

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 OCT 24 PM 1:22

BZA Application Form

BZA Number: 197887

General Information

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

Special Permit: X Variance: X Appeal:

PETITIONER: Stephen E. Brown C/O James J. Rafferty

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

LOCATION OF PROPERTY: 47 Eighth St., Cambridge, MA

TYPE OF OCCUPANCY: two family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/New Structure/ /Parking/

DESCRIPTION OF PETITIONER'S PROPOSAL:

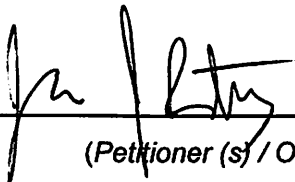
Petitioner seeks to replace existing non-conforming two family home and detached garage with a new non-conforming two family home with attached garage.

Petitioner seeks to reduce the required amount of parking spaces from 2 to 1.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 6.000 Section: 6.35.1 (Reduction of Required Spaces).
- Article: 8.000 Section: 8.22.3 (Nonconforming Structure).
- Article: 10.00 Section: 10.30 & 10.40 (Variance and Special Permit).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner
(Print Name)

Address: 907 Massachusetts Avenue, Suite 300
Tel. No. Cambridge MA 02139
E-Mail Address: 617.492.4400
jrafferty@adamsrafferty.com

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Stephen Brown and Michelle Jodrey
(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 47 Eighth Street

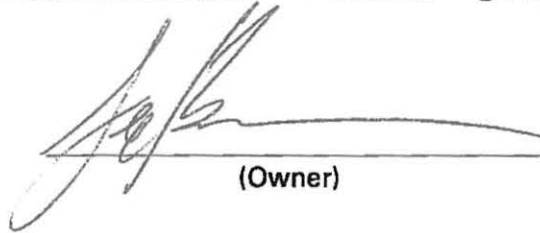
the record title standing in the name of Stephen E. Brown

whose address is 47 Eighth Street, Cambridge MA 02141
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in


Book 257436 Page 553 or _____ Registry

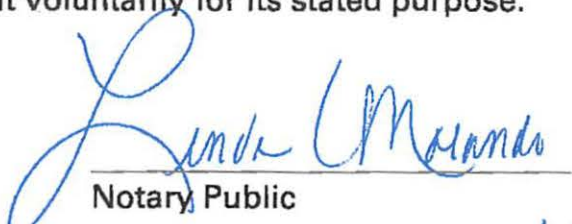
District of Land Court Certificate No. _____ Book _____ Page _____



(Owner)

On this 22nd day of September 2022, before me, the undersigned notary public, personally appeared Stephen E. Brown proved to me through satisfactory evidence of identification, which were MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


LINDA MORANDO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
June 1, 2023



Notary Public

My commission expires: 6/1/23

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 existing two family house was constructed in 1854 and is in serious decline and beyond the point of renovation. The Executive Director of the Historical Commission determined that the structure was not significant and approved its demolition without requirement a public hearing. Given the size of the lot, rebuilding a replacement structure of similar scale requires a variance.

- 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 directly related to the shape of this small lot, its location behind another lot, and the condition of the existing structure.

- 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:

A two family home has been located on this lot for over 130 years. Allowing a replacement structure to be built will not harm the public good.

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

The petitioner has designed a home that is comparable in footprint and mass to the existing structure.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an 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 47 Eighth 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:

Section 6.35.1 allows for the reduction of required parking with the issuance of a Special Permit.

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:

There will be no change to traffic generation or patterns of access and egress as a result of this application; the parking ratio, driveway and space location are consistent with the existing conditions.

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:

There will be no change to the continued operation of 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 reduction in motor vehicle parking will not adversely affect the health, safety, and/or welfare of the people living or working in the building, nor the 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 use of the property as a two family residence with one parking space is consistent with the character and context of the neighborhood and the history of the site.

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

Date: 10/21/22**BZA Application Form****DIMENSIONAL INFORMATION**Applicant: Stephen E. BrownPresent Use/Occupancy: two familyLocation: 47 Eighth St., Cambridge, MAZone: Residence C-1 Zone

Phone: 617.492.4100

Requested Use/Occupancy: two family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1,734	2,648	2,082	(max.)
<u>LOT AREA:</u>		2,777	2,777	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.62	0.95	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1,388	1,388	1,500	
<u>SIZE OF LOT:</u>	WIDTH	44.2'	44.2'	50'	
	DEPTH	87.70'	87.70'	N/A	
<u>SETBACKS IN FEET:</u>	FRONT	33'	33'	10'	
	REAR	0.1'-2.5'	1'4"-2'8"	20'	
	LEFT SIDE	2.7'	3'6"	7'6"	
	RIGHT SIDE	2'5"	1'9.5"	7'6"	
<u>SIZE OF BUILDING:</u>	HEIGHT	28'	33'6"	35'	
	WIDTH	48'7"	48'7"	N/A	
	LENGTH	17'2.5"	38'3.5"	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		15% permeable (no private)	15% permeable (no private)	30%	
<u>NO. OF DWELLING UNITS:</u>		2	2	1	
<u>NO. OF PARKING SPACES:</u>		1	no change	2	
<u>NO. OF LOADING AREAS:</u>		N/A	N/A	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		2'10"	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.:

N/A

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'.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

Board of Zoning Appeal Waiver Form

2022 NOV 14 PM 3:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-197887

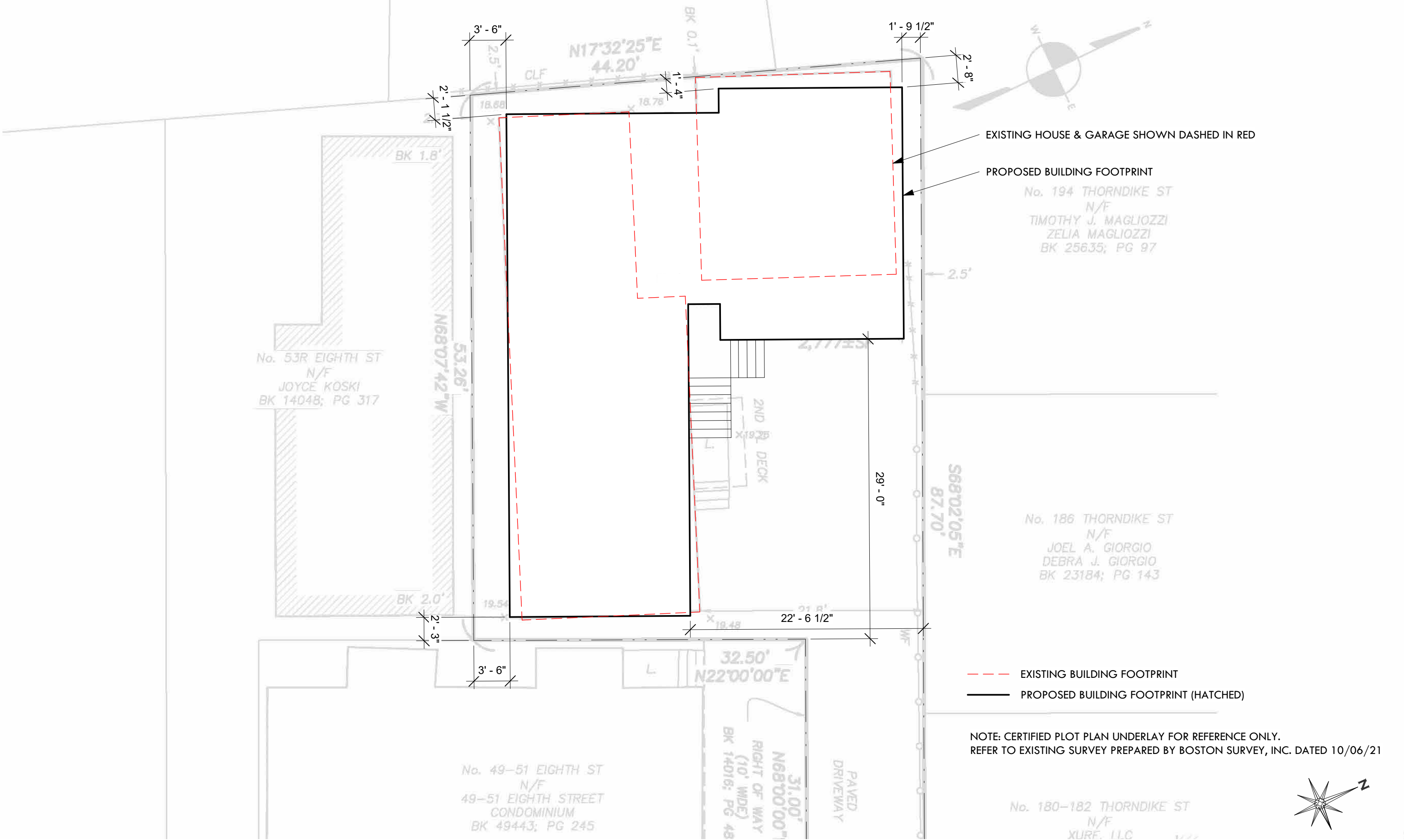
Address: 47 Eighth Street

Owner, Petitioner, or Representative: James Rafferty, Esq.
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

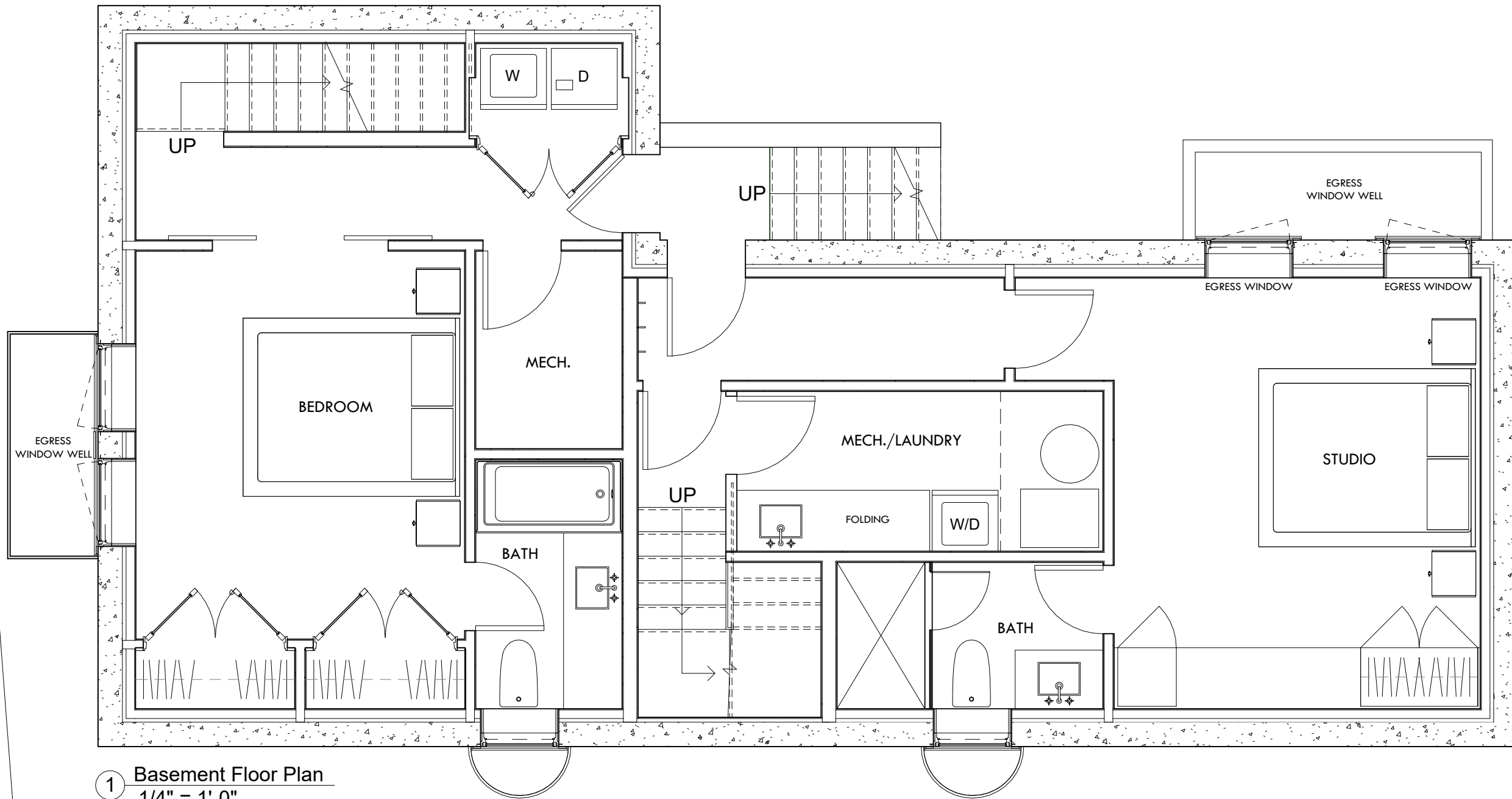
Date: 11/14/22

James Rafferty
Signature



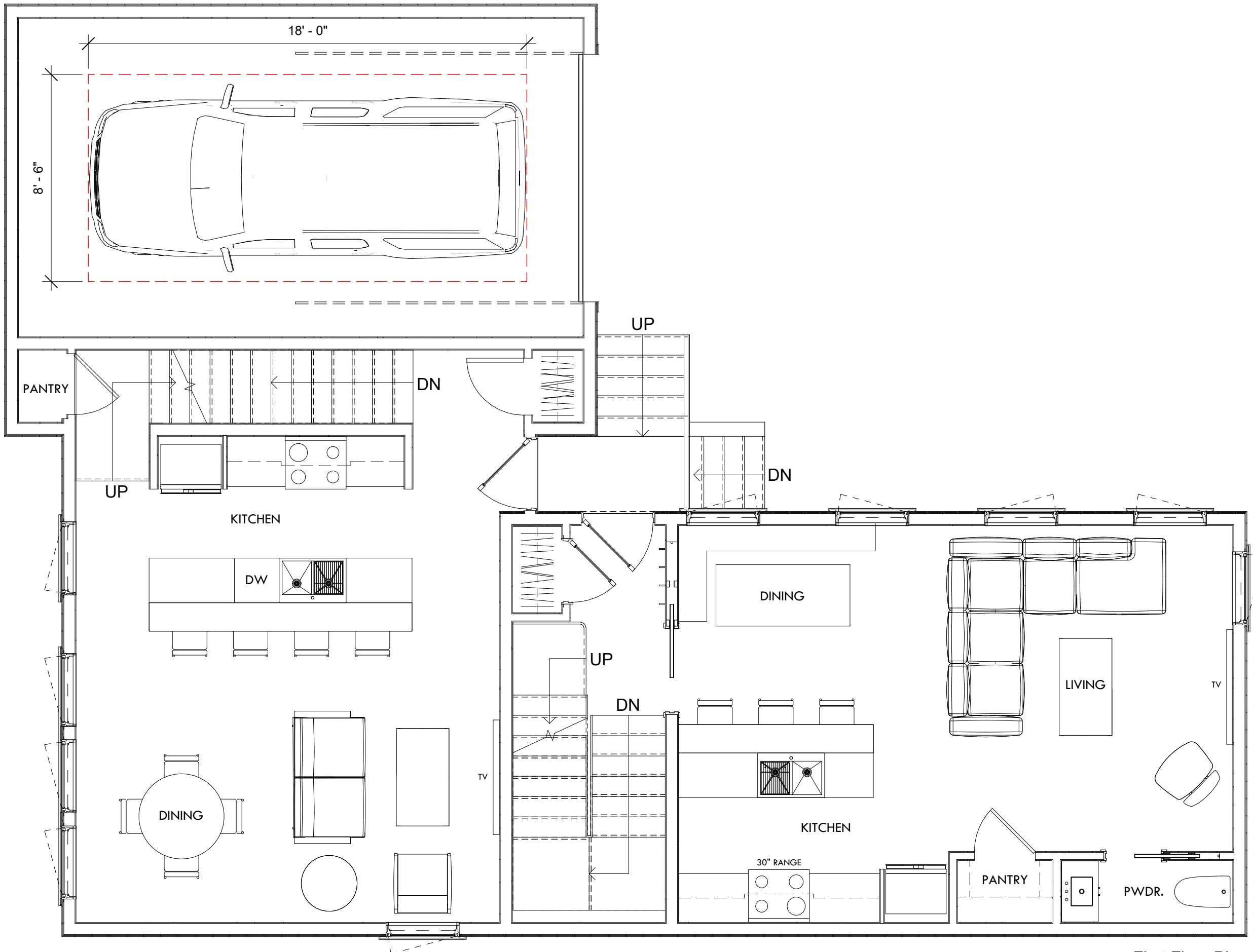
- - - EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT (HATCHED)

NOTE: CERTIFIED PLOT PLAN UNDERLAY FOR REFERENCE ONLY.
REFER TO EXISTING SURVEY PREPARED BY BOSTON SURVEY, INC. DATED 10/06/21



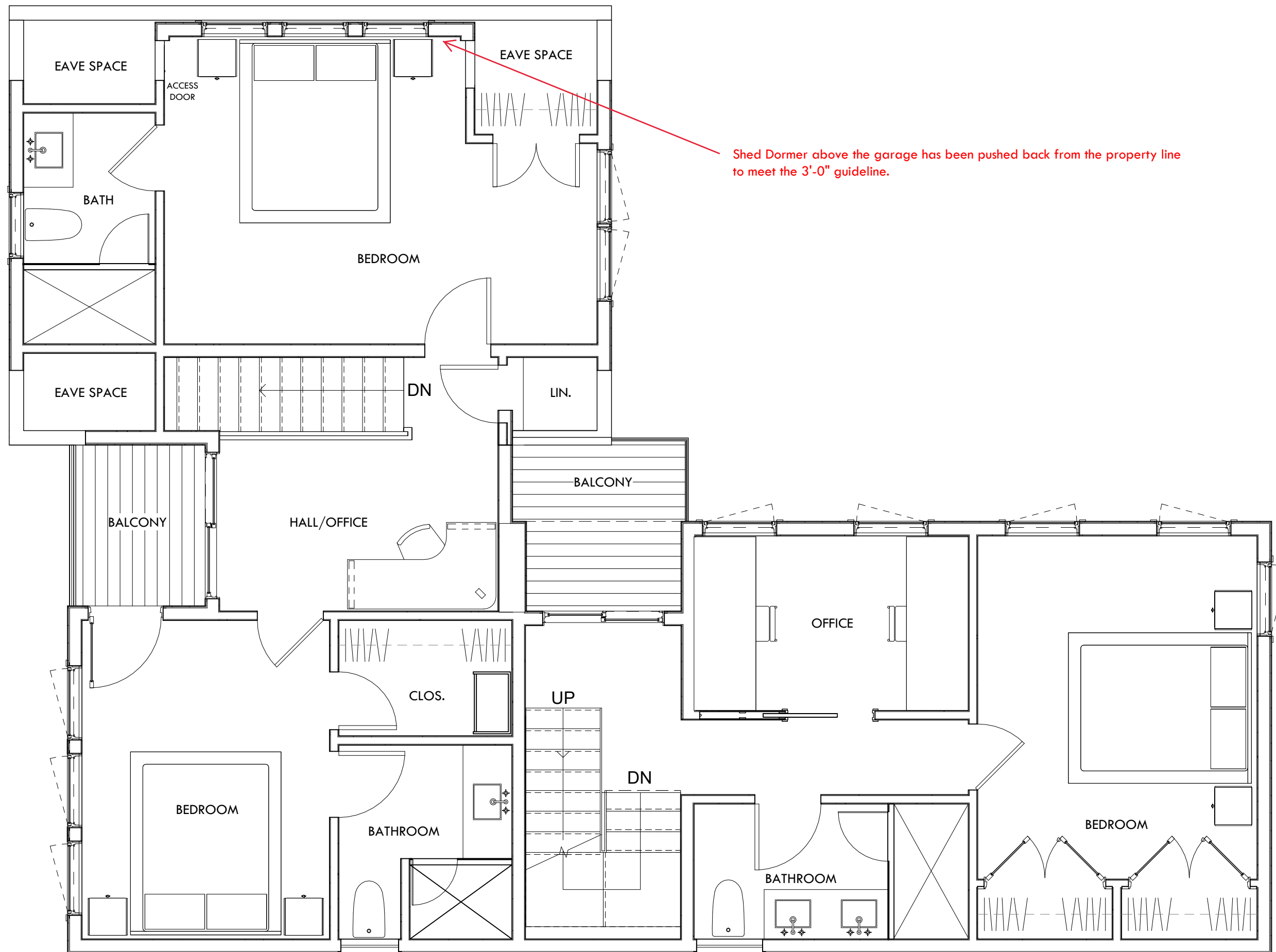
1 Basement Floor Plan
 1/4" = 1'-0"



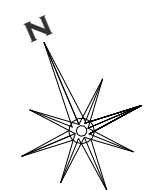


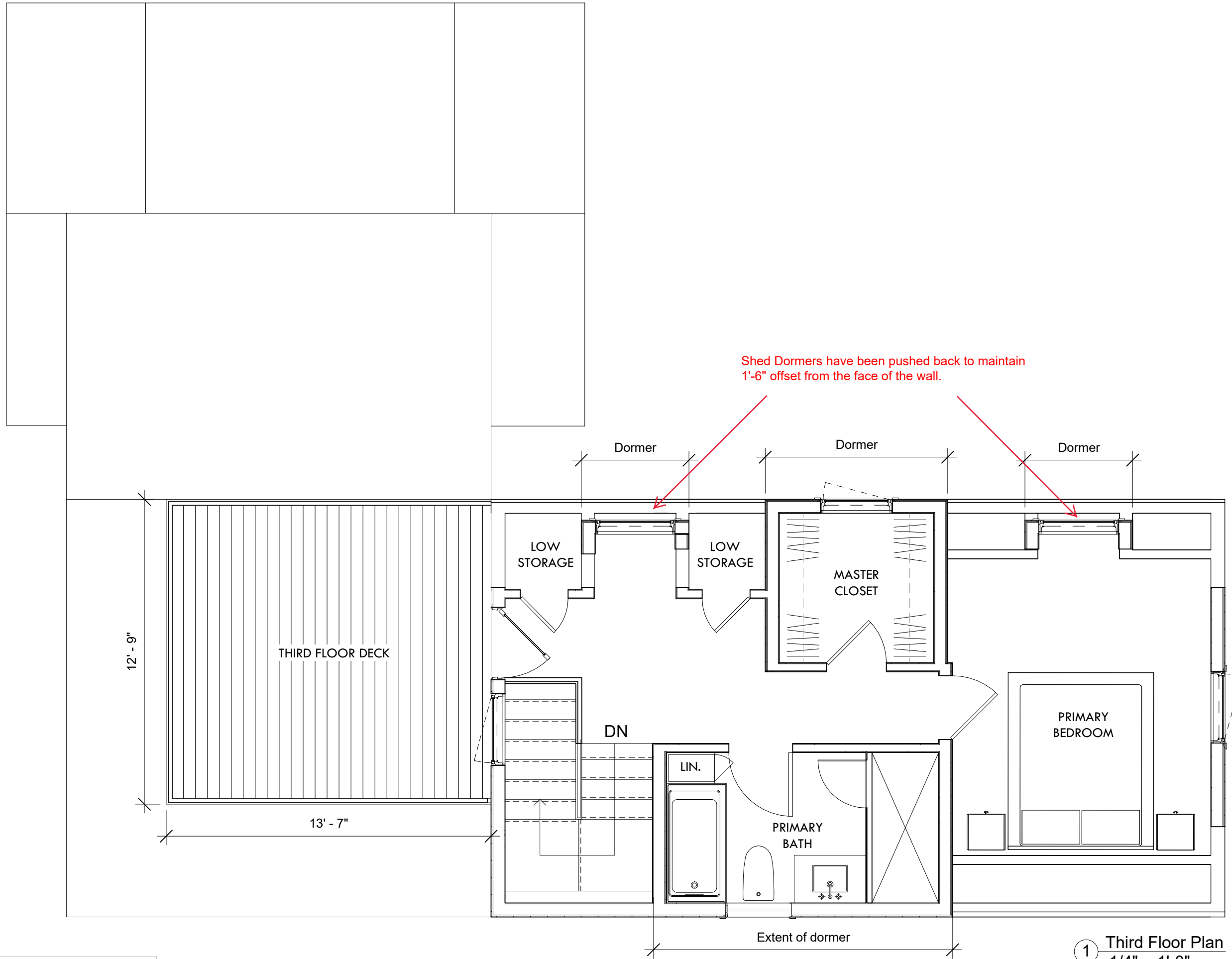
1 First Floor Plan
1/4" = 1'-0"





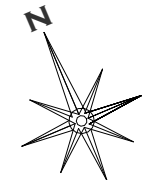
Shed Dormer above the garage has been pushed back from the property line to meet the 3'-0" guideline.





Shed Dormers have been pushed back to maintain 1'-6" offset from the face of the wall.

1 Third Floor Plan
1/4" = 1'-0"



Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



1 South Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



1 West Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① East Elevation
1/8" = 1'-0"

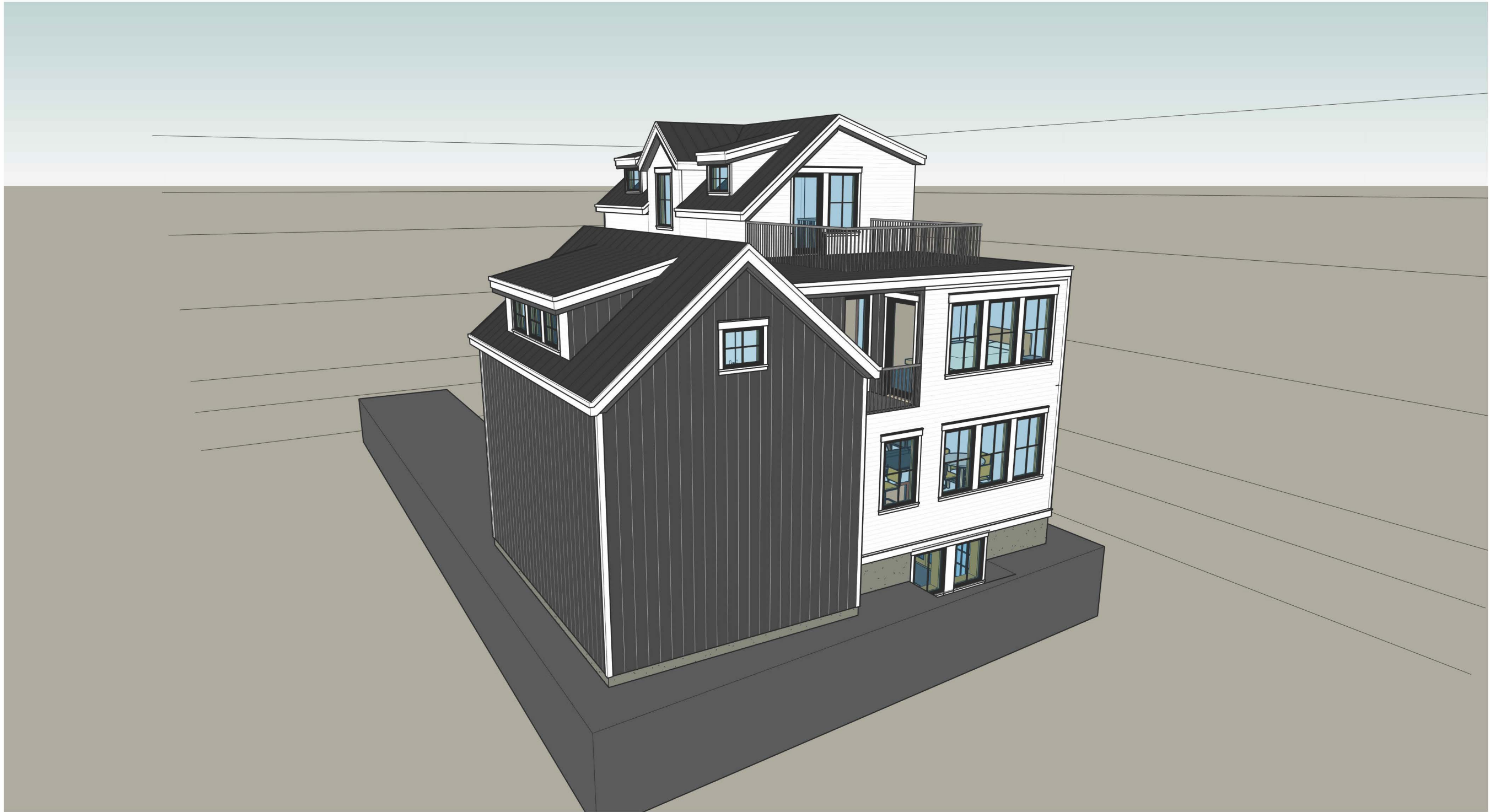
Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① North Elevation
1/8" = 1'-0"



① 3D Front View



① 3D Back View

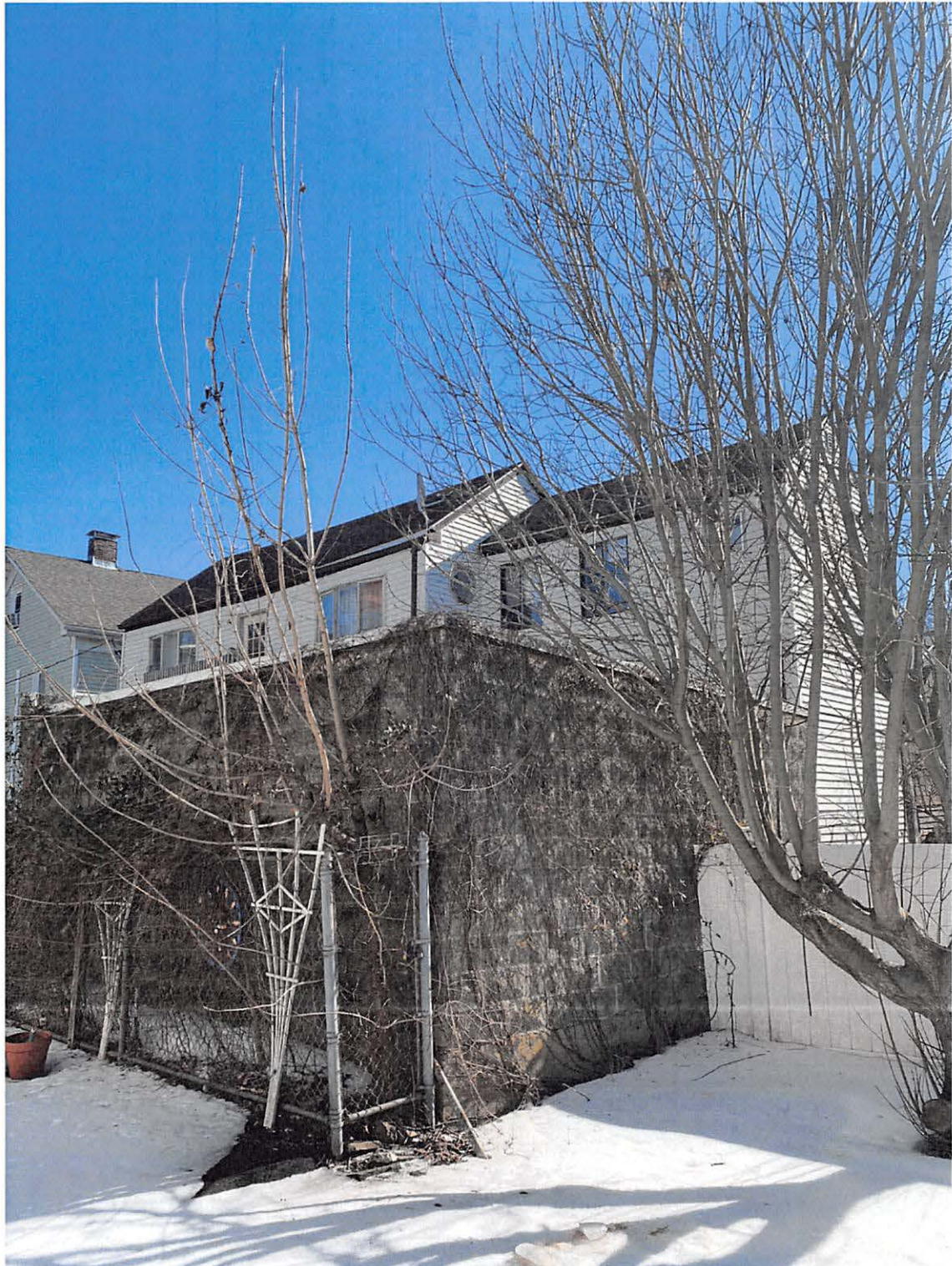
















PREPARED FOR:
 OWNER OF RECORD:
 STEPHEN E. BROWN
 47 EIGHTH STREET
 CAMBRIDGE, MA 02141

REFERENCES:
 DEED: BK 57436; PG 553
 EASEMENT: BK 14016; PG 483
 PLAN: PL BK 113; PL 15
 PL BK 278; PL 24
 PL 1973 #237
 PL 1980 #31
 PL 2007 #478
 LCC: 4479-A
 11266-A
 40780-A
 D. 1475552

CITY OF CAMBRIDGE ENGINEERING RECORDS
 FB 156; PG 99
 PL #9015
 PL #9045

NOTES:
 MAP/LOT: 33/96
 ZONING: C-1
 VERT. DATUM: CAMBRIDGE CITY BASE

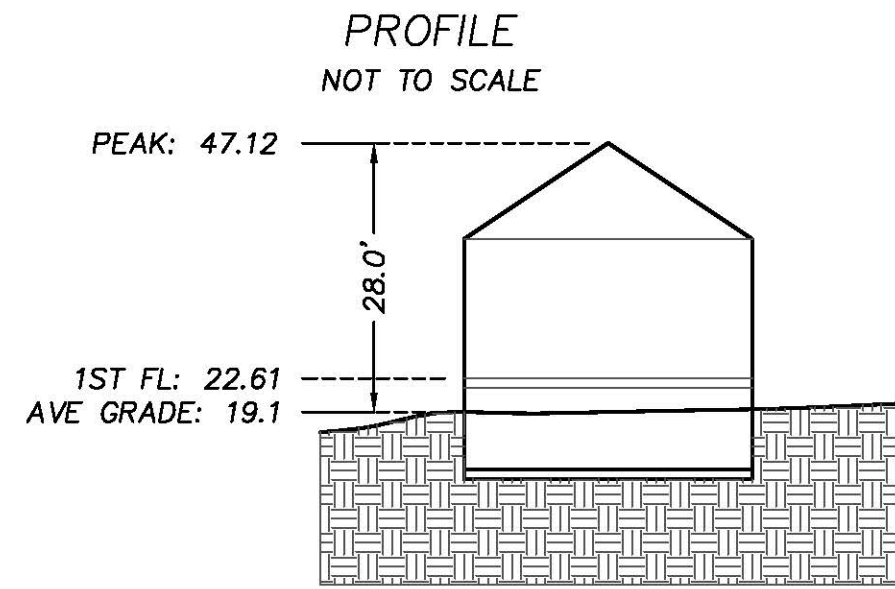
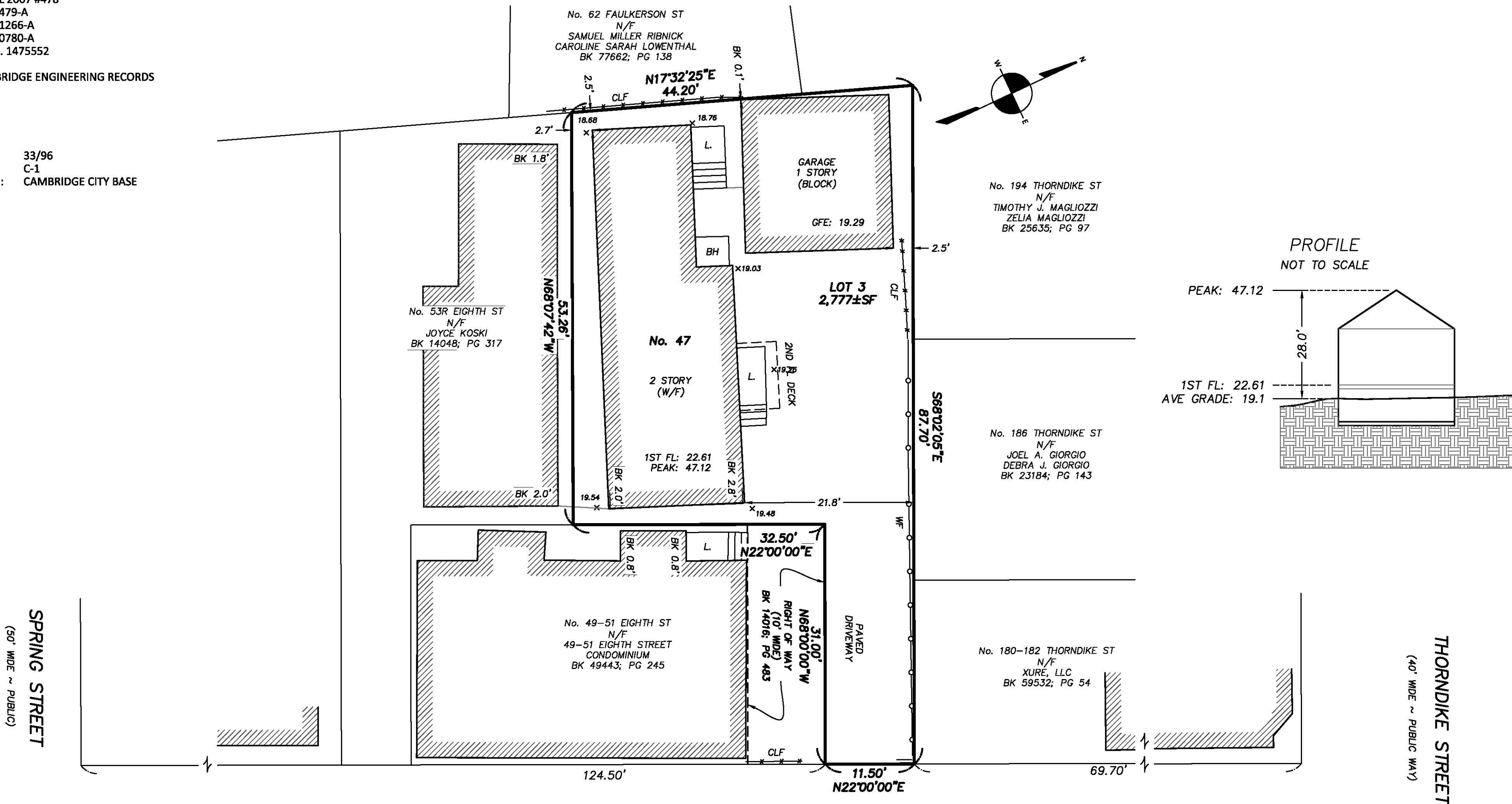
CERTIFIED PLOT PLAN

LOCATED AT
 47 EIGHTH STREET
 CAMBRIDGE, MA

SCALE: 1.0 INCH = 10.0 FEET



BOSTON
SURVEY, INC.
 UNIT C-4 SHIPWAY PLACE
 CHARLESTOWN, MA 02129
 (617) 242-1313

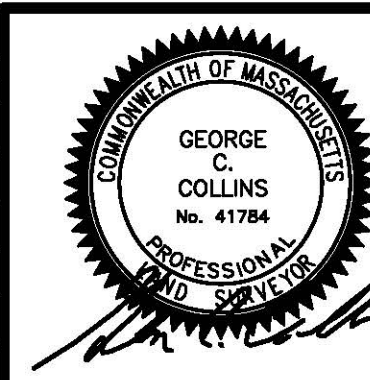


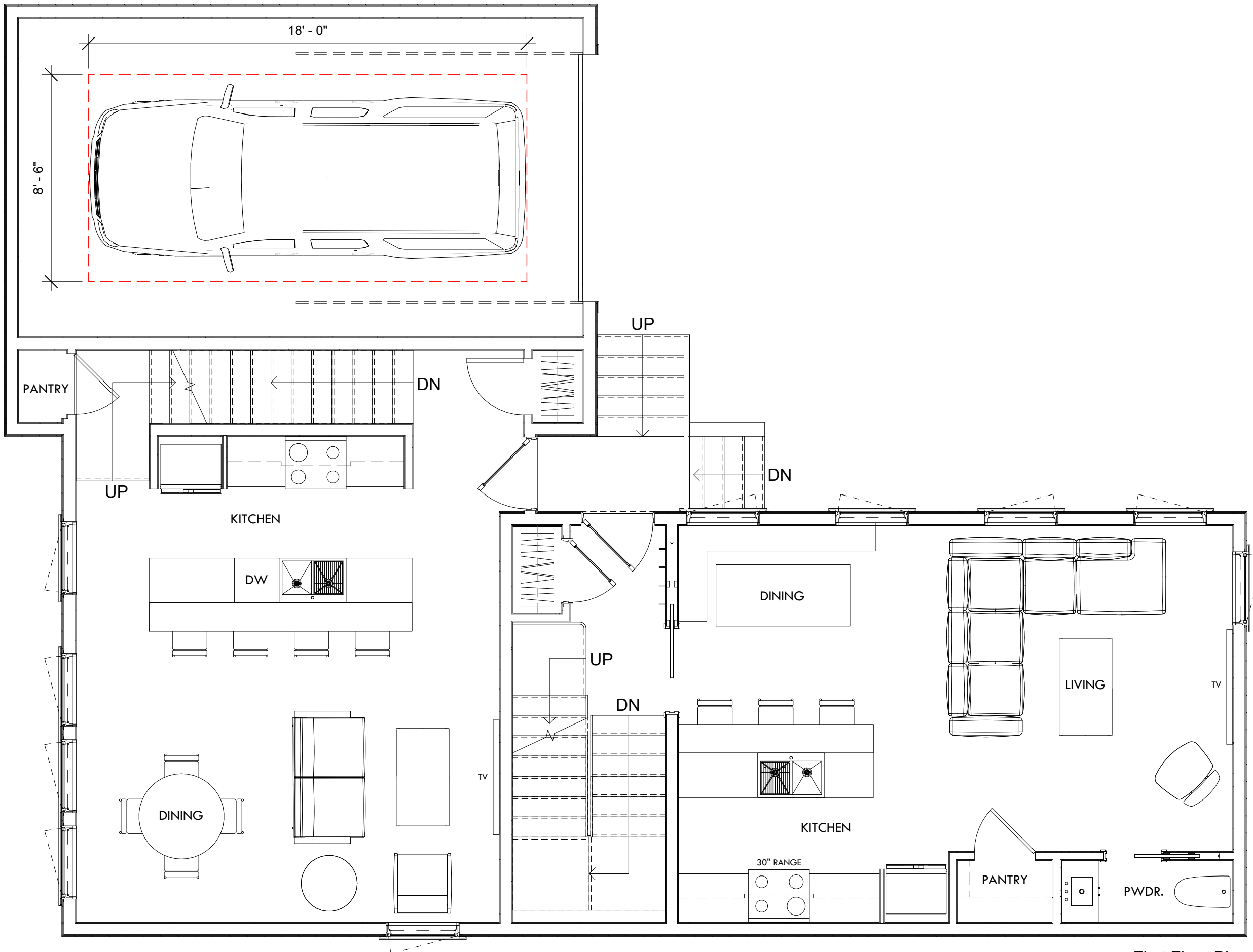
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF OCTOBER 1, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS
 ZONE: X
 COMMUNITY PANEL: 25017C0577E
 EFFECTIVE DATE: 06/04/2010

EIGHTH STREET
 (40' WIDE ~ PUBLIC WAY)

FIELD:	MO
DRAFT:	RAP
CHECK:	GCC
DATE:	10/06/21
JOB #	20-00188





1 First Floor Plan
1/4" = 1'-0"

From: Sullivan, Charles M.
Sent: Thursday, September 1, 2022 1:13 PM
To: Stephen Brown
Cc: michelle jodrey; Burks, Sarah
Subject: Re: Demolition of an older home

Stephen,

Are we still discussing 47 Eighth Street? If so, I stand by my previous answer. We'll sign off when we see your application in the permitting system.

Charles Sullivan

Charles Sullivan, Executive Director
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, Mass. 02139
617 349-4684

From: Stephen Brown <stephen.e.brown@gmail.com>
Sent: Thursday, September 1, 2022 12:29 PM
To: Sullivan, Charles M. <csullivan@cambridgema.gov>
Cc: michelle jodrey <orchid001980@gmail.com>
Subject: Re: Demolition of an older home

Good afternoon Mr Sullivan,

I hope this email finds you well. I'd love to restart the conversation around a demo permit application. We have engaged the architecture firm Fiore and Foley (of east cambridge) to assist us in our project. We are also working with attorney Jim Rafferty who is assisting us in the zba application and zoning process. We would love to share the project with you if you'd like.

We are hoping that we will not have a demolition delay ordinance as you mentioned previously. Do you suspect we still might need a hearing with the historic commission on this matter?

Thank you for your time,
Michelle and Steve

On Wed, Jan 23, 2019 at 3:53 PM Sullivan, Charles M. <csullivan@cambridgema.gov> wrote:
Mr. Brown,

Although 47 Eighth Street was built in 1860, in its current location and condition I do not consider it significant for the purposes of the demolition delay ordinance. We will sign off on the demolition permit application when it appears.

Please be sure that your replacement project is buildable under zoning before you remove the existing building - you may not be allowed to replicate its current bulk and lot coverage.

Charles Sullivan

Charles Sullivan, Executive Director
Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, Mass. 02139
ph 617-349-4684; fax 617-349-6165; TTY 617-349-6112
<http://www.cambridgema.gov/Historic>

-----Original Message-----

From: Steve Brown <noreply-webcontactform@cambridgema.gov>
Sent: Wednesday, January 23, 2019 11:13 AM
To: HistComm <HistComm@CambridgeMA.GOV>
Subject: Demolition of an older home

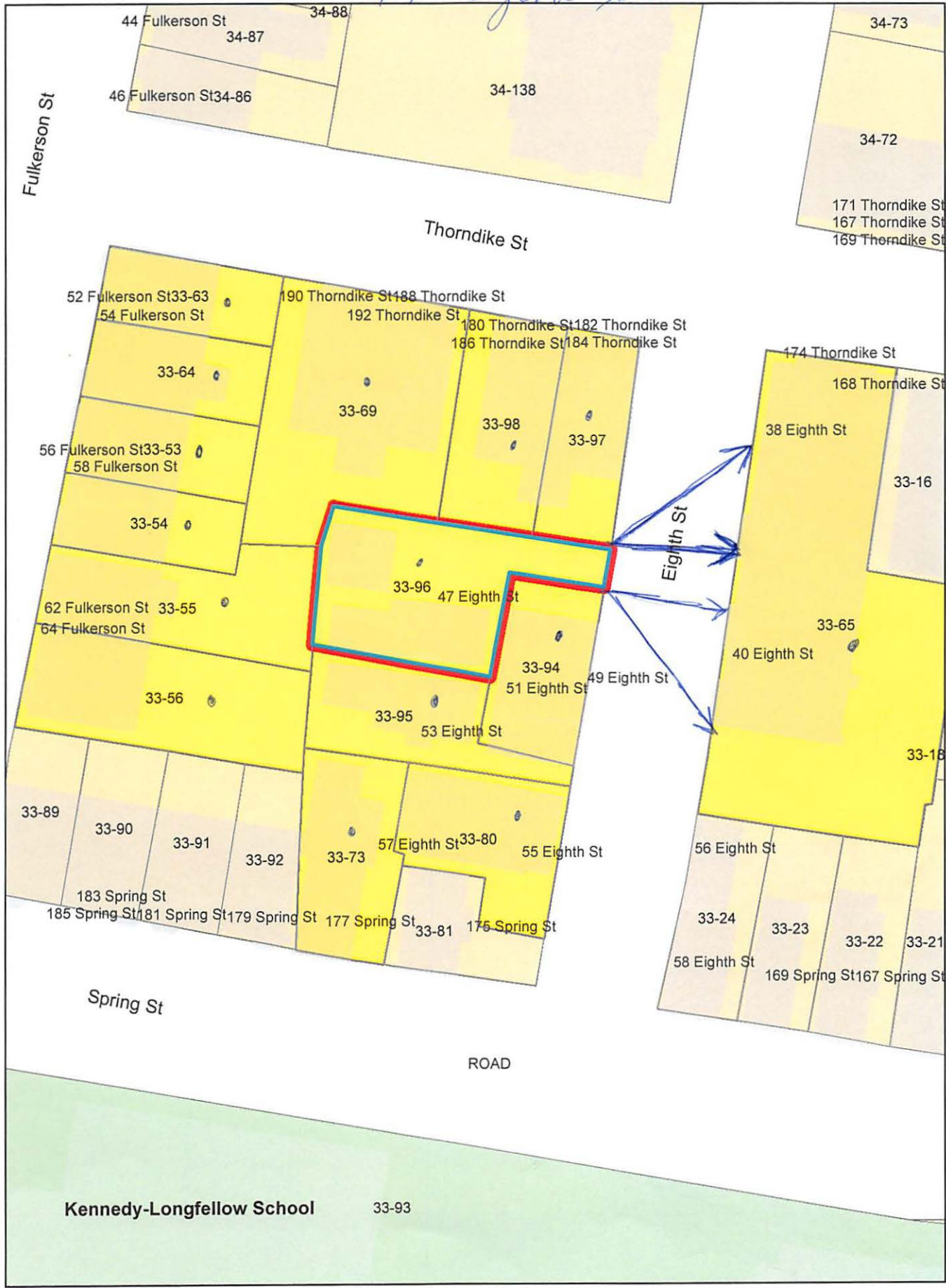
Sender's Email: stephen.e.brown@gmail.com Sender's Name: Steve Brown Sent from a web contact form at <https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cambridgema.gov%2Fhistoric%2Fcontactforms%2Fhistoricalcommission&data=02%7C01%7Ccsullivan%40cambridgema.gov%7C900c56627b254a306c1608d6814d957b%7Cc06a8be784794d73b35193bc9ba8295c%7C0%7C0%7C636838567582630180&sdata=TJaPzN7ko07zssc56M%2Bn8H3%2F5s2jENeRkSA3doWAcV4%3D&reserved=0>

Hi - my name is Stephen Brown. We own the property at 47 8th Street. We are considering a demolition and rebuild but have been reading that we need to talk to you guys before we do anything. Can you let me know what we need to do here?

Thank you
Stephen Brown

--
- Stephen

47 Eighth St.



Kennedy-Longfellow School 33-93

47 Eighth St.

Relatives

33-94
ADAMS, JONATHAN & MONICA ADAMS
4234 Q ST
EUREKA, CA 95503

33-54
RONALD R. RAIRIGH & JOANNE NELSON,
TRS RONALD RAIRIGH & JOANNE NELSON ETAL
58 FULKERSON ST.
CAMBRIDGE, MA 02141

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE - SUITE 300
CAMBRIDGE, MA 02139

33-64
TRAVERS, ROBERT V. & MARY TRAVERS
TRUSTEE OF THE TRAVERS REALTY TRUST.
54 FULKERSON ST
CAMBRIDGE, MA 02141-1507

33-65
ELEFTHERAKIS, JOHN J.
C/O EIGHTH STREET REALTY TRUST
267 NORTH BEACON STREET
BRIGHTON, MA 02135-1542

33-96
BROWN, STEPHEN E.
47 EIGHTH ST
CAMBRIDGE, MA 02141

33-63
RAKOFF-NAHOUM, SETH & KATHERINE O'NEILL
52 FULKERSON ST
CAMBRIDGE, MA 02141

33-73
SANO, KATHLEEN J.
177 SPRING ST
CAMBRIDGE, MA 02141

33-69
ANDREW'S ANGELS LLC
7 SUMMIT RD
MEDFORD, MA 02155

33-95
KOSKI, JOYCE & CITY OF CAMBRIDGE TAX TITLE
53R EIGHTH ST
CAMBRIDGE, MA 02141-1731

33-97
XURE, LLC C/O ALINA HSU
223 EGREMONT PLAIN RD., #95
GREAT BARRINGTON, MA 01230

33-56
TRAVERS, ROBERT V. & MARY TRAVERS
TRUSTEE OF THE TRAVERS REALTY TRUST.
54 FULKERSON ST
CAMBRIDGE, MA 02141

33-80
RODRIGUES, JAMES A. & NANCY R. RODRIGUES
55 EIGHTH ST
CAMBRIDGE, MA 02141-1544

33-98
GIORGIO, DEBRA J.
186 THORNDIKE ST
CAMBRIDGE, MA 02141

33-55
RIBNICK, SAMUEL MILLER CAROLINE
SARAH LOWENTHAL
62 FULKERSON ST
CAMBRIDGE, MA 02141

33-94
ALVAREZ-ALTALEF, REBECA
49-51 EIGHTH STREET - UNIT 49
CAMBRIDGE, MA 02141

33-53
DIMAIO, LOIS
56 FULKERSON ST.
CAMBRIDGE, MA 02141-1507



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: Dat Cab Date: 10/31
(Print)

Address: 47 Eighth Street

Case No. BZA-197887

Hearing Date: 11/17/22

Thank you,
Bza Members

ADAMS & RAFFERTY

ATTORNEYS AT LAW

A Professional Association*

907 Massachusetts Avenue, Suite 300
Cambridge, Massachusetts 02139

James J. Rafferty, P.C.
jrafferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

October 31, 2022

VIA EMAIL

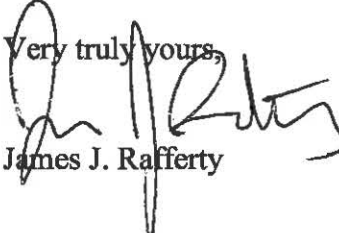
Maria Pacheco, Secretary
Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

RE: BZA Case No. 197887
47 Eighth Street

Dear Ms. Pacheco:

Please accept this correspondence as a request to continue the above-captioned case currently scheduled for Thursday, November 17 to the next regularly scheduled hearing of the Board of Zoning Appeal. The architect who designed the proposal, Paul Fiore, is unable to attend the hearing on the 17th.

Thank you for your attention to this matter.

Very truly yours,

James J. Rafferty

JJR/pwc

cc: Stephen Brown and Michelle Jodrey
Paul Fiore

**not a partnership*