



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 MAY 18 PM 2:45
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 220427

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Foster Starks

PETITIONER'S ADDRESS: 49 magee st , Cambridge, ma 02139

LOCATION OF PROPERTY: 47 Magee St , Cambridge, MA

TYPE OF OCCUPANCY: 2 family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

To add two windows wells on nonconforming walls of my property.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 8.000 Section: 8.22.2.d (Nonconforming Structure).
- Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):

Foster L. Starks III

(Petitioner (s) / Owner)

Foster L. Starks III

(Print Name)

Address:

49 Magee st Cambridge MA 02139

Tel. No.

6173041455

E-Mail Address:

foster.starks3@gmail.com

Date: 05/15/2023

BZA Application Form

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 Foster L. Starks III
(OWNER)

Address: 49 Magee St Cambridge MA 02139

State that I/We own the property located at 49 Magee St Cambridge MA, 02139 which is the subject of this zoning application.

The record title of this property is in the name of Foster L. Starks

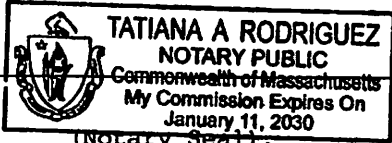
*Pursuant to a deed of duly recorded in the date Jan 8, 2020 Middlesex South County Registry of Deeds at Book 7395B, Page 343; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.


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 Foster L. Starks III personally appeared before me, this 3 of May, 2023, and made oath that the above statement is true.

My commission expires January 11, 2030
 Notary
(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 47 Magee 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 project at 47-49 Magee Street involves a two-family home that complies with the requirements of the C-1 district. The proposed alterations to the existing structure reduces the non-conforming left and right side yard setbacks. These modifications, including the addition of window wells and adjustments to openings, are intended to create an additional living space.

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:

The project will not result in an increase in traffic, and the off-street parking arrangements will remain the same.

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 existing property will remain unchanged, and the proposed project aligns in terms of both use and scale with the surrounding neighborhood and adjacent residential structures.

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:

There will be no change in the existing permitted residential use. The project has been designed to ensure that it does not create any nuisances or hazards that could adversely affect the health, safety, or welfare of its occupants or citizens.

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 proposed project will not compromise the integrity of the district or deviate from the intent or purpose of the ordinance. On the contrary, it improves the existing non-conforming left and right side yard setbacks and the minimum open space requirements. Additionally, it creates two livable spaces, accommodating the needs of its residents.

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

DIMENSIONAL INFORMATION

Applicant: Foster Starks
Location: 47 Magee St., Cambridge, MA
Phone: 6173041455

Present Use/Occupancy: 2 family
Zone: Residence C-1 Zone
Requested Use/Occupancy: 2 family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3022	3022	2450	(max.)
<u>LOT AREA:</u>		3280	3280	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.92	0.92	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		3280	3280	1500	
<u>SIZE OF LOT:</u>	WIDTH	31.3	31.3	50	
	DEPTH	-	-	-	
<u>SETBACKS IN FEET:</u>	FRONT	5	5	10	
	REAR	27.4	27.4	20	
	LEFT SIDE	7.2	7.2	7.6	
	RIGHT SIDE	4.4	4.4	7.6	
<u>SIZE OF BUILDING:</u>	HEIGHT	30	30	35	
	WIDTH	-	-	-	
	LENGTH	-	-	-	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		-	-	30	
<u>NO. OF DWELLING UNITS:</u>		2	2	-	
<u>NO. OF PARKING SPACES:</u>		0	0	-	
<u>NO. OF LOADING AREAS:</u>		-	-	-	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		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.:

only building on the lot

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'.

PROPOSED RENOVATION

47 MAGEE STREET, CAMBRIDGE, MA.

PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.

T DESIGN, LLC

1248 RANDOLPH AVE
MILTON, MA 02186
TEL: (617)-797-6637
EMAIL: QUOCTUANPE@GMAIL.COM



REV.	DATE
BY:	TN
DATE:	01/16/2023
SCALE:	1/4"=1'-0"
SHEET NO.:	T-1

INDEX

1. EXISTING AND PROPOSED BASEMENT
2. EXISTING AND PROPOSED FIRST FLOOR
3. SECOND AND ATTIC FLOOR PLAN
4. EXISTING ELEVATION VIEWS
5. EXISTING ELEVATION VIEWS

PAGE

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- A-2
- A-3
- A-5
- A-6

ZONING CHART				
ZONING	REQUIRED	EXISTING	PROPOSED	REMARK
C-1				
LOT AREA, MIN. SF.	5,000 SF.	3,280±	NO CHANGE	NO CHANGE
MAX. FAR	0.75 (LOT AREA) =2,450 SF.	3,022/3,280 =0.92	NO CHANGE	NO CHANGE
MIN. LOT WIDTH	50 FT	31.3 FT	NO CHANGE	NO CHANGE
MIN. FRONT YARD SETBACK	(H+L)/4 = (30 + 41.3)/4 = 17.83 FT	5 FT	NO CHANGE	NO CHANGE
MIN. SIDE YARD SETBACK	(H+L)/5 = (30 + 41.3)/5 = 14.26 FT	4.4 FT (RIGHT) 7.2 FT (LEFT)	NO CHANGE	NO CHANGE
MIN. REAR YARD SETBACK	(H+L)/4 = (30 + 41.3)/4 = 17.83 FT	27.4 FT	NO CHANGE	NO CHANGE
MAXIMUM HEIGHT	35 FT	30 FT	NO CHANGE	NO CHANGE
MINIMUM RATIO OF PRIVATE OP. SP. TO LOT AREA	30 %			

ZONING INFORMATION WERE TAKEN BY SURVEYOR PLOT PLAN COMPLETED AND STAMPED BY MR. PAUL J. TYRELL
GREATER BOSTON SURVEYING AND ENGINEERING
19 FREDITH ROAD, WEYMOUTH, MA. 02189
(781)-331-6128



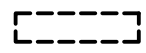
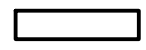

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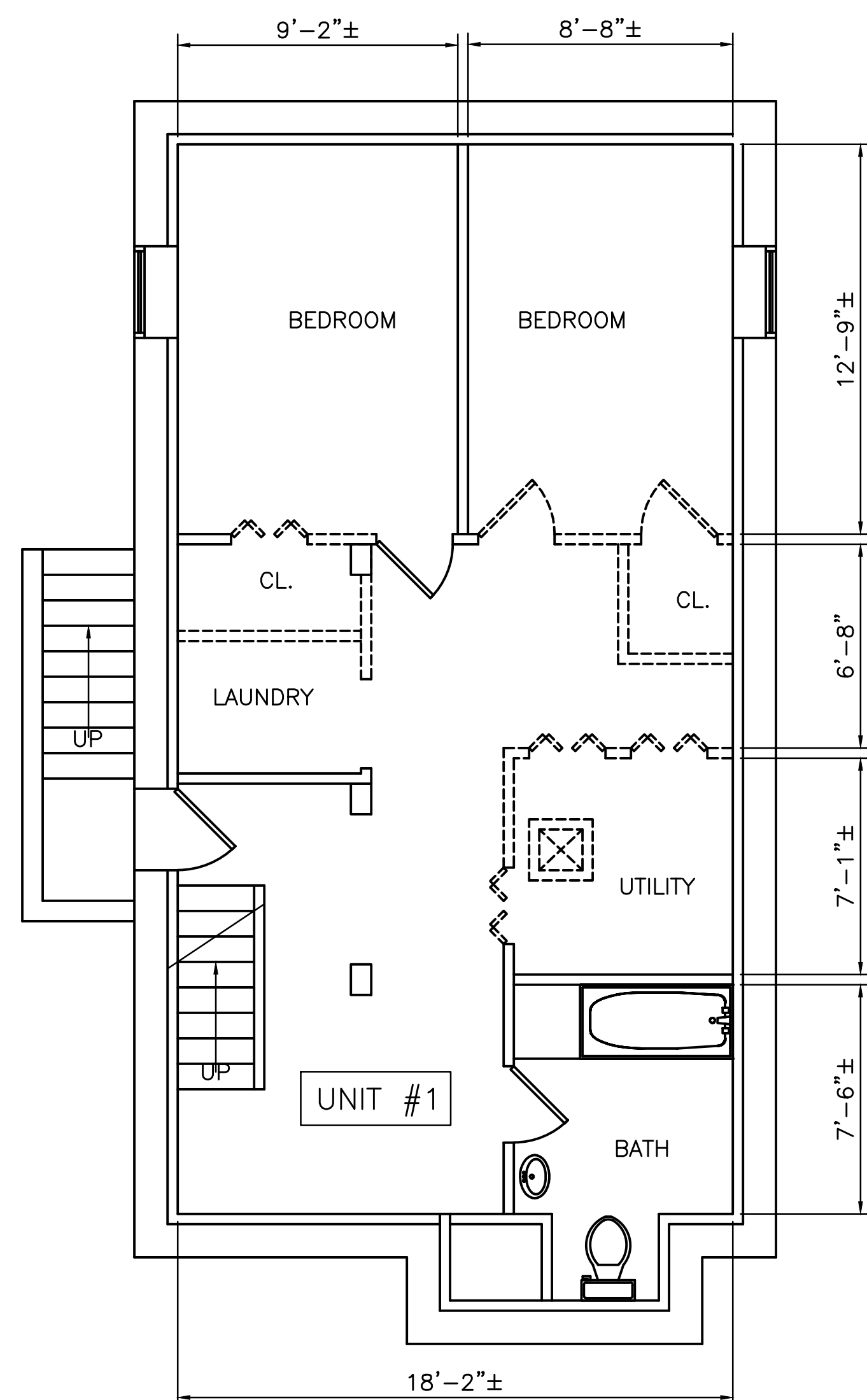
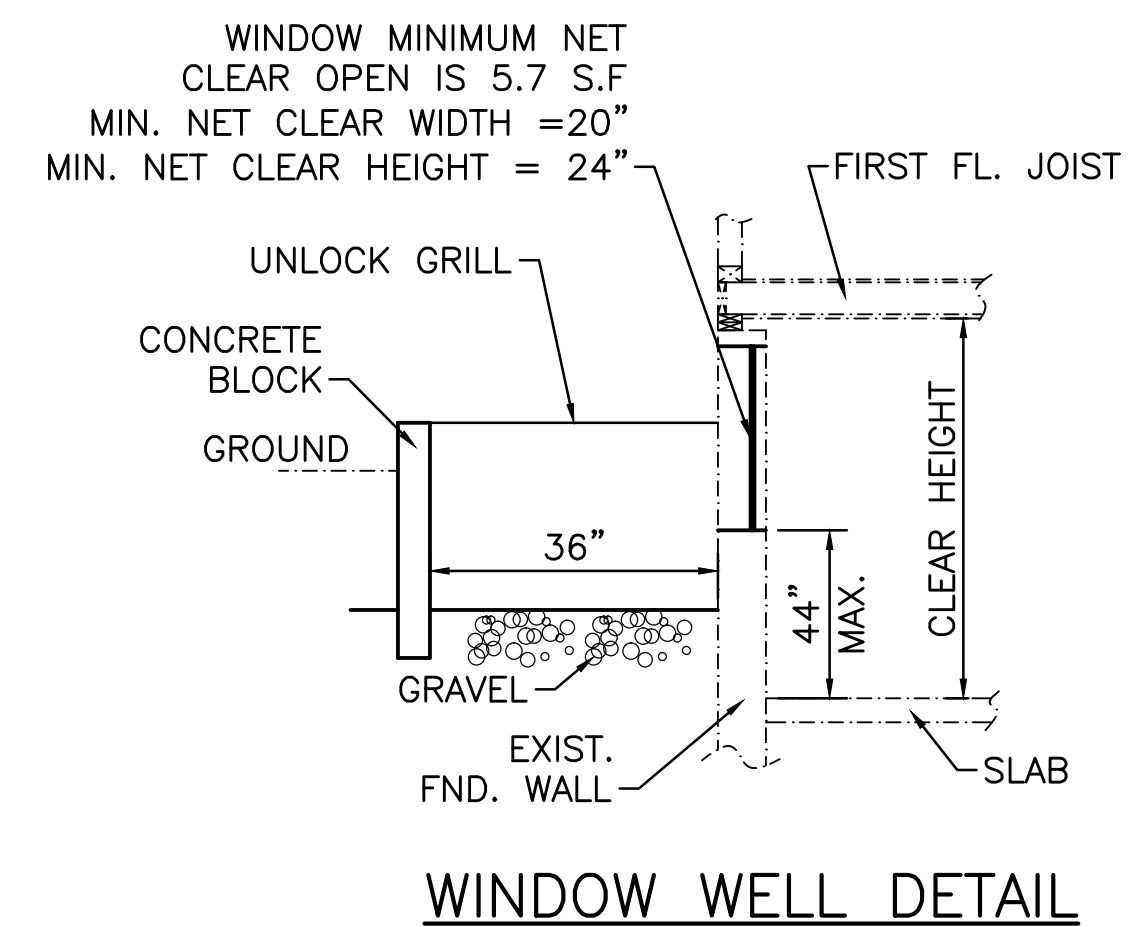
- HARDWIRED SMOKE DETECTOR
- HARDWIRED CARBON MONOXIDE DETECTOR
- BATHROOM EXHAUST VENT
- DEMOLITION WALL
- EXISTING WALL
- NEW WALL CONSTRUCTION

GENERAL NOTES:

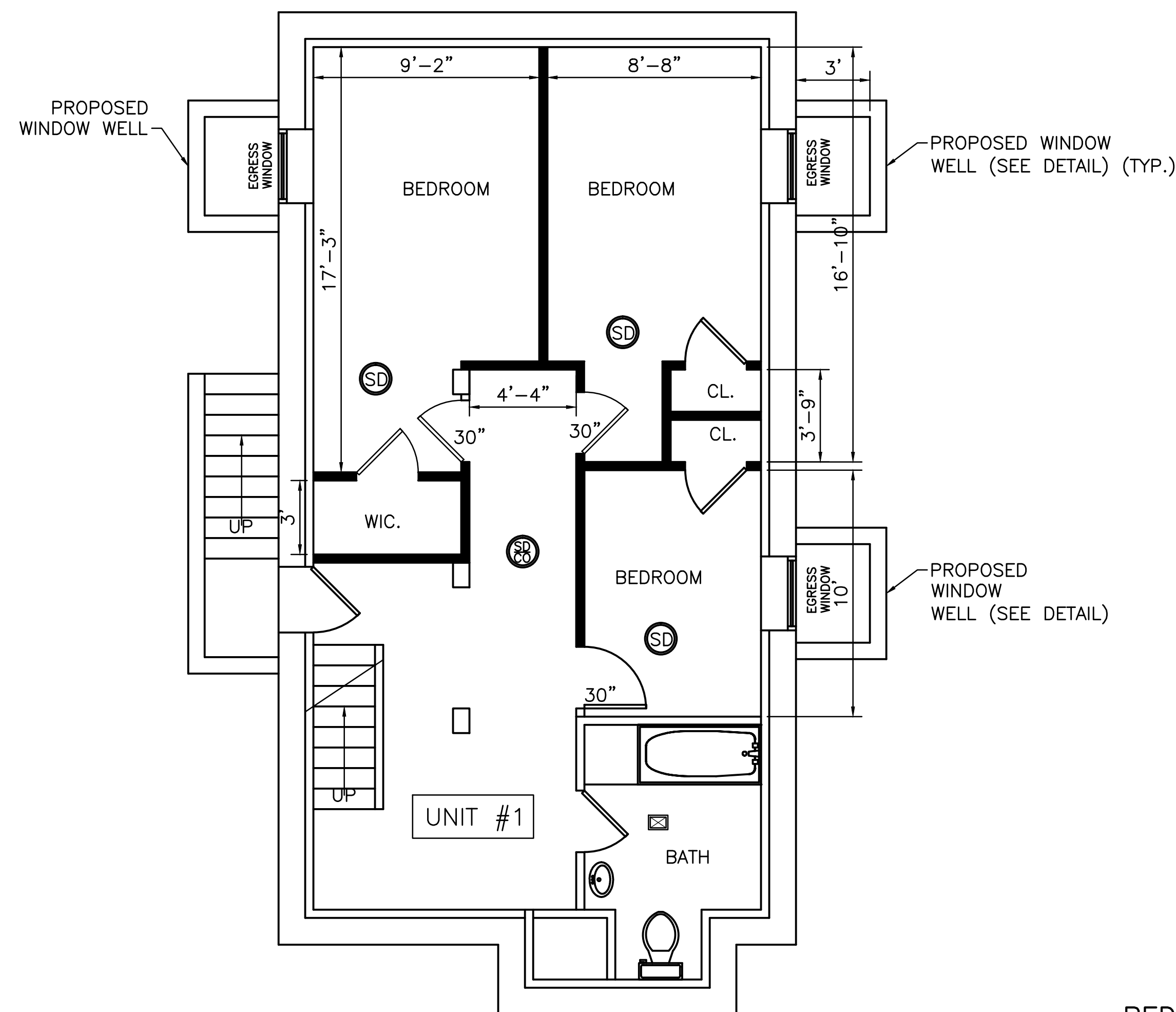
1. THE CONTRACTOR OR OWNER IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE COMMONWEALTH OF CURRENT MASSACHUSETTS STATE BUILDING CODE (IBC 2015 AMENDMENT 780 CMR 9TH EDITION) AND OTHER APPLICABLE CODES.
3. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, SEQUENCING, SCHEDULING AND SAFETY FOR THIS PROJECT.
4. DIMENSIONS ARE NOT GUARANTEE, THE CONTRACTOR SHOULD VERIFY ALL DRAWING DIMENSIONS BEFORE PERFORM WORK.
5. THE CONTRACTOR SHALL WARRANTEE HIS WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION.
6. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS SPECIFICATIONS OR FIELD CONDITIONS TO T DESIGN IMMEDIATELY.
7. CONCRETE AND REBARS STRENGTH SHALL HAVE MINIMUM OF 3,000 PSI AND 60,000 PSI RESPECTIVELY
8. ALL WINDOWS AND DOORS MUST HAVE U FACTOR = 0.3 MINIMUM.

LEGEND

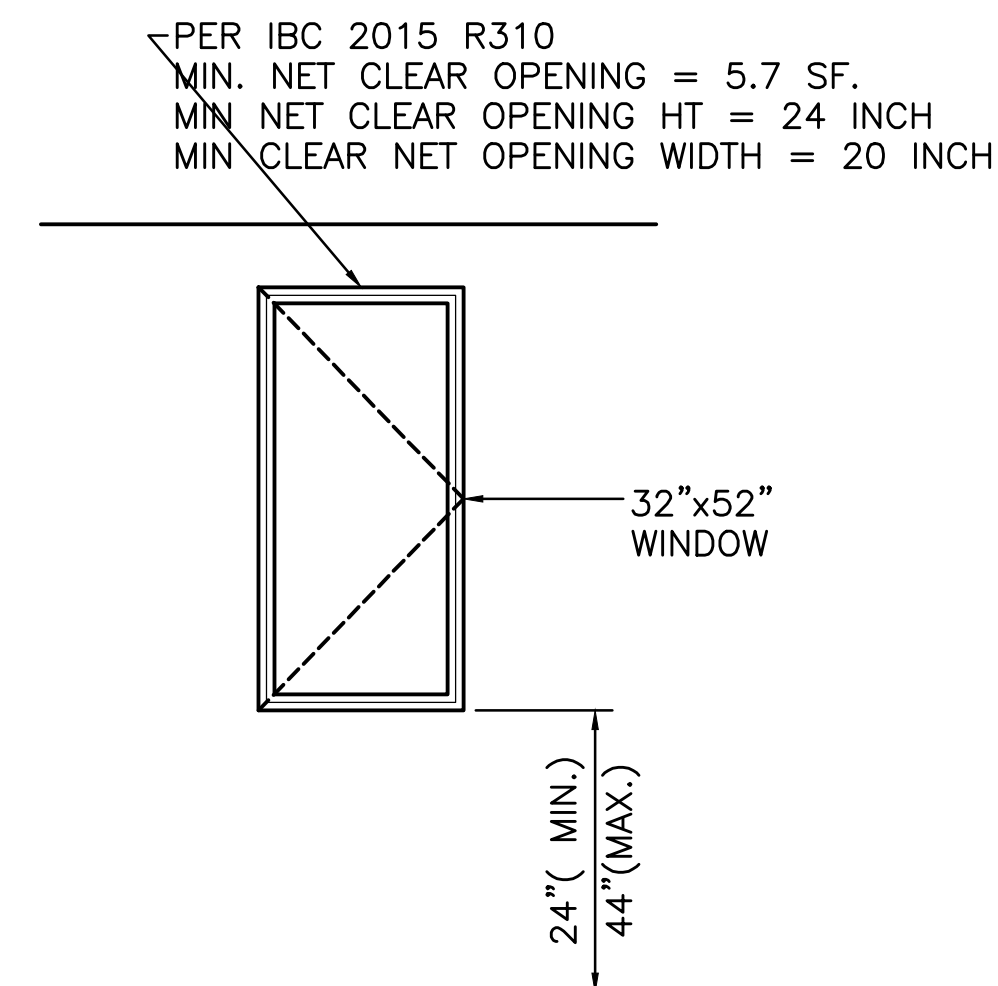
-  SMOKE DETECTOR
-  CARBON MONOXIDE/SMOKE COMBO DETECTOR
-  DEMOLITION WALL
-  EXISTING WALL
-  NEW WALL CONSTRUCTION



FAR AREA = 822 SF.
 EXISTING BASEMENT
 SCALE: 1/4"=1'-0"



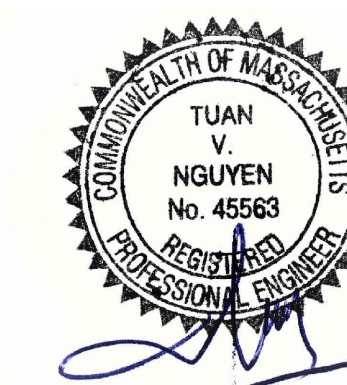
FAR AREA = 1112 SF.
 PROPOSED BASEMENT PLAN
 SCALE: 1/4"=1'-0"



PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.



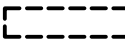


T DESIGN, LLC

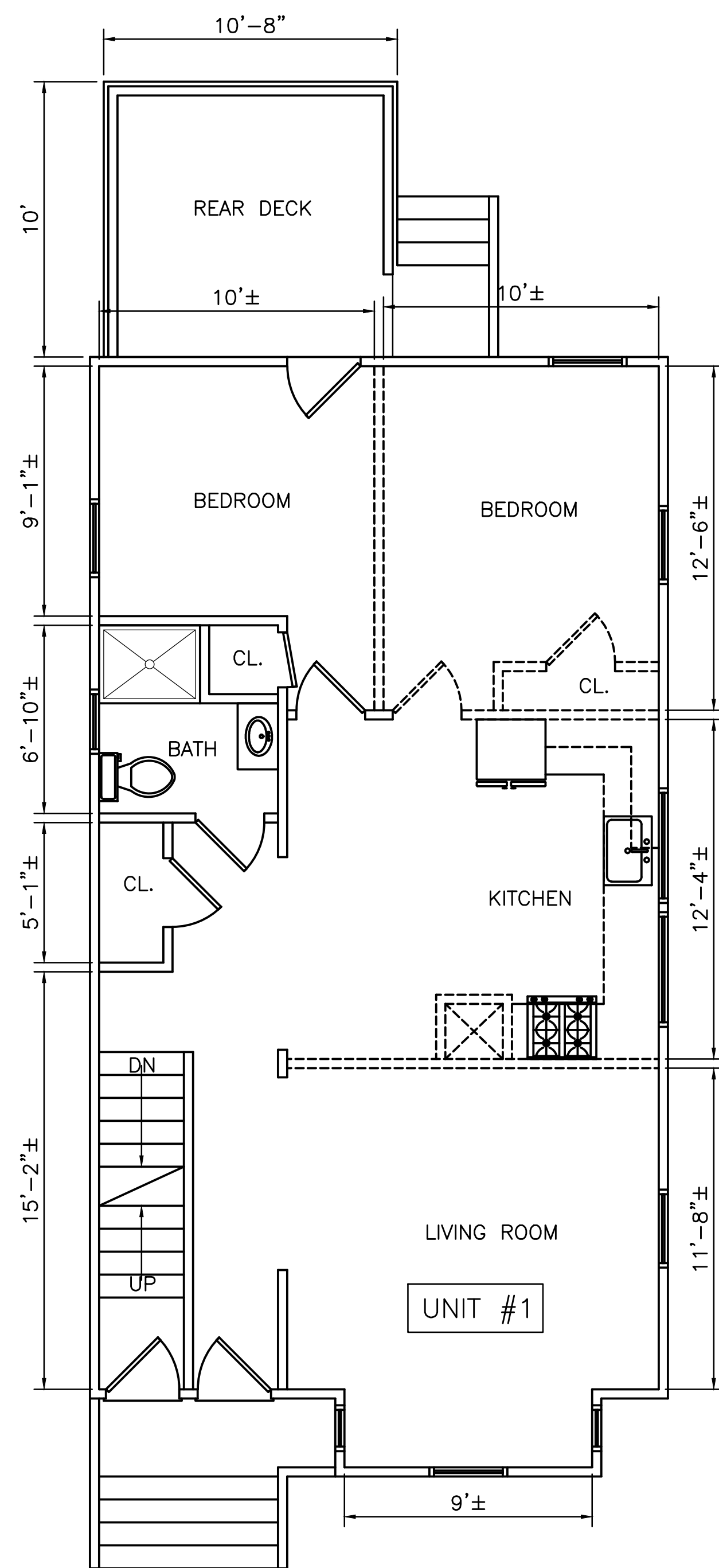
1248 RANDOLPH AVE
 MILTON, MA 02186
 TEL: (617)-797-6637
 EMAIL: QUOCTUANPE@GMAIL.COM



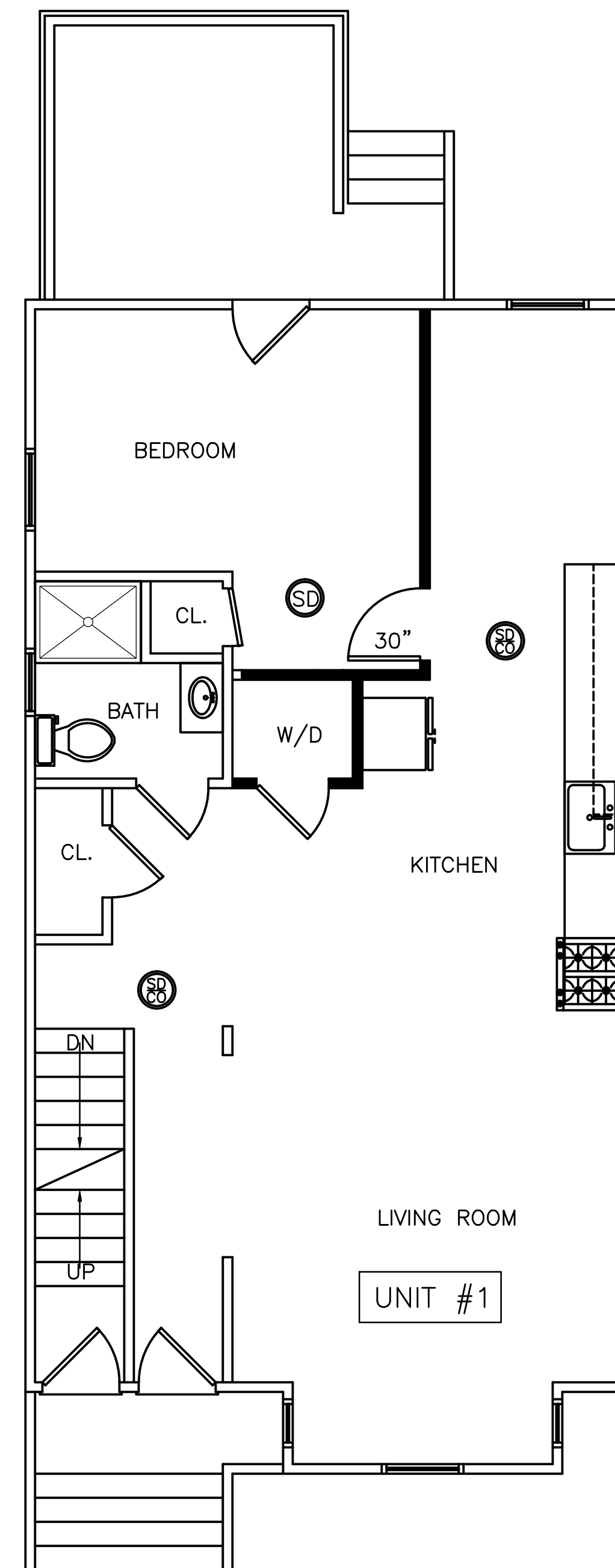
REV.	DATE
BY:	TN
DATE:	09/12/2022
SCALE:	1/4"=1'-0"
SHEET NO.:	A-1

LEGEND

-  SMOKE DETECTOR
-  CARBON MONOXIDE/SMOKE COMBO DETECTOR
-  DEMOLITION WALL
-  EXISTING WALL
-  NEW WALL CONSTRUCTION



FAR AREA = 822 SF.
EXISTING FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0"

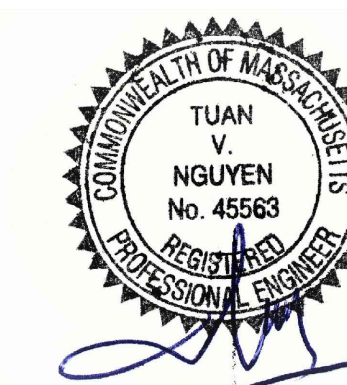


FAR AREA = 1,112 SF.
PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0"

PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.



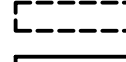


T DESIGN, LLC

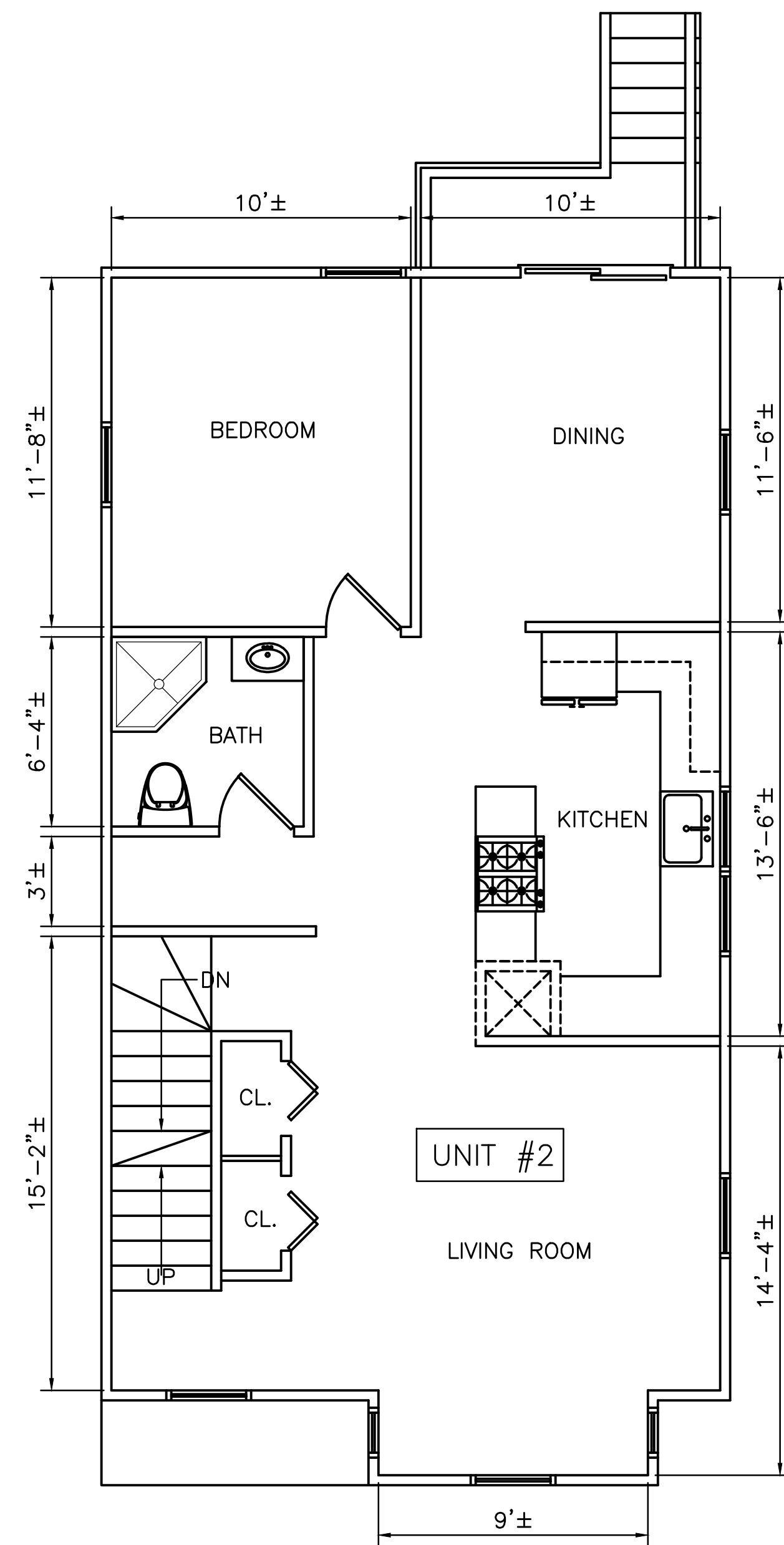
1248 RANDOLPH AVE
 MILTON, MA 02186
 TEL: (617)-797-6637
 EMAIL: QUOCTUANPE@GMAIL.COM



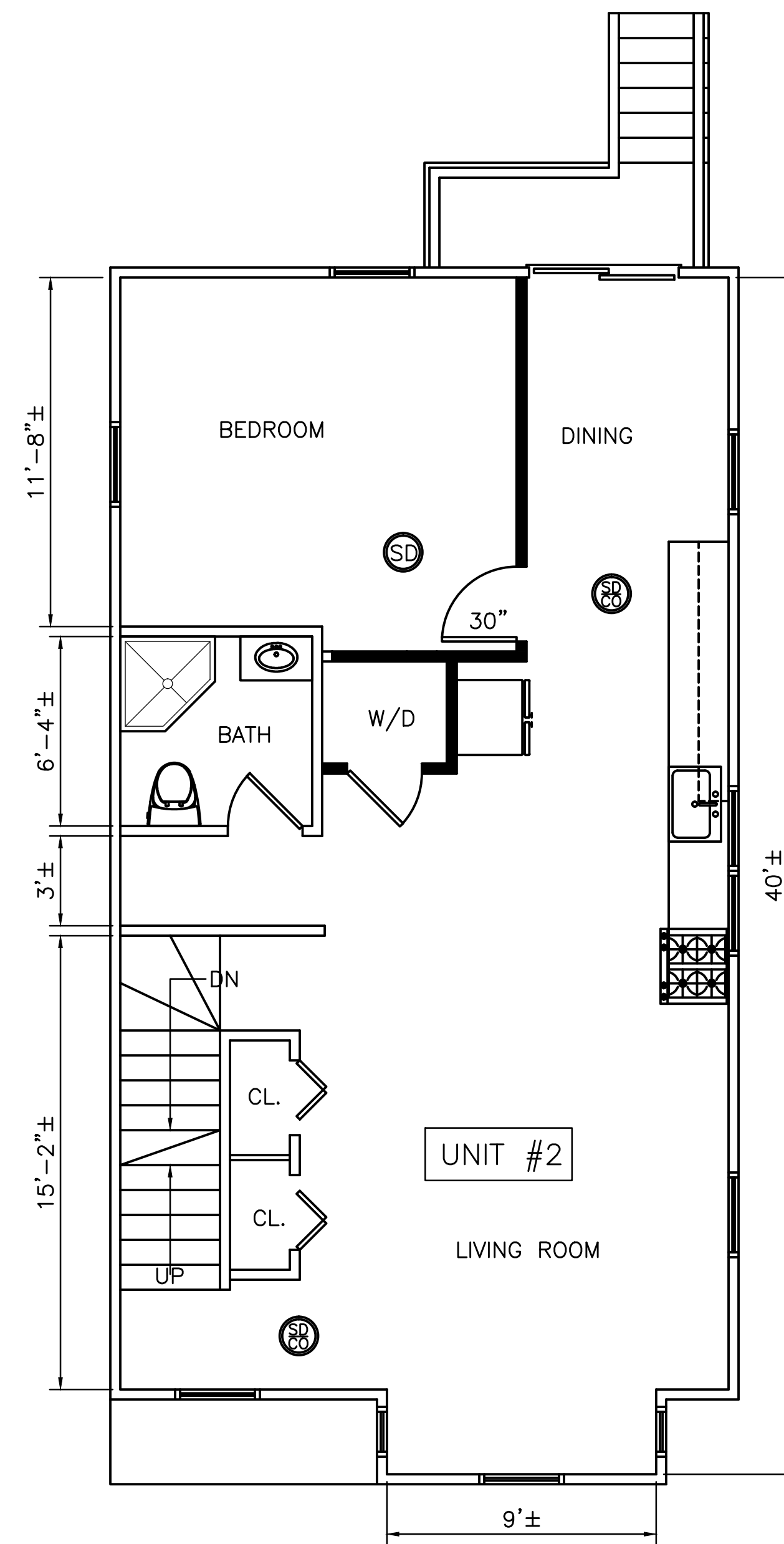
REV.	DATE
BY: TN	
DATE: 09/12/2022	
SCALE: 1/4"=1'-0"	
SHEET NO.: A-2	

LEGEND

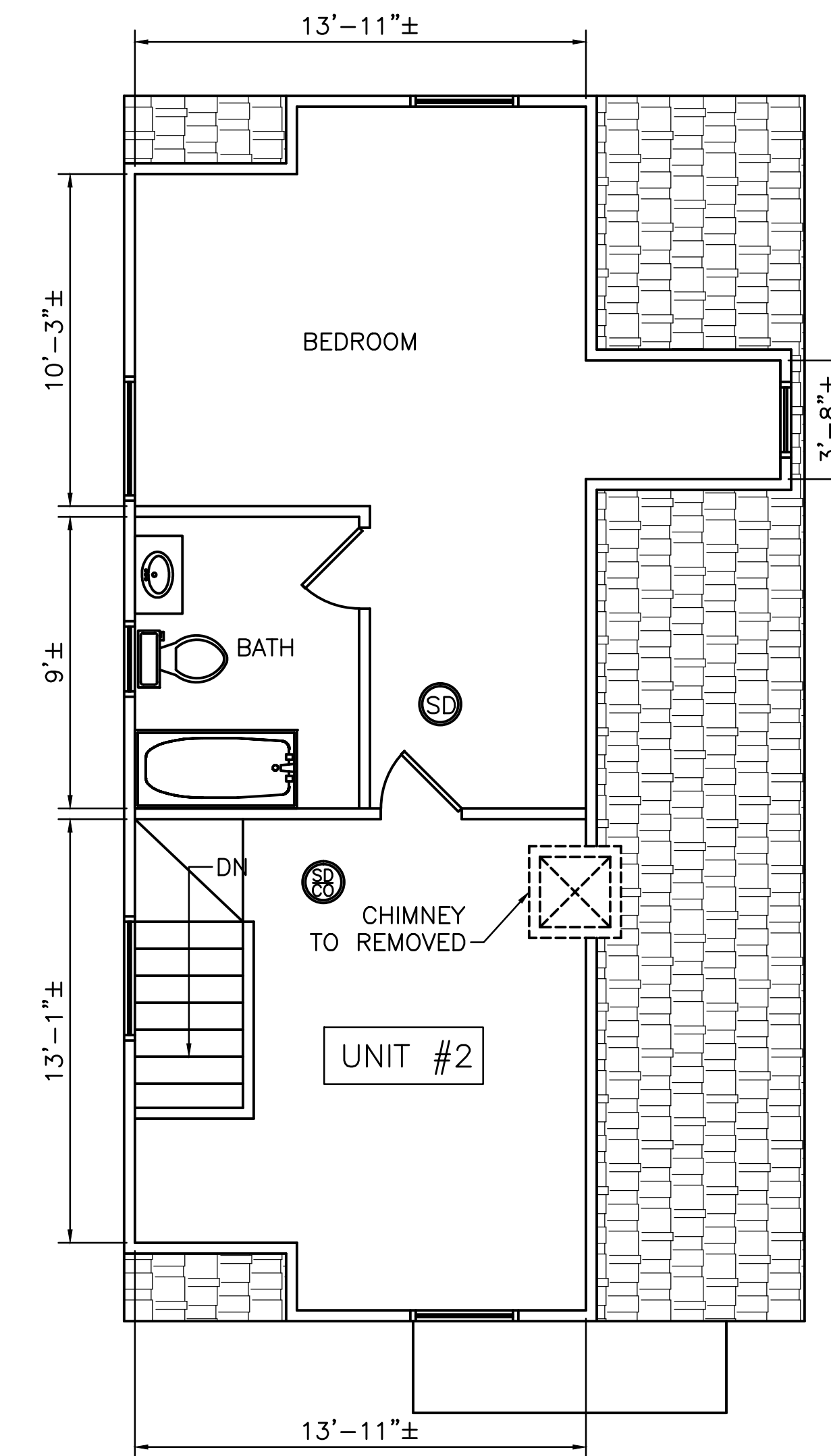
-  SMOKE DETECTOR
-  CARBON MONOXIDE/SMOKE COMBO DETECTOR
-  DEMOLITION WALL
-  EXISTING WALL
-  NEW WALL CONSTRUCTION



EXISTING SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

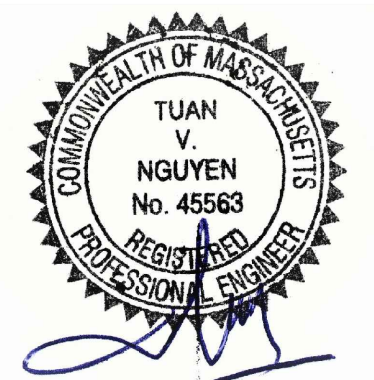


EXISTING ATTIC PLAN

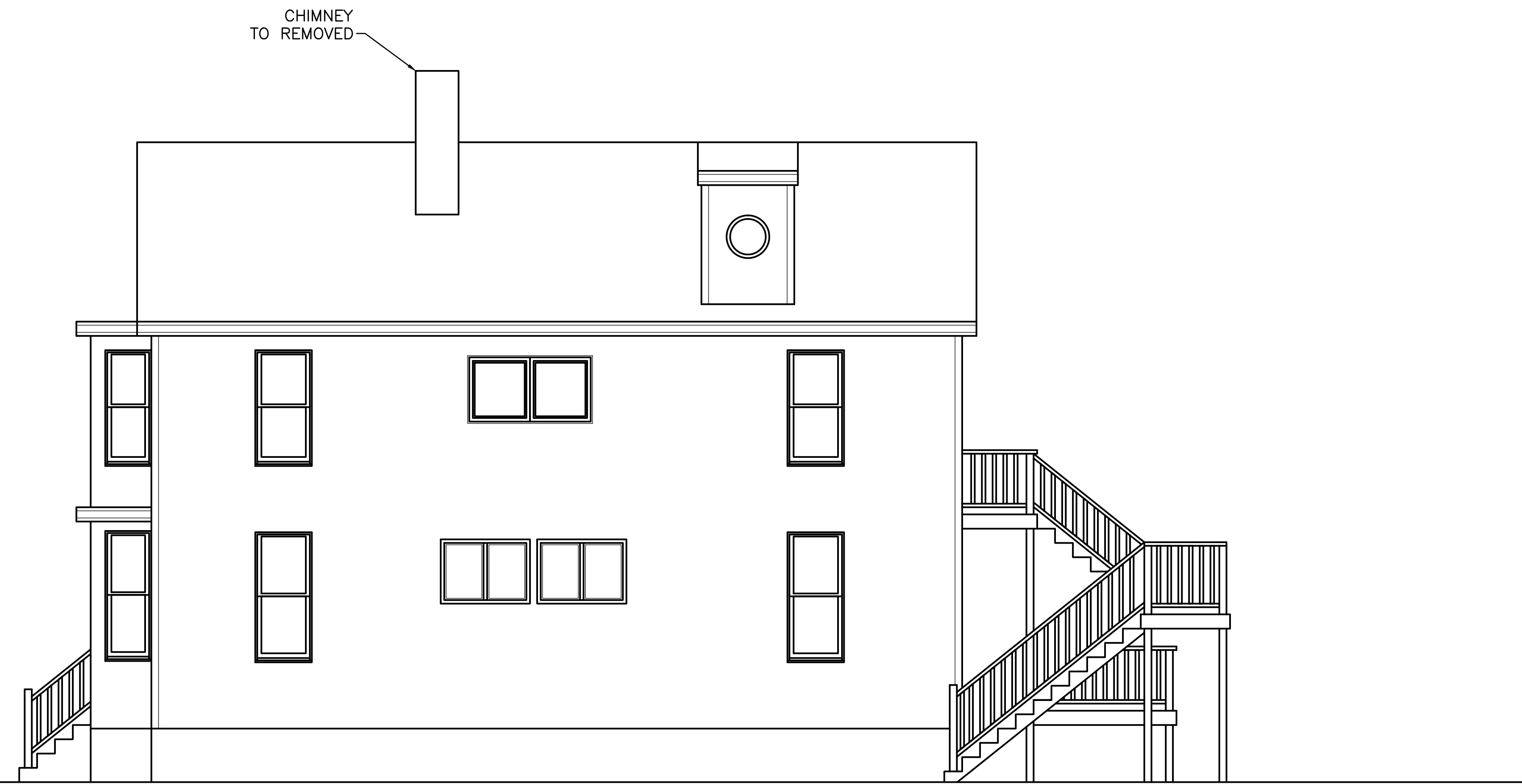
PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.

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MILTON, MA 02186
TEL: (617)-797-6637
EMAIL: QUOCTUANPE@GMAIL.COM



REV.	DATE
BY:	TN
DATE:	09/12/2022
SCALE:	1/4"=1'-0"
SHEET NO.:	A-3



EXISTING RIGHT ELEVATION VIEW
SCALE: 1/4"=1'-0"



EXISTING FRONT ELEVATION VIEW
SCALE: 1/4"=1'-0"

PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.

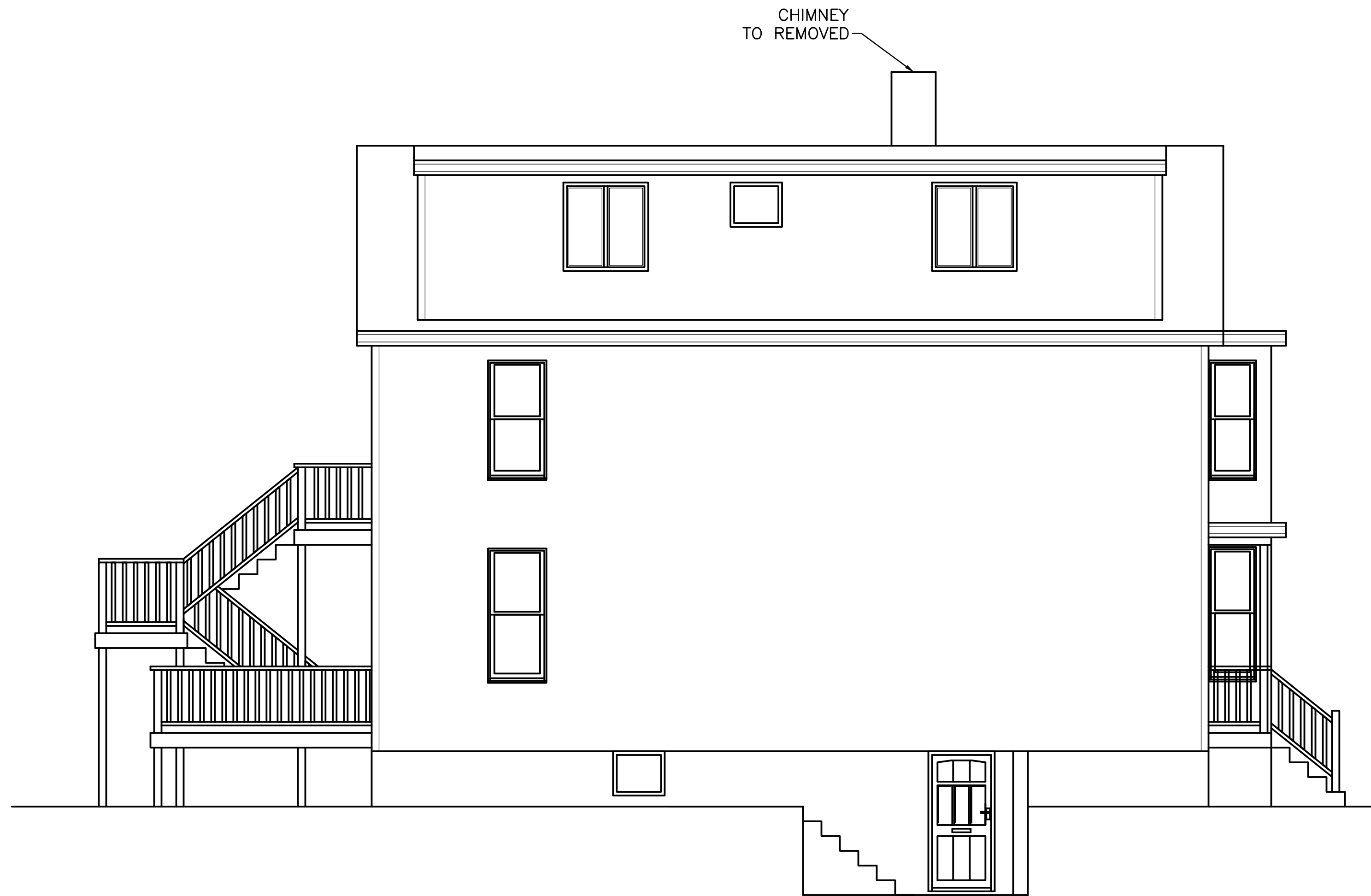
T DESIGN, LLC

1248 RANDOLPH AVE
MILTON, MA 02186
TEL: (617)-797-6637
EMAIL: QUOCTUANPE@GMAIL.COM



REV.	DATE

BY:	TN
DATE:	09/12/2022
SCALE:	1/4"=1'-0"
SHEET NO.:	A-4



EXISTING LEFT ELEVATION VIEW
SCALE: 1/4"=1'-0"



EXISTING REAR ELEVATION VIEW
SCALE: 1/4"=1'-0"

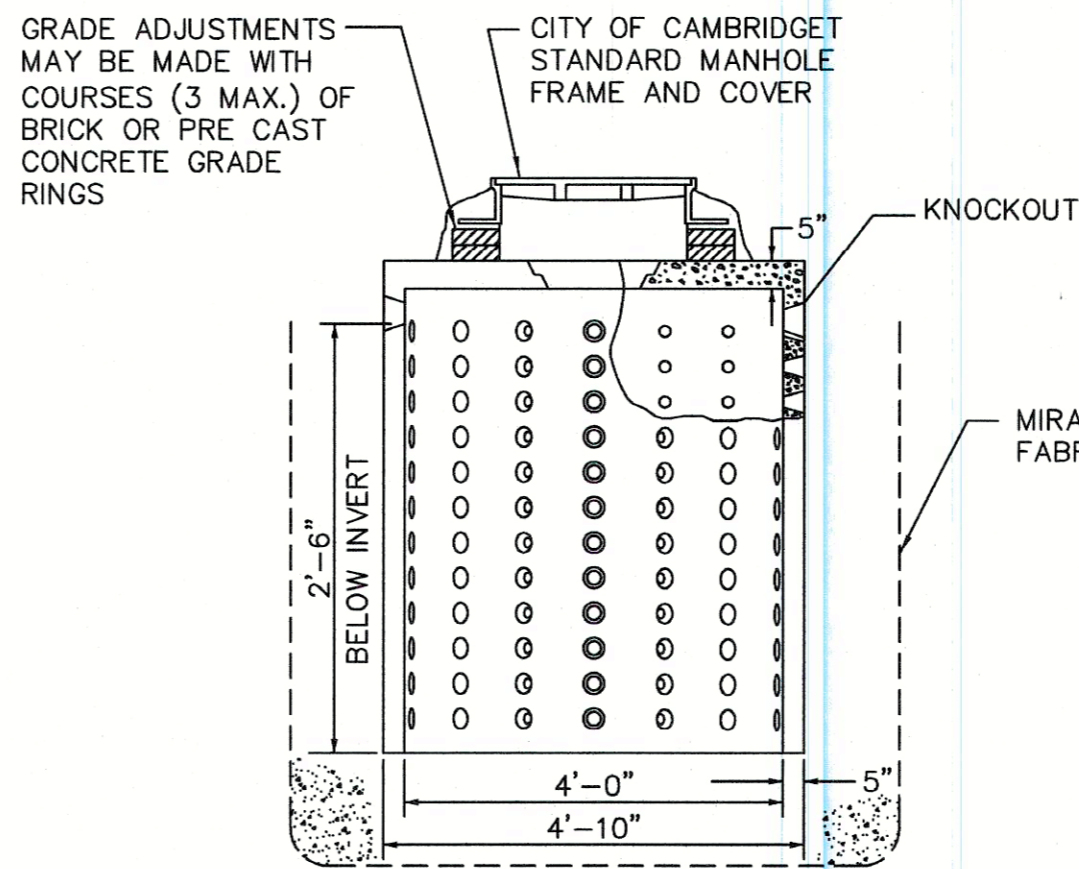
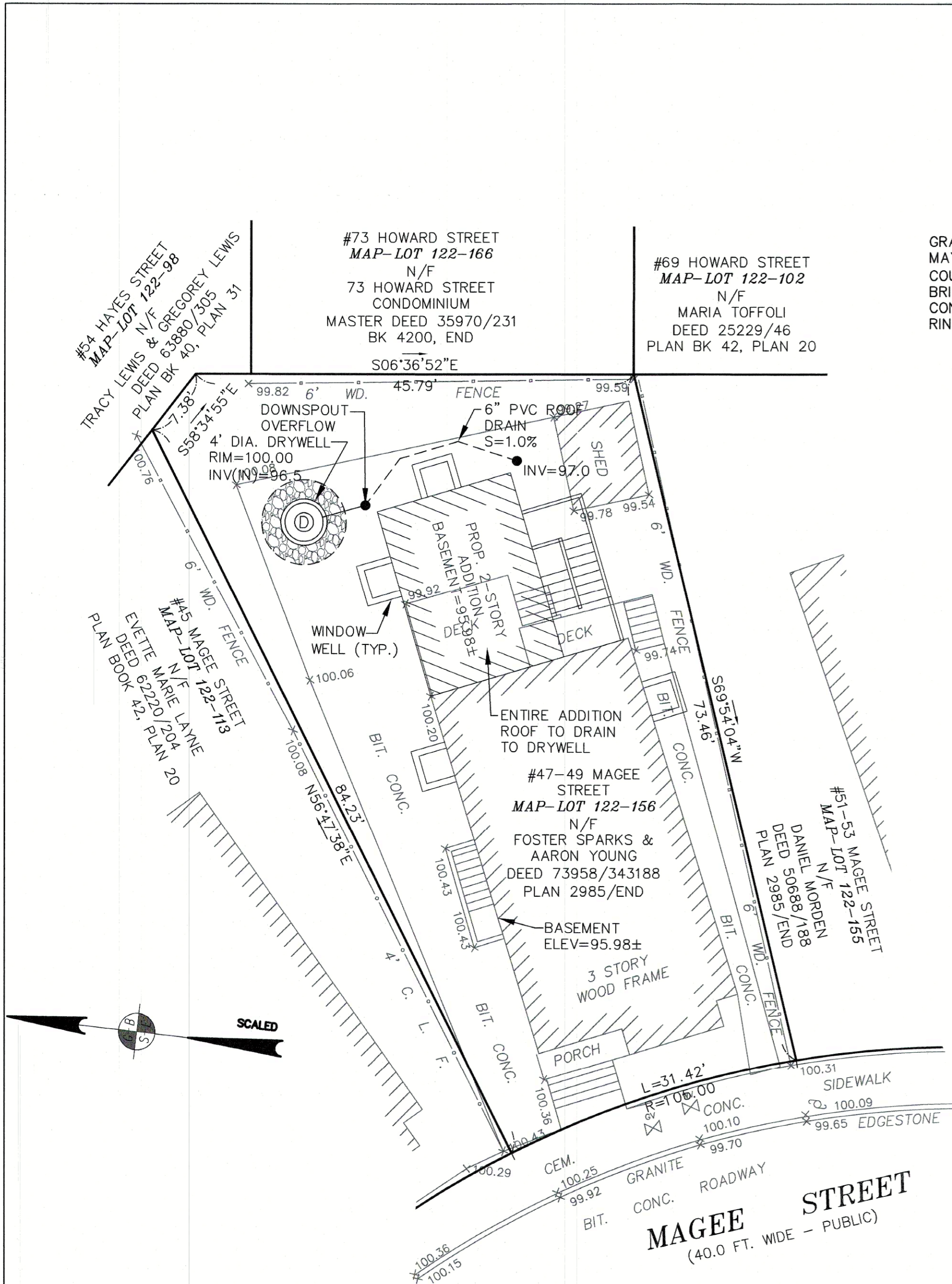
PROPOSED RENOVATION
47 MAGEE STREET
CAMBRIDGE, MA.

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EMAIL: QUOCTUANPE@GMAIL.COM

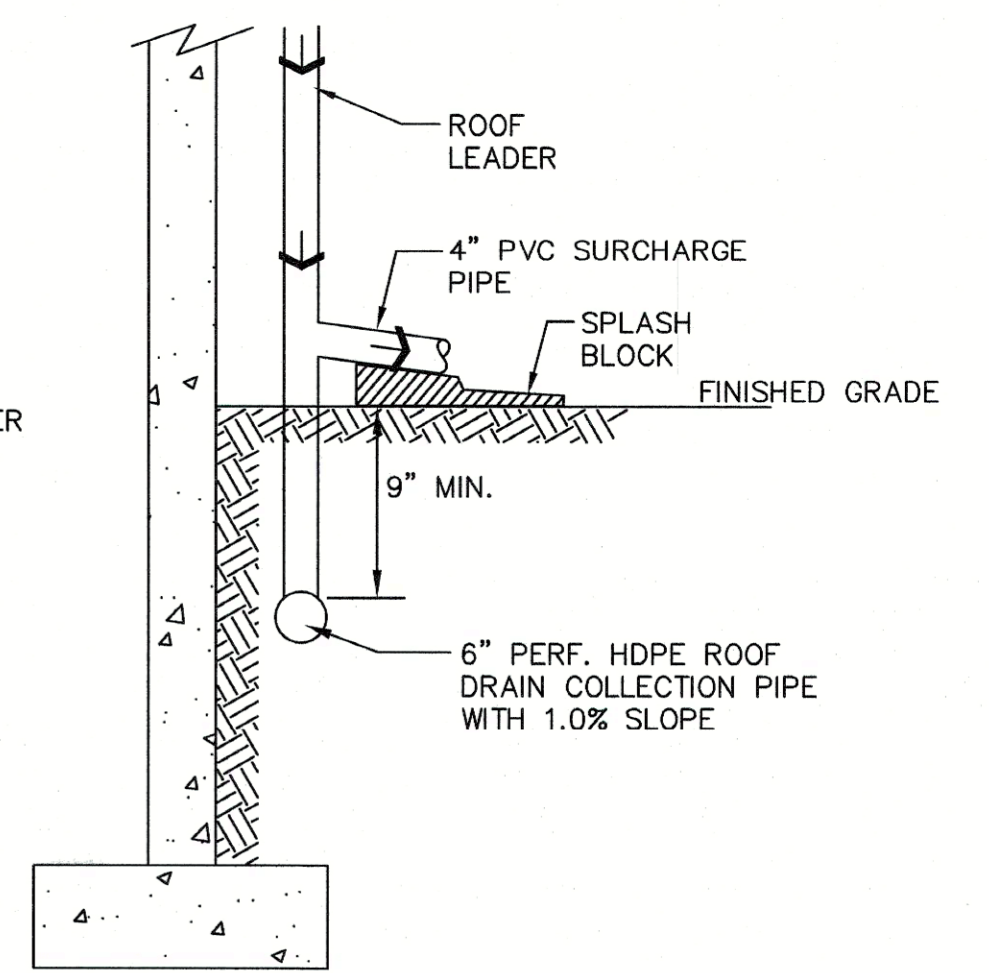


REV.	DATE
BY:	TN
DATE:	09/12/2022
SCALE:	1/4"=1'-0"
SHEET NO.:	A-5



- NOTES**
1. DRYWELL TO BE DESIGNED FOR H-20 LOADING.
 2. PLACE 2.0' OF CRUSHED STONE ALL AROUND STRUCTURE.

DRY WELL
NOT TO SCALE



**ROOF DRAIN COLLECTION SYSTEM
DETAIL**

12.7.21

0 5 10 20 40

SCALE: 1"=10'

**PLAN OF LAND
47-49 MAGEE STREET
CAMBRIDGE, MASSACHUSETTS
(MIDDLESEX-SOUTH REGISTRY OF DEEDS)**

PREPARED FOR
FOSTER SPARKS
47-49 MAGEE STREET
CAMBRIDGE, MA 02139
617-304-1455

GREATER BOSTON SURVEYING AND ENGINEERING
19 FREDITH ROAD
WEYMOUTH, MA 02189
(781) 331-6128

CALC BY: PJT DATE: NOVEMBER 30, 2021 SCALE: 1"=10'

- NOTES:**
1. TOP OF PROPOSED WINDOW WELLS TO BE SET 6" ABOVE CITY OF CAMBRIDGE 2070 FLOOD ELEVATIONS.
 2. PER CITY OF CAMBRIDGE REGULATIONS AND STATE PLUMBING CODE (248 10.15[11] 1&2) BACKWATER VALVES SHALL BE INSTALLED AT ALL BELOW GRADE PLUMBING FIXTURES.

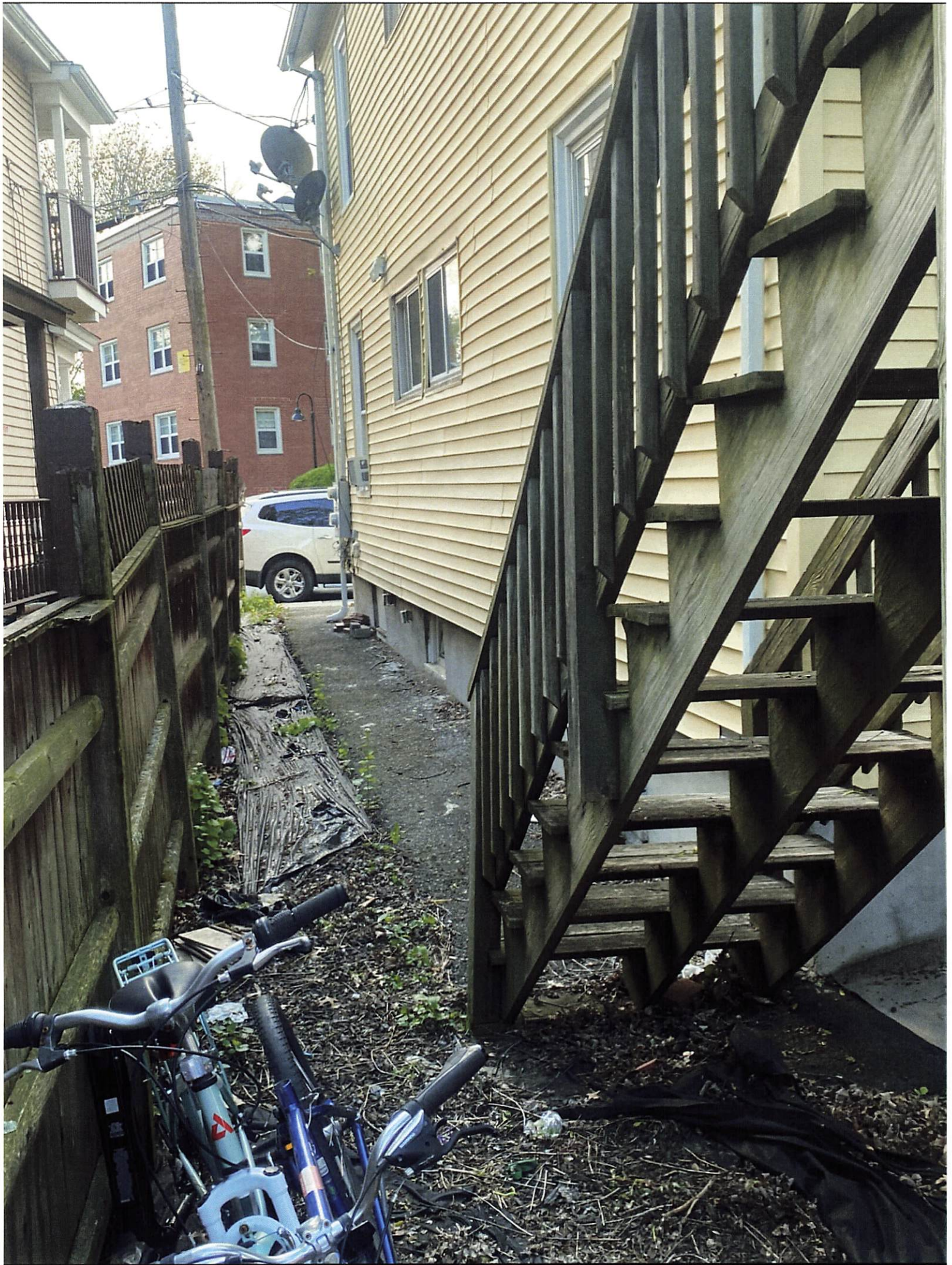




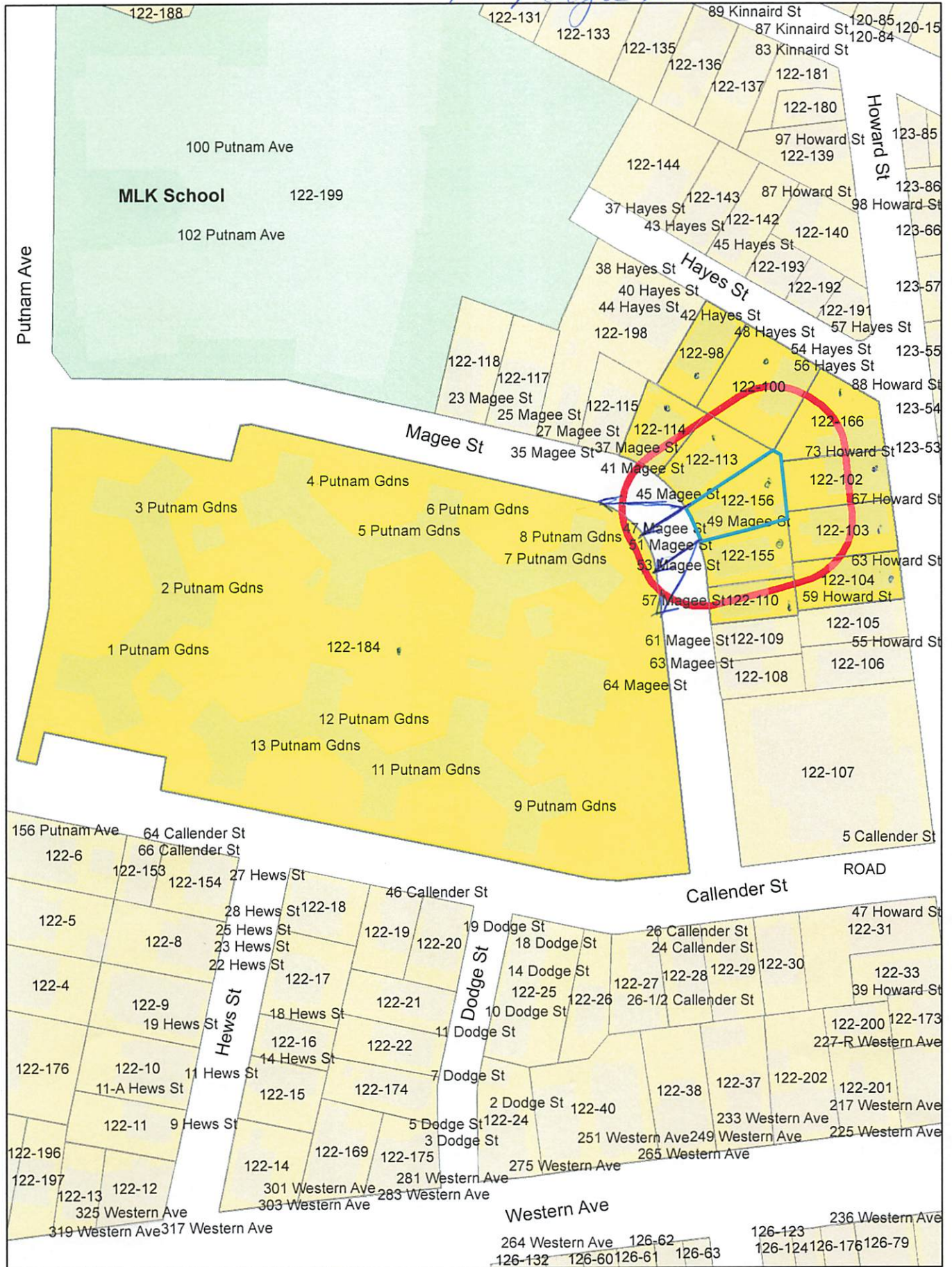








47 Magee St.



47 Magee St.

Petitioner

122-102
TOFFOLI, MARIA RITZ
71 HOWARD ST
CAMBRIDGE, MA 02139-2801

122-114
STEAD, GRAYCE W.,
TRUSTEE THE LYNCH FAMILY REALTY TRUST
51 MONROE DR.
HOLLISTON, MA 01746

122-156
STARKS, FOSTER L III
49 MAGEE ST
CAMBRIDGE, MA 02139

122-100
LEWIS, FLORENCE E. LIFE ESTATE & GREGORY
WILLIAM ARTHUR III, TRACY CHRISTINE LEWI
54 HAYES ST
CAMBRIDGE, MA 02139

122-104
SPIER, MICHAEL J.
TR OF MJS REALTY TRUST
63 HOWARD ST
CAMBRIDGE, MA 02139-2911

122-113
LAYNE, EVETTE MARIE
43 MAGEE ST
CAMBRIDGE, MA 02139

122-166
PEREIRA, JENNIFER DAY & FABRICIO PEREIRA
73 HOWARD ST. UNIT#1
CAMBRIDGE, MA 02139

122-166
SHEFFNER, LORYN
73 HOWARD ST. UNIT#3
CAMBRIDGE, MA 02139

122-103
SAWYER, ANNE
P.O. BOX 1717
VINYARD HAVEN, MA 02568

122-103
SULLIVAN-AWQATTY, CATHERINE
65 HOWARD ST #1 & #3
CAMBRIDGE, MA 02139

122-184
PUTNAM GARDENS, LLC
362 GREEN ST
CAMBRIDGE, MA 02139

122-110
MARKHAM, AMY BATES &
BENJAMIN EDWIN MARKHAM
55-57 MAGEE ST. #55
CAMBRIDGE, MA 02139

122-98
KINCAID, JAMAICA
46-48 HAYES ST., #2
CAMBRIDGE, MA 02139

122-98
SHAW MEGHAN & ALEXANDER KLAESSIG
46-48 HAYES ST - UNIT 1
CAMBRIDGE, MA 02139

122-155
MORDEN, DANIEL A.
51 MAGEE ST
CAMBRIDGE, MA 02139

122-110
PETERSON ATICUS ARTHUR
55-57 MAGEE ST - UNIT 57
CAMBRIDGE, MA 02139