



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 JUN 23 PM 12:43
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 180806

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Christopher & Victoria Tolles C/O Sisia Daglian

PETITIONER'S ADDRESS: 30 Quincy Street, Somerville, MA 02143

LOCATION OF PROPERTY: 56 Park Ave, Cambridge, MA

TYPE OF OCCUPANCY: Two family dwelling (4.31.b) ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/ /Dormer/ /Windows in Setback/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to construct a new roof with dormers to create a third story with deck in excess of the allowed gross floor area and setbacks but conforming to allowable height. Petitioner seeks to create new openings in a side yard setback.

SECTIONS OF ZONING ORDINANCE CITED:

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

Original
Signature(s):

(Petitioner (s) / Owner)

Victoria Tolles

(Print Name)

Address:

56 Park Avenue Cambridge

Tel. No.

617-600-6383

E-Mail Address:

sisia@evarch.com

Date: June 21, 2022

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 Christopher M Tolles and Victoria Tolles
(OWNER)

Address: 56-58 Park Ave, Cambridge MA 02138

State that I/We own the property located at 56-58 Park Ave, Cambridge MA 02138,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Christopher M Tolles and Victoria Tolles

*Pursuant to a deed of duly recorded in the date March 31, 2014, Middlesex South
County Registry of Deeds at Book 63430, Page 453; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Christopher Tolles Victoria Tolles
**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

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

JP *JP*
~~Commonwealth of Massachusetts~~ ~~State~~ of ~~Massachusetts~~ ~~Florida~~, County of Broward

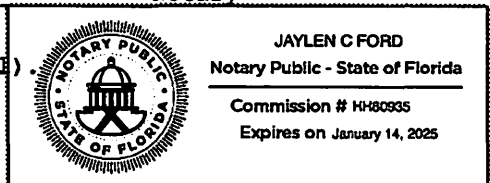
The above-name Christopher M Tolles, Victoria Tolles personally appeared before me,
this 9th of June, 2022, and made oath that the above statement is true.

Jaylen C Ford
Jaylen C Ford

Notary

My commission expires 01/14/2025 (Notary Seal)

Notarized online using audio-video communication
Type of identification produced: Massachussets Driver's license



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

How to Verify This Transaction

Every Notarize transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Notarize document, you can access details of the transaction and verify its authenticity with the information below.

To get started, visit verify.notarize.com and enter this information:

Notarize ID:	ZS6G5JF9
Access PIN:	DDR6AJ

For more information on how to verify Notarize transactions, please visit:
support.notarize.com/notarize-for-signers/verifying-document-authenticity



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 56 Park Ave., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

Section 8.22.2(d) allows for the construction of the proposed expansion to the principal structure upon the issuance of a Special Permit where, as in this case, the existing structure does not presently comply with the left side yard setback, the rear yard setback, and the allowable Floor Area Ratio. The proposed expansion and renovation will not increase any other nonconformities. The proposed expansion and renovation will not create any new nonconformities.

Similarly, 8.22.2(c) allows for the modification of openings within the setback upon the issuance of a Special Permit. The left side of the house is within the side setback and modifications are proposed.

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 proposed addition and alterations will not cause a change in traffic patterns in the neighborhood. The existing house has two dwelling units, and the proposed renovation will also contain two dwelling units and therefore access to and from the property will not create a substantial change to the neighborhood.

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 proposed alterations and additions to the residential structure have been aesthetically designed to meet the characteristics of the neighborhood. The adjacent uses are similarly sized residential structures. The proposed increase in size and volume of the house occurs vertically up to the allowable height for the zoning district and therefore not an impediment to adjacent development.

D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

The proposed alterations will be constructed in accordance with all the requirements of the State Building Code and will not cause nuisance or hazards. The proposed alterations will be improving the building code compliance of the structure and will improve the health and safety of its occupants.

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 intensity and patterns of use of the two-family dwelling will not be materially altered as a result of the proposed work. Section 8.22.2(d) of the Ordinance allows for the issuance of a Special Permit for the proposed work when, as in this case, there will not be any detrimental impact on the neighborhood. The proposed work will improve the neighborhood without substantially derogating from the requirements of the Ordinance.

***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: Christopher & Victoria Tolles
Location: 56 Park Ave., Cambridge, MA
Phone: 617-600-6383

Present Use/Occupancy: Two family dwelling (4.31.b)
Zone: Residence B Zone
Requested Use/Occupancy: Two family dwelling (4.31.b)

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2893	3485	2500	(max.)
<u>LOT AREA:</u>		3966	no change	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.73	0.88	0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1983	no change	2500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	46.66	no change	50	
	<u>DEPTH</u>	85.00	no change	100	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	9.8'	no change	15'	
	<u>REAR</u>	23.2'	no change	25'	
	<u>LEFT SIDE</u>	4.4'	no change	7.5'	
	<u>RIGHT SIDE</u>	10.5'	no change	7.5'	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	30.4'	35'	35'	
	<u>WIDTH</u>	45.3	no change	45.0	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		52.1	no change	40	
<u>NO. OF DWELLING UNITS:</u>		2	2	1	
<u>NO. OF PARKING SPACES:</u>		0	0	2	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	n/a	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.:

None existing or proposed

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'.

Rothfuchs Development Inc.
17 Thoreau Road Lexington, MA 02420

July 13, 2022

Bill & David Rothfuchs
Rothfuchs Development Inc.
52-54 Park Avenue
Cambridge, MA 02138

Re: Letter of support for the proposed renovation of 56-58 Park Avenue
Cambridge, MA 02138

To the Cambridge Board of Zoning Appeals;

Dear BZA Board Members,

This letter is to confirm our support for the proposed renovation of 56-58 Park Avenue owned by Chris and Tory Tolles. As a direct abutter to the property, we are in support of these changes. We believe the proposed improvements will enhance the desirability of our neighborhood and we urge you to approve the Tolles request for a special permit.

Please feel free to contact me if I can be of any additional assistance.
Bill Rothfuchs 781-760-5161

Sincerely,

William H. Rothfuchs III

Karlene and Mike Salguero
55 Park Ave
Cambridge, MA 02138

July 14th, 2022

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Board of Zoning Appeal,

I write in full support of Chris and Tory Tolles proposal for special permit for their planned renovation of 56-58 Park Ave. We live right across the street from their property. We have had an opportunity to review plans for the proposed renovation and are in full support.

Please feel free to contact us directly with any additional questions.

 
Sincerely,

Karlene and Mike Salguero
610-291-2040
karlene.salguero@gmail.com



FRONT REAR

Photos of Existing Structure

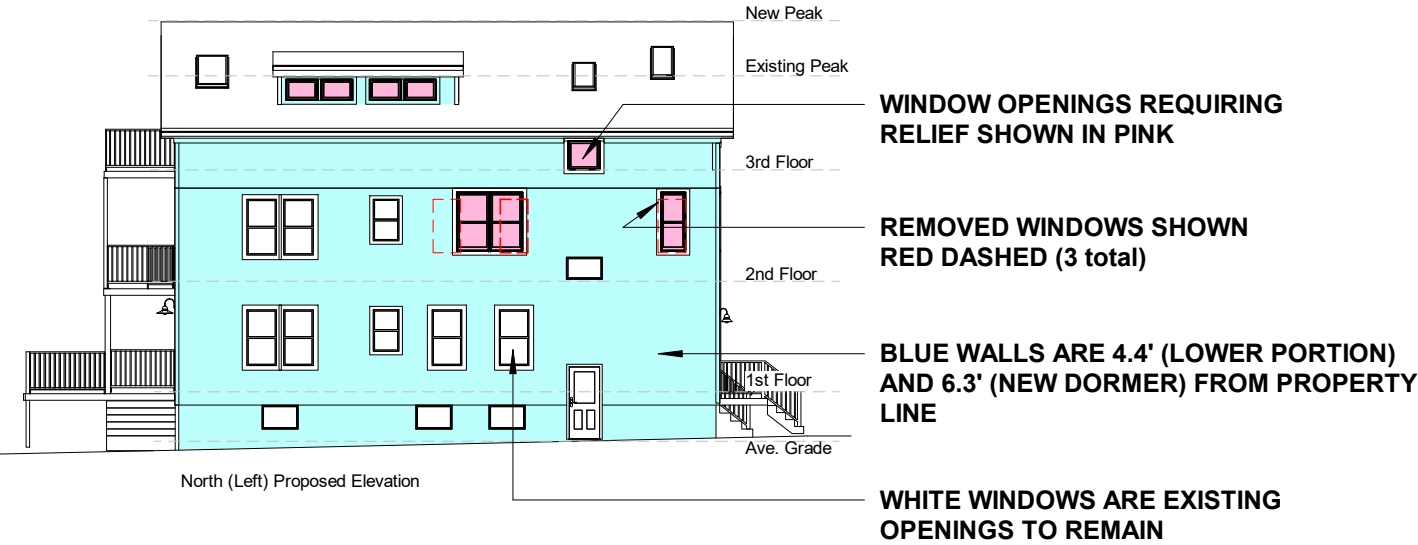
ZONING SUMMARY

ZONING DISTRICT: **B**
USE: **4.31.b Two Family Dwelling**

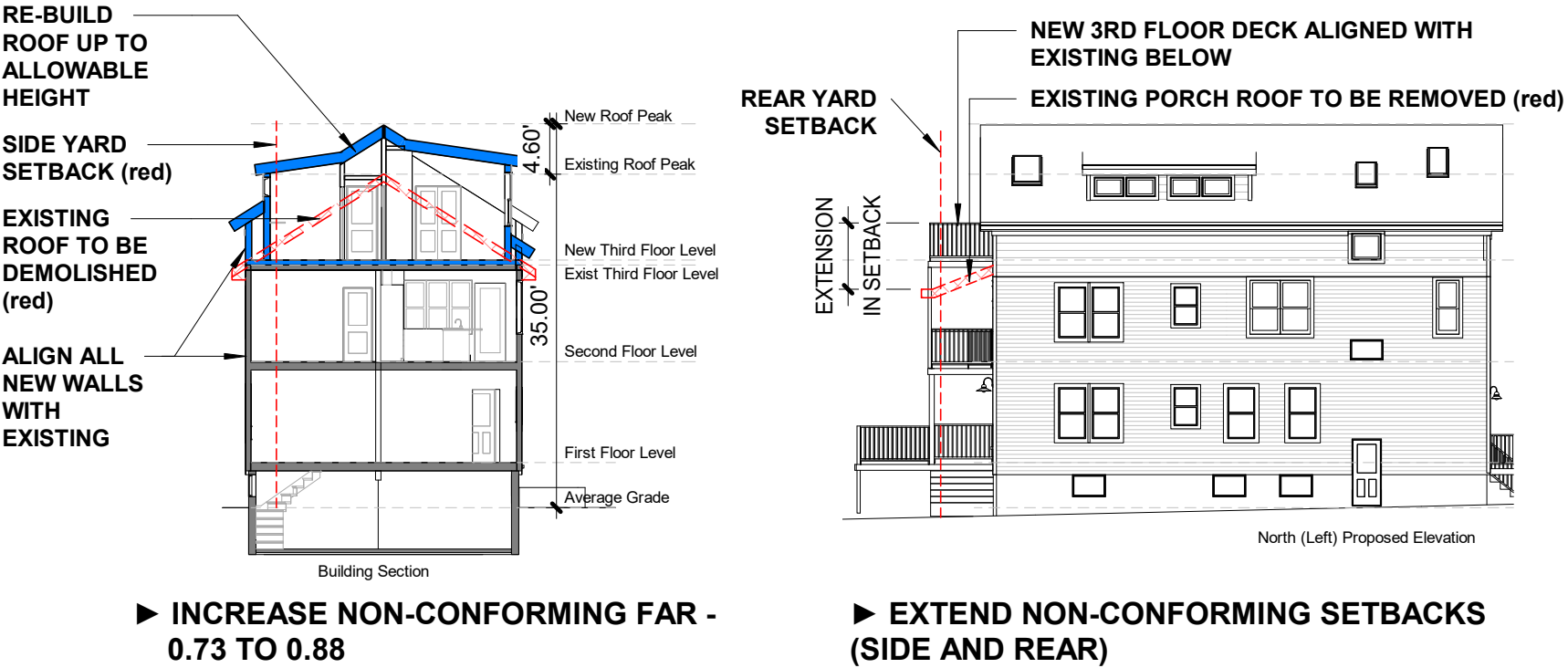
EXISTING NON-CONFORMING STRUCTURE
(see dimensional form)
Existing Building Area (gfa) Demolished: 15%
Existing Building Volume (cu.ft.) Demolished: 19%

SUMMARY OF RELIEF REQUESTED

① **8.22.2 (C) : modifcation of openings in left side setback**



② **8.22.2 (D) : extension of existing non-conformities**

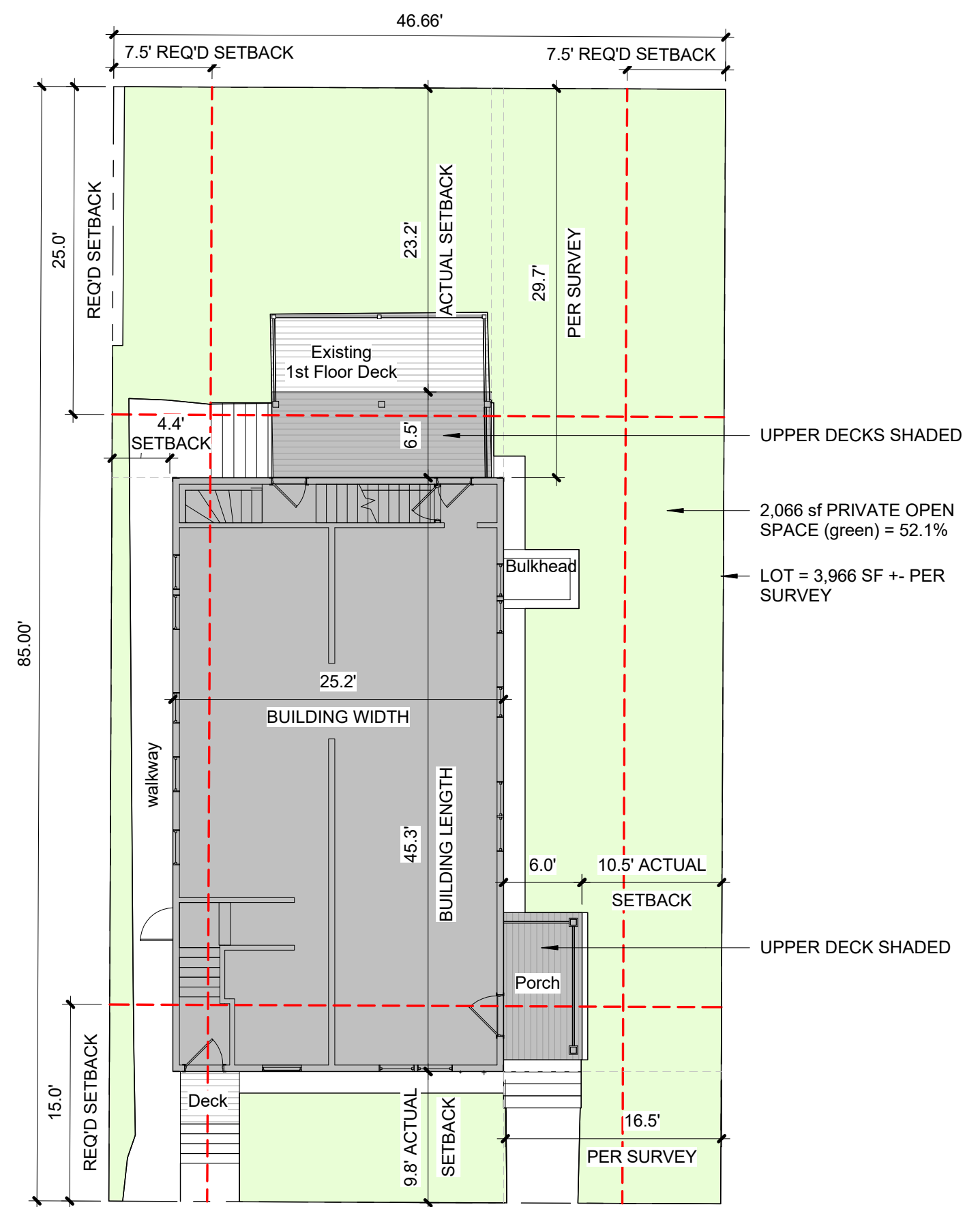
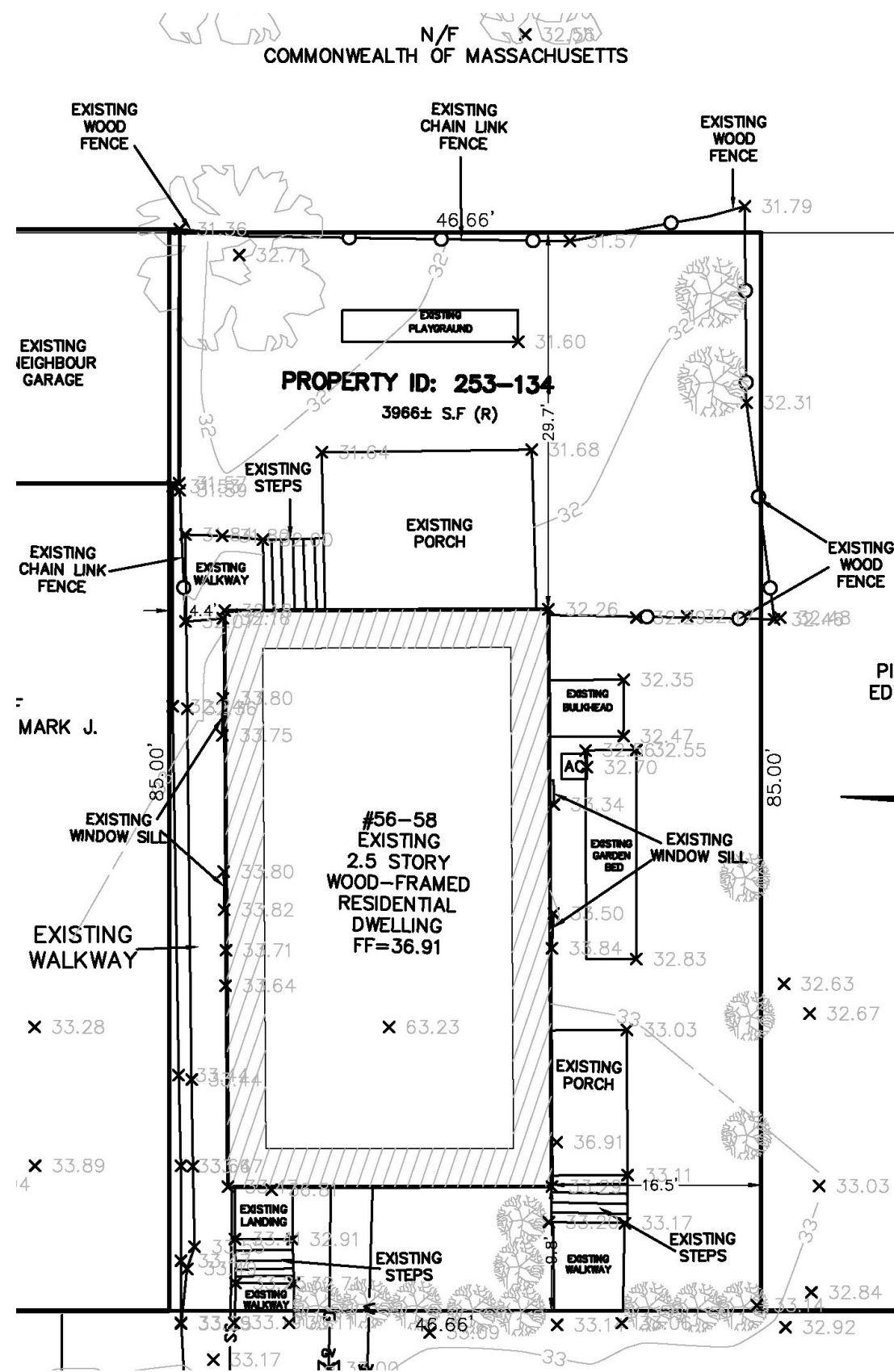


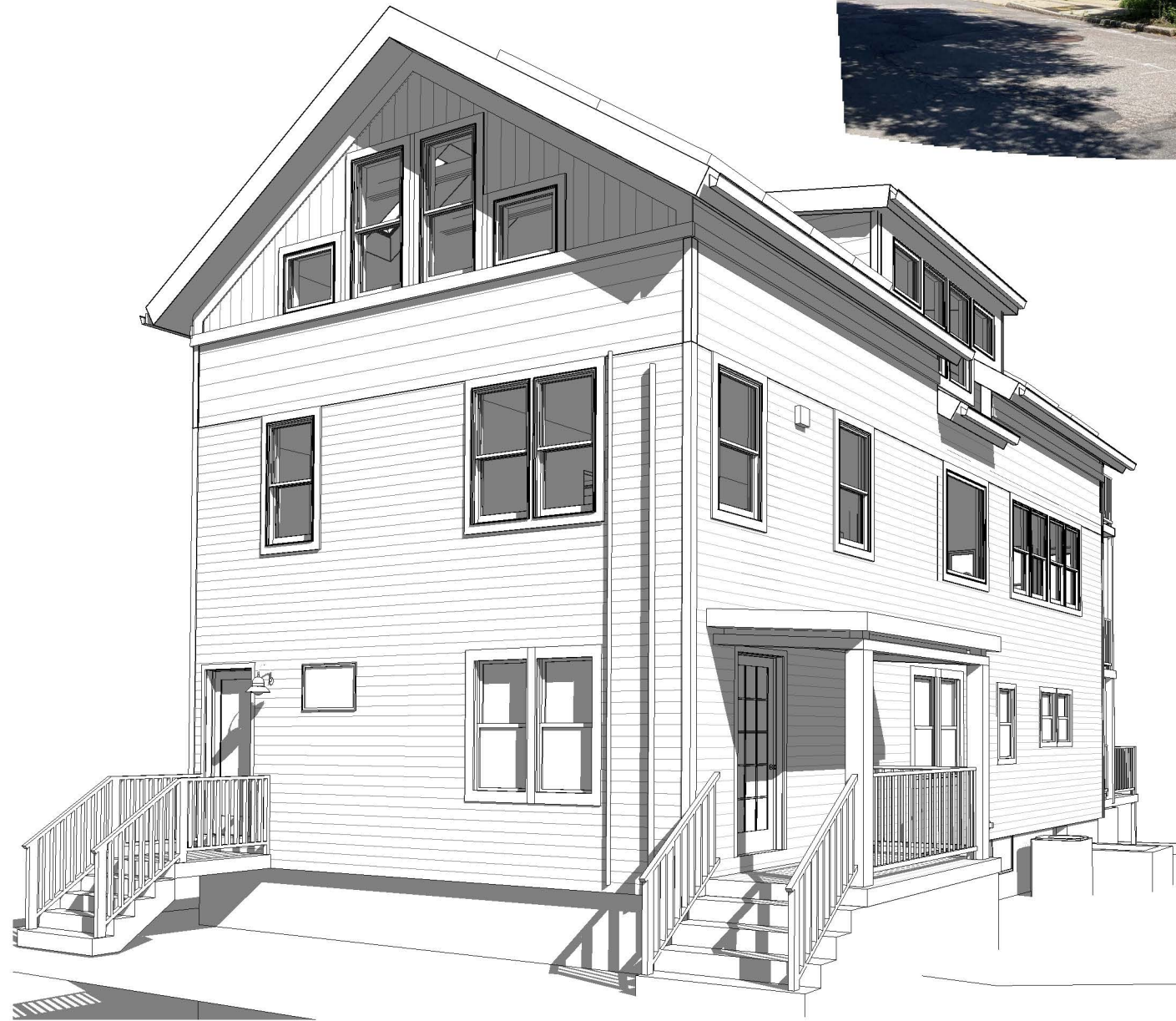
► **INCREASE NON-CONFORMING FAR - 0.73 TO 0.88**

► **EXTEND NON-CONFORMING SETBACKS (SIDE AND REAR)**

NO NEW NON-CONFORMITIES ARE CREATED







① Proposed View from Street

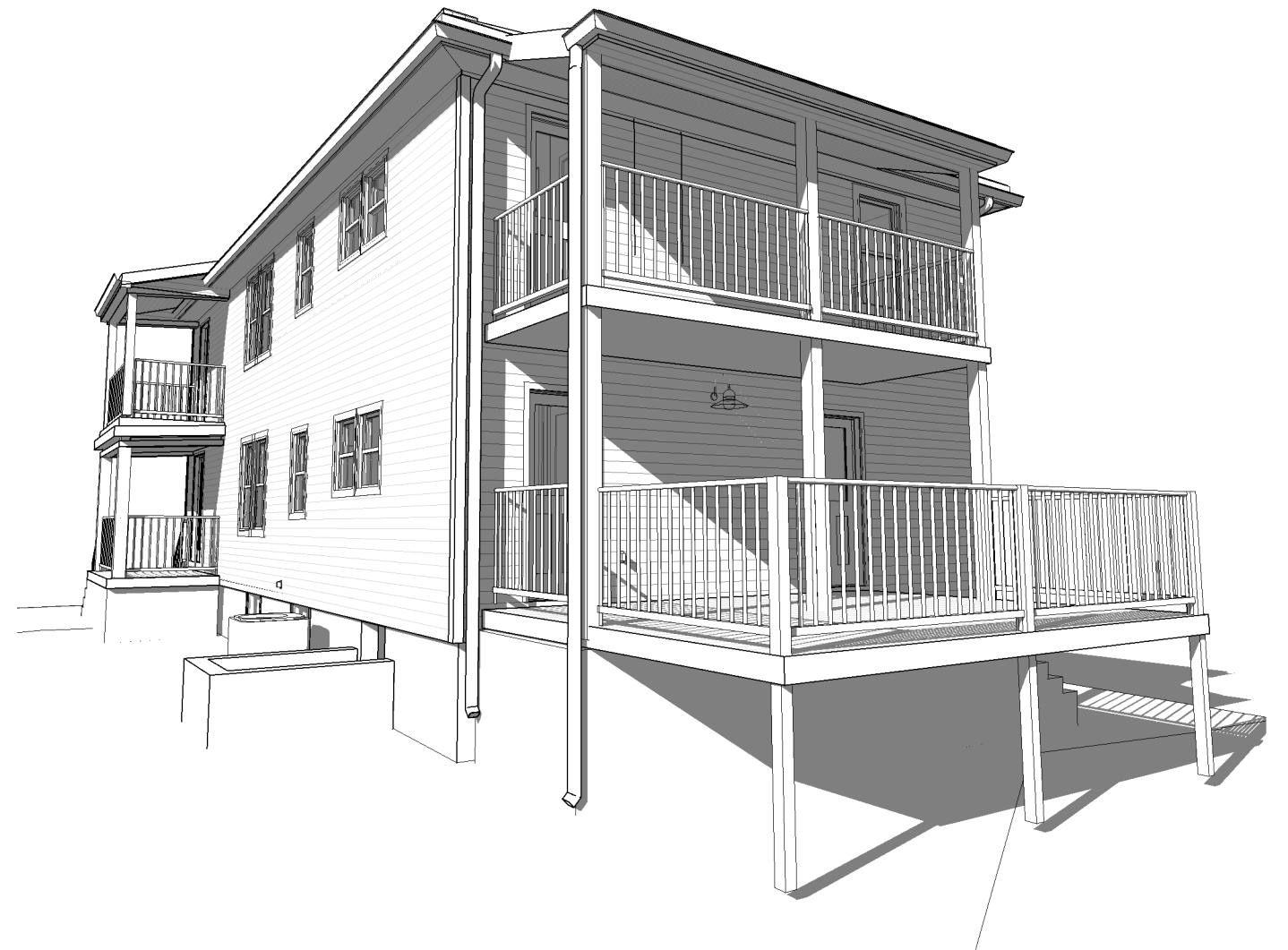


② Existing View from Street





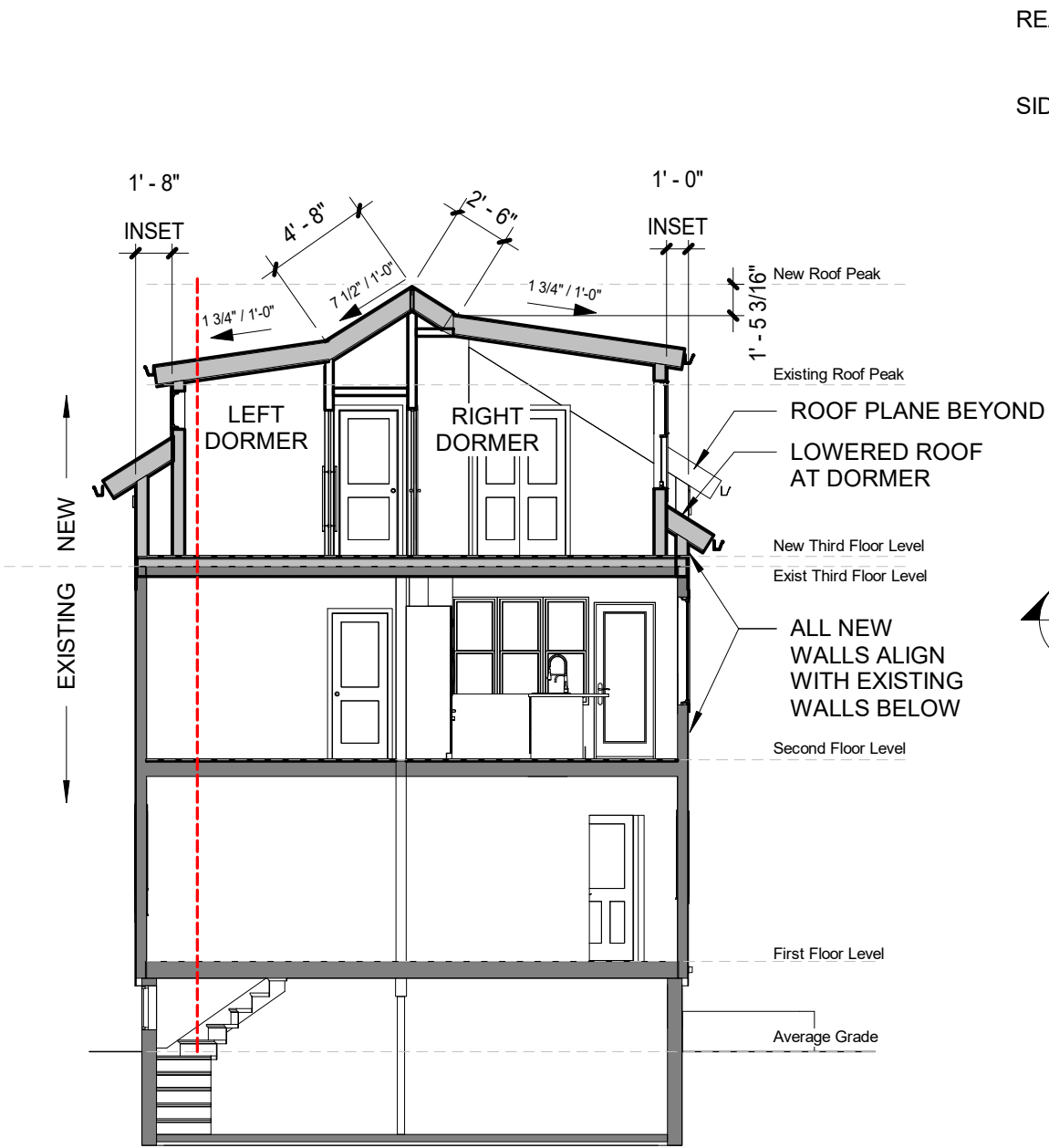
① Rear View - Proposed



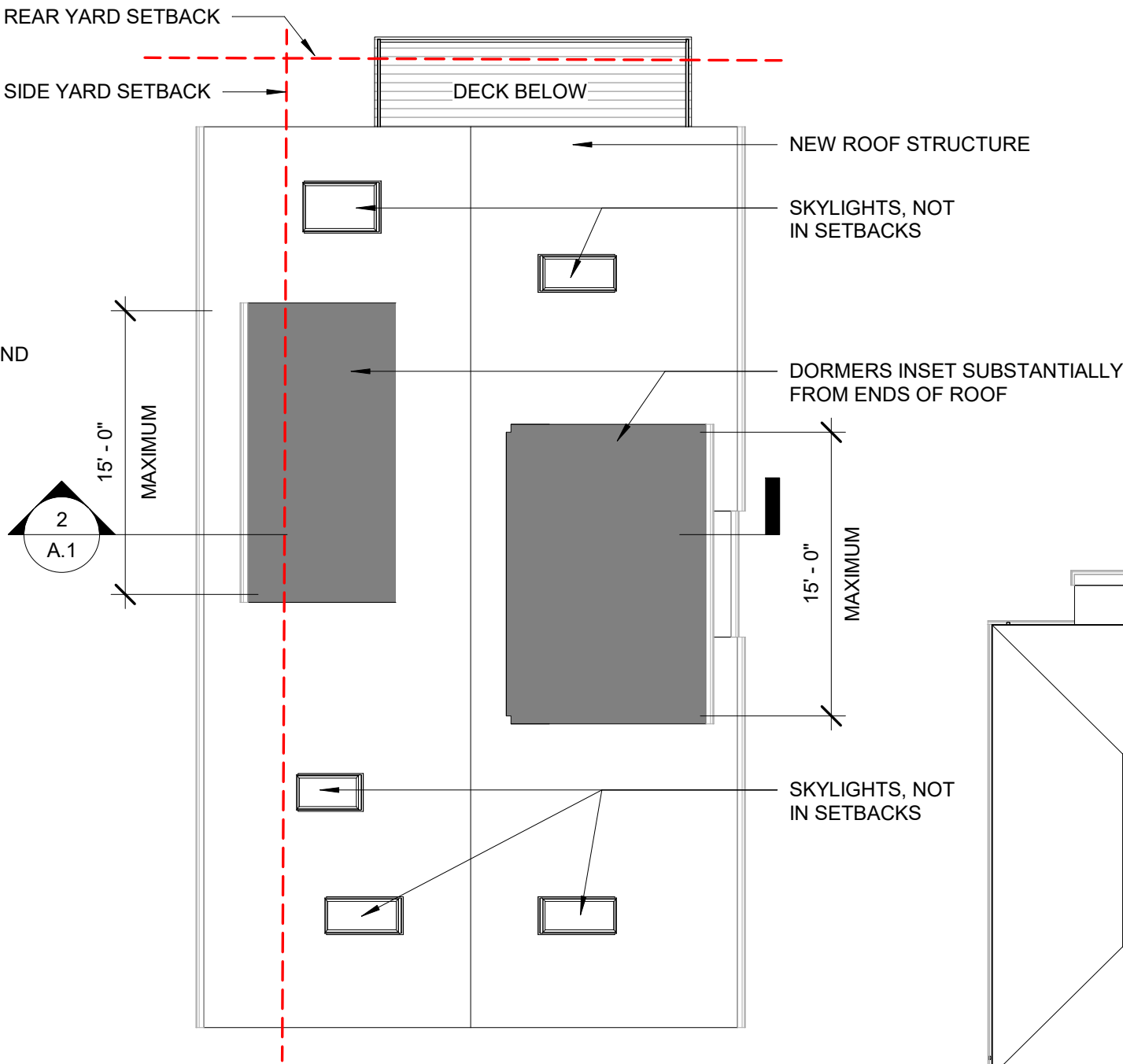
② Rear View - Existing



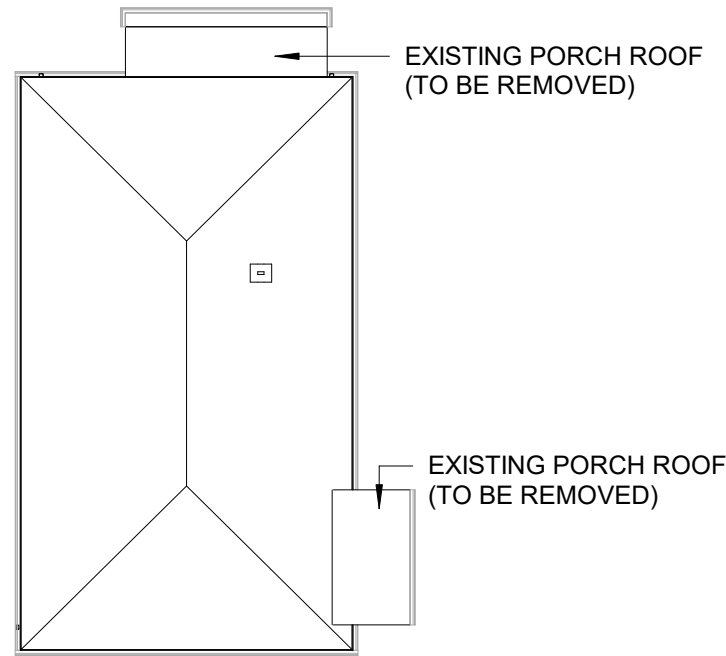
- COMPLIANCE WITH SHED DORMER GUIDELINES:**
- 1. DORMER SIDEWALLS ARE SET BACK MORE THAN 3.5' FROM FRONT & REAR WALLS OF BUILDING
 - 2. DORMERS ARE LIMITED TO 15' LENGTH.
 - 3. EACH DORMER ROOF SPRINGPOINT IS MORE THAN 1' BELOW PEAK OF MAIN ROOF.
 - 4. EACH DORMER FRONT WALL IS INSET BACK FROM PLANE OF MAIN WALL BELOW.



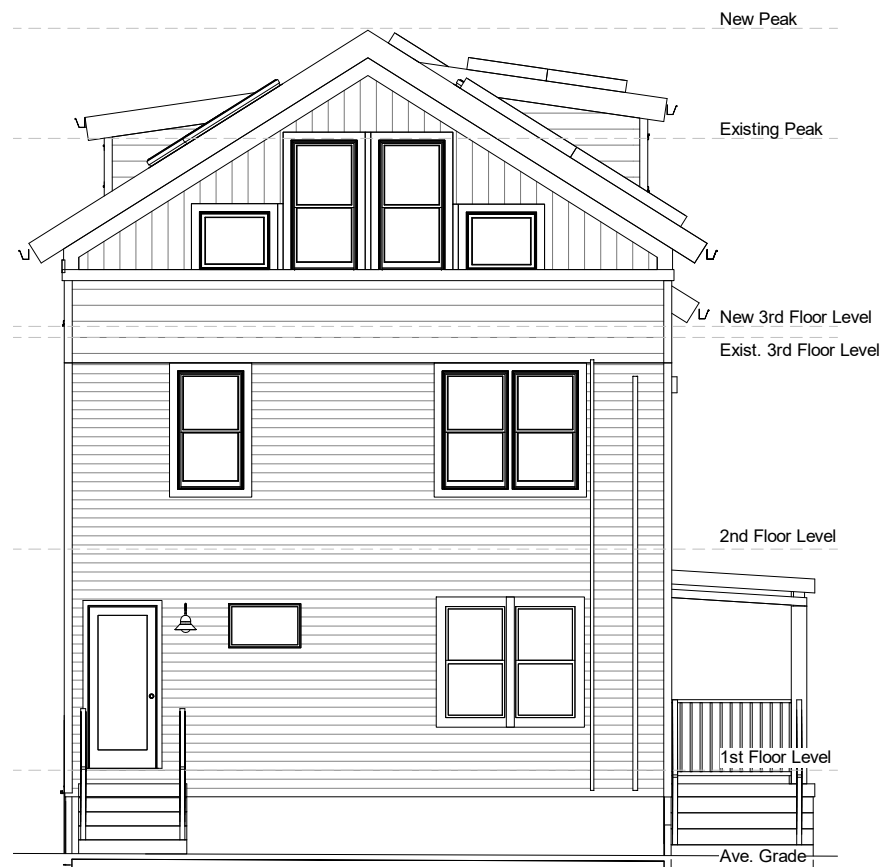
③ Building Section at Dormers
1/8" = 1'-0"



② Proposed Roof Plan
1/8" = 1'-0"



① Existing Roof Plan
1/16" = 1'-0"



② Proposed West (Street) Elevation
1/8" = 1'-0"



① Existing West (Street) Elevation
1/8" = 1'-0"



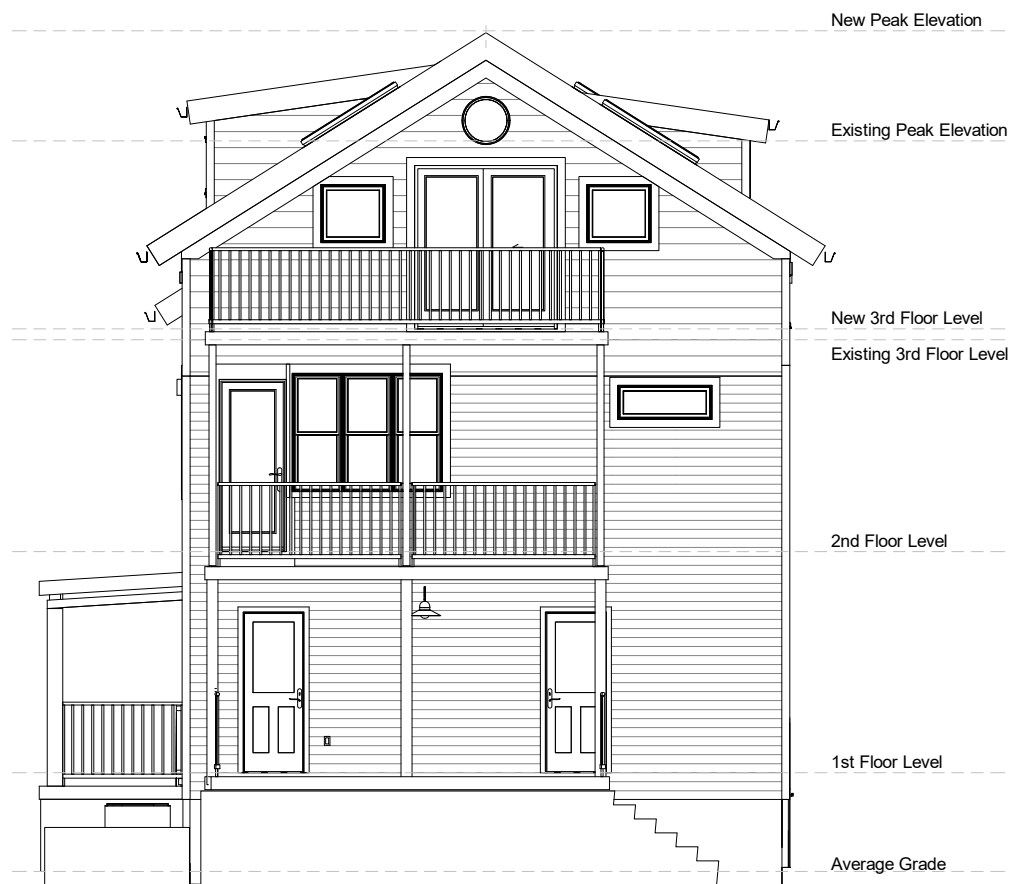


② Proposed South (Right) Elevation
1/8" = 1'-0"

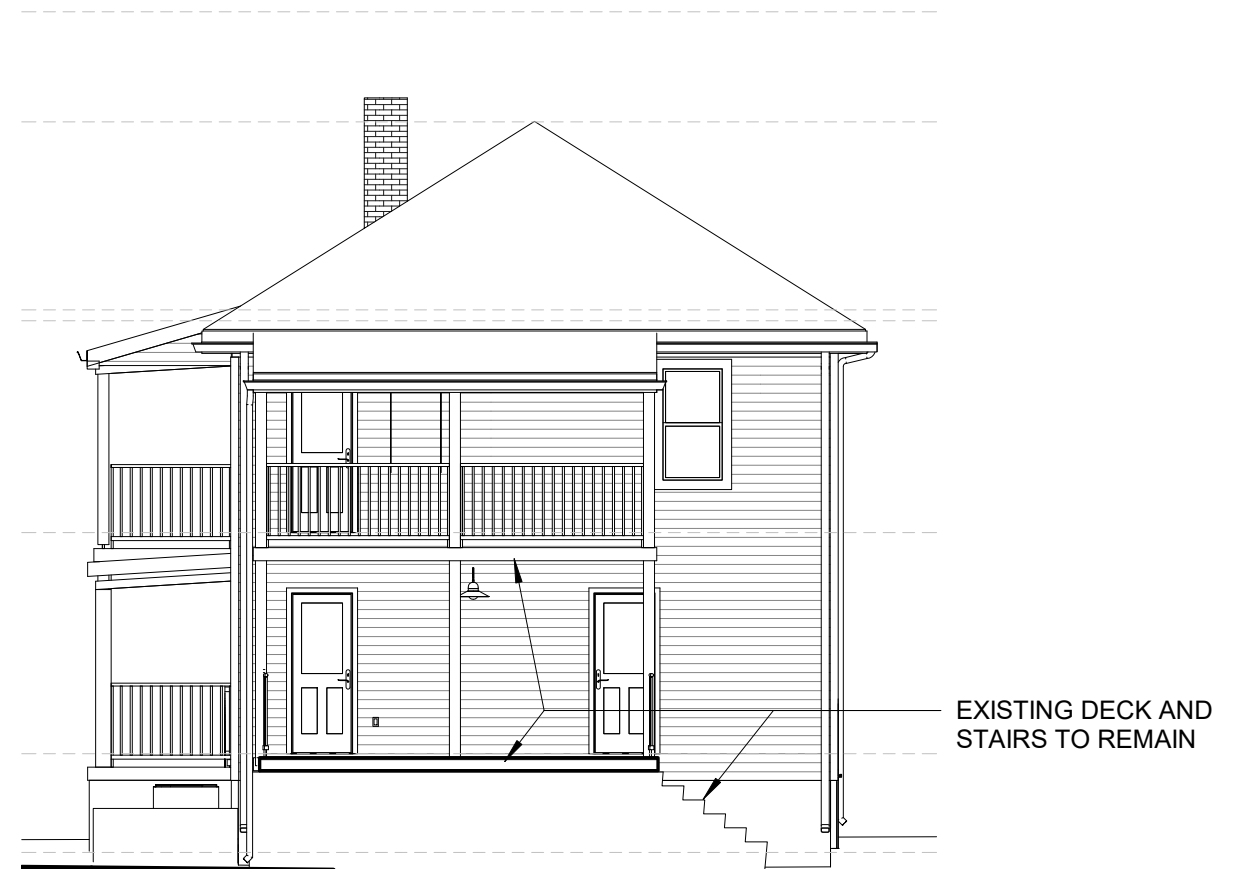


① Existing South (Right) Elevation
1/8" = 1'-0"



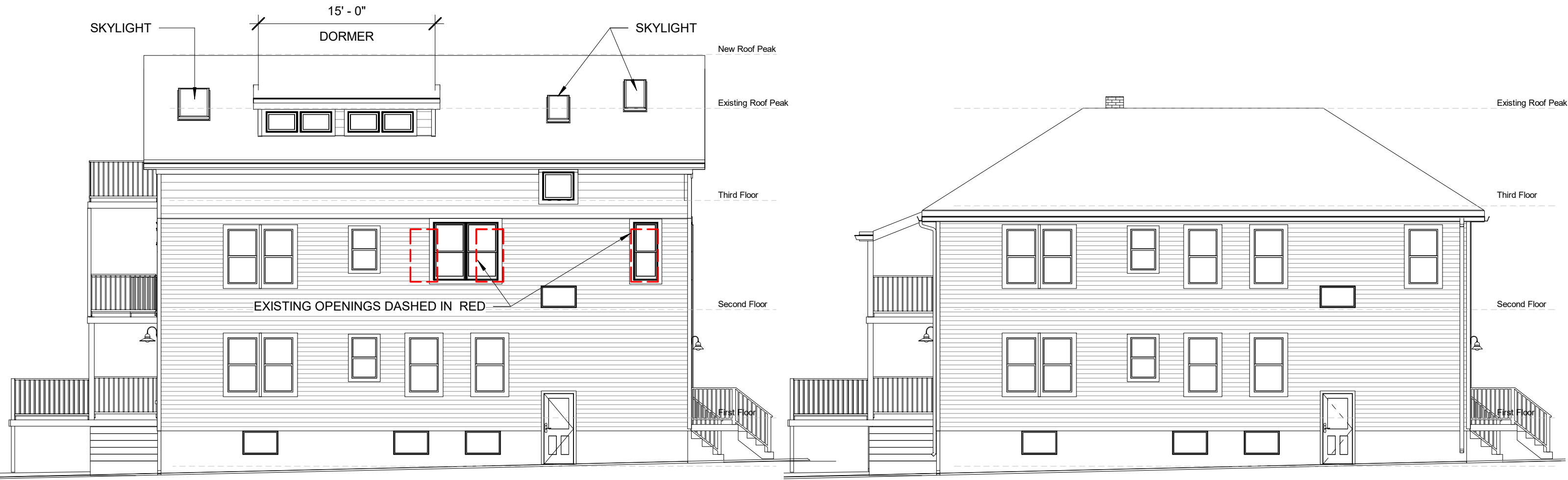


② Proposed East (Rear) Elevation
1/8" = 1'-0"



① Existing East (Rear) Elevation
1/8" = 1'-0"

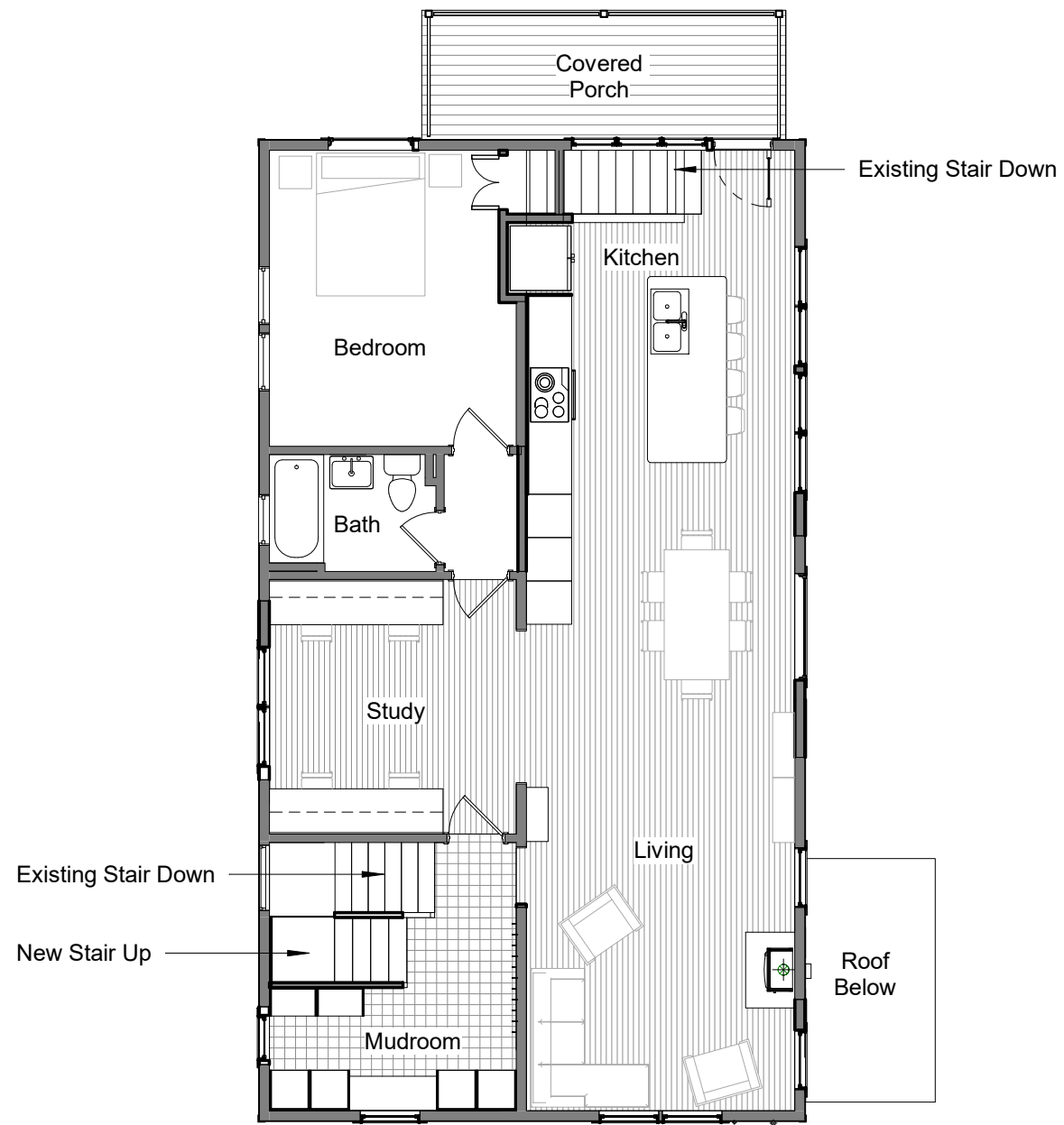




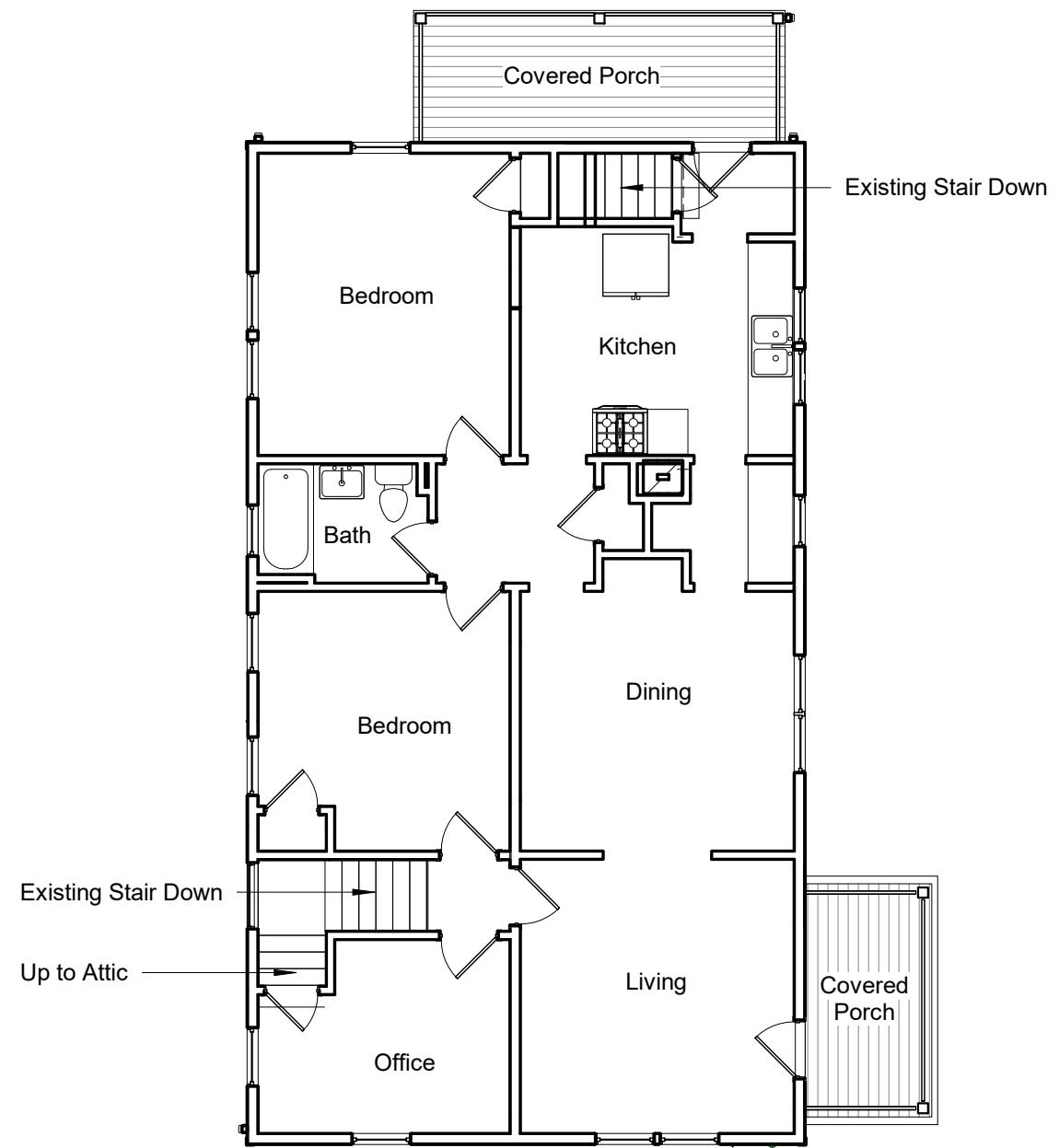
2 North (Left) Elevation - Proposed
1/8" = 1'-0"

1 North (Left) Elevation - Existing
1/8" = 1'-0"



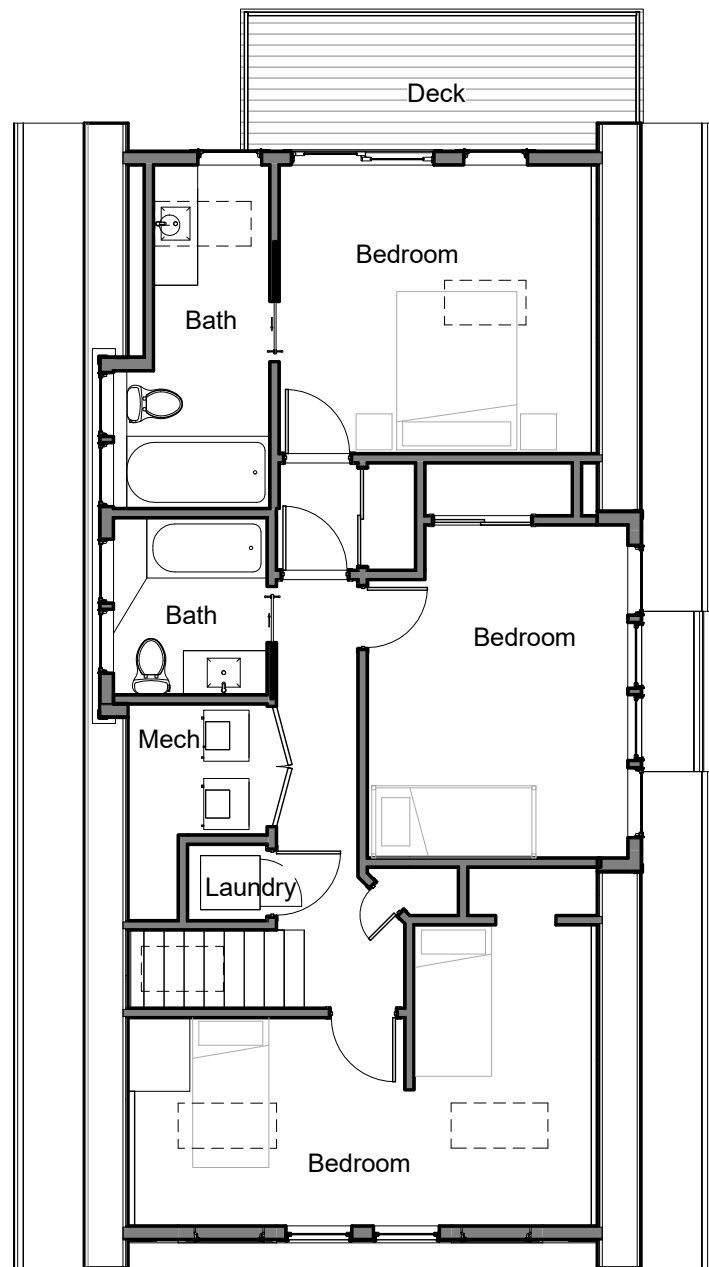


② 2nd Floor Proposed Plan
1/8" = 1'-0"

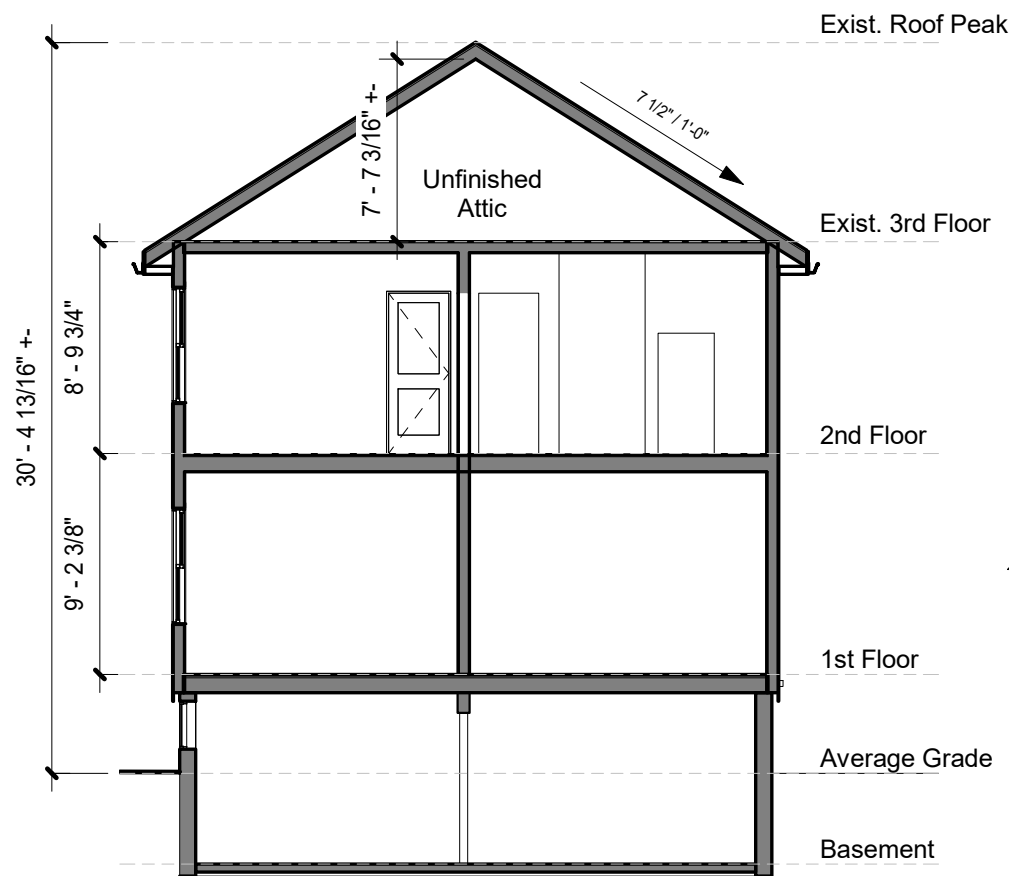


① 2nd Floor Existing Plan
1/8" = 1'-0"

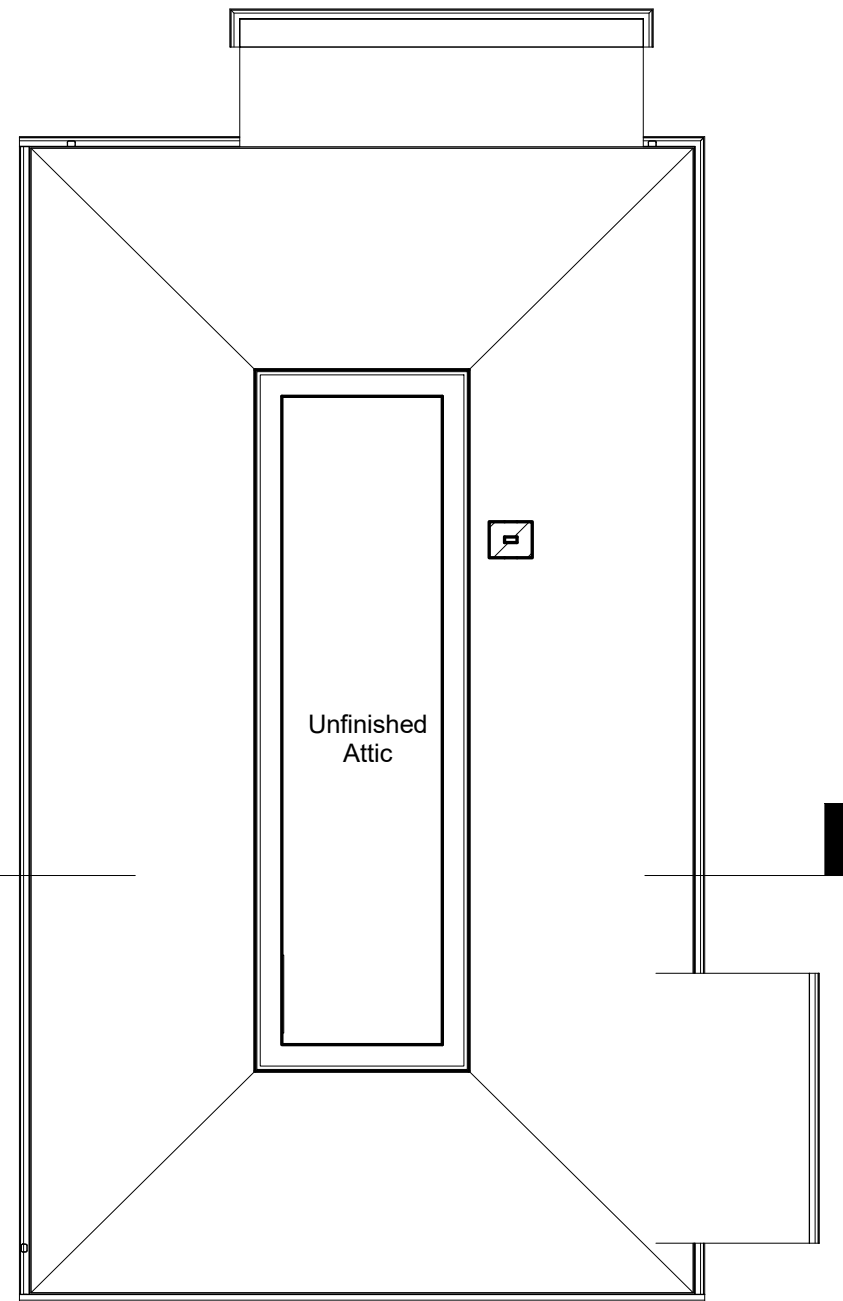




③ 3rd Floor Proposed Plan
1/8" = 1'-0"



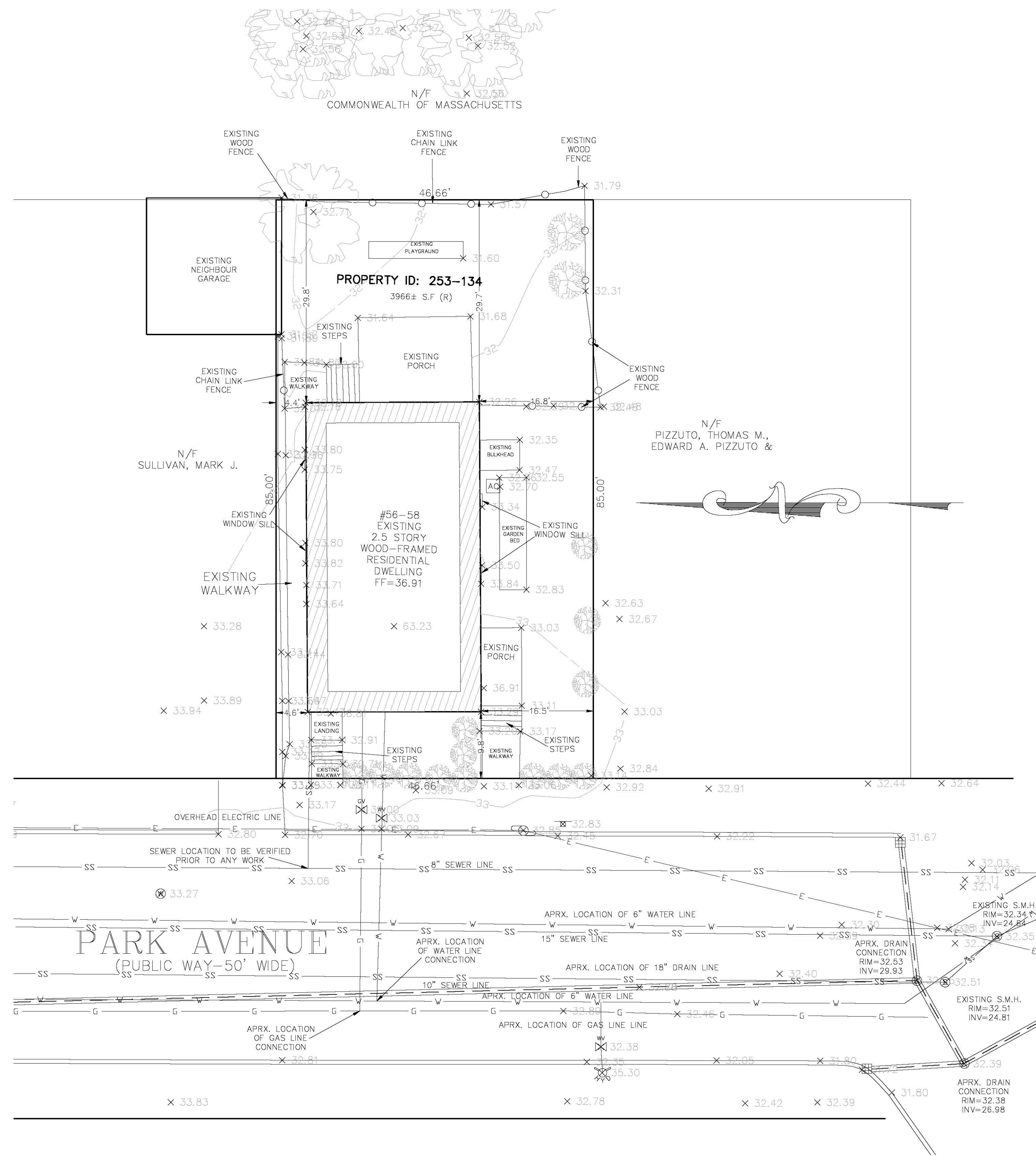
② Existing Building Section
1/8" = 1'-0"



① 3rd Floor Existing Plan
1/8" = 1'-0"



1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPRUHAN ENGINEERING, P.C. AS OF 1/15/2022.
2. DEED REFERENCE: BOOK 360, PAGE 24
PLAN REFERENCE 1: PLAN BOOK 96, PAGE 6
MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0419E IN COMMUNITY NUMBER: 250186, DATED 6/4/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS SPRUHAN ENGINEERING, P.C. ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE ON CITY OF MIDDLESEX SOUTH DATUM.

[illegible]

SHEET 1 OF 1

How to Verify This Transaction

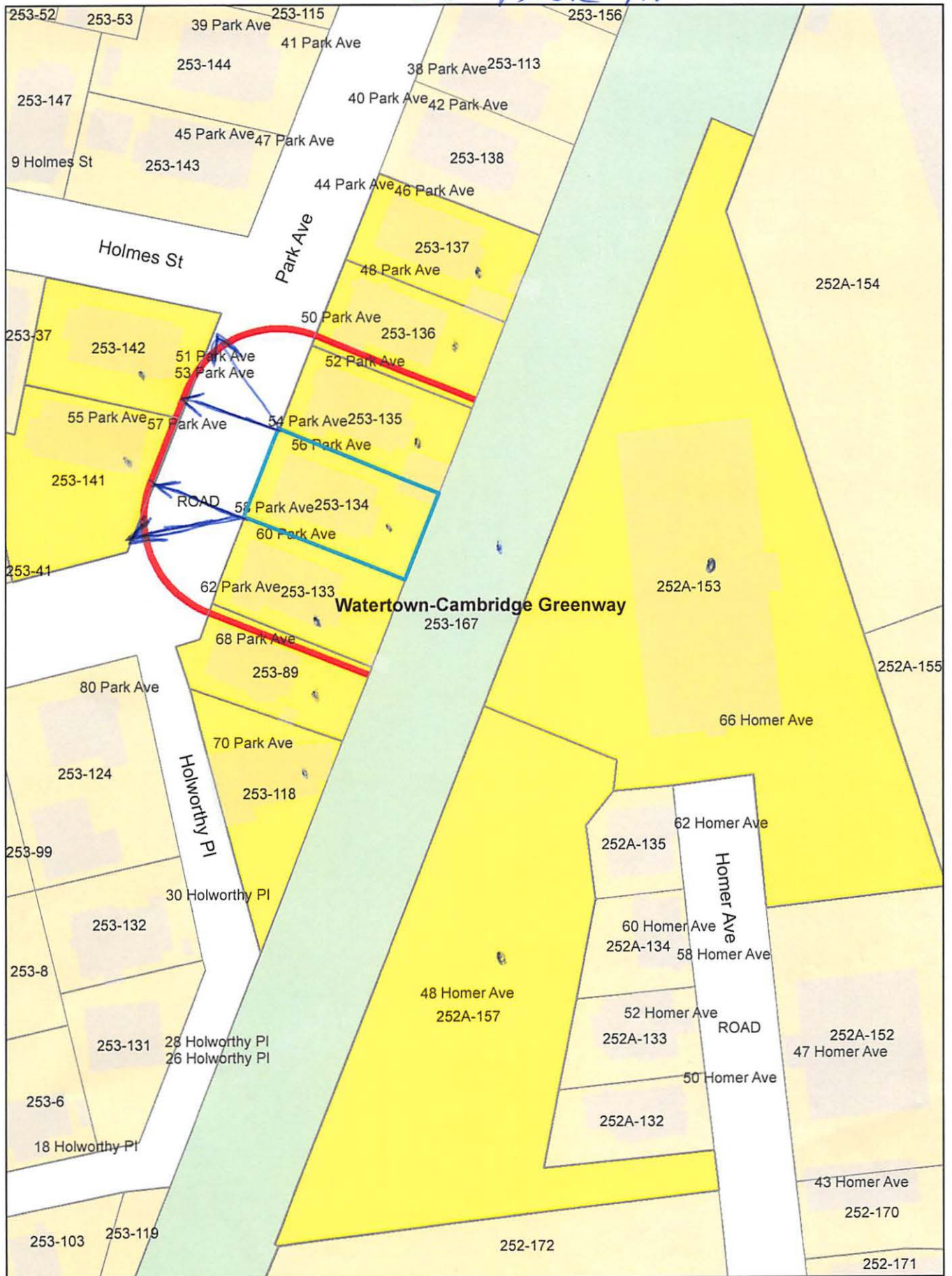
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56 Park Ave



56 Park Ave

Petitioner

252A-153
HOMER APARTMENTS LIMITED PARTNERSHIP
39 BRIGHTON AVE
ALLSTON, MA 02134-2301

252A-157
EQUITY ONE LLC, ATTN: CONTROLLER
410 PARK AVE. SUITE 1220
NEW YORK, NY 10022

CHRISTOPHER & VICTORIA TOLLES
56-58 PARK AVENUE
CAMBRIDGE, MA 02138

252A-153
JAFRI, MOHAMMED H. & HYOSEON SHIM
66 HOMER AVE., UNIT #307
CAMBRIDGE, MA 02139

252A-153
HOFSTETTER, GARY, TR. OF 66-406 HOMER
AVENUE REALTY TRUST
39 BRIGHTON AVE
ALLSTON, MA 02134

SISIA DAGLIAN
30 QUINCY STREET
SOMERVILLE, MA 02143

253-137
MILLER, ERIN J. & CHRISTOPHER C. MILLER
44 PARK AVE., #44
CAMBRIDGE, MA 02138

253-137
KIRCHNER, LEON
C/O BROUDE & HOCHBERG, LLP
75 FEDERAL STREET
BOSTON, MA 02110

253-135
ROTHFUCHS DEVELOPMENT INC
17 THORCAU RD
LEXINGTON, MA 02420

253-167
COMMONWEALTH OF MASSACHUSETTS
251 CAUSEWAT ST
BOSTON, MA 02114

253-134
TOLLES, CHRISTOPHER & VICTORIA TOLLES
56 PARK AVE
CAMBRIDGE, MA 02138

253-142
JOYCE, THOMAS J. P.
53 PARK AVE
CAMBRIDGE, MA 02138-4567

253-89
KUMAR, RAMESH &
NATASHA KUMAR WARIKOO
68 PARK AVE
CAMBRIDGE, MA 02138

253-136
JONES, ANDREW B., ANNE M. WELCH &
JOAN S. WELCH
48-50 PARK AVE
CAMBRIDGE, MA 02138-4514

253-118
WINCH, JESSE F. & CYNTHIA CARPENTER
70 PARK AVE
CAMBRIDGE, MA 02138

253-141
SALGUERO, MICHAEL & KARLENE SALGUERO
55-57 PARK AVE
CAMBRIDGE, MA 02138

253-133
NITZBERG MARK & ELISABETH KRIMMER
1166 ARCH ST
BERKELEY, CA 94708



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: Joe Jarvis Date: 7/11/22
(Print)

Address: 56 Park Avenue

Case No. BZA-180806

Hearing Date: 7/28/22

Thank you,
Bza Members

Jesse Winch and Cindy Carpenter
70 Park Ave, Cambridge MA
02138

July 13, 2022

Re: Letter of support for the proposed renovation of 56-58 Park Ave

To Whom it may concern,

We write to offer our complete support for the proposed renovation of 56-58 Park Ave owned by Chris and Tory Tolles. As the owners and residents of a home two doors down from their property, we look forward to the Tolles' improvements to their home. We think the proposed renovation will enhance the desirability of our neighborhood and urge you to approve the Tolles' request for a special permit.

Please feel free to contact us if we can be of any additional assistance.

Sincerely,

Cynthia Carpenter

Cindy Carpenter
cindycarpenter1@gmail.com
617 504 8620

Jesse Winch
jessewinch@mac.com
617 869 5769

A handwritten signature in black ink that reads "Jesse F. Winch". The signature is written in a cursive, flowing style.

Kimberly Starbuck
60 Park Avenue
Cambridge, MA 02138

7-12-22


Re: Letter of support for the proposed renovation of 56-58 Park Ave

To whom it may concern,

This letter is to confirm our support for the proposed renovation of 56-58 Park Ave owned by Chris and Tory Tolles. As a direct abutter/close neighbor to the property, I am in support of these changes. I believe the proposed improvements will enhance the desirability of our neighborhood and I urge you to approve the Tolles' request for a special permit.

Please feel free to contact me if I can be of any additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kim Starbuck', with a stylized flourish at the end.

Kimberly Starbuck
Kim.starbuck@gmail.com
617-797-7575

Ramesh Kumar and Natasha Warikoo
68 Park Avenue, Cambridge, MA 02138

07/10/2022

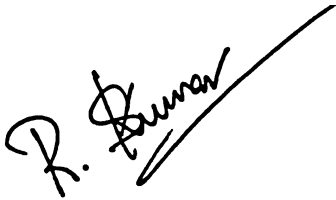
Re: Letter of support for the proposed renovation of 56-58 Park Ave

To whom it may concern,

This letter is to confirm our support for the proposed renovation of 56-58 Park Ave owned by Chris and Tory Tolles. As a close neighbor to the property, I am in support of these changes. I believe the proposed improvements will enhance the desirability of our neighborhood and I urge you to approve the Tolles' request for a special permit.

Please feel free to contact me if I can be of any additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Kumar", with a long, sweeping horizontal stroke extending to the right.

Ramesh Kumar
+18573831574