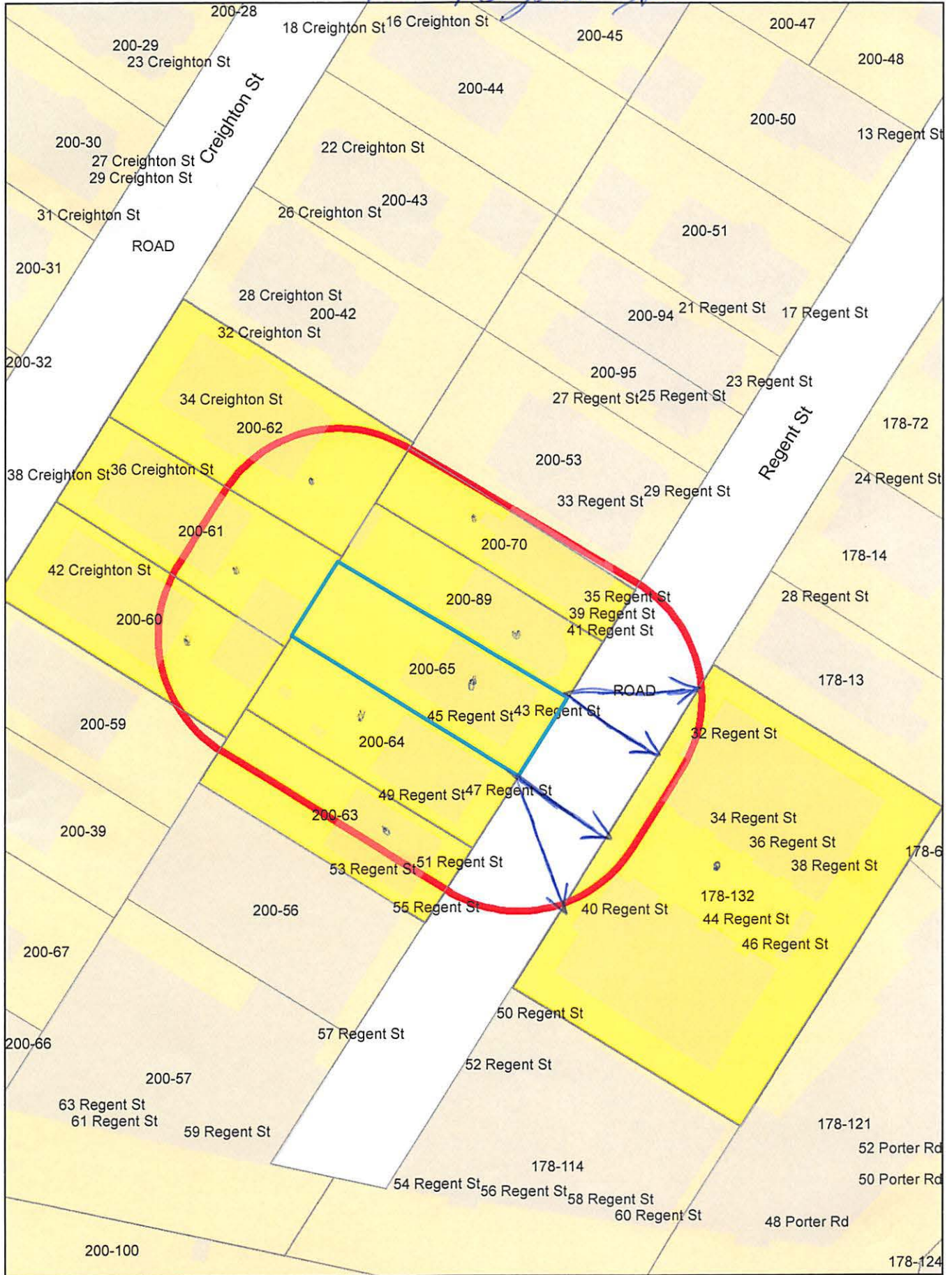
* Does NOT INCLUDE POOL

NOTE: I CERTIFY THAT THE ABOVE PROPERTY DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DELINIATED ON COMMUNITY MAP NO. 250186B

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS DRAWN FOR THE USE OF MORTGAGEE ONLY.



45 Regent St.



45 Regent St.

Petitioner

178-132
EVENCHIK, LEONARD N. &
SUZANNE R. KIRSCHNER
36 REGENT STREET #36
CAMBRIDGE, MA 02140

178-132
COLLET, THOMAS,
TRUSTEE THE THOMAS A. COLLET TRUST
34 REGENT ST., #38
CAMBRIDGE, MA 02140

200-65
SMITH, DANIEL A. ELAINE SOO HOO
43-45 REGENT ST
CAMBRIDGE, MA 02140

178-132
HUGHES, CURTIS K. DORIA A. P. HUGHES
34 REGENT ST.
CAMBRIDGE, MA 02140

178-132
CHEN, YING & JUSTIN MICHAEL HILDEBRANDT
34 REGENT ST UNIT #42
CAMBRIDGE, MA 02140

200-62
RASTEGAR, KAMRAN & CHRISTINE BUSTANY
32-34 CREIGHTON ST., #32
CAMBRIDGE, MA 02140

200-70
GREENE, DAVID P.
4711 SPICEWOOD SPRINGS RD #243
AUSTIN, TX 78758

200-70
FRAGA, MARIA F.
35-37 REGENT ST., UNIT #2
CAMBRIDGE, MA 02140

200-62
GRADY, JOHN M. & TESAIR LAUVE A LIFE ESTATE
32-34 CREIGHTON ST., #34
CAMBRIDGE, MA 02140

200-64
PETITPAS, JOSEPH A. F. &
ISABELLE PETITPAS, A LIFE ESTATE
47-49 REGENT ST
CAMBRIDGE, MA 02140

200-70
GREENE, DAVID P.
4711 SPICEWOOD SPRINGS RD., #243
AUSTIN, TX 78759

178-132
ALBERT, MICHAEL A. & DOROTHEE ROZENBERG
40 REGENT STREET UNIT #40
CAMBRIDGE, MA 02140

200-63
BODWELL, STEPHEN K. & MARY E. BODWELL
51-53 REGENT ST
CAMBRIDGE, MA 02140

200-89
STANGE, ERIC K. & BARBARA M. COSTA TRS,
THE COSTANGE REALTY TRUST
26 WOODLAND ST
ARLINGTON, MA 02476

200-61
LIU, ZIJIE
36-38 CREIGHTON ST
CAMBRIDGE, MA 02140

178-132
ZHANG, MENG YUE & LAKE BU
32 REGENT ST
CAMBRIDGE, MA 02140

178-132
TALLAPRAGADA, RAVI &
NARENDRA TALLAPRAGADA
34 REGENT ST., #46
CAMBRIDGE, MA 02140

200-60
WANG, SAIKE & LIHUA ZANG
839 COLUMBA LANE
FOSTER CITY, CA 94404

178-132
TAN, HONG SHUIHUANG HUA
6 THOMPSON ST
WAYLAND, MA 01778



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: David A. Smith Date: 8/12/2021
(Print)

Address: 45 Regent St.

Case No. BZA-130355

Hearing Date: 9/2/21

Thank you,
Bza Members

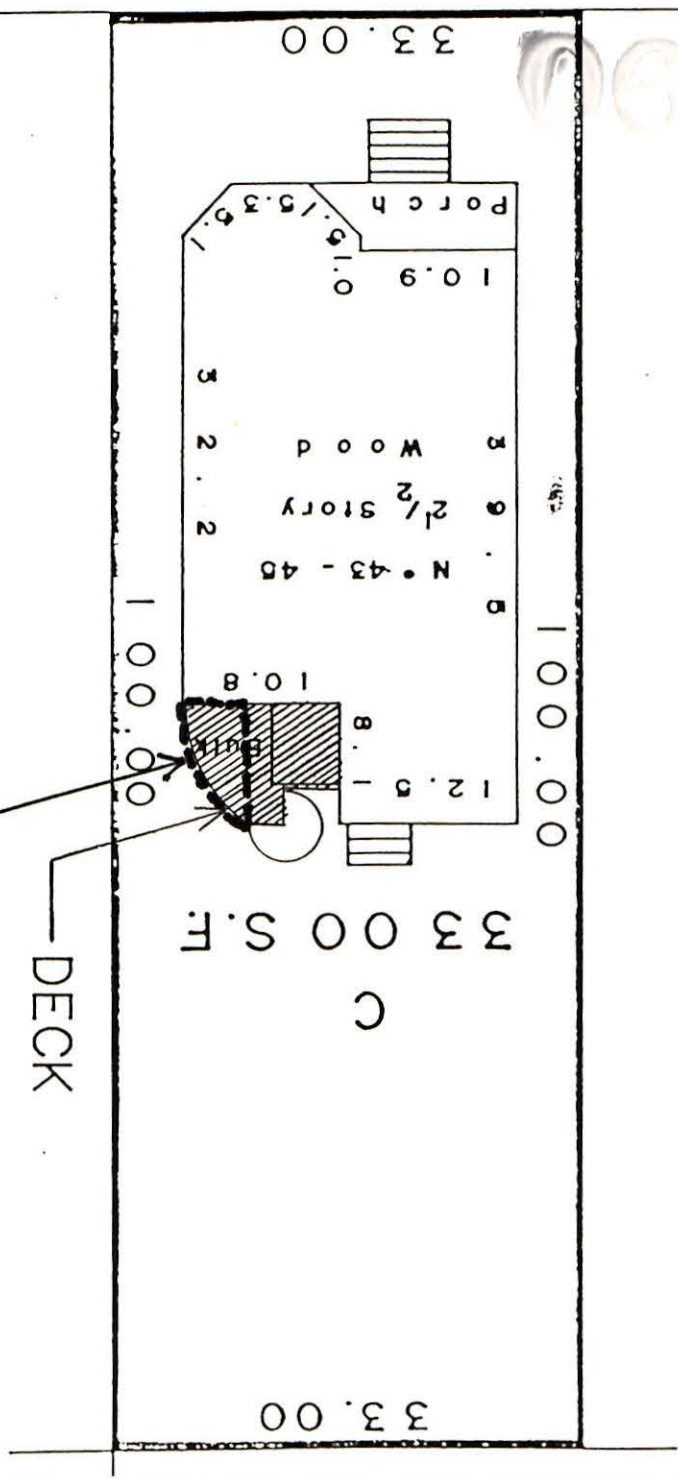


REAGENT ST.

023290

SITE PLAN

PHASE II
ADDITION
DECK



DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
576-6302

5/1/91
6/10/93

DECK AND STAIR ADDITION
43/45 REAGENT STREET
CAMBRIDGE, MA 02140

PHASE II

A
1

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
576-6302

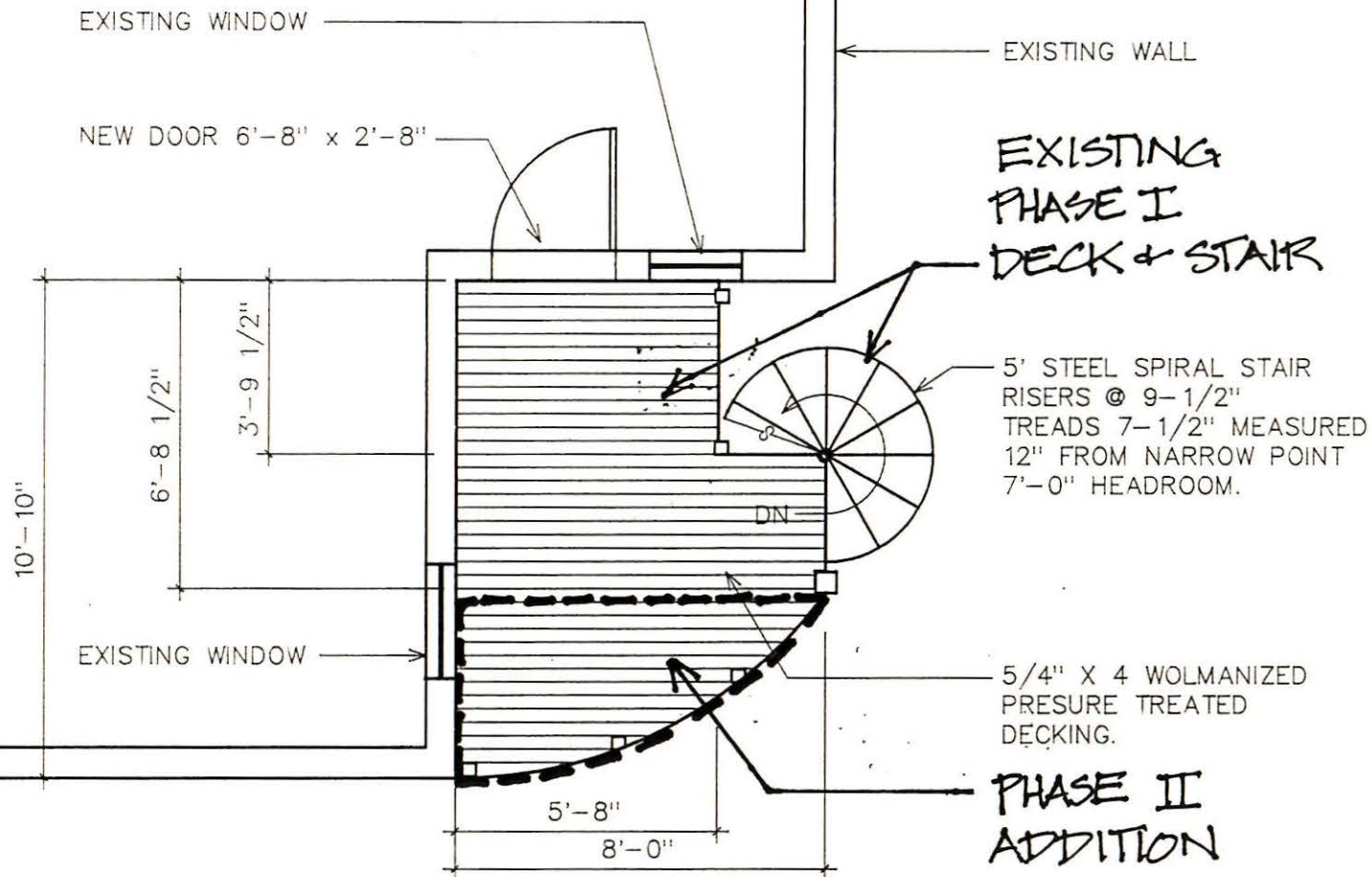
5/1/91
6/10/93

DECK AND STAIR ADDITION
43/45 REGENT STREET
CAMBRIDGE, MA 02140

PHASE II

A2

SECOND FLOOR



DECK PLAN AT SECOND FLOOR
1/4" = 1'-0" SCALE

DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
576-6302

5/1/91
6/10/93

DECK AND STAIR ADDITION
43/45 REGENT STREET
CAMBRIDGE, MA 02140

PHASE II

A4

(5) 3/8" DIAM. LAG
BOLTS EVENLY SPACED
INTO STUDS.

P.T. 2 x 6 STRINGERS

P.T. 2 x 6's @
16" O.C. WITH
JOIST HANGERS.

(4) 1/2" DIAM. LAG
BOLTS INTO STUDS
AT CONNECTION.

(2) P.T. 2 x 6's

4 x 4 P.T.
SPIRAL STAIR
SUPPORT COLUMN.

4 X 6 P.T.

6 x 6 P.T. COLUMN.

NOTCH 6 x 6 AND SECURE
4 x 6 WITH (2) 1/2" DIAM.
BOLTS.

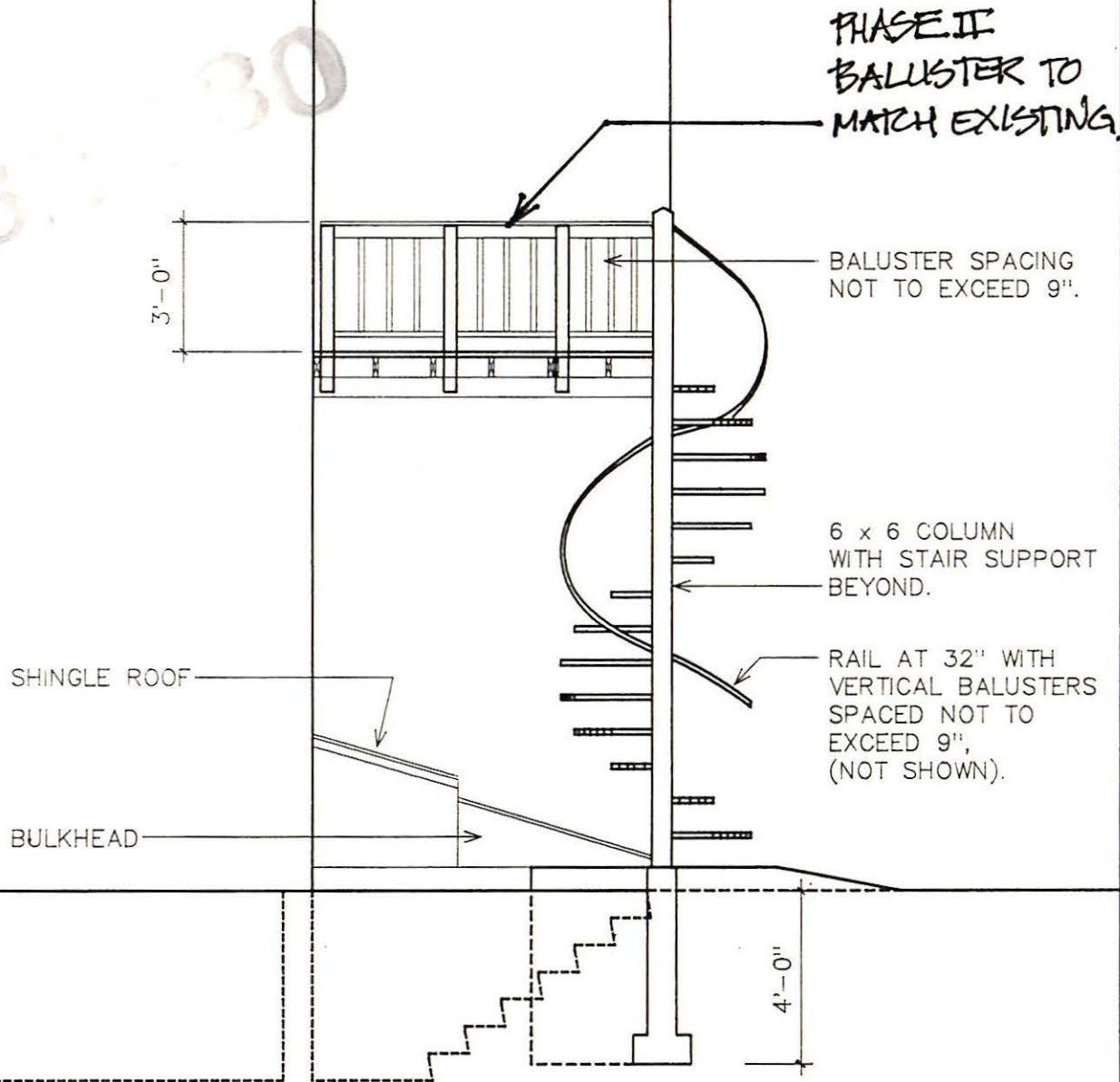
4 x 6 P.T. BEAM.

SIMPSON THA413
BEAM SADDLE.

DECK FRAMING PLAN
1/4" = 1'-0" SCALE

PHASE II
ADDITION

08
30



DRAWINGS BY
OWNER/ARCH.
DANIEL SMITH
576-6302

5/1/91
6/10/93

DECK AND STAIR ADDITION
43/45 REGENT STREET
CAMBRIDGE, MA 02140

PHASE II

A5

NORTH ELEVATION
1/4" = 1'-0" SCALE



CITY OF CAMBRIDGE INSPECTIONAL SERVICES DEPARTMENT

NO. 062 230

DATE 6/22/93

BUILDING PERMIT

THIS MAY CERTIFY THAT _____

has permission to _____

situated on _____

Daniel A. Smith
Add second story deck
43-45 Regent St

provided that the person accepting this permit adhere to regulations governing the Inspectional Services Department. Approved plans must be retained on the job site and this permit kept posted until the final inspection has been made. Buildings shall not be occupied until a final inspection has been made and a Certificate of Use and Occupancy has been issued. Twenty-four (24) hours notice is required for inspections and inspections will be made within forty-eight (48) hours. Work shall not proceed until inspectors approve various stages below. Code violations are subject to \$1000 fine/day.

Joseph J. Celluci
Commissioner

Excavation Depth and Soil Conditions Date Inspector	Footings Foundation Drains Date Inspector	Rough Frame Date Inspector	Wall Ceiling Finish Date Inspector	Insulation Date Inspector	Electrical Rough Date Inspector	Electrical Final Date Inspector
Plumbing Rough Final Date Inspector	Gas Rough Final Date Inspector	HVAC Sprinkler Date Inspector	Sanitation Rough Date Inspector	Sanitation Final Date Inspector	Final Inspection For Certificate of Occupancy Date Inspector	

Form IS 57



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

JUN 15 1991
CITY OF CAMBRIDGE

R3

CASE NO: 6276

LOCATION: 43-45 Regent Street Residence B Zone
Cambridge, MA

PETITIONER: Daniel Smith & Elaine Soo Hoo

PETITION: Special Permit: To construct second story deck with stairs.

VIOLATIONS: Art. 8.000, Sec. 8.22c (Non-conforming Structure).

DATE OF PUBLIC NOTICE: May 20 & 27, 1991

DATE OF PUBLIC HEARING: June 6, 1991

MEMBERS OF THE BOARD	Melvin Gadd, Chairperson	<u>X</u>
	Susan Spurlock, Vice Chairman	<u>X</u>
	Lisa DeLima	<u>X</u>
	Edward R. Goode	<u>X</u>
	John Miller	<u>X</u>

ASSOCIATE MEMBERS	George Spartichino	_____
-------------------	--------------------	-------

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance.

The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

19578-451

12:25
364
MSD 07/12/91 12:43:52

Case #6276

Location: 43/45 Regent Street

Petitioner: Daniel A. Smith and Elaine E. Soo Hoo

The petitioner appeared before the board seeking a special permit to construct a secondfloor deck with stairs, to a two family property located at 43/45 Regent Street.

The petitioners have submitted drawings and photographs detailing the dimensions and location of the proposed deck and stairs.


The deck will be constructed in two phases as indicated by the drawings, an initial 44 sqft. section, with stairs to grade, and a future 24 sqft. curved extension to be constructed within the two year period the special permit remains in effect.

Drawings of the proposed deck and stairs were circulated to the immediate abutters, none of whom raised objections. None of the abutters objected to the proposed construction at the Board of Zoning Appeal's hearing.

Following discussion, the chair moved to grant the special permit required to construct the proposed deck and stair. The five member board voted unanimously to grant the special permit. The decision of the board is based on the following:

- 1) The meeting of the requirements of the ordinance;
- 2) Traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in the established neighborhood character.
- 3) The continued operation or the development of adjacent uses as permitted by the zoning ordinance will not be adversely affected by the nature of the proposed use.
- 4) Nuisance or hazard will not be created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use.
- 5) The proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the ordinance.

The Board of Zoning Appeal is empowered to waive zoning regulations only. This decision therefore does not relieve the petitioner from the duty to comply with the local ordinances and regulation of other local agencies, including but not limited to the Historical Commission, License Commission, Rent Control Board and/or compliance with the requirements pursuant to the building code and other applicable codes.



Melvin Gadd, Chairperson

Attest: A true and correct copy of the decision filed with the offices of the City Clerk and Planning Board on

6-14-91 by Maria Jans, clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed

Appeal has been filed and dismissed or denied _____

Date Joseph E. Connors City Clerk.

JUL 12 1991