

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JUL 27 PM 2:44
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 106926

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Marc and Jennifer Richards

PETITIONER'S ADDRESS: 4 Aberdeen Court, Cambridge, MA 02138

LOCATION OF PROPERTY: 4 Aberdeen Ct., Cambridge, MA

TYPE OF OCCUPANCY: Single Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Retroactive approval of shed within setback/

DESCRIPTION OF PETITIONER'S PROPOSAL:

In 2016, we replaced a 20'x10' carport + shed combination structure with a 10'x10' enclosed wood shed in the same location. The shed (like the structure before it) is only partially on our land. We seek relief to relocate the shed completely on our land, within the setback.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000 Section: 4.21.H (Accessory Uses).
Article: 8.000 Section: 8.22.3 (Non-Conforming Structure)

Original
Signature(s):

(Petitioner (s) / Owner)

MARC RICHARDS

(Print Name)

Address:

Tel. No. 617-460-7088
E-Mail Address: marc.d.richards@gmail.com

Date: 7/25/2021

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 Marc and Jennifer Richards
(OWNER)

Address: 4 Aberdeen Court, Cambridge MA

State that I/We own the property located at 4 Aberdeen Court,
which is the subject of this zoning application.

The record title of this property is in the name of _____
RICHARDS, MARC D. & JENNIFER A. RICHARDS

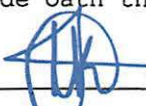
*Pursuant to a deed of duly recorded in the date June 22, 2006, Middlesex South
County Registry of Deeds at Book _____, Page _____; or
Middlesex Registry District of Land Court, Certificate No. 1414180
Book 1321 Page 142.

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

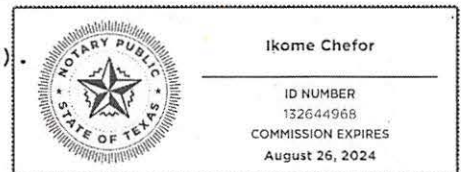
**Written evidence of Agent's standing to represent petitioner may be requested.*

State of Texas, County of Harris

The above-name Marc D Richards personally appeared before me,
this 28 of January 2021, and made oath that the above statement is true.

 Ikome Chefor Notary

My commission expires 08/26/2024 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

Notarized online using audio-video communication

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 shed is used primarily as bicycle storage for our family of 5, as well as yard maintenance items such as our lawn mower, shovels, rakes, etc. Without the shed, we have no covered, secure area for our bicycles. Storing them in our basement would be a significant physical and financial hardship, as access through our bulkhead is very steep and narrow, and would require significant improvements for us to feel it is safe for our children (ages 10, 10, and 11) to use on their own.

- 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 by not affecting generally the zoning district in which it is located for the following reasons:

Our lot is an irregular, trapezoidal shape, and the primary structure is situated diagonally across it. Therefore, the lot layout provides minimal opportunity for a conforming shed or other outdoor storage, especially one that is directly accessible from our driveway at the end of Aberdeen Court. The nonconforming location is LESS detrimental to the character of the neighborhood compared to any available conforming location: Instead of being situated in a paved area at the end of the driveway, any conforming location is on our lawn. Any conforming location would also significantly reduce our children's outdoor play area.

- 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:

The original carport / shed combination had existed since at least the 1960s, likely dating back to the construction of the house in 1941. The carport footprint was 20'x10', and overlapped the property boundary to #3 Aberdeen Court. As it overlapped the property boundary, it did not conform to the setback. It was also nonconforming in that it was less than 5' away from the main structure on our property. That structure was demolished in November 2015 as it was rusting and had become an eyesore. A replacement cedar 10'x10' shed was put within the original carport footprint, and was a significant aesthetic upgrade compared to the steel-and-sheet-metal carport / shed. We did not seek relief at the time it was replaced, because we were unaware it was necessary due to the small size of the shed.

The owner of #3 Aberdeen Court recently requested that we relocate the shed to be completely within our property boundary. The new shed location is no longer fully within the footprint of the original carport, but the general location and storage use is the same as the older structure which dated back at least 50 years. The new structure offers improved aesthetics and function on a smaller footprint. Also, the new shed location, while within the setback, no longer encroaches on our neighbor's property.

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

The shed sits by the side of the far end of a dead-end street. It is under the 120 sq ft limit for permit-required accessory buildings, and maintains a similar location and storage purpose as the prior structure which stood for 50+ years. The shed does not reduce the amount of Usable Open Space on our lot, and we have improved the overall aesthetics of the neighborhood by replacing the previous rusting metal carport and shed structure with a newer, smaller cedar shed.

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Marc and Jennifer Richards

Present Use/Occupancy: Single Family

Location: 4 Aberdeen Court

Zone: Residence B Zone

Phone: 617-460-7088

Requested Use/Occupancy: Single Family

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	1456	N/A	2790	(max.)
<u>LOT AREA:</u>	5580	N/A	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	0.232	N/A	0.50	
<u>LOT AREA OF EACH DWELLING UNIT</u>	5580	N/A	2500	
<u>SIZE OF LOT:</u>				
WIDTH	67 (front); 92 (back)	N/A	50	
DEPTH	81 (left); 64 (right)	N/A	N/A	
<u>SETBACKS IN FEET:</u>				
FRONT	0	1	5	
REAR	50+	50+	10	
LEFT SIDE	8	6	5	
RIGHT SIDE	40+	40+	10	
<u>SIZE OF BUILDING:</u>				
HEIGHT	9.5	9.5	15	
WIDTH	10	N/A	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	0.69	N/A	0.4	
<u>NO. OF DWELLING UNITS:</u>	1	N/A	N/A	
<u>NO. OF PARKING SPACES:</u>	2	N/A	N/A	
<u>NO. OF LOADING AREAS:</u>	0	N/A	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	9	6	10	

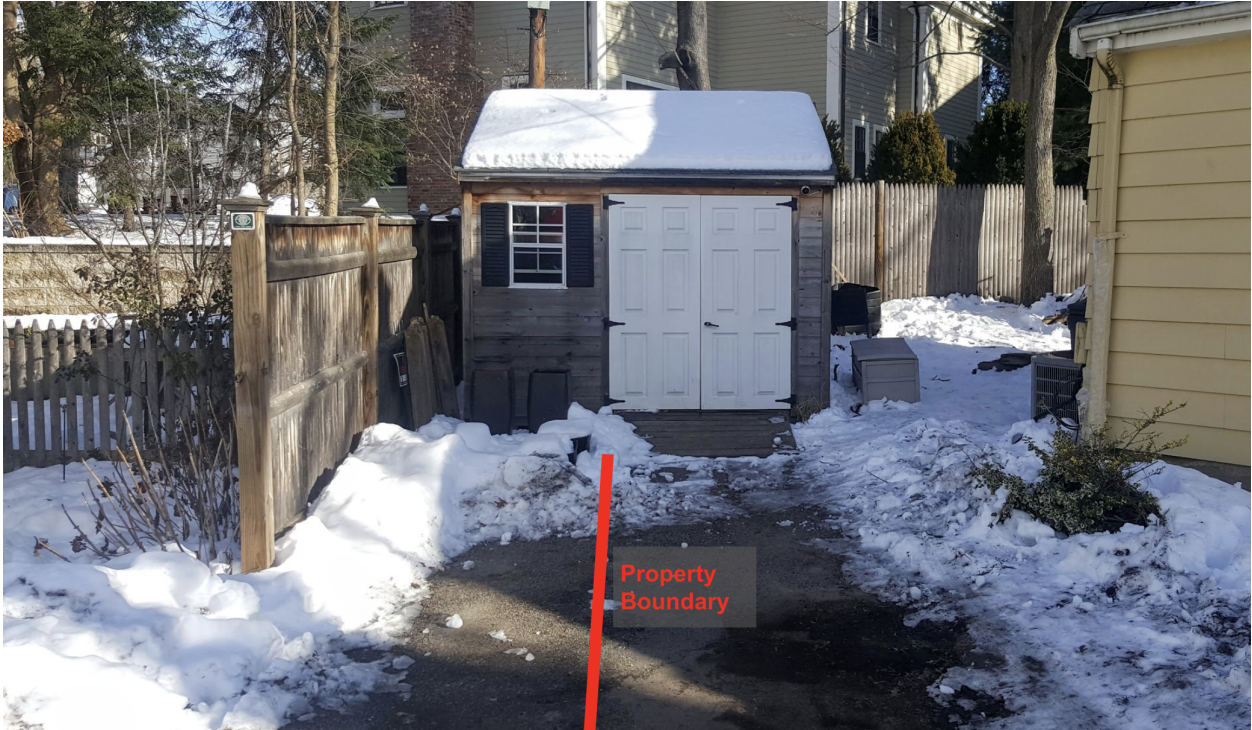
Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

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'.

Original Carport + Shed structure, c.1960 - 2015



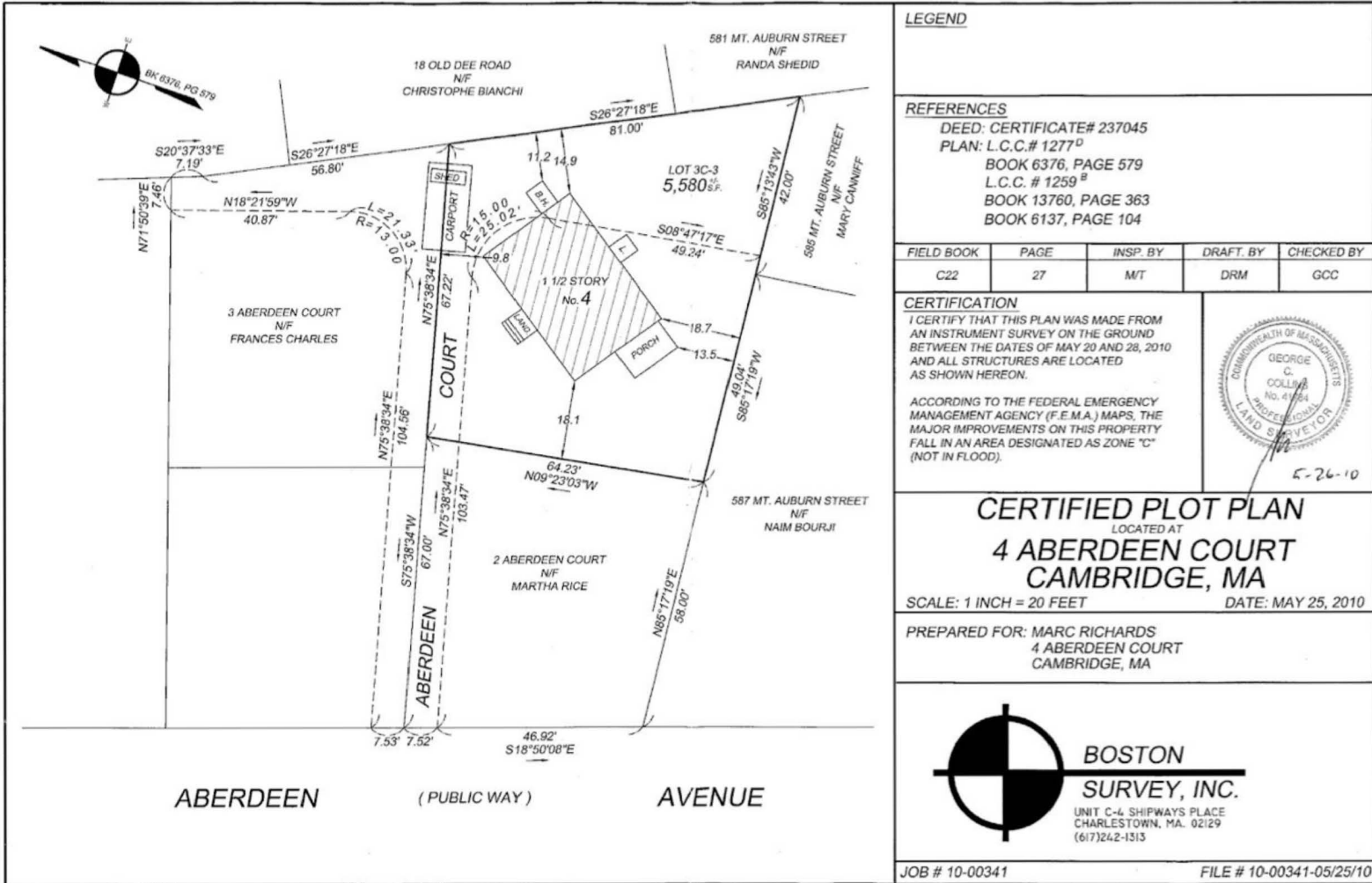
Shed location 2016-2021



New shed location as of February 1, 2021



Plot plan showing original carport + shed (2010)



LEGEND

REFERENCES
 DEED: CERTIFICATE# 237045
 PLAN: L.C.C.# 1277^D
 BOOK 6376, PAGE 579
 L.C.C. # 1259^B
 BOOK 13760, PAGE 363
 BOOK 6137, PAGE 104

FIELD BOOK	PAGE	INSP. BY	DRAFT. BY	CHECKED BY
C22	27	M/T	DRM	GCC

CERTIFICATION
 I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF MAY 20 AND 28, 2010 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 "C" (NOT IN FLOOD).



CERTIFIED PLOT PLAN
 LOCATED AT
4 ABERDEEN COURT
CAMBRIDGE, MA
 SCALE: 1 INCH = 20 FEET DATE: MAY 25, 2010

PREPARED FOR: MARC RICHARDS
 4 ABERDEEN COURT
 CAMBRIDGE, MA

BOSTON SURVEY, INC.
 UNIT C-6 SHIPWAYS PLACE
 CHARLESTOWN, MA. 02129
 (617)242-1313

Plot plan detail: Shed location 2016 - 2021



Plot plan detail: New shed location as of Feb 1, 2021



Cambridge BZA - Richards - 4 Aberdeen Court Statements of Support / Opposition

Unlike our prior appearance before the Zoning Board of Appeals in 2018 for an unrelated kitchen addition (BZA-016624-2018), we did not seek letters of support from neighbors for this petition. The reason is that the shed being within the setback will only be significantly visible to one abutting property, #3 Aberdeen Court. While the owner of #3 Aberdeen Court, Kathleen Donnelly, declined to offer a statement of support, she is aware of the setback requirements and that the shed will remain within the setback. When specifically asked if she would support or oppose a petition for relief on two occasions in the fall of 2020 (October 28 and November 29), her response both times was “that’s between you and the city.” We also have exchanged numerous emails about our plan with her, including specific mention of the setback & petition for relief, and she has not indicated she would oppose this petition.

Because the shed is at the end of a dead-end street, with the side of our property being bounded by a privacy fence, the location of the shed is not significantly visible or impactful to any other abutters.

Cambridge BZA - Richards - 4 Aberdeen Court
Statements of Support / Opposition

Please see attached letter of support from two of the three neighbors on Aberdeen Court.

While the owner of #3 Aberdeen Court, Kathleen Donnelly, declined to offer a statement of support, she is aware of the setback requirements and that the shed will remain within the setback. When specifically asked if she would support or oppose a petition for relief on two occasions in the fall of 2020 (October 28 and November 29), her response both times was “that’s between you and the city.” We also have exchanged numerous emails about our plan with her, including specific mention of the setback & petition for relief, and she has not indicated she would oppose this petition.

Because the shed is at the end of a dead-end street, with the side of our property being bounded by a privacy fence, the location of the shed is not significantly visible or impactful to any other abutters. I reached out to the left-side abutter, Corinne Bianchi of 18 Old Dee Road, via text message, to inform her of the new location within the setback and this petition, and did not hear back.

To the Cambridge Board of Zoning Appeals:

As a property owner and resident of Aberdeen Court, I am supportive of the location of the shed on #4 Aberdeen Court, in its new location since February 1, 2021. While partially within the setback, the shed does not detrimentally impact the neighborhood.

James T. Sullivan

Jim Sullivan
Signature

Jim Sullivan

Kristin Sullivan
Print name

2/5/21
Date

1 Aberdeen Ct, Cambridge Ma
Address
02138

Liyun Guo

Signature

Liyun Guo

Print name

2/5/21
Date

2 Aberdeen Ct, Cambridge MA
Address
02138

February 7, 2021

To The Cambridge Board of Zoning Appeals:

The initial variance application was filed prior to the shed being moved, so some of the documentation refers to the new location as though it had not already been moved. The "existing conditions" in the original application refer to the shed location prior to the move.

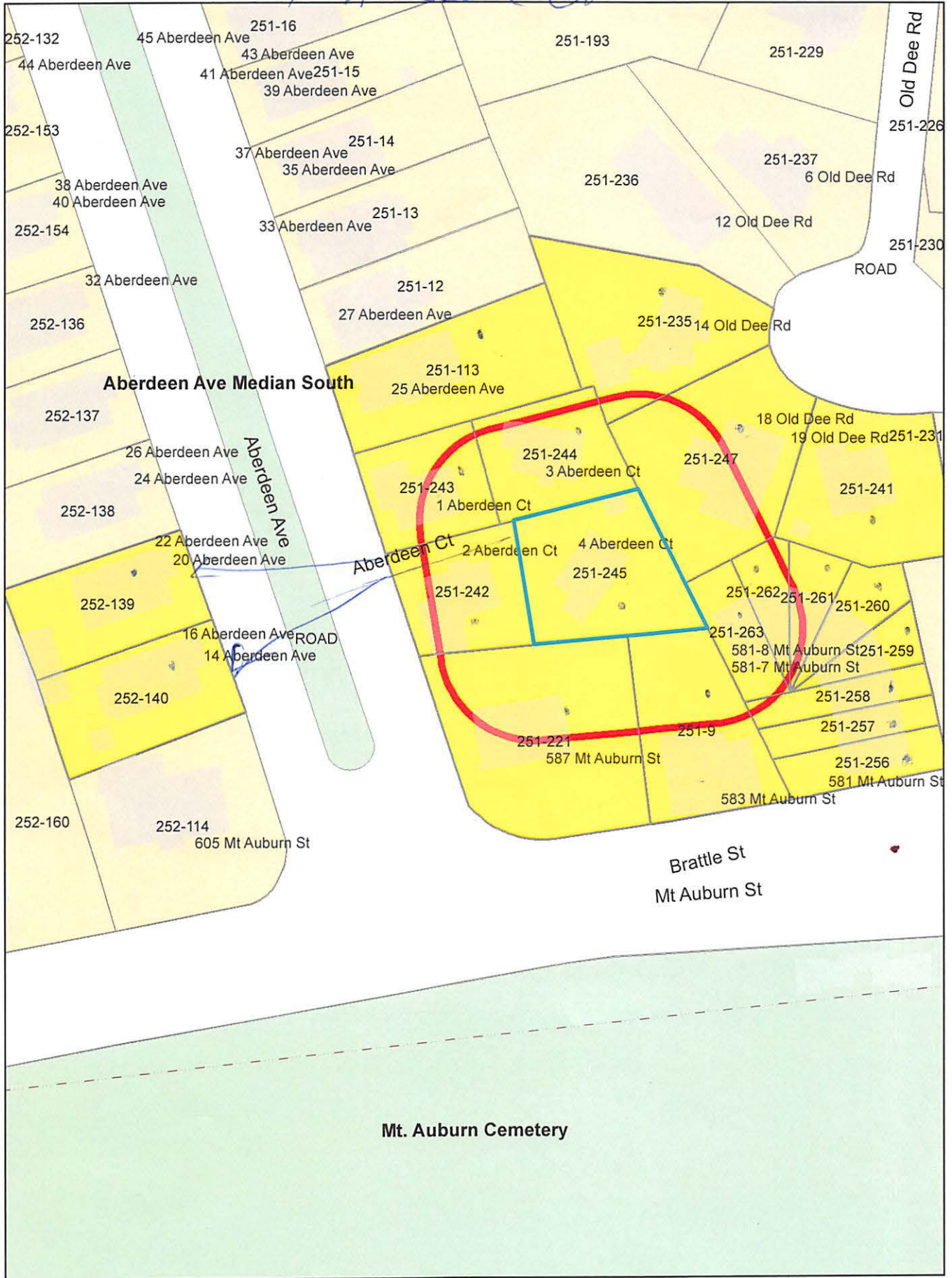
The shed move was completed on February 1st, and the Statement of Support and Photographs documents have been updated to reflect the actual location.

Due to tree roots discovered while re-grading, the shed needed to be rotated slightly relative to our original plan. As a result, the final dimensions between the shed, left setback, and house are slightly different than the original application. The southeast corner of the shed is 4.5 feet from the left (east) property line, not 6 feet as originally anticipated. This results in a small portion of one corner of the shed resting within the left setback. The southwest corner of the shed is 8 feet from the main building, not the 6 feet requested in the variance petition.

It did not appear to be possible to update our petition with this new information via the ViewPoint website.

Sincerely,
Marc Richards

4 Aberdeen Ct.



4 Aberdeen Ct.

Petitioners

251-113
PACHECO-ABERDEEN LIMITED PARTNERSHIP
PACHECO FAMILY REALTY CO. LLC
54 LARCHWOOD DR
CAMBRIDGE, MA 02138

251-9
CANNIFF, MARY A. & PAUL JOHN KILGARRIFF,
TRS. OF GRANITE TRADING REALTY TRUST
P.O. BOX 74
ROSLINDALE, MA 02131

251-245
RICHARDS, MARC D. & JENNIFER A. RICHARDS
4 ABERDEEN CT
CAMBRIDGE, MA 02138

251-258
TURNER, FEDERICA C.
581 MT AUBURN ST.#3
CAMBRIDGE, MA 02138

251-259
WOOTTON, RAYMOND JOSHUA &
LOIS A. HETLAND
581-4 MT AUBURN ST
CAMBRIDGE, MA 02138

251-260
CHUNG, YOOJIN & RAJIV NARAYAN
581 MT AUBURN ST., #5
CAMBRIDGE, MA 02138

251-261
SHIELDS, HILARY
581-6 MT AUBURN ST
CAMBRIDGE, MA 02138

252-139
COX, RANDALL L. & SUSAN T. CAULFIELD
22 ABERDEEN AVE
CAMBRIDGE, MA 02138

252-140
SUNNYVIEWRE LLC
259 LOWELL ST
LEXINGTON, MA 02420

251-243
LOFBLAD, KRISTIN A.
1 ABERDEEN CT
CAMBRIDGE, MA 02138

251-244
DONNELLY, KATHLEEN M.
3 ABERDEEN CT
CAMBRIDGE, MA 02138

251-247
BIANCHI, CHRISTOPHER & CORINNE C. BIANCHI
18 OLD DEE RD
CAMBRIDGE, MA 02138

251-262
AUNG, SANDA S.,
TRUSTEE THE SANDA S. AUNG TRUST OF 2011
2440 MASS AVE., #34
CAMBRIDGE, MA 02140

251-263
SHEDID, RANDA & NASSER O. RABBAT
77 MASSACHUSETTS AVE ROOM 10-390
CAMBRIDGE, MA 02139

251-221
BOURJI, NAIM,
TRUSTEE THE BOURJI NOM REAL ESTATE TRUST
587 MT AUBURN ST
CAMBRIDGE, MA 02138

251-241
O'CONNELL, MICHAEL F. & NANCY E.
TR. O'CONNELL/ OLD DEE ROAD TRUST
19 OLD DEE RD
CAMBRIDGE, MA 02138

251-242
GUO, LIYAN & LIN ZHOU
2 ABERDEEN CT
CAMBRIDGE, MA 02138

251-257
SONG, JUN
581-2 MT AUBURN ST
CAMBRIDGE, MA 02138

251-256
MONDINO, GABRIELA R. &
RENZO BALDASSO, TRUSTEE
581-1 MT AUBURN ST
CAMBRIDGE, MA 02138

251-235
DAMON KENT T JR TR LORI N. DAMON
14 OLD DEE RD
CAMBRIDGE, MA 02138

Pacheco, Maria

From: katdon5@gmail.com
Sent: Monday, August 30, 2021 1:38 PM
To: Pacheco, Maria
Subject: BZA-106926--opposition from abutter at 3 Aberdeen Court
Attachments: BZA-106926_8-30-21.pdf

Dear Ms. Pacheco,

I am writing in regards to Case No BZA-106926 to express my opposition to this variance petition. I have outlined my reasons below, and have also included additional information in the attached file.

Please feel free to contact me if you have any questions.

Abutters views in opposition to this petition to the BZA:

I believe that the City of Cambridge has zoning ordinances for good reasons. I don't believe 4 Aberdeen Court has any soil condition, shape or topography that affects it compliance with the laws, nor would it be a substantial hardship to relocate it adhering to the setback, or in another area on the property.

In addition, the shed is currently located in a right of way that all other properties on Aberdeen Court have written into their titles. The Richards' deed/title, and all of the deeds/titles for the 4-lot subdivision, refer to the plan that created the subdivision: Plan entitled "Subdivision of Lot 3C Shown on Plan 1277C, Filed with Cert. of Title No. 49025 South Registry District of Middlesex County, Land in Cambridge, July 23, 1941, G.B. Northrup, C.E. ("Lot 3C Subdivision Plan"). *"These premises are conveyed subject to and with the benefit of a right of way as set forth on said plan, in common with others entitled thereto."*

Therefore, all abutters have the right to use the right of way as shown on the plan. Because all owners have the right to use the right of way as shown on the plan, owners have the obligation to keep it unobstructed so that everyone else can exercise their right to use it. Allowing the Richards to place their shed in the right-of-way would obstruct others' use of it.

Sincerely,
Kathleen Donnelly
3 Aberdeen Court, Cambridge, MA
617-686-5164
Katdonn5@gmail.com



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.

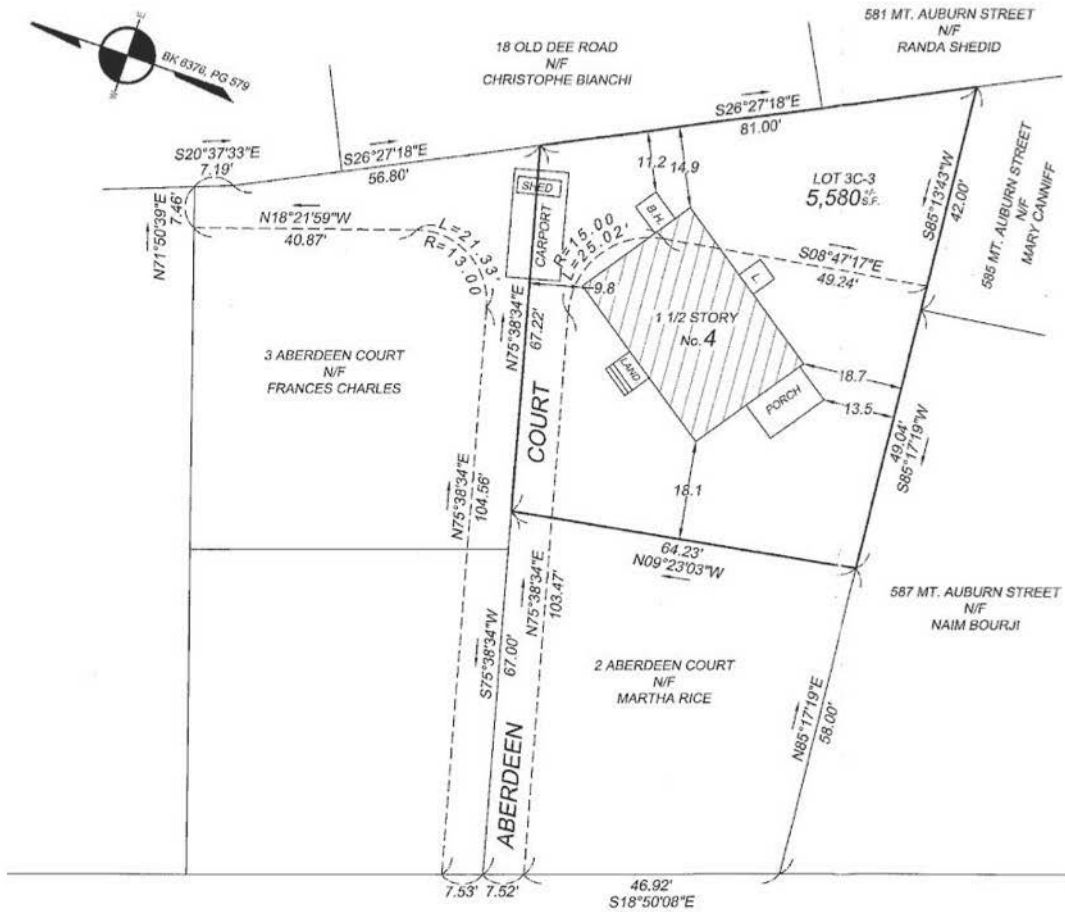
Name: MARC Richards Date: 8/19/2021
(Print)

Address: 4 Aberdeen Court

Case No. BZA-106926

Hearing Date: 9/2/21

Thank you,
Bza Members



ABERDEEN

(PUBLIC WAY)

AVENUE

LEGEND

REFERENCES

DEED: CERTIFICATE# 237045
 PLAN: L.C.C.# 1277^D
 BOOK 6376, PAGE 579
 L.C.C. # 1259^B
 BOOK 13760, PAGE 363
 BOOK 6137, PAGE 104

FIELD BOOK	PAGE	INSP. BY	DRAFT. BY	CHECKED BY
C22	27	MT	DRM	GCC

CERTIFICATION

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF MAY 20 AND 28, 2010 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 "C" (NOT IN FLOOD).



5-26-10

CERTIFIED PLOT PLAN
 LOCATED AT
4 ABERDEEN COURT
CAMBRIDGE, MA

SCALE: 1 INCH = 20 FEET

DATE: MAY 25, 2010

PREPARED FOR: MARC RICHARDS
 4 ABERDEEN COURT
 CAMBRIDGE, MA



BOSTON
SURVEY, INC.

UNIT C-4 SHIPWAYS PLACE
 CHARLESTOWN, MA. 02129
 (617)242-1313