

BZA APPLICATION FORM

GENERAL INFORMATION

2017 OCT -6 AM 10:23  
BZA-014592-2017  
CAMBRIDGE, MASSACHUSETTS

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

Special Permit: \_\_\_\_\_ Variance: V Appeal: \_\_\_\_\_

PETITIONER: SMART ARCHITECTURE / MAGGIE THOZ

PETITIONER'S ADDRESS: 625 MOUNT AUBURN ST., CAMBRIDGE 02138

LOCATION OF PROPERTY: 52 KINNAIRD ST., CAMBRIDGE 02139

TYPE OF OCCUPANCY: TWO-FAMILY ZONING DISTRICT: C-1

REASON FOR PETITION:

<input checked="" type="checkbox"/> Additions	<input type="checkbox"/> New Structure
<input type="checkbox"/> Change in Use/Occupancy	<input type="checkbox"/> Parking
<input type="checkbox"/> Conversion to Addi'l Dwelling Unit's	<input type="checkbox"/> Sign
<input type="checkbox"/> Dormer	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

A WOOD-FRAME ADDITION OF A BED ROOM AT THE  
THIRD FLOOR LEVEL, ON TOP OF THE FLAT ROOF  
ON THE EXISTING ELL AT THE REAR (NORTH)  
OF THE HOUSE.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section TABLE 5-1 1) DIMENSIONAL REQ: REAR, SIDE YARD

Article 8 Section B.22.3

Article \_\_\_\_\_ Section \_\_\_\_\_

Applicants for a Variance must complete Pages 1-5  
Applicants for a Special Permit must complete Pages 1- and 6  
Applicants for an Appeal to the BZA of a Zoning determination by the  
Inspectional Services Department must attach a statement concerning the reasons  
for the appeal.

Original Signature: \_\_\_\_\_

(Petitioner(s)/Owner)

MAGGIE THOZ / SMART ARCHITECTURE  
(Print Name)

Address: \_\_\_\_\_

625 Mt. Auburn  
CAMBR. 02138

Tel. No.: \_\_\_\_\_

617. 576. 2720

E-Mail Address: \_\_\_\_\_

MAGGIE@SMARTARCHITECTURE.NET

Date: 10.2.17

**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 Daniel Pallin (OWNER)

Address: 52 Kinnaird St., Cambridge MA 02139

State that I/We own the property located at 52 Kinnaird St., which is the subject of this zoning application.

The record title of this property is in the name of Daniel Pallin

Pursuant to a deed of duly recorded in the date 7/26/2010 <sup>or 7/21/2010</sup>, Middlesex South County Registry of Deeds at Book 55045, Page 172; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

 10/5/2017  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

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

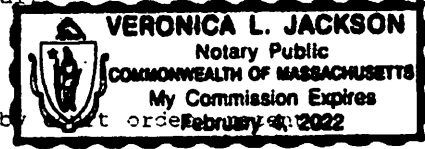
Commonwealth of Massachusetts, County of SUFFOLK

The above-name Daniel Pallin personally appeared before me, this 05 of OCTOBER 2017, and made oath that the above statement is true.

Veronica L. Jackson Notary

My commission expires 2-04-2022 (Notary Seal)

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



## Supporting Statements for a Variance – Pallin Residence

52 Kinnaird Street, Cambridge

- A) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner for the following reasons: The Petitioners, who own this two-family house, are a young family with a toddler. They live on the second and third floors of the house, and they rent the first floor. Proximity of their house and neighborhood to their places of work allows them to walk and bike instead of using their car. Their unit has two bedrooms and one bathroom, below the roof rafters. The toddler's bedroom measures 9'4" wide x 4' long x 7' high. The bathroom wall, against which are installed the plumbing fixtures, is about 4'-6" high. The Petitioners would like to maintain the house as a two-family, a housing type that is becoming more and more rare in Cambridge as two-families are being transformed into condominiums or into single-family homes. They would like to maintain it for the same reasons that Cambridge desires them: the income from the second unit makes it possible for a typical family to purchase a home here and live in it. But their third floor, where the family sleep, is extremely cramped, and essentially consists of one legal "room" since the State Building Code is explicit about minimum room sizes and their child's bedroom does not come close to meeting the minimum. The Petitioners are a young family who want to stay in a City that commands very high, and in many cases unaffordable, real estate prices. The proposed bedroom addition at the top of the flat-roofed two-story rear portion of the building (from 1986) is a conservative request for an additional 228sf of living space to create a legal bedroom and an additional bathroom, while preserving valuable Cambridge Port open land space below.
- 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: As is true at many Cambridge properties, the lot size of 52 Kinnaird Street is under the current zoning minimum lot area for the zoning district in which it is located. There is no driveway on the lot, and no available space to expand the footprint of the building. Nor would it be desirable to do so since permeable land is at a premium in the neighborhood and the yard is a cherished garden space for the Petitioners. Because the house is organized as a two-family with the rental unit on the first floor, and because basements in Cambridge Port are constructed on a very high water table and are thus consistently very wet, expansion to lower portions of the house are not possible without expanding the structure's footprint. Uniquely, and fortuitously, the rear portion of the building's second story was constructed with a flat roof, which would allow the Petitioner to solve the crucial problem of inadequately sized and cramped bedrooms with a third floor addition to the pre-existing rear portion of the second story.
- C1) Desirable relief may be granted without substantial detriment to the public good for the following reasons: The proposed third floor bedroom addition casts minimal additional shadow on the abutting properties, and also is only minimally visible from Kinnaird Street. Taking advantage of the top of the rear ell is an urban strategy that preserves ground and garden and densifies upward instead of sprawling outward. And contrary to being detrimental to the public good, preservation of two-family buildings and creating housing units that can accommodate the life of a normal family actually benefits the public good. No density is increased nor traffic intensified due to the proposal.
- C2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons: the proposal not only does not adversely affect the health or safety of the citizens of Cambridge, nor the value of anyone's property, it contributes to maintaining useable family housing units in a City that is hungry for them.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: 1 DANIEL FALLIN PRESENT USE/OCCUPANCY: TWO-FAMILY  
 LOCATION: 52 KINNIAWAT STREET ZONE: C-1  
 PHONE: 617-671-5594 REQUESTED USE/OCCUPANCY: TWO-FAMILY

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS<sup>1</sup></u>
TOTAL GROSS FLOOR AREA:	<u>2459 SF</u>	<u>2688 SF</u>	<u>2160 SF</u> (max.)
LOT AREA:	<u>2880 SF</u>		<u>5000 SF</u> (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	<u>.85</u>	<u>.93</u>	<u>.75</u> (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>1440 SF</u>	<u>1440 SF</u>	<u>1500 SF</u> (min.)
SIZE OF LOT:			
WIDTH	<u>36 LF</u>		<u>50 LF</u> (min.)
DEPTH			
Setbacks in Feet:			
FRONT	<u>7.5 LF</u>	<u>7.5 LF</u>	<u>10 LF</u> (min.)
REAR	<u>27.7 LF</u>	<u>27.7 LF</u>	<u>20 LF</u> (min.)
LEFT SIDE	<u>2.6 LF</u>	<u>2.6 LF</u>	<u>7.5 LF</u> (min.)
RIGHT SIDE	<u>7.7 LF</u>	<u>18 LF</u>	<u>7.5 LF</u> (min.)
SIZE OF BLDG.:			
HEIGHT	<u>33.5 LF</u>	<u>33.5 LF</u>	<u>35 LF</u> (max.)
LENGTH			
WIDTH			
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	<u>61%</u>	<u>61%</u>	<u>30%</u> (min.)
NO. OF DWELLING UNITS:	<u>2</u>	<u>2</u>	<u>2</u> (max.)
NO. OF PARKING SPACES:	<u>NA</u>	<u>NA</u>	<u>NA</u> (min./max.)
NO. OF LOADING AREAS:	<u>NA</u>	<u>NA</u>	<u>NA</u> (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>NA</u>	<u>NA</u>	<u>NA</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.

PROPOSED CONSTRUCTION IS WOOD FRAME

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.20 (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'.





52 Kimbird Vt. 624-014592-2017



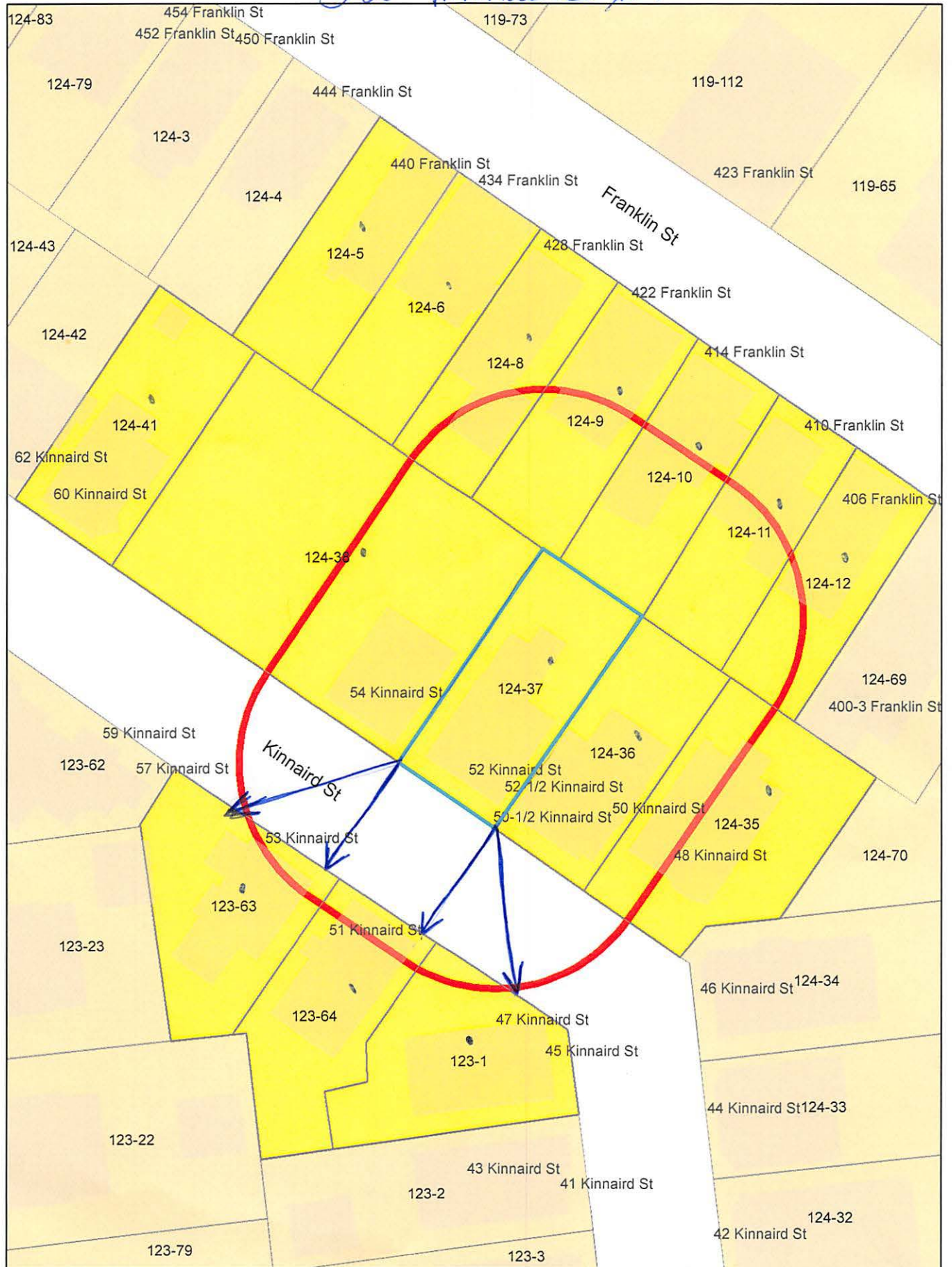








52 Kinnaird St.





52 Kinnaird St.

Petitioner

123-1  
GAFFNEY, BARBARA R. & RITA KANE  
45 KINNAIRD ST  
CAMBRIDGE, MA 02139

123-63  
GITTLEMAN, SUSAN  
C/O SUSAN BUTLER  
212 ASPINWALL AVE  
BROOKLINE, MA 02146

SMART ARCHITECTURE  
C/O MAGGIE BOOZ  
625 MT. AUBURN STREET  
CAMBRIDGE, MA 02138

124-5  
MOORE, RICHARD EDWARD &  
ELISABETH EDDA FIEBIGER  
440 FRANKLIN ST  
CAMBRIDGE, MA 02139

124-6  
BIGELOW, RUSSELL  
434 FRANKLIN ST. #1  
CAMBRIDGE, MA 02139

124-8  
BIDDLE, EDWARD LAW & NOELIE J. BIDDLE  
428 FRANKLIN ST  
CAMBRIDGE, MA 02139

124-9  
LEWIS, MICHAEL A. & SHELIAJANE LEWIS  
422 FRANKLIN ST., UNIT #1  
CAMBRIDGE, MA 02139

124-9  
SCHULDENFREI, ROBIN  
422 FRANKLIN ST., UNIT# 2  
CAMBRIDGE, MA 02139

124-9  
RAMAN, SHANKAR  
422 FRANKLIN ST. UNIT#3  
CAMBRIDGE, MA 02139

124-10  
GUYETTE, DAVID M. ,  
TR. NEW HOPE REALTY TRUST  
19 SQUIRE RD  
WINCHESTER, MA 01890

124-11  
THOMAS, JAMES W. & JUDITH L. AMENDOLA  
410 FRANKLIN ST  
CAMBRIDGE, MA 02139

124-12  
ALEXANDROV, KIRIL STEFAN &  
CATHERINE E. ALEXANDROV  
406 FRANKLIN ST  
CAMBRIDGE, MA 02139

124-35  
GRAHAM, SHIRLEY  
48 KINNAIRD ST  
CAMBRIDGE, MA 02139

124-36  
TOMPKINS, RUBY T. &  
CITY OF CAMBRIDGE TAX TITLE  
50 KINNAIRD ST  
CAMBRIDGE, MA 02139

124-38  
54-58 KINNAIRD, LLC.  
31 PHILEMON ST  
ARLINGTON, MA 02474

124-41  
STERN, LISE  
60 KINNAIRD ST  
CAMBRIDGE, MA 02139

124-37  
PALLIN, DANIEL  
52 KINNAIRD ST  
CAMBRIDGE, MA 02139

123-64  
ARVANITIS, JAMES & MARIA ARVANITIS,  
TRS & MICHAEL STOUKIDES  
C/O JAMES ARVANITIS  
34 KINNAIRD ST  
CAMBRIDGE, MA 02139



## CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2<sup>nd</sup> Floor, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*  
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*  
Kyle Sheffield, *Alternate*

### Jurisdiction Advice

To the Owner of Property at 52 Kinnaird Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- ☐ Old Cambridge Historic District
- ☐ Fort Washington Historic District  
(M.G.L. Ch. 40C, City Code §2.78.050)
- ☐ Avon Hill Neighborhood Conservation District
- ☐ Half Crown – Marsh Neighborhood Conservation District
- ☐ Harvard Square Conservation District
- ☐ Mid Cambridge Neighborhood Conservation District
- ☐ Designated Landmark
- ☐ Property is being studied for designation: \_\_\_\_\_  
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- ☐ Preservation Restriction or Easement (as recorded)
- ☒ Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.  
**No demolition permit anticipated for scope of work proposed.**
- ☐ No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- ☐ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.  
Staff comments: \_\_\_\_\_

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

**If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.**

CHC staff initials SLB

Date October 19, 2017

Received by Uploaded to Energov

Date October 19, 2017

Relationship to project BZA 14592-2017

cc: Applicant  
Inspectional Services Commissioner



## **Demolition Delay Ordinance and Application Information**

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

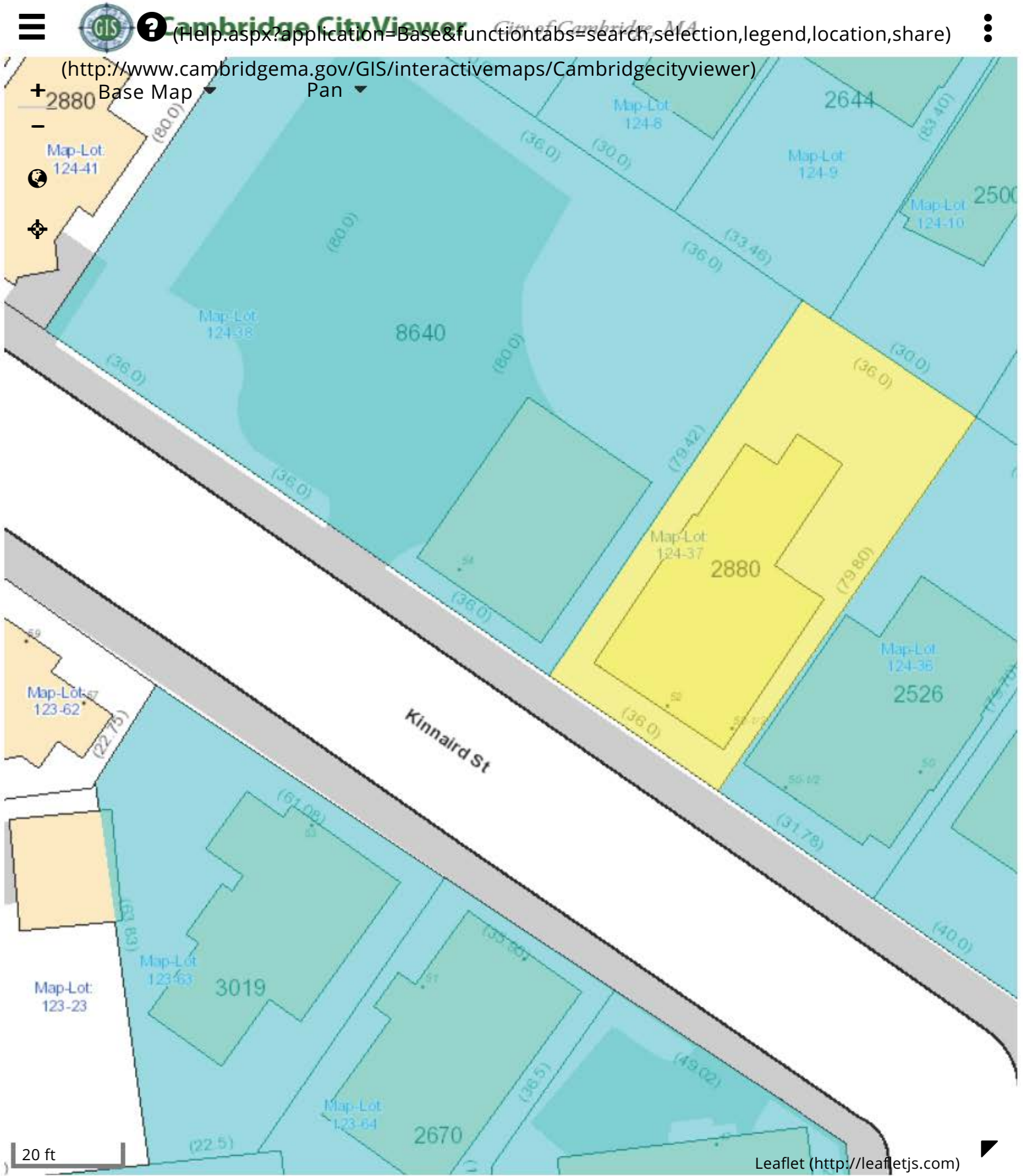
Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission  
831 Massachusetts Ave., 2<sup>nd</sup> Fl.  
Cambridge, MA 02139  
Ph: 617/349-4683 or TTY: 617/349-6112  
<http://www.cambridgema.gov/Historic>



GIS Homepage (<http://www.cambridgema.gov/GIS>) | About GIS

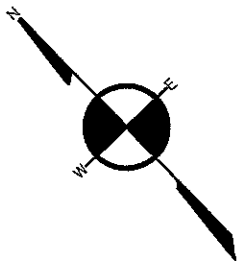


(<http://www.cambridgema.gov/GIS/aboutgis.aspx>) | Contact Us  
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(<http://www.cambridgema.gov/GIS/Disclaimer.aspx>) | Privacy Policy  
(<http://www.cambridgema.gov/GIS/privacypolicy.aspx>) | © 2017 City of Cambridge, MA

PLAN OF LAND

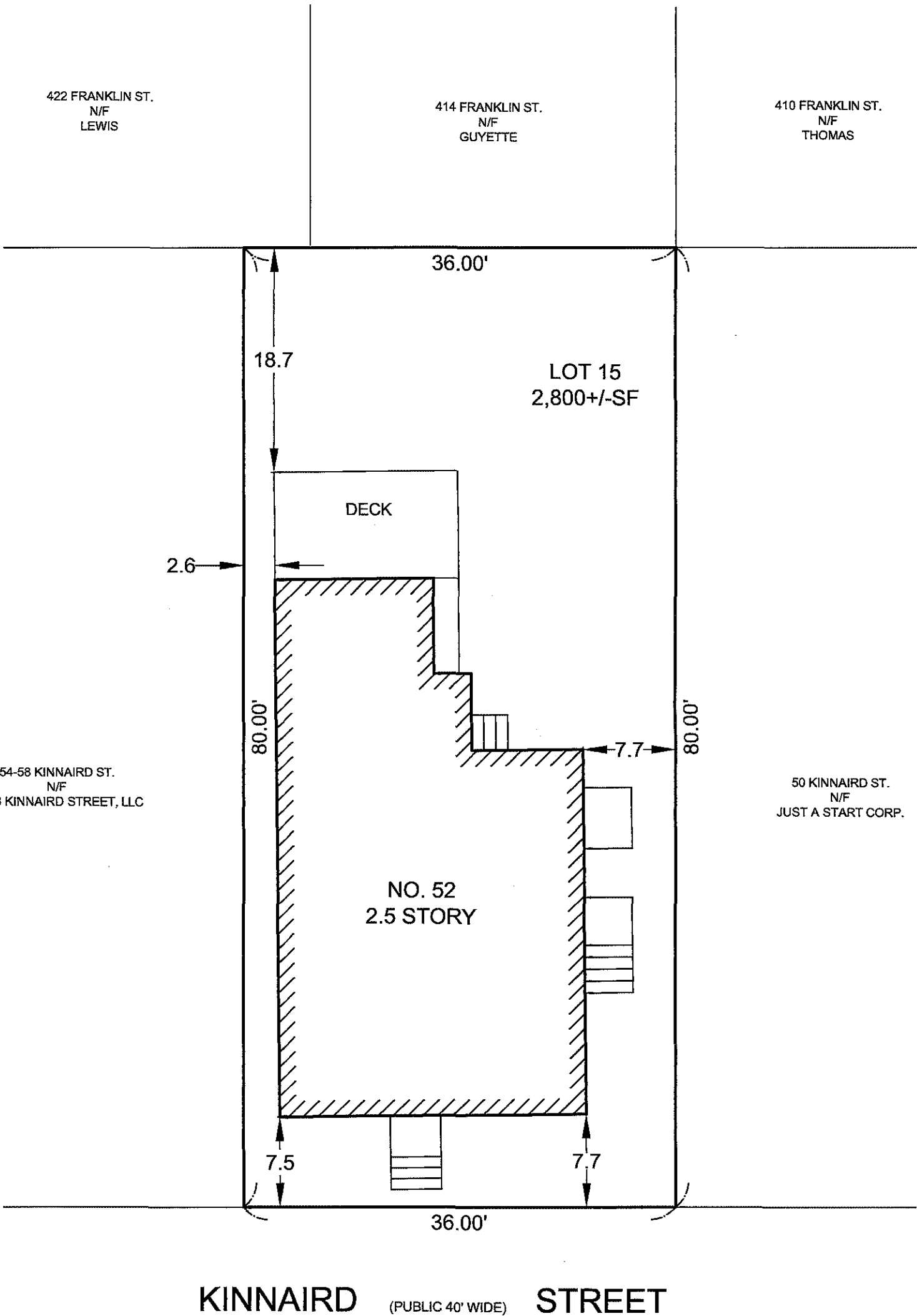
LOCATED AT  
52 KINNAIRD STREET  
CAMBRIDGE, MA

SCALE: 1 INCH = 10 FEET



MASSACHUSETTS  
SURVEY  
CONSULTANTS

14 SUMNER STREET  
GLOUCESTER, MA 01930  
617 899-0703  
WWW.MASSACHUSETTSSURVEY.COM



REFERENCES

DEED: BOOK 55045, PAGE 179  
PLAN: PLAN BOOK 42, PLAN 21

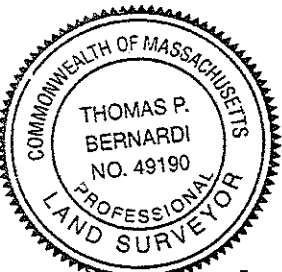
CERTIFICATION

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF SEPTEMBER 25 AND SEPTEMBER 29, 2017 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THOMAS BERNARDI P.L.S.

DATE: OCTOBER 2, 2017






$$1/4" = 1'-0"$$

1


$$1/4'' = 1'-0''$$


2


$$1/4'' = 1'-0''$$

3


$$1/4" = 1'-0"$$

4

		625 Mount Auburn Street, Suite 206 Cambridge, MA 02138
<p align="center"><b>Pallin Residence</b> 52 Kinnard Street Cambridge, MA</p>		
1710		
Job number	as noted	
Scale	09.19.17	
Date	aj	
Drawn by		
Checked by		
<p align="center"><b>Existing &amp; Proposed Plans</b></p>		

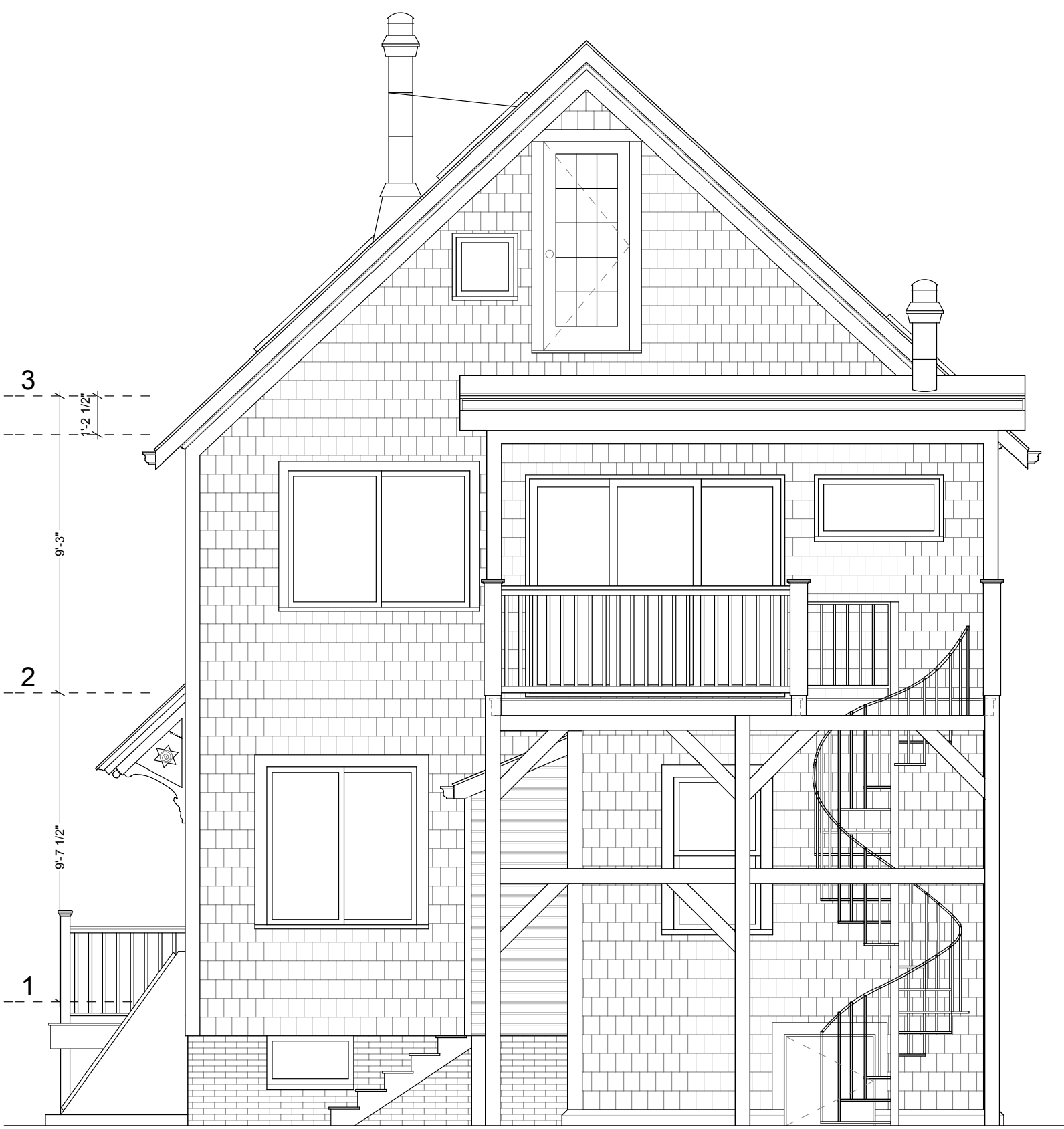
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Southwest (Front)



Southeast



Northeast

Existing Exterior Elevations



Northwest

1/4" = 1'-0" 1

SMART  
ARCHITECTURE  
625 Mount Auburn Street, Suite 206 Cambridge, MA 02138

Pallin Residence  
52 Kinnaird Street  
Cambridge, MA

Job number 1710  
Scale as noted  
Date 09.19.17  
Drawn by aj  
Checked by

Existing Exterior  
Elevations

A-7.0

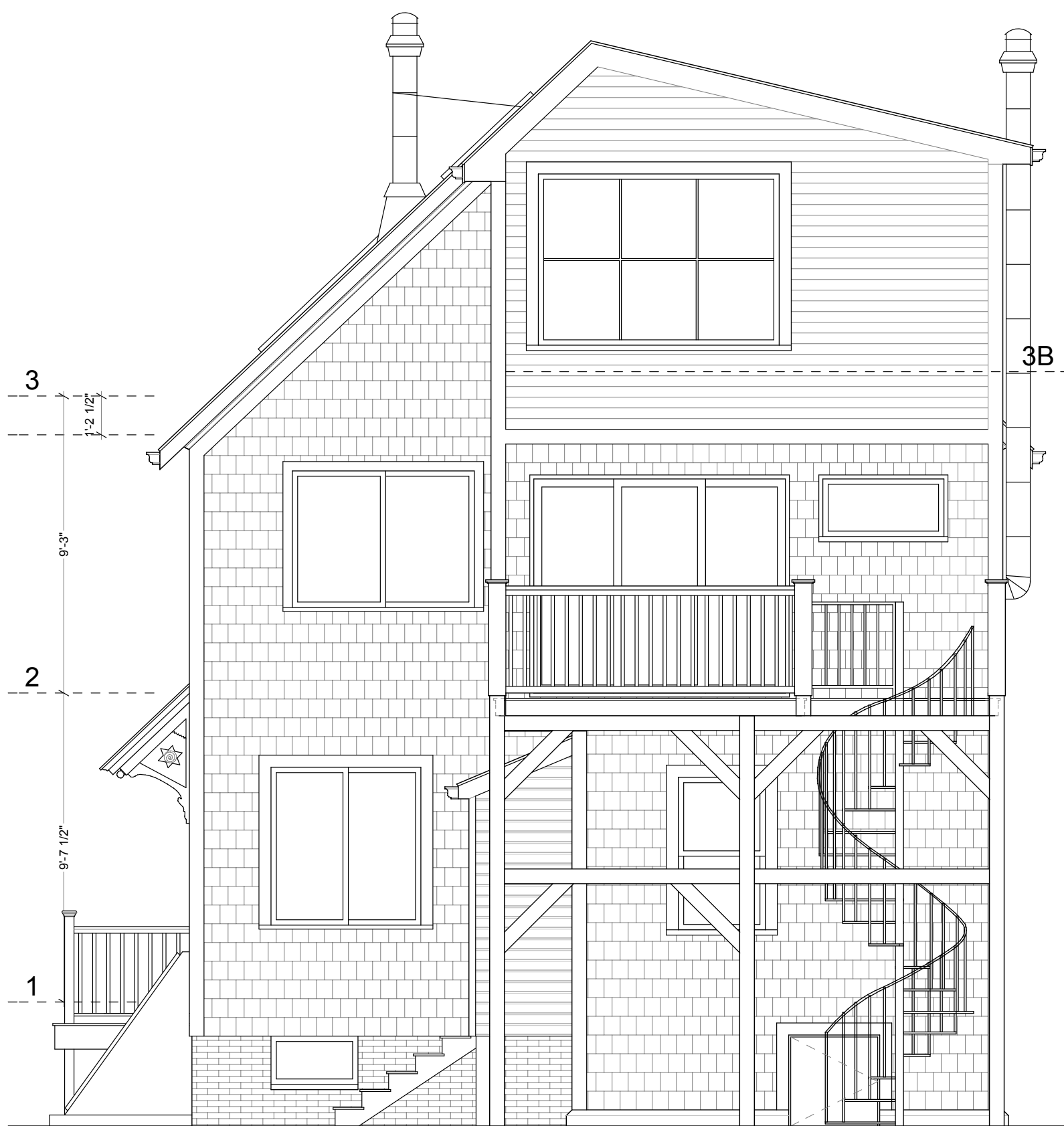




Southwest (Front)



Southeast



Northeast



Northwest

Proposed Exterior Elevations

1/4" = 1'-0" 1

SMART  
ARCHITECTURE  
625 Mount Auburn Street, Suite 206 Cambridge, MA 02138

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52 Kinnaird Street  
Cambridge, MA

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Proposed Exterior  
Elevations

A-7.1