



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2020 DEC -9 PM 1:38

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 100282

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Mohamed and Alicia Poptani

PETITIONER'S ADDRESS: 51 Cedar Street, Unit 51A, Cambridge, MA 02140

LOCATION OF PROPERTY: 51 Cedar St., Unit 51A, Cambridge, MA

TYPE OF OCCUPANCY: Residential

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Shed locations non-compliant with setback/

DESCRIPTION OF PETITIONER'S PROPOSAL:

I was hoping to add a small (4x8-ft) resin shed that is 8-ft 7-in high at its peak. The purpose of the shed is to provide a weather resistant storage space for our kids bicycles and sports gear. The shed would be located in the parking area of our property. The proposed location would violate the side setback requirements.

I was hoping to add a small (4x10-ft) wood or resin shed that is 7-ft high at its peak. The purpose of the shed is to store landscaping and snow removal equipment, store a ladder to provide roof access, store kids yard toys, etc. The proposed location would violate the front and side setback requirements.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000 Section: 4.21 H. (Accessory Uses).

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

Original
Signature(s):

(Petitioner (s) / Owner)

MOHAMED POPTANI

Alicia Poptani

(Print Name)

Address:

Tel. No. 6178942852

E-Mail Address: thepoptanis@gmail.com

Date: 12/07/2020

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 Alicia Poptani and Mohamed Poptani
(OWNER)

Address: 51 A Cedar Street, Cambridge, Middlesex County, Massachusetts

State that I/We own the property located at 51A Cedar Street, Cambridge MA,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Alicia Poptani and Mohamed Poptani

*Pursuant to a deed of duly recorded in the date 07/29/2015, Middlesex South
County Registry of Deeds at Book 65813, Page 231; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.



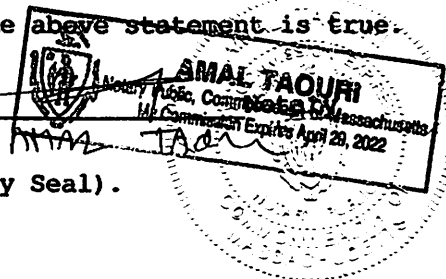
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Mohamed and ALICIA POPTANI personally appeared before me,
this 19th of November, 2022, and made oath that the above statement is true.

My commission expires 4/29/2022 (Notary Seal).



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

SEE 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 Alia Popiani and Mohamed Popiani
(OWNER)

Address: 51 A Cedar Street, Cambridge, Middlesex County, Massachusetts

State that I/We own the property located at 51 A Cedar Street, Cambridge MA,
which is the subject of this zoning application.

The record title of this property is in the name of Alia Popiani and Mohamed Popiani

Pursuant to a deed of duly recorded in the date 07/28/2015, Middlesex South

County Registry of Deeds at Book 65813, Page 281; or

Middlesex Registry District of Land Court, Certificate No. _____

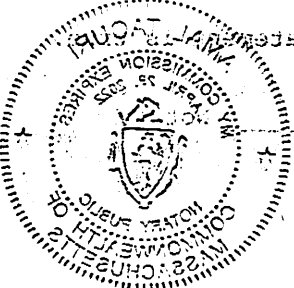
Book _____ Page _____

STATEMENT 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 _____

The above-named _____ personally appeared before me,



this _____ of _____, 20____, and made oath that the above statement

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 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:

A literal enforcement of the Ordinance would result in the following hardships to our family:

1. The intended contents of the accessory building include potentially dangerous items such as landscaping and snow removal equipment. Not having such an accessory building to store these items would result in a potentially unsafe situation for our two young children.
2. Other items intended to be stored in the accessory building include sports equipment which would encourage our children's physical activity. Without adequate storage provided by such an accessory building, our children would not be able to have as much sports equipment.
3. Without an accessory building on our property we may have to rent an off-site storage facility which would result in financial strain to our family.
4. Being able to provide a weather protected storage solution for the contents intended for the accessory building (landscaping, snow removal and sports equipment) would result in a reduction of waste as these items would have a longer useable life.
5. During the pandemic, we've had to adapt our living area to accommodate working and schooling from home. We can repurpose storage spaces in our home to work/school areas by moving items into the proposed accessory buildings. This will greatly improve our ability to focus on school/work.

- 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:

Due to the dimensions and layout of the existing structures, there is no placement of this accessory building that wouldn't violate an Ordinance. The proposed locations were selected to fulfill the following parameters:

1. Locations on the lot were restricted to areas of exclusive use by Owner (lot is part of an HOA).
2. Insofar that an Ordinance was to be violated, this appeal assumes that violating the front and side setbacks is more desirable than violating a building setback.
3. Reduce the impact on circulation and not impede access to life safety personnel.

- 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:

There will not be a substantial detriment to the public good by the approval of this appeal for the following reasons:

1. The accessory building would be hidden in large part by the existing (six foot tall) fence resulting in limited change to the view of our property from the street and surrounding neighbors.
2. The next-door neighbor at 53 Cedar Street currently has a front setback of 4-ft (compared to the required 15-ft). There is no noticeable detriment to the public good resulting from this variance to the front setback Ordinance.
3. The front setback violation for our property would be in violation of the Ordinance for 20% of the total lot width (10-ft of the 50-ft lot width against the street).

BZA Application Form

SUPPORTING STATEMENT FOR A VARIANCE

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

Our appeal is to only to add an accessory building (shed) within the setback Ordinances. Other petitioners would be limited to the same (only accessory buildings) which does not impact the setback requirements of residential structures. In addition, our property has a finished basement and no attic which results in minimal storage spaces within the existing structure. Others residences are likely to have more existing storage solutions than us and therefore would not need an accessory building.

***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**DIMENSIONAL INFORMATION**APPLICANT: Mohamed and Alicia Poptani PRESENT USE/OCCUPANCY: ResidentialLOCATION: 51 Cedar Street Unit 51A Cambridge MA 02140 ZONE: BPHONE: 617-894-2852 REQUESTED USE/OCCUPANCY: Residential

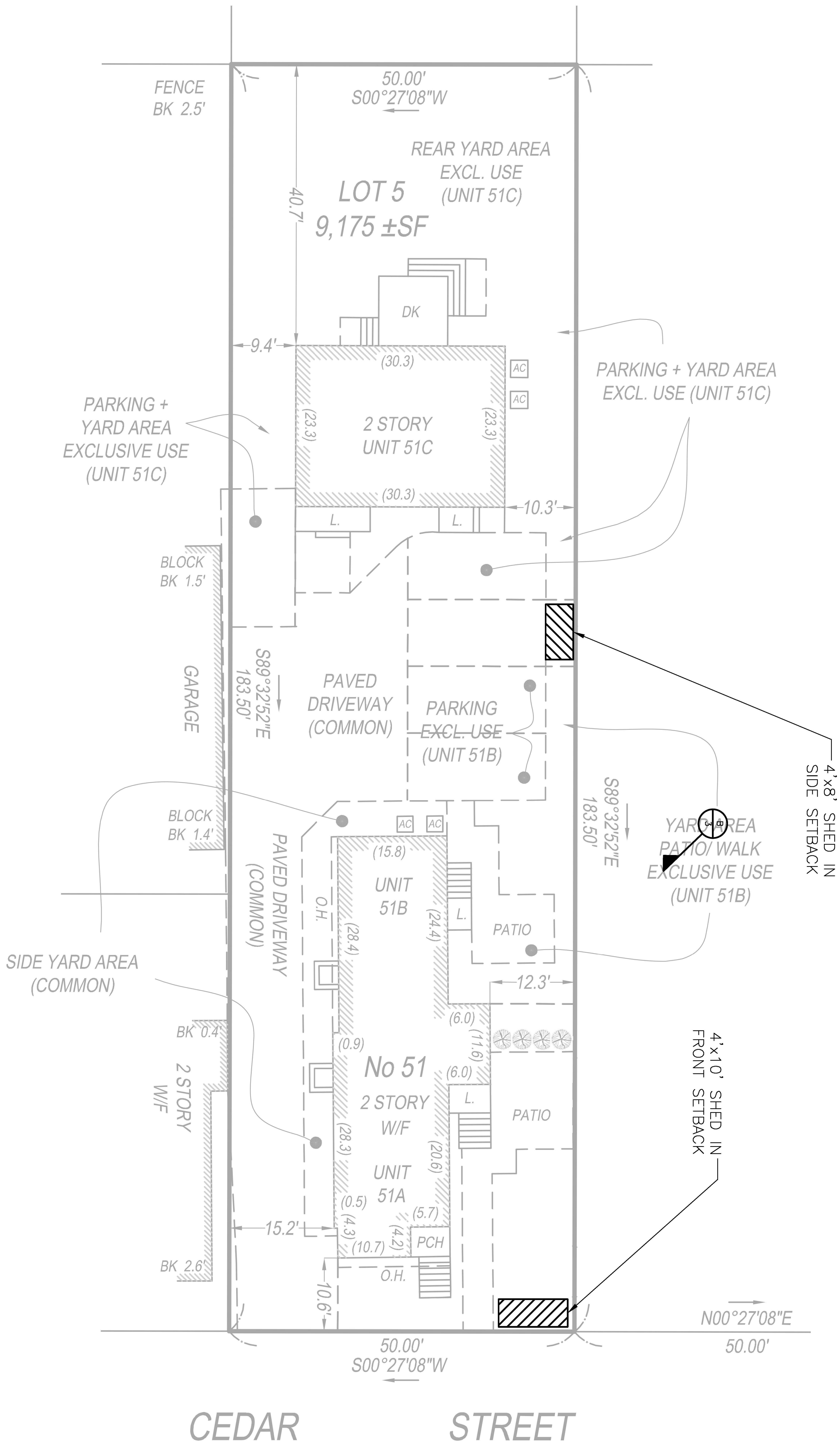
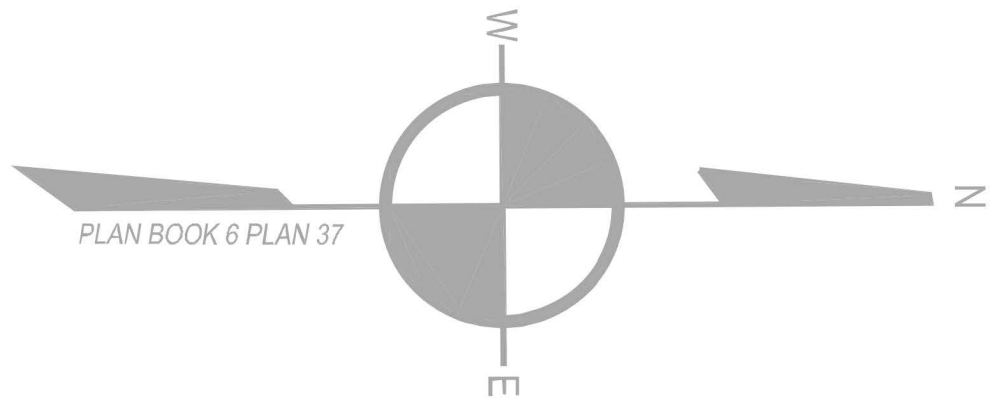
	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>3,960</u>	<u>3,960</u>	<u>3,961</u>	(max.)
<u>LOT AREA:</u>	<u>9,175</u>		<u>5,000</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	<u>0.43</u>	<u>0.43</u>	<u>0.50</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>3,058</u>	<u>3,058</u>	<u>2,500</u>	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	<u>50</u>		<u>50</u>	(min.)
DEPTH				
<u>Setbacks in Feet:</u>				
FRONT	<u>10.6</u>	<u>1</u>	<u>15</u>	(min.)
REAR	<u>46</u>	<u>46</u>	<u>35</u>	(min.)
LEFT SIDE	<u>7.5</u>	<u>1</u>	<u>7.5</u>	(min.)
RIGHT SIDE	<u>12.3</u>	<u>12.3</u>	<u>7.5</u>	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	<u>32</u>	<u>32</u>	<u>35</u>	(max.)
LENGTH				
WIDTH				
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	<u>0.56</u>	<u>0.55</u>	<u>0.40</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>3</u>	<u>3</u>	<u>3</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>5</u>	<u>5</u>	<u>3/5</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>48.1</u>	<u>48.1</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.

Not Applicable.

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'.

SURVEY BY:	BOSTON SURVEY, INC
SURVEY DATE:	JUNE 5, 2015
JOB NUMBER:	10-00728
PHONE:	(617) 242-1313



RATIO OF USABLE OPEN SPACE (SIZES IN SQ. FT.)

EXISTING CONDITIONS

OPEN SPACE = 5,138

LOT AREA = 9,175

RATIO = 56%

PROPOSED CONDITIONS

SHED AREA = 72

OPEN SPACE = 5,066

LOT AREA = 9,175

RATIO = 55%

2	PAGE NO.	PROPOSED SITE PLAN AND OPEN SPACE RATIOS ADDITION OF ACCESSORY BUILDINGS (SHEDS) UNIT 51A, 51 CEDAR STREET, CAMBRIDGE, MA	TITLE	PREPARED BY:	M. POPTANI (OWNER)
				DATE:	NOVEMBER 6, 2020
				SURVEY BY:	BOSTON SURVEY, INC
				SURVEY DATE:	JUNE 5, 2015



PHOTO FROM STREET

DETAIL

NTS

A-1

2



PHOTO FROM 49 CEDAR DRIVEWAY

DETAIL

NTS

B-1

2



PROPOSED VIEW FROM STREET

DETAIL

NTS

A-2

2



PROPOSED VIEW FROM 49 CEDAR DRIVEWAY

DETAIL

NTS

B-2

2

PHOTOS AND PROPOSED WORK SKETCH OVERLAY
ADDITION OF ACCESSORY BUILDINGS (SHEDS)
UNIT 51A, 51 CEDAR STREET, CAMBRIDGE, MA

PREPARED BY: M. POPTANI (OWNER)

DATE: NOVEMBER 6, 2020

SURVEY BY: BOSTON SURVEY, INC

SURVEY DATE: JUNE 5, 2015

TITLE

PAGE NO.

3

Board of Zoning Appeals
Inspectional Services Department
831 Massachusetts Avenue
Cambridge MA 02139
Phone: (617) 349-6100

November 6, 2020

RE: Letter of Support for the Variance Request (Appeal) by Mohamed and Alicia Poptani to Install an Accessory Building (Shed) in the Setback.

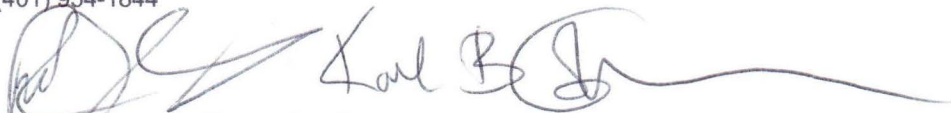
Dear Sir/Madam,

We are writing this letter in support of an appeal by Mohamed and Alicia Poptani, the owners of 51 Cedar Street, Unit 51A Cambridge, MA 02140. We understand that this appeal is to request a variance to allow an accessory building (shed) to be placed within the front and side setbacks of their lot. We do not think that approval of their appeal will be detrimental to the neighborhood.

Thank you,



Daniel & Caroline Stowell
Owners of 49 Cedar Street, Unit 1, Cambridge MA 02140
(401) 954-1844



Randy Broomhall-Dillard & Karl Coleman
Owners of 50-52 Cedar Street, Unit 50, Cambridge MA 02140
(617) 852-9588

Kenneth K. Suen

Kenneth Suen
Owner of 51 Cedar Street, Unit 51B, Cambridge, MA 02140
(314) 482-4674

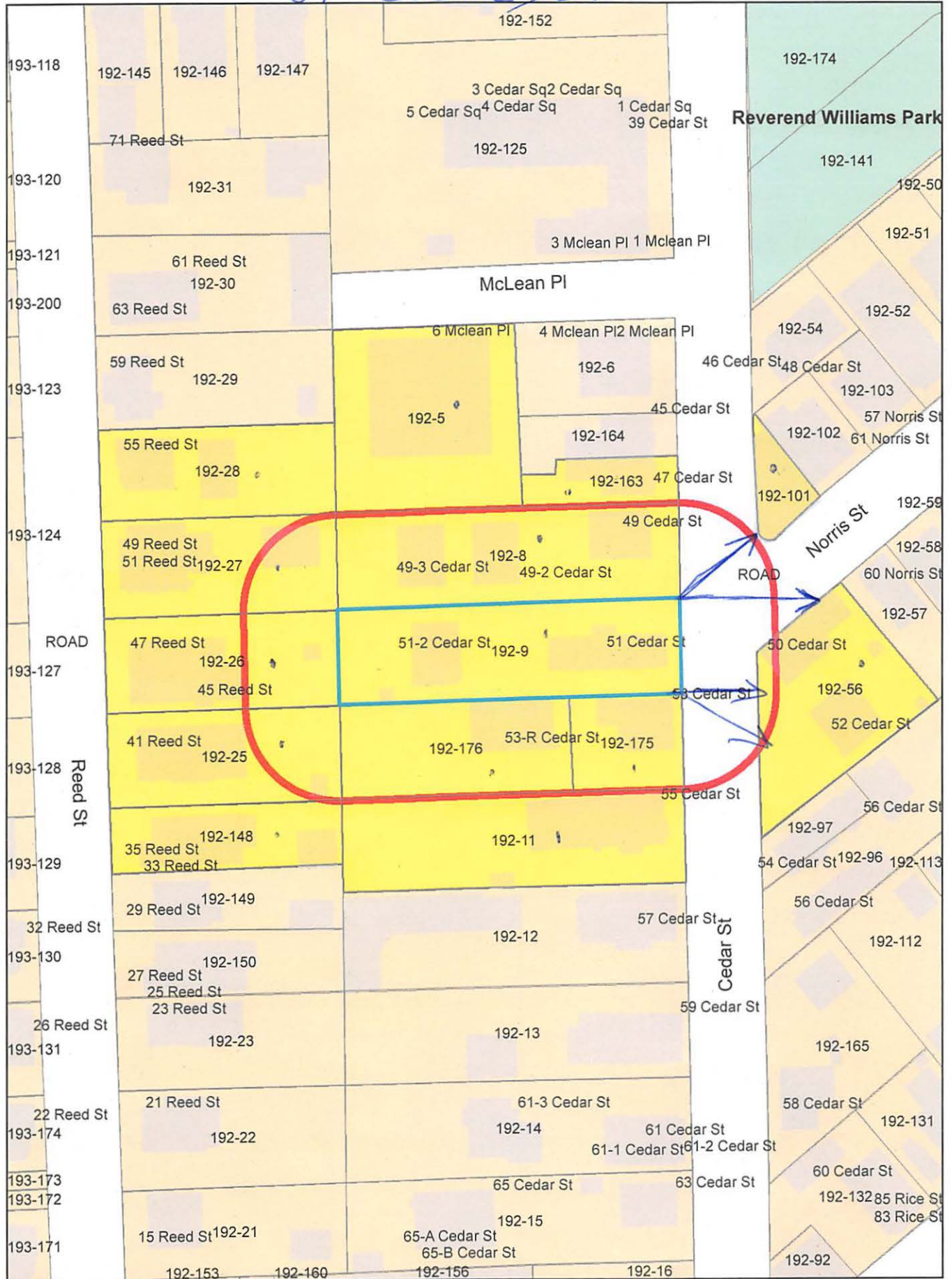
Paula Smith

Paula Smith
Owner of 51 Cedar Street, Unit 51C, Cambridge, MA 02140
(617) 852-0517



Matthew & Alice Lehrer
Owners of 53 Cedar Street, Cambridge MA 02140
(617) 634-9526

51 Cedar St.



51 Cedar St.

Petitioner

192-26
DARRAH, JOHN & EMILY NEWMANN
47 REED ST., UNIT #1
CAMBRIDGE, MA 02140

192-11
PETROV, PAVEL V. & NANCY I. PETROV
55 CEDAR ST.
CAMBRIDGE, MA 02140-2433

192-9
POPTANI, ALICIA & MOHAMMED POPTANI
51A CEDAR ST
CAMBRIDGE, MA 02140

192-27
SCHULMAN, BRUCE & ALICE KILLIAN
49-51 REED ST. UNIT#51
CAMBRIDGE, MA 02140

192-148
CAY, WILLIAM S. & AMY WOLFF CAY
35 REED ST
CAMBRIDGE, MA 02140-2413

192-176
CLARK, STEVEN N. & NANCY G. PAGAN
53R CEDAR ST
CAMBRIDGE, MA 02140

192-163
SAGAR, MANISH & VANYA SAGAR
47 CEDAR ST
CAMBRIDGE, MA 02140

192-175
LEHRER, MATTHEW & ALICE LEHRER
53 CEDAR ST
CAMBRIDGE, MA 02139

192-5
FLORI FAMILY HOLDINGS LLC
76 PIGEON LANE
WALTHAM, MA 02451

192-26
NEWMANN, EMILY
45 REED ST., #2
CAMBRIDGE, MA 02140

192-101
ZHANG, JIMIN,
TR. OF 63 NORRIS STREET REALTY TRUST
261 RUSSETT ROAD
CHESTNUT HILL, MA 02467

192-8
TUCCINARDI, JENNIFER L.
495 MAIN ST
BOYLSTON, MA 01505

192-27
HEISEY, DOROTHY
49 REED STREET #49
CAMBRIDGE, MA 02140

192-9
SMITH, PAULA
51 CEDAR ST. UNIT 51C
CAMBRIDGE, MA 02139

192-8
STOWELL, DANIEL E.
CAROLINE RUTH JACKSON STOWELL
49 CEDAR ST., #1
CAMBRIDGE, MA 02140

192-56
BROOMHALL-DILLARD, RANDY &
KARL B. COLEMAN
50 CEDAR ST.
CAMBRIDGE, MA 02140

192-8
TIEN, AMY
49 CEDAR ST., #2
CAMBRIDGE, MA 02140

192-9
SUEN, KENNETH
51 CEDAR ST. UNIT 51B
CAMBRIDGE, MA 02139

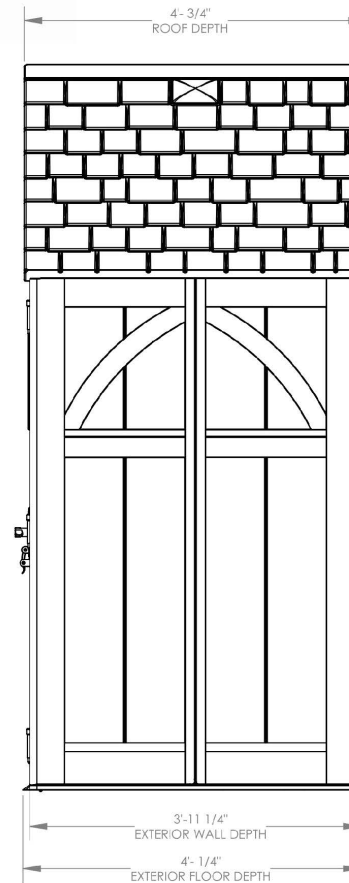
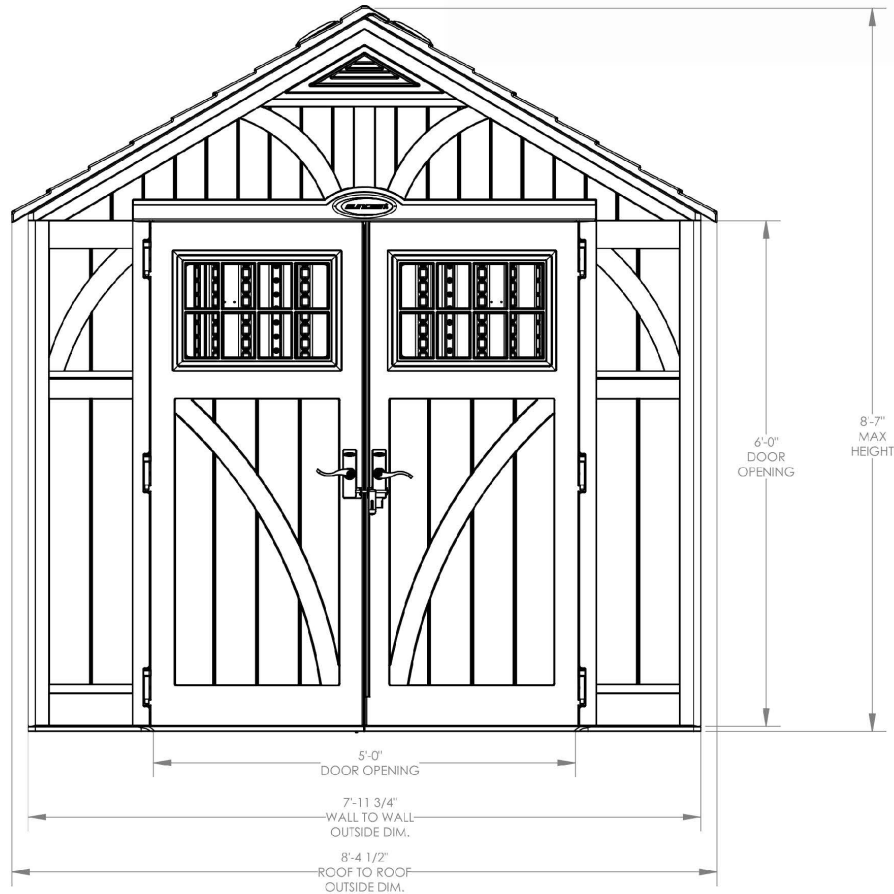
192-25
BROWN, STUART B. SANDRA M. DEJONG
41 REED ST, UNIT B
CAMBRIDGE, MA 02140

192-28
BOLAND, DANIEL M. MEEOK KIM
55-57 REED ST, UNIT 55
CAMBRIDGE, MA 02140

192-25
WADHWA REED LLC
1 AVERY ST. UNIT 12B
BOSTON, MA 02111

192-28
SPADOLA, ALEXANDRA C. EMILIO SPADOLA
55-57 REED ST, UNIT 57
CAMBRIDGE, MA: Massachusett 02140

192-56
SIVASUBRAMONIAPILLAI, NATESH
52 CEDAR ST UNIT #52
CAMBRIDGE, MA 02140



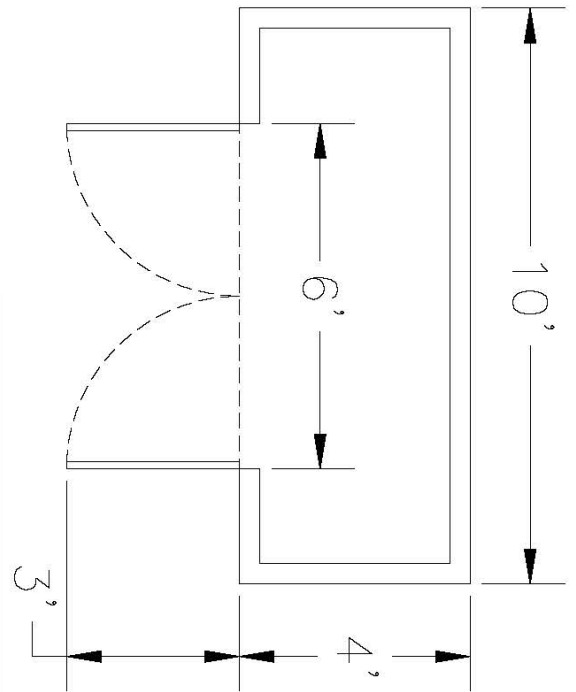
SKETCH OF PROPOSED SHED IN SIDE SETBACK
ADDITION OF ACCESSORY BUILDINGS (SHEDS)
UNIT 51A, 51 CEDAR STREET, CAMBRIDGE, MA

PAGE NO.

SK1

PREPARED BY: M. POPTANI (OWNER)
DATE: DECEMBER 9, 2020

TITLE



SK2

PAGE NO.

SKETCH OF PROPOSED SHED IN FRONT SETBACK
ADDITION OF ACCESSORY BUILDINGS (SHEDS)
UNIT 51A, 51 CEDAR STREET, CAMBRIDGE, MA

TITLE

PREPARED BY: M. POPTANI (OWNER)
DATE: DECEMBER 9, 2020

DeAngelo, James

Subject: FW: BZA 100282 51 Cedar 51 A OPPOSE
Attachments: BZA 100282 Letter Opposition.pdf; BZA100282 51 Cedar 51 A.pdf

From: Amy Tien <tienamy@yahoo.com>
Sent: Thursday, January 7, 2021 6:15 AM
To: Tienamy@yahoo.com <tienamy@yahoo.com>; Pacheco, Maria <mpacheco@cambridgema.gov>
Subject: Re: BZA 100282 51 Cedar 51 A OPPOSE

Hello Maria,

This is 49 Cedar St Condo Trust Oppose Letter and supporting pictures.

BZA 100282

Jan 6, 2021

Dear Board of Zoning Appeal,

I am writing on behalf of 49 Cedar St Condominium Trust. We are abutters located to the right of 51 Cedar St Condominium. We OPPOSE 51 Cedar St 51 A Sheds proposal and desire to violate set back requirements within 5 feet of property line.

The proposed Sheds dimensions and locations pose multiple nuisances and hazards, encroach on abutter lot line, disrupt landscape, decrease permeable open space, and consequently change original development design, site plans, and parking lot standards set forth by special permit provisions for 51 Cedar St development.

The proposed shed at the front and corner front yard lot line is a safety concern. It obstruct lines of sight of drivers' view of pedestrians, pets, bicycles and vehicles and make it impossible to see. 51 Cedar St 51 A argue that the shed will "partially" hide behind a high privacy fence, a fence they changed along 51 Cedar front lot line and along the property line between 49 Cedar and 51 Cedar such that the sightline to the sidewalk is now compromised. This changed high privacy fence blocks 51 Cedar and 49 Cedar driveways' view and is a threat to public health, safety, and welfare. We 49 Cedar St Condominium wishes to work with 51 Cedar St Condominium to restore the fence back to the original porous 4 ft fence sight line.


The proposed shed in front of an open grade parking space, located within the 5 feet setback landscape area will disrupt required landscape set forth by parking lot standards. It disrupts drainage and result in excessive water overflow onto our lot. 51 Cedar St 51 A have proceeded to put in concrete foundation for the shed in this landscaped area already. The height of the shed beyond the property lot fence pose negative view nuisance, will limit sunlight, and cast shadows to our lot/yard and decrease enjoyment of our property and windows. It would specifically adversely affect 49 Cedar Unit 2. The higher roof line will create unwanted snow drift, run off rain water onto our lot. As the shed violates the 5 ft set back and abuts property side lot line, the shed interferes with our ability to repair and maintain our lot fence. Furthermore, to access the shed, it requires moving parked vehicles. This creates congestion.

51 A Cedar is part of a 3 unit townhouse development in 2013 after a special permit grant. 51 Cedar have made hazardous changes to the development design after development completion. This includes the fence change and majority of green space converted to paver covered patios. The proposed sheds with concrete foundation on green space further decreases minimum required permeable open space. We ask the Board to not grant the requested variance.

Sincerely,

49 Cedar St Condominium Trust

(Jennifer Tuccinardi and Amy Tien, Trustees)


Jennifer Tuccinardi

BZA 100282

51 Cedar St 51A

Jan 14, 2021

DATE PRINTED: Wednesday, August 11, 2010



Z:\Data\Scholar\CEB\Lab\1-OCAD\1-20726 UNIT 1.MJ Existing Plans & Elevation

PETER QUINN ARCHITECTS LLC
1904 MASS AVE. 2ND FLOOR
CAMBRIDGE, MA 02140
PH: 617-354-3385 FAX: 617-496-0282

PREPARED FOR	
--------------	--

(Delivered) TITLE

SCALE AS NOTED

REVISION / ISSUE DATE

AP APOL	31.11.2012
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DESIGNED BY	APPROVED BY
-------------	-------------

JH	PQ
DEET	

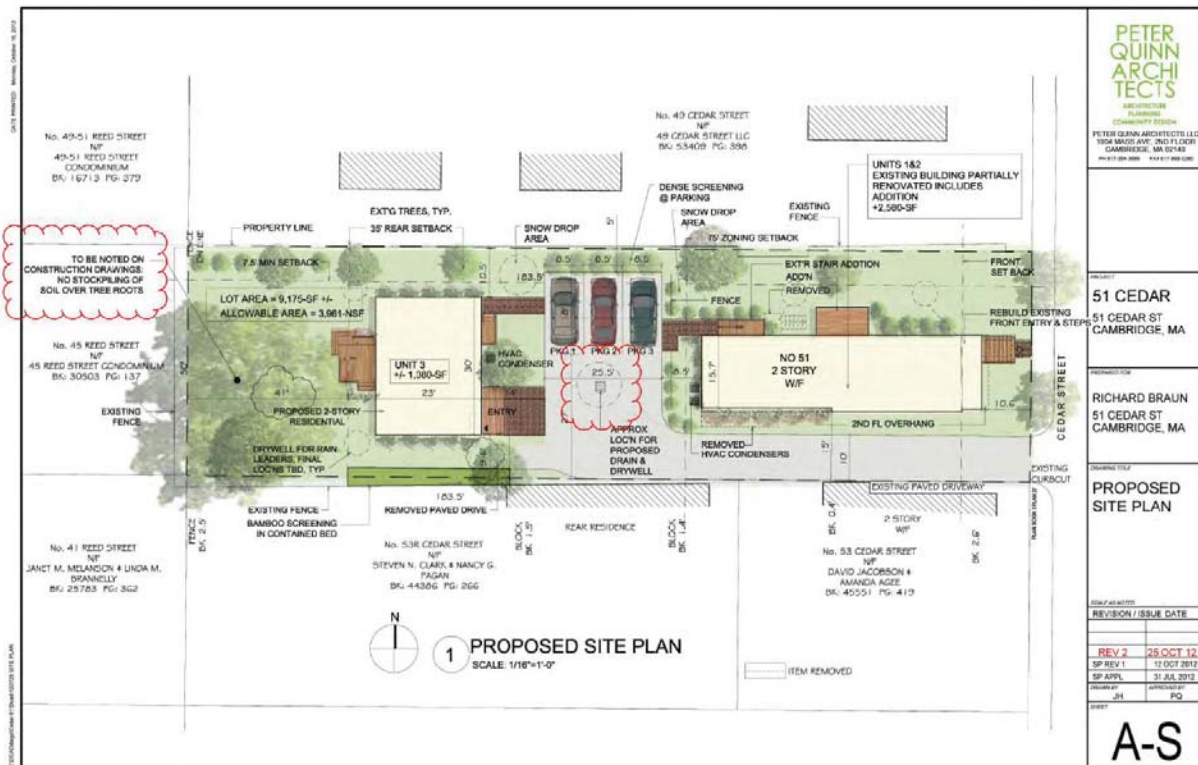
1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

E-5

49 Cedar st property lot line fence
(white) pre 51 Cedar Development



Special permit PB#274-51 2013



Completed 51 Cedar development
with front lot fence at 4ft



Completed 51 Cedar development
with front lot fence at 4ft



51 Cedar changed to high fence abuts
two driveways obstructing sightline



Landscape area (side) in front of open
parking space after 51 Cedar
development



Landscape area (side) in front of open
parking space after 51 Cedar
development 2013



51 Cedar open parking lot view today
with replaced landscape area with
concrete





New concrete foundation in front of parking space
replacing landscaped area

Alicia and Mohamed Poptani
51 Cedar Street, Unit 51A
Cambridge, MA 02140

Inspectional Services Department, Board of Zoning Appeal
831 Massachusetts Avenue,
Cambridge, MA 02139

January 10, 2021

RE: Response to Letter of Opposition (BZA-100282)

Dear Members of the Board of Zoning Appeal,

We are the petitioners (PETITIONER) requesting the variance "BZA-100282; Request to Install Sheds within Setback." We would like you to consider our response to a letter of opposition submitted by the Trustees of the abutting lot; 49 Cedar St Condominium Trust (OPPOSER). We hope the response will demonstrate support for the APPROVAL of this variance.

For your convenience, the letter of opposition is provided in full with our responses by line as an attachment (Attachment 1) to this letter. The italicized writing indicates the letter of opposition.

Sincerely,
Alicia & Mohamed Poptani
Petitioner, and Owners of Unit 51A, 51 Cedar Street

Attachment 1
Petitioner Response to Letter of Opposition

BZA 100282

Jan 6, 2021

Dear Board of Zoning Appeal,

INTRODUCTION

1. *I am writing on behalf of 49 Cedar St Condominium Trust. We are abutters located to the right of 51 Cedar St Condominium. We OPPOSE 51 Cedar St 51 A Sheds proposal and desire to violate set back requirements within 5 feet of property line.*

- a. The PETITIONER would like to note that not all trustees (see Item 1.1) oppose the variance request. Daniel Stowell, the only resident trustee, signed the letter of support provided as part of the original application.

BACKGROUND

2. *The proposed Sheds dimensions and locations pose multiple nuisances and hazards, encroach on abutter lot line, disrupt landscape, decrease permeable open space, and consequently change original development design, site plans, and parking lot standards set forth by special permit provisions for 51 Cedar St development.*

- a. Multiple Nuisances and Hazards: None were mentioned in the above paragraph. If any are raised below, they will be addressed at that point.
- b. Encroach on Abutter Lot Line: The purpose of this variance is to request relief from the related ordinance.
- c. Disrupt Landscape: Any building "disrupts" landscape. The letter fails to provide evidence of impact on the OPPOSER. PETITIONER would like to make it known that these changes in landscaping will not be visible from OPPOSER property.
- d. Decrease Permeable Open Space: The PETITIONER application specifically demonstrates that the Usable Open Space remains above the ordinance allowance of 40%. The Usable Open Space after the installation of both sheds would be above 55%, a decrease of less than 1% from its current 56%. The Permeable Open Space remains above the ordinance requirements of 20%. The Permeable Open Space after the installation of both sheds would be above 20%, a decrease of less than 1% from its current 21%.
- e. Change Original Development Design: The letter fails to provide evidence that ANY changes to the current conditions are not allowed. The purpose of this variance is to request relief from an ordinance related to setbacks.

FRONT YARD SHED

3. *The proposed shed at the front and corner front yard lot line is a safety concern. It obstruct lines of sight of drivers' view of pedestrians, pets, bicycles and vehicles and make it impossible to see. 51 Cedar St 51 A argue that the shed will "partially" hide behind a high privacy fence, a fence they changed along 51 Cedar front lot line and along the property line between 49 Cedar and 51 Cedar such that the sightline to the sidewalk is now compromised. This changed high privacy fence blocks 51 Cedar and 49 Cedar driveways' view and is a threat to public health, safety, and welfare. We 49 Cedar St Condominium wishes to work with 51 Cedar St Condominium to restore the fence back to the original porous 4 ft fence sight line.*

- a. Height of Shed: On Thursday, December 31, 2020, one of the OPPOSER, Amy Tien, visited PETITIONER to request additional information. The PETITIONER spent approximately 20 minutes going over the shed's details. During this interaction, Tien requested limiting the height of the shed to below the porous portion of the fence (approximately 5 feet) in order to maintain the existing sightline to the sidewalk. PETITIONER agreed to reduce the height of the proposed shed. PETITIONER emailed Tien on the same day with drawings requested by Tien. The email re-stated that the height of the shed will be limited to below the porous portion of the fence (see Item 3.1). On Saturday, January 2, 2021, PETITIONER and Tien had a one hour phone conversation where PETITIONER reiterated that the shed's height would be changed. The OPPOSER letter fails to describe the discussion surrounding the change in the shed's height.
On Saturday, January 9, 2021, PETITIONER examined the OPPOSER claim regarding poor sightline to the sidewalk. Since the distance between the driveway of 49 Cedar street and the fence of 51 Cedar Street is approximately 7.5 feet, PETITIONER could not find the sightline to be "compromised" (see Item 3.2). Therefore, PETITIONER believes the shed, with a height as originally proposed, will not impact the sightline.
- b. High Privacy Fence: Note that the OPPOSER refers to the fence as a "high" privacy fence. The use of the word "high" is subjective and PETITIONER requests the fence be referred to as "5-1" to better represent the fence style; 5-feet of opaque fence and 1-foot of porous fence.
- c. Wishes to Work: After Tien voiced concerns about the proposed shed during the aforementioned phone conversation of Saturday, January 2, 2021, PETITIONER sent an email to Tien on Sunday, January 3, 2021, with a shed option for the parking area and requested feedback (see Item 3.3). On Tuesday, January 5, 2021, after having been made aware that Jennifer Tuccinardi was now going to join Tien in opposition to the variance, PETITIONER attempted to initiate contact to gain insight as to Tuccinardi's concerns. OPPOSER submitted the letter of opposition to the Board on Wednesday, January 6, 2021.
As of the submission of this letter of response (January 10) PETITIONER has yet to receive any additional communication or feedback from either Tien or Tuccinardi since January 2, 2021.

- d. Restore the Fence: This variance is related to the installation of sheds and not the installation of fencing. Therefore, this is not the appropriate forum to address concerns regarding the height of the fence. PETITIONER feels it is important to note that in July 2019, Michael Grover from the City of Cambridge's Inspectional Services Department confirmed that permits are not required for fencing 7-feet tall and below.

PARKING AREA SHED

4. *The proposed shed in front of an open grade parking space, located within the 5 feet setback landscape area will disrupt required landscape set forth by parking lot standards. It disrupts drainage and result in excessive water overflow onto our lot. 51 Cedar St 51 A have proceeded to put in concrete foundation for the shed in this landscaped area already. The height of the shed beyond the property lot fence pose negative view nuisance, will limit sunlight, and cast shadows to our lot/yard and decrease enjoyment of our property and windows. It would specifically adversely affect 49 Cedar Unit 2. The higher roof line will create unwanted snow drift, run off rain water onto our lot. As the shed violates the 5 ft set back and abuts property side lot line, the shed interferes with our ability to repair and maintain our lot fence. Furthermore, to access the shed, it requires moving parked vehicles. This creates congestion.*

- a. **Parking Lot Landscaping Standards:** The letter fails to provide evidence of any parking lot standards. Furthermore, if there is any impact on the landscape, it will not be visible from the OPPOSER property. These changes will only affect the 51 Cedar Street Condominium Trust, whose members are all in support of this variance request.
- b. **Disrupts Drainage:** The letter fails to provide evidence of “excessive overflow onto [OPPOSER] lot.” The shed’s foundation has been in place for several months and OPPOSER has not brought any such conditions to PETITIONER attention. The foundation was built with a 4” crushed stone sub base to specifically mitigate issues arising from drainage. The shed’s roof will slope into the PETITIONER parking lot where rainwater is collected by an existing drain and drywell.
- c. **Height of the Shed:** The existing view (see Item 4.1) from the south-facing windows of 49 Cedar, Unit 2 include a 5-1 fence, a parking area, and a monolithic block wall (north-facing wall of 53R Cedar). Therefore, PETITIONER feels adding a shed will not be detrimental to this unit’s view. PETITIONER feels it is important to note that the proposed shed will have a minimal impact on sunlight or shadows (see Item 4.2) because it will be located between two healthy trees.
- d. **Snow Drift & Rain Runoff:** Snow drifts in all directions. There is no evidence that the shed will create an increase of snow on OPPOSER property. Furthermore, because the shed’s roof will slope into PETITIONER property, any runoff will be directed into PETITIONER property.
- e. **Interference with Repair/Maintenance of Fence:** The proposed shed is made of Resin panels. If needed, it can be disassembled within a couple hours. A typical notice of construction work as a courtesy to neighbors should be sufficient time to make necessary accommodations.
- f. **Creates Congestion:** PETITIONER property is a three-unit condominium association and not a commercial parking lot. Only PETITIONER vehicle could impede the shed’s access.

CONCLUSION

5. *51 A Cedar is part of a 3 unit townhouse development in 2013 after a special permit grant. 51 Cedar have made hazardous changes to the development design after development completion. This includes the fence change and majority of green space converted to paver covered patios. The proposed sheds with concrete foundation on green space further decreases minimum required permeable open space. We ask the Board to not grant the requested variance.*

- a. Hazardous Changes: PETITIONER would like to note that the changes made to improve upon the “development design” did not require a variance, permit, or special permit. The modifications didn’t violate any zoning ordinances and didn’t include structural elements. Further, the OPPOSER has not previously raised any objections to improvements.
- b. Fence change: Please refer to Paragraph 3. c./d.
- c. Paver Patio change: This variance is related to the installation of sheds and not to the installation of paver patios. Therefore, this is not the appropriate forum to address concerns regarding the paver patio.
- d. Decreases Permeable Open Space: Please refer to Paragraph 2.d.

Sincerely,
49 Cedar St Condominium Trust
(Jennifer Tuccinardi and Amy Tien, Trustees)

Attachment 1
Petitioner Response to Letter of Opposition
Item 1.1
Certificate of Appointment of Trustees, 49 Cedar Street Condominium Trust

Attachment 1

Petitioner Response to Letter of Opposition

Item 1.1

Certificate of Appointment of Trustees, 49 Cedar Street Condominium Trust

Certificate of Appointment of Trustees Of
The 49 Cedar Street Condominium Trust

2011 00167670

Bk: 57527 Pg: 66 Doc: APP

Page: 1 of 3 09/28/2011 09:25 AM

I, Jennifer L. Tuccinardi, pursuant to Section, 3.1 of Article III, of the Declaration of Trust dated February 16, 2011, and recorded at the Middlesex South Registry of Deeds in Book 56486, Page 426, hereby certify that on July 13, 2011, at a duly called meeting of the unit owners and trustees, the owner of unit 3, appointed me, Jennifer L. Tuccinardi, as a Trustee.

Executed as a sealed instrument this 8 day of August, 2011.



Jennifer L. Tuccinardi

I, Amy Tien, pursuant to Section, 3.1 of Article III, of the Declaration of Trust dated February 16, 2011, and recorded at the Middlesex South Registry of Deeds in Book 56486, Page 426, hereby certify that on July 13, 2011, at a duly called meeting of the unit owners and trustees, the owner of unit 2, appointed me, Amy Tien, as a Trustee.

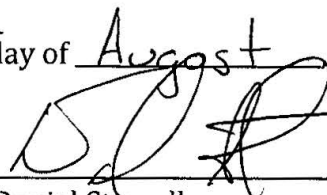
Executed as a sealed instrument this 4th day of August, 2011.



Amy Tien

I, Daniel Stowell, pursuant to Section, 3.1 of Article III, of the Declaration of Trust dated February 16, 2011, and recorded at the Middlesex South Registry of Deeds in Book 56486, Page 426, hereby certify that on July 13, 2011, at a duly called meeting of the unit owners and trustees, the owner of unit 1, appointed me, Daniel Stowell, as a Trustee.

Executed as a sealed instrument this 24th day of August, 2011.



Daniel Stowell

49 CEDAR ST CONDO
32 WALDEN TERRACE TRUST
SAUGUS, MA 01906

Attachment 1

Petitioner Response to Letter of Opposition

Item 1.1

Certificate of Appointment of Trustees, 49 Cedar Street Condominium Trust

Commonwealth of Massachusetts

On this 8 day of August, 2011, before me, the undersigned Notary Public, personally appeared Jennifer L. Tuccinardi, proved to me through satisfactory evidence of identification, which were (check as appropriate) ☒ a correct document issued by a Federal or State government agency bearing the photographic image of the individual's face and signature, ☐ on the oath or affirmation of a credible witness unaffected by the document or transaction, who is personally known to me and who personally knows the individual, ☐ known by me personally to be the person or persons, whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public

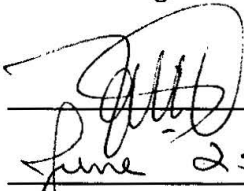
12/29/2011

My Commission Expires

Randy Schacht
Notary Public, Massachusetts
My Commission Expires December 29, 2011

Commonwealth of Massachusetts

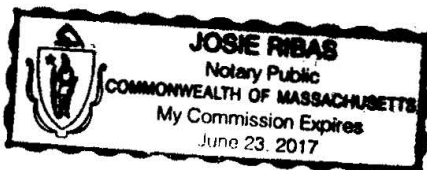
On this 4th day of August, 2011, before me, the undersigned Notary Public, personally appeared Amy Tien, proved to me through satisfactory evidence of identification, which were (check as appropriate) ☒ a correct document issued by a Federal or State government agency bearing the photographic image of the individual's face and signature, ☐ on the oath or affirmation of a credible witness unaffected by the document or transaction, who is personally known to me and who personally knows the individual, ☐ known by me personally to be the person or persons, whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Notary Public

June 23, 2017

My Commission Expires



Attachment 1
Petitioner Response to Letter of Opposition
Item 1.1
Certificate of Appointment of Trustees, 49 Cedar Street Condominium Trust

Commonwealth of Massachusetts

On this 24th day of August, 2011, before me, the undersigned Notary Public, personally appeared Daniel Stowell, proved to me through satisfactory evidence of identification, which were (check as appropriate) ☒ a correct document issued by a Federal or State government agency bearing the photographic image of the individual's face and signature, [] on the oath or affirmation of a credible witness unaffected by the document or transaction, who is personally known to me and who personally knows the individual, [] known by me personally to be the person or persons, whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Gungeet Kaur Notary Public

07/28/2017

My Commission Expires



GUNGEET KAUR
Notary Public
Commonwealth of Massachusetts
My Commission Exp. 07/28/2017

Attachment 1
Petitioner Response to Letter of Opposition
Item 3.1
Email from PETITIONER to Amy Tien dated December 31, 2020



Re: BZA Shed

Alicia P
To: Amy Tien
Cc: Mohamed Poptani

Thu, Dec 31, 2020 at 4:51 PM

Hi Amy,

It was nice seeing you again earlier. We appreciate you bringing your concerns to our attention. Attached please find the information we provided with our variance application.

The application specifies a shed with a 7 ft height at its peak at the front setback. As we mentioned earlier we will limit the height of the front shed to the height of the fence per our discussion. We will mention our conversation with you and our ensuing reduction of the shed height to 5 ft at its peak during our brief speech allowance at the BZA meeting.

Happy New Year to you as well!
Alicia & Mohamed

On Thu, Dec 31, 2020 at 2:35 PM Amy Tien wrote:
Hi Alicia and Mohamed,

I would like additional info and plans that you have sent to the city for review.

Thank you.

Happy New Year.

Amy
49 Cedar St # 2

2 attachments

 **Sketches of Proposed Sheds.pdf**
512K

 **Drawings & Photos.pdf**
8224K

Attachment 1
Petitioner Response to Letter of Opposition
Item 3.2
Picture of Street and Sidewalk from 49 Cedar Street Driveway



Attachment 1
Petitioner Response to Letter of Opposition
Item 3.3
Email from PETITIONER to Amy Tien dated January 3, 2021



Re: BZA Shed

Alicia P

To: Amy Tien

Cc: Mohamed Poptani

Sun, Jan 3, 2021 at 11:39 AM

Hey Amy,

We've looked into pre-fab sheds that would sit below the fence line. We found an option for the parking area that we wanted to present to you. It is currently sold out but we're hopeful we can find others like it (or wait for it to come back in stock). It has a small pitch to the roof but looks like a lean-to. On the shorter side, which is the side closest to the fence, it is 5.5 ft tall. In the front, it is 5.9 ft tall. Would this satisfy your requirements sufficiently to lend us your support?
<https://www.dropbox.com/s/yd01kc4kyd8lcrh/8%27x4%27%20Pent%20Roof%20Shed.pdf?dl=0>

We haven't found a pre-fab option for the yard area shed yet but we will build a custom one if required to be below the lattice, as we discussed.

Thanks!

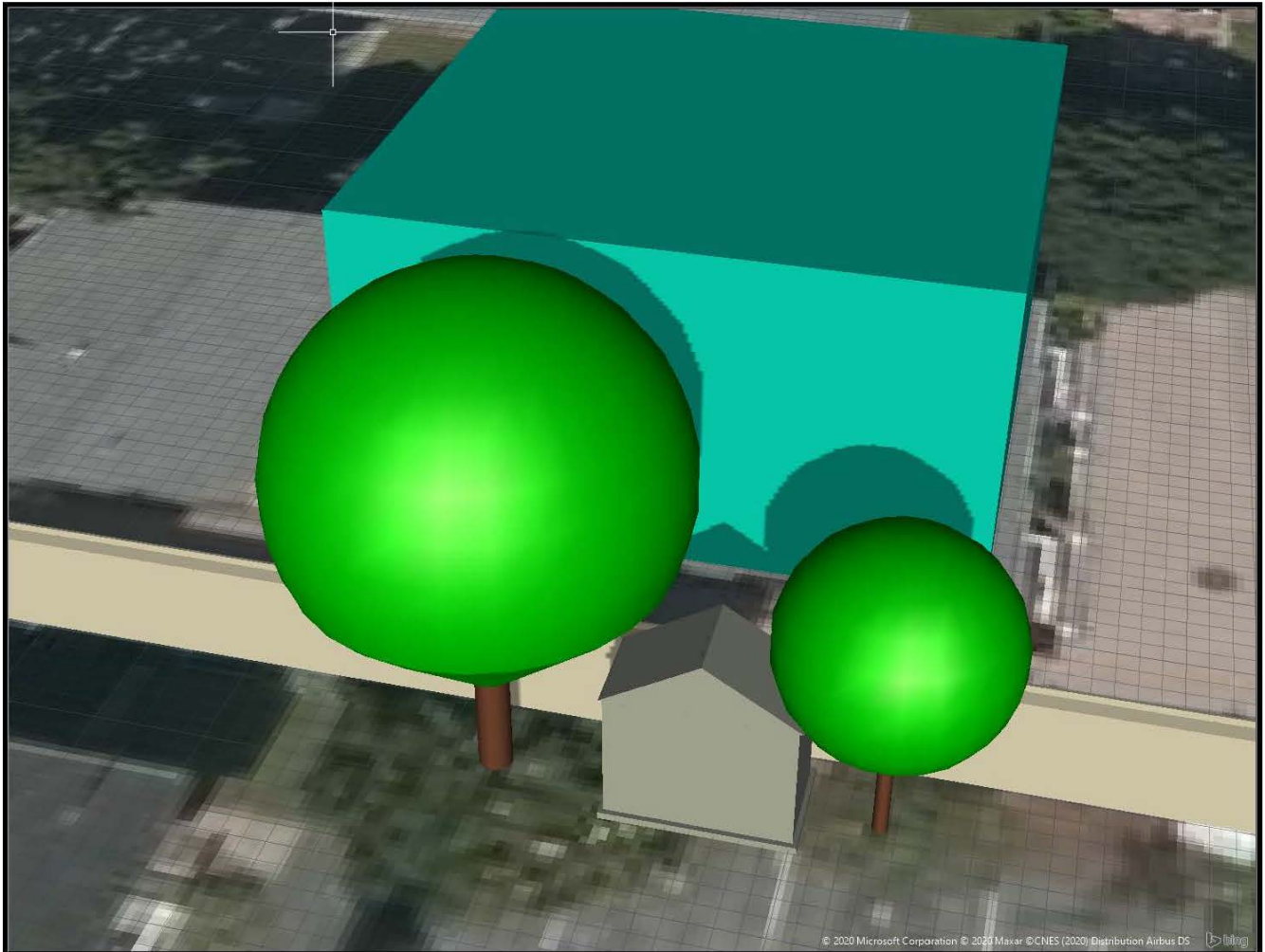
Alicia & Mohamed

Attachment 1
Petitioner Response to Letter of Opposition
Item 4.1
Picture of Current View from 49 Cedar Street, Unit 2



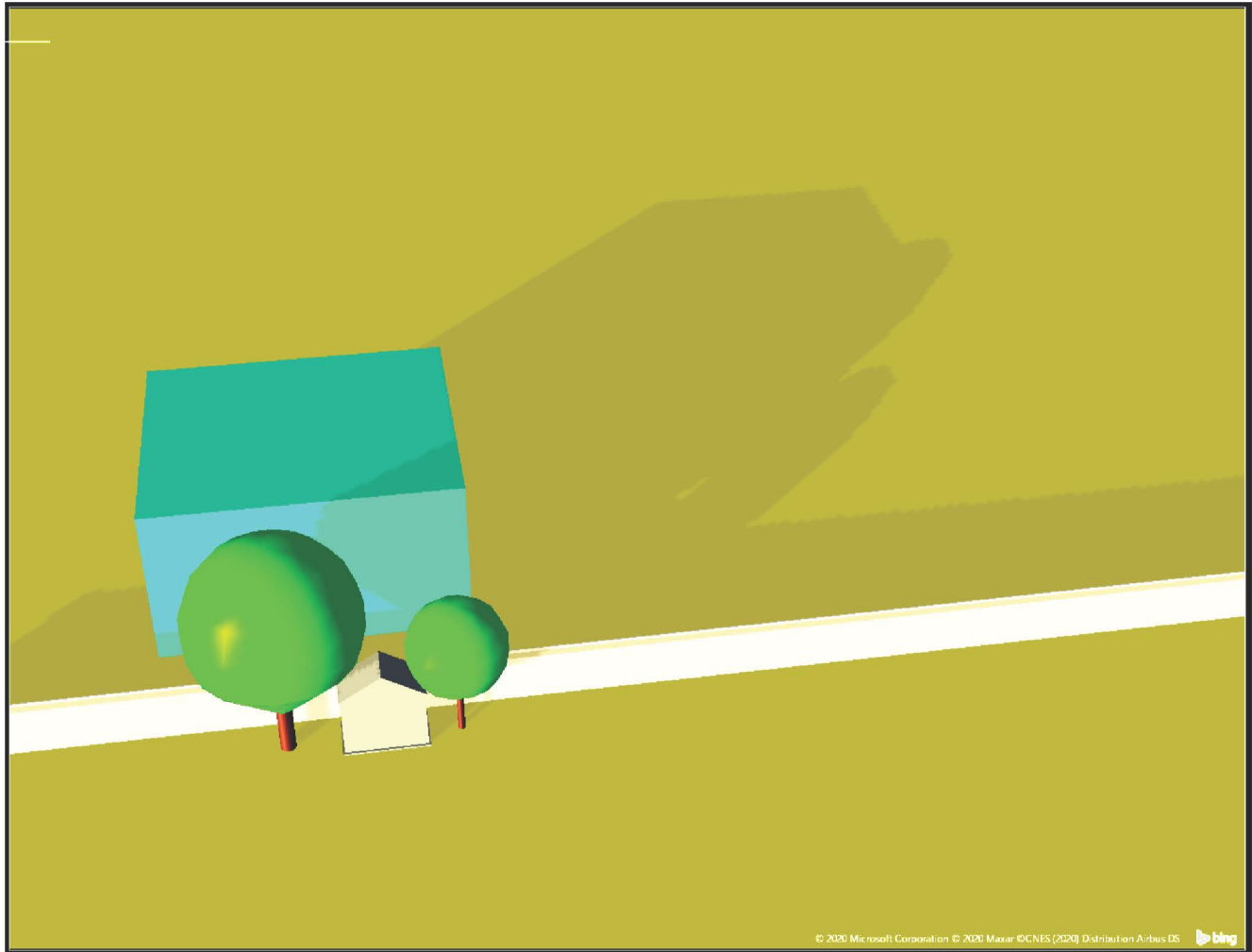
Attachment 1
Petitioner Response to Letter of Opposition
Item 4.2
Simulation of Shadows Cast by Proposed Parking Area Shed
Simulation 1 of 2

Simulated Date & Time: December 21, 2020 at 11:00AM



Attachment 1
Petitioner Response to Letter of Opposition
Item 4.2
Simulation of Shadows Cast by Proposed Parking Area Shed
Simulation 2 of 2

Simulated Date & Time: December 21, 2020 at 03:00PM





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: Alicia Poptani Date: 12/28/2020
(Print)

Address: 51 Cedar St. #51A

Case No. BZA-100282

Hearing Date: 1/14/21

Thank you,
Bza Members