



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 109443

General Information

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

Special Permit: X

Variance: X

Appeal:

PETITIONER: Theodore Lund and Norah Hass C/O Shannon Finley of Tiny Desk Designs

PETITIONER'S ADDRESS: 10 Perry Street, Cambridge, MA 02139

LOCATION OF PROPERTY: 5 Kelly Rd , Cambridge, MA

TYPE OF OCCUPANCY: 2-family

ZONING DISTRICT: Residence C Zone

REASON FOR PETITION:

/Dormer/

DESCRIPTION OF PETITIONER'S PROPOSAL:

one of the two dormers will increase F.A.R. but otherwise meets the 5.31 dimensional requirements

Dormer that does not alter F.A.R. or further violate 5.31 dimensional requirements

SECTIONS OF ZONING ORDINANCE CITED:

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

Article: 8.000 Section: 8.22.2.C (Non-Conforming Structure).

Article: 8.000 Section: 8.22.1 H.2 (Non-Conforming Structure).

Original
Signature(s):

Norah K Hass

(Petitioner (s) / Owner)

Theodore Lund

Norah K Hass

(Print Name)

Address: 5 KELLY RD , CAMB, 02139

Tel. No. 617-233-3245

E-Mail Address: shannon@tinydeskdesigns.com

Date:

2021 MAR -1 PM 2:41

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 Theodore Lund
(OWNER)

Address: 5 Kelly Rd, Cambridge, MA 02139

State that I/We own the property located at 5 Kelly Rd Cambridge MA
which is the subject of this zoning application.

The record title of this property is in the name of Theodore
Lund and Sarah Higgs

*Pursuant to a deed of duly recorded in the date 9/8/2003, Middlesex South
County Registry of Deeds at Book 40796, Page 427; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

[Signature]
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

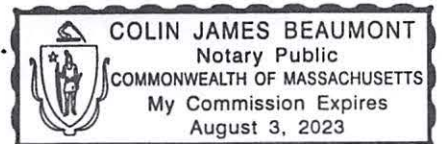
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Theodore Lund personally appeared before me,
this 5th of February, 2021, and made oath that the above statement is true.

[Signature] Notary

My commission expires August 3, 2023 (Notary Seal).



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

NOTICE OF THE COURT OF COMMONS

IN THE MATTER OF THE ESTATE OF

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THE ESTATE OF

COLIN JAMES BEAMONT
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 27, 2025



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 5 Kelly Rd., Cambridge, MA (location) would not be a detriment to the public interest because:

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

The new conforming dormer will be added to a non conforming structure but will not violate dimensional requirements including no increase in FAR or over setback or in height

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:

no increase in traffic

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:

n/a

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:

no changes to use or structure character proposed

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 addition of the conforming dormer will allow for better air circulation than the existing skylight as well as reduce unwanted glare from skylight

***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:** Theodore Lund and Norah Hass**Present Use/Occupancy:** 2-family**Location:** 10 Perry Street**Zone:** Residence C Zone**Phone:** 617-233-3245**Requested Use/Occupancy:** 2-family

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	3421	40	2400	(max.)
<u>LOT AREA:</u>	4000	n/a	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	.85	.87	.6	
<u>LOT AREA OF EACH DWELLING UNIT</u>	2000	n/a	1800	
<u>SIZE OF LOT:</u>				
WIDTH	40	n/a	50	
DEPTH	100	n/a	n/a	
<u>SETBACKS IN FEET:</u>				
FRONT	4.8	16.8'	10' min.	
REAR	21.4'	35.4'	20' min. (footnote c: 7.3')	
LEFT SIDE	2.4'	7.7'	7.5' min (sum of 20')	
RIGHT SIDE	12.9'	12.9'	7.5' min (sum of 20')	
<u>SIZE OF BUILDING:</u>				
HEIGHT	36'	<35'	35'	
WIDTH	70.5'	n/a	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	.37	n/a	.36	
<u>NO. OF DWELLING UNITS:</u>	2	n/a	2	
<u>NO. OF PARKING SPACES:</u>	1	n/a	2	
<u>NO. OF LOADING AREAS:</u>	n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	n/a	n/a	n/a	

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

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'.

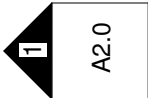
BZA Application Form

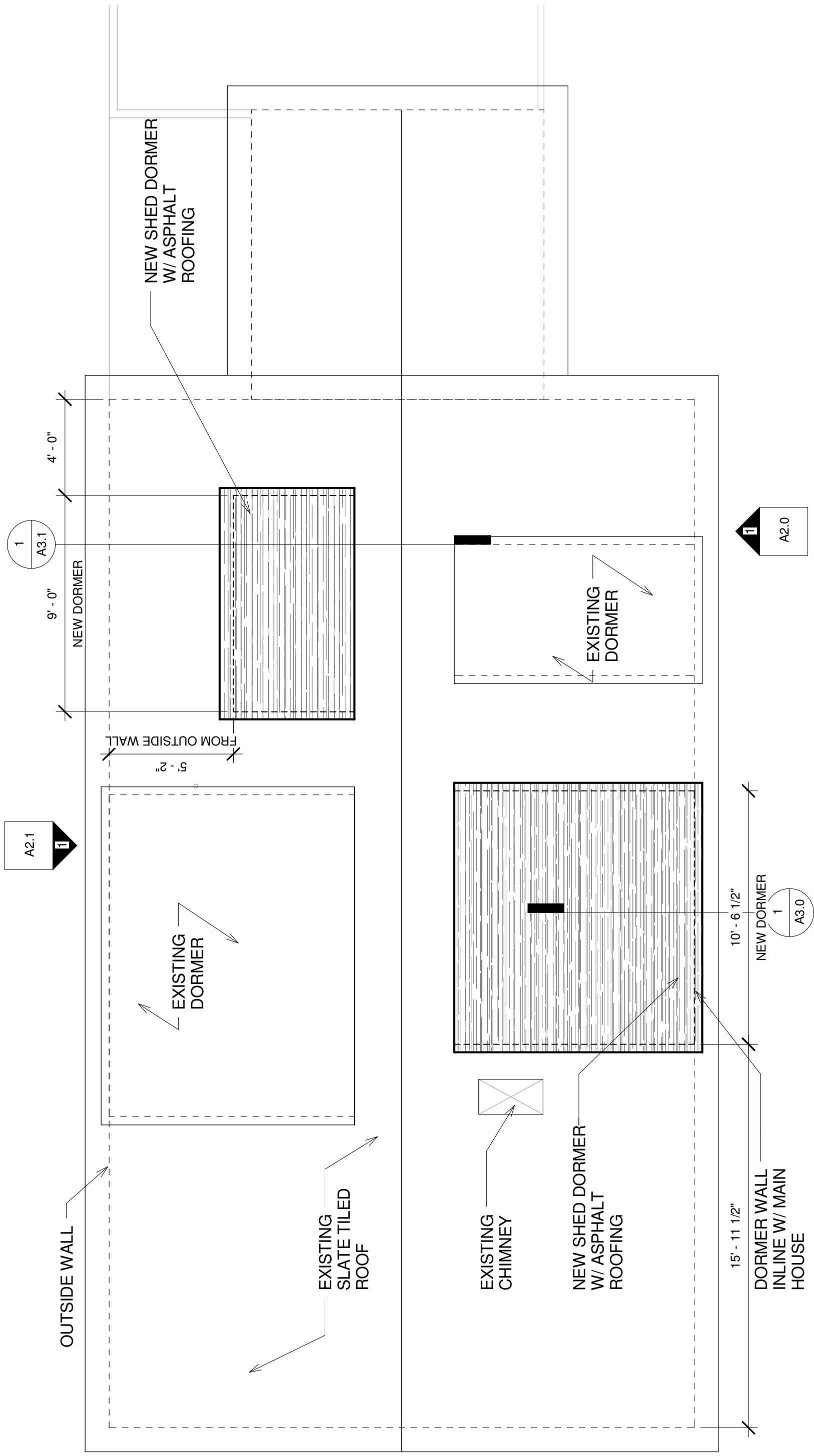
SUPPORTING STATEMENT FOR A VARIANCE

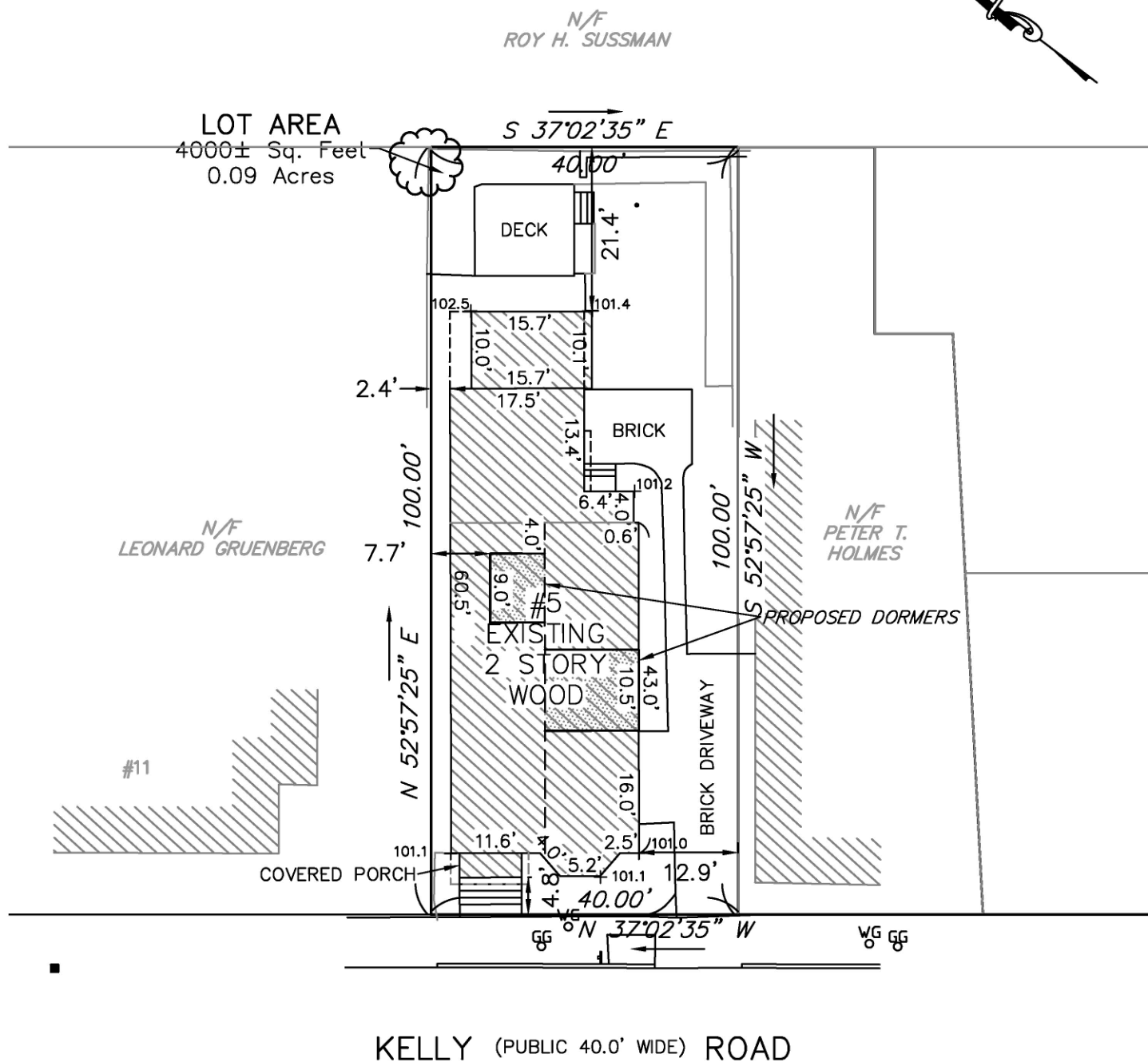
EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

- 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:
- The addition of the dormer would allow an existing bedroom to have operable windows which would satisfy life safety code requirements as well as increased fresh air ventilation. The current room has a skylight that meets neither of these needs.
- 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:
- n/a
- 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 dormer will not project past the exterior wall of the main house and will not violate the height restrictions thus not imposing on the adjacent neighbor.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- The additional 40 s.f. will not significantly impact the volume and character of existing structure but will allow what is currently being used as a bedroom to continue to be used as one but in a way that allows to better meet life safety criteria

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







ZONING DISTRICT

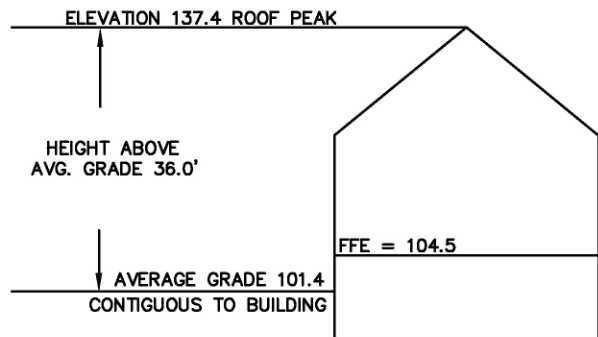
C

REQUIREMENTS:	UNITS	REQUIRED	CURRENT	PROPOSED
MINIMUM LOT AREA	S.F.	5,000	4,000±	4,000±
MINIMUM LOT WIDTH	FT.	50.0	40.0	40.0
FRONT SETBACK	FT.	10.0	4.8	4.8
SIDE SETBACK	FT.	7.5	2.4	2.4
REAR SETBACK	FT.	20.0	21.4	21.4
BUILDING HEIGHT	FT.	35.0	36.0	36.0

- NOTES:
1. ZONING CLASSIFICATION – C
 2. LOCUS DEED:
MIDDLESEX REGISTRY OF DEEDS BOOK 40796 PAGE 427
 3. PLAN REFERENCES:
MIDDLESEX REGISTRY OF DEEDS END OF BOOK 3894
 4. ASSESSORS PARCEL ID: 104-123

PREPARED FOR:

THEODORE A. LUND &
NORAH K. HASS
5 KELLY ROAD
CAMBRIDGE, MA. 02139

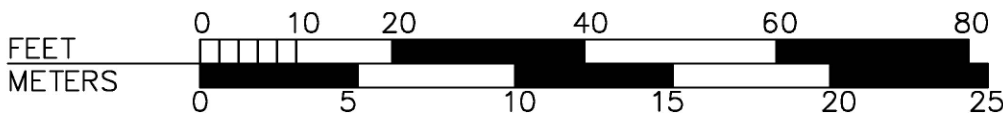


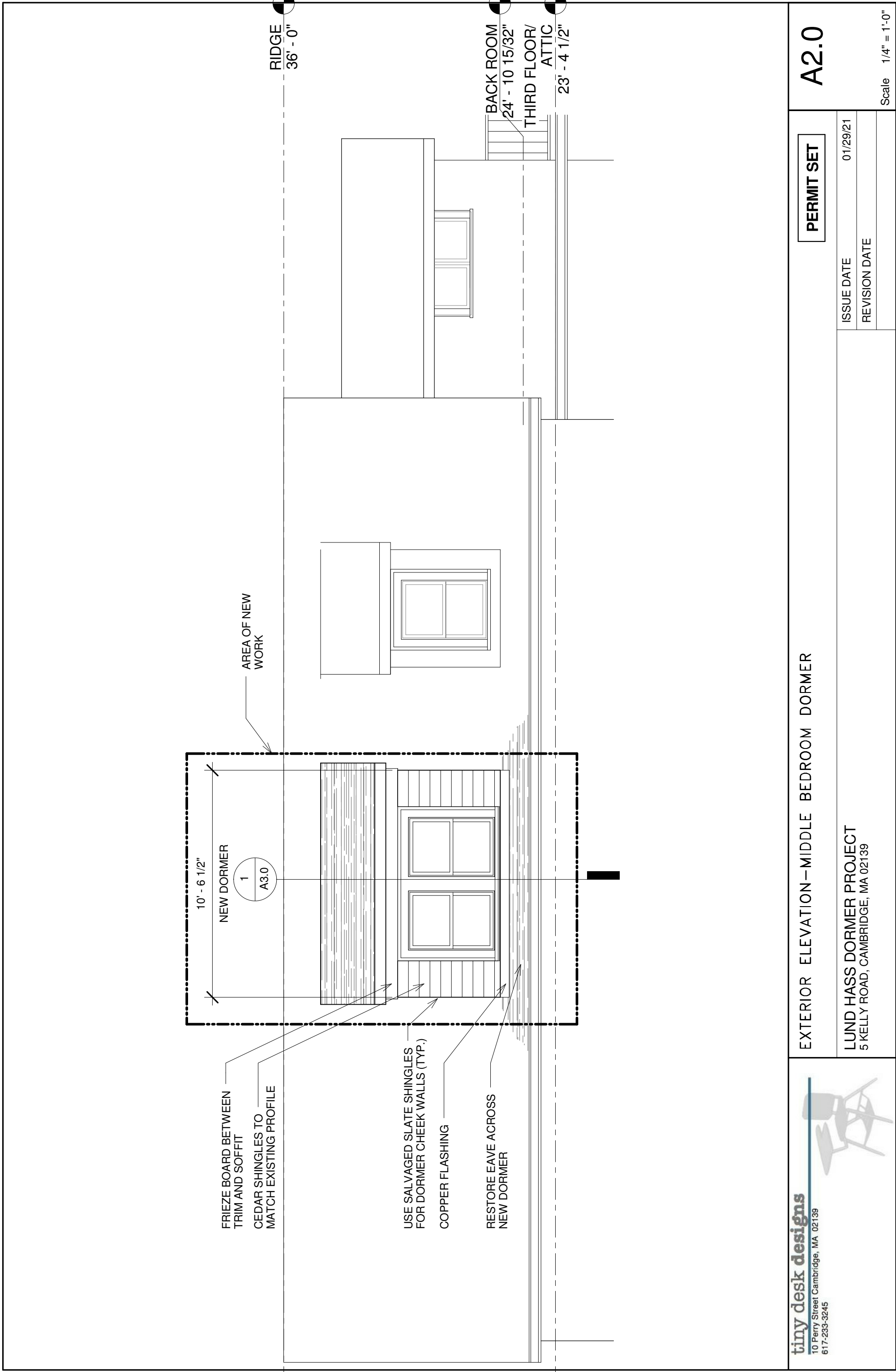
PLOT PLAN
FOR
5 KELLY ROAD
IN
CAMBRIDGE, MA.

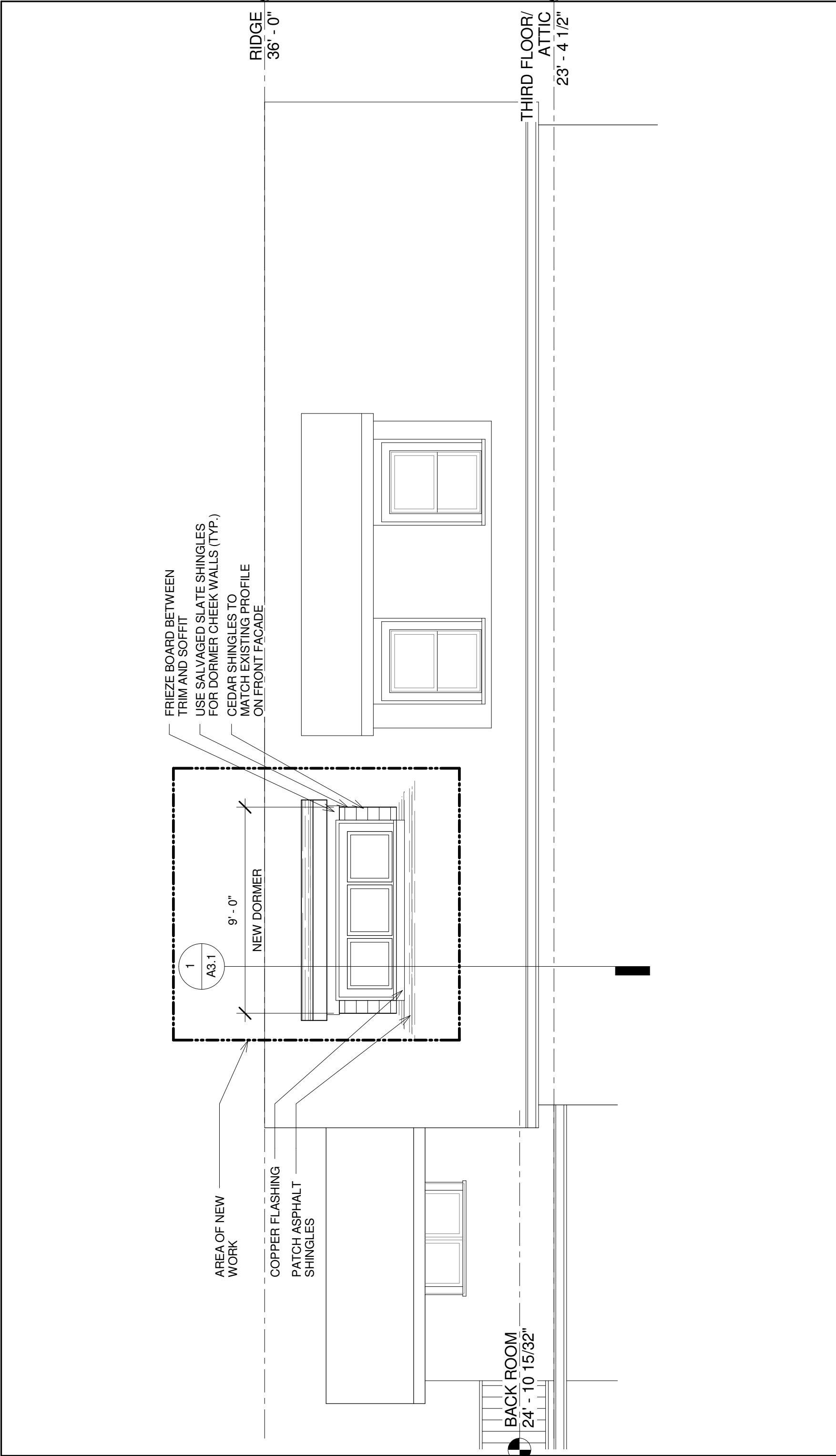
SCALE: 1"=20' MARCH 10, 2020

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440

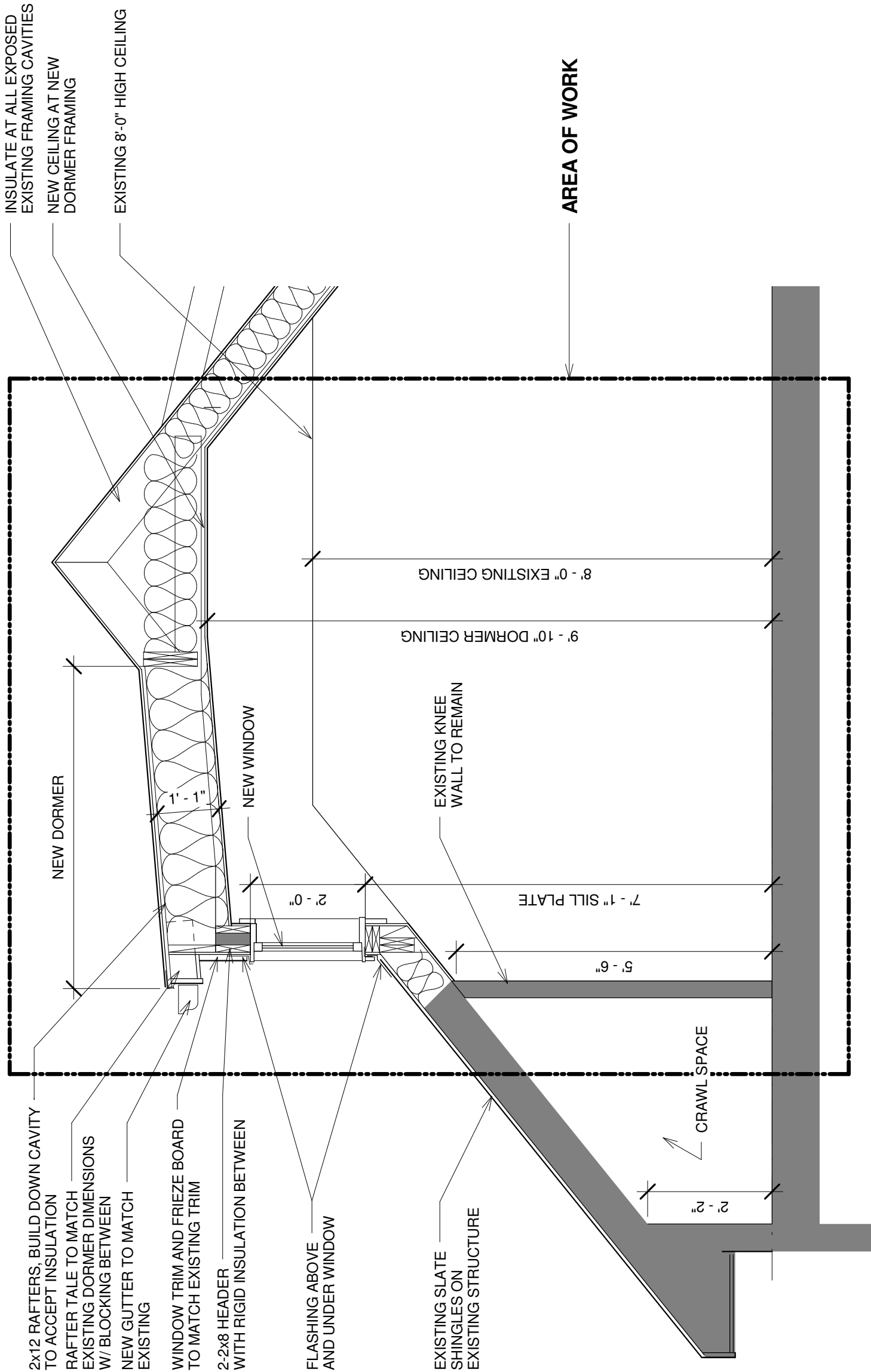
REVISED: FEBRUARY 1, 2021







tiny desk designs 10 Perry Street Cambridge, MA 02139 617-233-3245 	EXTERIOR ELEVATION – MAIN BEDROOM DORMER			PERMIT SET		A2.1	
	LUND HASS DORMER PROJECT 5 KELLY ROAD, CAMBRIDGE, MA 02139			ISSUE DATE			01/29/21
				REVISION DATE			
Scale 1/4" = 1'-0"							



SECTION DETAIL MAIN BEDROOM DORMER

PERMIT SET

A3.1

LUND HASS DORMER PROJECT
5 KELLY ROAD, CAMBRIDGE, MA 02139

ISSUE DATE

01/29/21

REVISION DATE

Scale 1/2" = 1'-0"



AREA OF NEW DORMER
THAT INCREASES F.A.R.
(MIDDLE BEDROOM)



AREA OF NEW
CONFORMING
DORMER (MAIN
BEDROOM)



To the Members of the Cambridge Board of Zoning Appeals:

I live at 1-3 Kelly Road and am the owner of 3 Kelly Road and support the application of Theodore Lund and Norah Hass of 5 Kelly Road for a Special permit/Variance allowing the construction of two additional dormers (one on each side of the house).

Sincerely,

A handwritten signature in cursive script that reads "Pamela N. Moore". The signature is written in dark ink and is positioned below the word "Sincerely,".

Pam Moore

To the Members of the Cambridge Board of Zoning Appeals:

We live at 1-3 Kelly Road and are the owners of 1 Kelly Road and support the application of Theodore Lund and Norah Hass of 5 Kelly Road for a Special permit/Variance allowing the construction of two additional dormers (one on each side of the house).

Sincerely,

A handwritten signature in black ink, appearing to read 'SH', followed by a horizontal line.

Sara Hendren

A handwritten signature in black ink, appearing to read 'BF', followed by a horizontal line.

Brian Funck

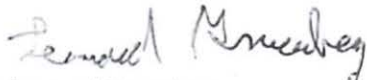
BZA-109443

To the Members of the Cambridge Board of Zoning Appeals:

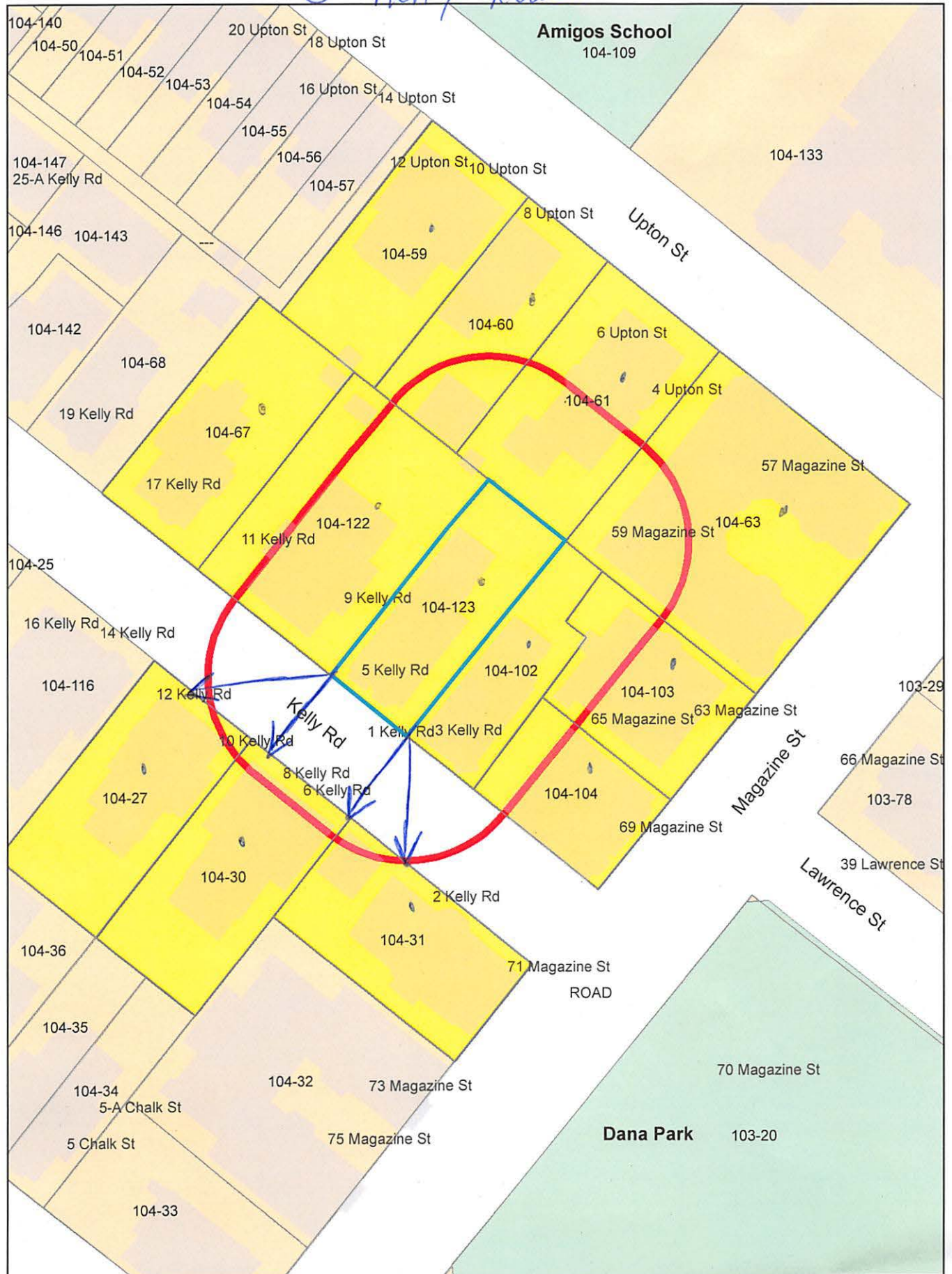
We live at and are the owners of 9 Kelly Road and support the application of Theodore Lund and Norah Hass of 5 Kelly Road for a Special permit/Variance allowing the construction of two additional dormers (one on each side of the house).

Sincerely,


Shoshana Pakciarz


Leonard Gruenberg

5 Kelly Road



5 Kelly Rd.

Petition

104-30
MAIER, CHERIE WONG, NOLAN K. MAIER &
STEVEN A. MAIER
6 KELLY RD., #6/2
CAMBRIDGE, MA 02139

104-30
STEINADLER, ELEANOR
28 KELLY RD., #1
CAMBRIDGE, MA 02139

104-123
LUND, THEODORE A. & NORAH K. HASS
5 KELLY RD
CAMBRIDGE, MA 02139

104-30
STEINADLER, ELEANOR
28 KELLY RD., #1
CAMBRIDGE, MA 02139

104-31
GAITSGORY, DENNIS & NATALIA BERSHADSKY
2 KELLY RD
CAMBRIDGE, MA 02139

TINY DESK DESIGNS
C/O SHANNON FINLEY
10 PERRY STREET
CAMBRIDGE, MA 02139

104-102
MOORE, JAMES M. & PAMELA W. MOORE
TRUSTEE OF 3 KELLEY ROAD REALTY TR.
1 KELLY RD
CAMBRIDGE, MA 02139

104-59
RYERSON, EDWARD MITCHELL &
ALICE L. TURKEL
12 UPTON ST.
CAMBRIDGE, MA 02139

104-102
FUNCK, BRIAN J. & SARA A. HENDREN
1-3 KELLY RD., UNIT #1
CAMBRIDGE, MA 02139

104-27
WILSON, LOREN J. & PHYLLIS KUTT
TRUSTEE OF 10-12 KELLY RD. REALTY TR.
10 KELLY RD
CAMBRIDGE, MA 02139

104-103
HUTTE, VIRGINIA M. FOR LIFE
C/O VIRGINIA H. PAYSON
63 MAGAZINE STREET
CAMBRIDGE, MA 02139-3931

104-104
PAYSON, PAUL
213 CHESTNUT ST
CAMBRIDGE, MA 02139-3931

104-30
PISKADLO, DANIEL
6 KELLY RD, #1
CAMBRIDGE, MA 02139

104-31
GRASSIA, MARK
71 MAGAZINE STREET., UNIT #1
CAMBRIDGE, MA 02139-3932

104-60
MALAVIYA, ATINDRA & TINA KAPUR
8 UPTON ST
CAMBRIDGE, MA 02139

104-59
LIVELY, JOHN &
CHRISTINA D. THOMPSON-LIVELY
10 UPTON ST
CAMBRIDGE, MA 02139

104-61
SUSSMAN, ROY H. & CATHERINE M. SUSSMAN
6 UPTON ST
CAMBRIDGE, MA 02139-3809

104-63
LIN, ERIC
57-59 MAGAZINE ST UNIT #57/2
CAMBRIDGE, MA 02139

104-63
KENNEDY, MARK R.
57-59 MAGAZINE ST., #59/26
CAMBRIDGE, MA 02139

104-63
MONACELLI, HOLLY J.
57-59 MAGAZINE STREET, UNIT 59/37
CAMBRIDGE, MA 02139

104-63
ROBERTS, JAMES
57-59 MAGAZINE STREET, UNIT 59/25
CAMBRIDGE, MA 02139

104-63
WANJUNG, TSAI
57-59 MAGAZINE ST. UNIT#59/7
CAMBRIDGE, MA 02139

104-63
DETWEILER, KARENA I.
17 RYDER PATH
ACTON, MA 01720

104-63
VACHANI, RITA &
SUSHIL VACHANI ANISHA VACHANI
75 BLOSSOMCREST RD
LEXINGTON, MA 02421

104-63
SHREVE, HELEN & RICHARD BOCK
57-59 MAGAZINE ST., #59/6
CAMBRIDGE, MA 02139

104-63
HOOVER, MICHELLE
57 MAGAZINE ST., #31
CAMBRIDGE, MA 02139

104-63
LONGERT, AUDRA
57 MAGAZINE ST, #24
CAMBRIDGE, MA 02139

104-63
RABAH, DANIA M.
57-59 MAGAZINE ST., #57/22
CAMBRIDGE, MA 02139

104-63
RAPOPORT, ELIZABETH A.,
RITA RAPOPORT & YURY RAPOPORT
57 MAGAZINE ST. UNIT#21
CAMBRIDGE, MA 02139

104-63
BOYADJIEVA, NATALIA & KRASSIMIR BOYADJIEV
57 MAGAZINE ST #4
CAMBRIDGE, MA 02139

5 Kelly Rd.

104-63
RABAH, DANIA MOUNIR & GUS G. SOUKI
59 MAGAZINE ST., #36
CAMBRIDGE, MA 02139

104-63
COSTAS, JOAN
59 MAGAZINE ST. UNIT#59/27
CAMBRIDGE, MA 02139

104-63
SHARMA, SUNIL H.
57-59 MAGAZINE ST. UNIT#59/5
CAMBRIDGE, MA 02139

104-63
ULLRICH, ALLISON
59 MAGAZINE ST., UNIT 59-B
CAMBRIDGE, MA 02139

104-63
DREXLER, MADELINE B.,
TR. THE MADELINE B. DREXLER 2011 REV TR
57-59 MAGAZINE ST., #57/34
CAMBRIDGE, MA 02139

104-63
57 MAGAZINE STREET UNIT 32 LLC
50 NEWTON ST
BROOKLINE, MA 02445

104-63
FARAHMAND, ZARTOSHT
6 GRAYSTONE CIRCLE,
WINCHESTER, MA 01890

104-67
CAMPEN JAMES T
TR PHYLLIS EWEN TR
17 KELLY RD
CAMBRIDGE, MA 02139

104-63
KLEIMAN, IRIT RUTH
59 MAGAZINE ST UNIT 35
CAMBRIDGE, MA 02139

104-63
DU YE TING
57 MAGAZINE ST - UNIT 57-1
CAMBRIDGE, MA 02139

104-122
GRUENBERG, LEONARD & SUSANA PAKCIARZ
9 KELLY RD
CAMBRIDGE, MA 02139-4403