CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

2020 JUL 15 AM 11:58
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017299-2020

GENERAL INFORMATION

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

Special Permit : _____ **Variance :** √ **Appeal :** _____

PETITIONER : Cummings Architects - C/O Mathew D. Cummings

PETITIONER'S ADDRESS : 57 So. Main Street Ipswich, MA 01938

LOCATION OF PROPERTY : 89 Oxford Ave Cambridge, MA 02138

TYPE OF OCCUPANCY : _____ **ZONING DISTRICT :** Residence C-1 Zone

REASON FOR PETITION :

Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

Proposal to enlarge the existing non-conforming structure to the north, left elevation of the structure to accommodate a new first-floor kitchen, and the addition of new bathrooms on the second and attic floors. This is the enlargement of a pre-existing Non-Conforming Structure.

SECTIONS OF ZONING ORDINANCE CITED :

Article 8.000 Section 8.22.3 (Enlargement of Non-conforming Structure).
Article 5.000 Section 5.31 (Table of Dimensional Requirements).
Article 10.000 Section 10.30 (Variance).

Original Signature(s) : _____
(Petitioner(s) / Owner)

Mathew Cummings
(Print Name)

Address : 57 S. Main Street
Ipswich MA 01938.

Tel. No. : 978-356-5026

E-Mail Address : mat@cummingsarchitects.com.

Date : July 14, 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 Nathaniel D. Hendren and Sarah M. Miller
(OWNER)

Address: 89 Oxford Ave, Cambridge MA

State that I/We own the property located at 89 Oxford Ave, Cambridge MA which is the subject of this zoning application.

The record title of this property is in the name of Nathaniel D Hendren and Sarah M. Miller

*Pursuant to a deed of duly recorded in the date September 21, 2011, Middlesex South County Registry of Deeds at Book 57497, Page 540; 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 Nathan Hendren and Sarah Miller personally appeared before me, this 22nd of June, 2020, and made oath that the above statement is true.

Notary

My commission expires 11/13/2026 (Notary Seal)

Benjamin D. Anthony
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
11/13/2026

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

Benjamin D. Anthony
NOTARY PUBLIC
Commonwealth of
Massachusetts
My Commission Expires
11/13/2026

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:

Proposal to enlarge the existing non-conforming structure to the north, left elevation of the structure to accommodate a new First floor Kitchen, and new bathrooms on the Second and Attic Floors. This is the enlargement of a pre-existing Non-Conforming Structure.

Petitioners have owned this property since 2012 and have a great affection for the property and commitment to the neighborhood. However, the house is limited in its current layout to accommodate the Petitioners' needs and plans for a growing family. Literal enforcement of the Ordinance may cause the Petitioners to move from the property creating substantial emotional and financial hardship for them.

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:

The current non-conformity of the existing house is caused by a very minor encroachment of the house into the side yard setback and an encroachment of the entryway on the same side of the house into the side yard setback. Given the yard boundaries, yard shape, and side yard setback requirements no enlargement of the house can be accomplished without zoning relief thereby creating a hardship on the Petitioners. These circumstances are unique to this property and not affect generally the zoning district in which the house is located. It should be noted that the enlargement of the house all occurs in areas of the lot where there will be no encroachment by the enlargement into the various other setbacks. But for the minor, long pre-existing encroachment of the existing house and entry into the side yard setback, this enlargement could be accomplished by right.

C) ***DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:***

1) Substantial detriment to the public good for the following reasons:

The areas of enlargement of the house are proposed fully within the property setback boundaries. The referenced minor pre-existing encroachments of the existing house into the side-yard setback are not expanded. Therefore, there is no detriment to the public good in any way resulting from this renovation project. Indeed, the project will result in a beautified property that will enhance the appearance of the house and the neighborhood in general.

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

The intent and purpose of the Ordinance is to regulate the development of property in the City based on standards that are neighborhood and use specific. Here, the relief requested is consistent with adherence to the requirements of the Ordinance and do not disturb the development intentions of Ordinance with regard to the neighborhood or the property's use. Excepting the slight encroachment of the existing house and entry into the side-yard setback, this project would not require any zoning relief. Therefore, the relief requested will in no way nullify or substantially derogate from the intent or purpose of this Ordinance.

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

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Cummings Architects **PRESENT USE/OCCUPANCY:** Single family residence

LOCATION: 89 Oxford Ave Cambridge, MA 02138 **ZONE:** Residence C-1 Zone

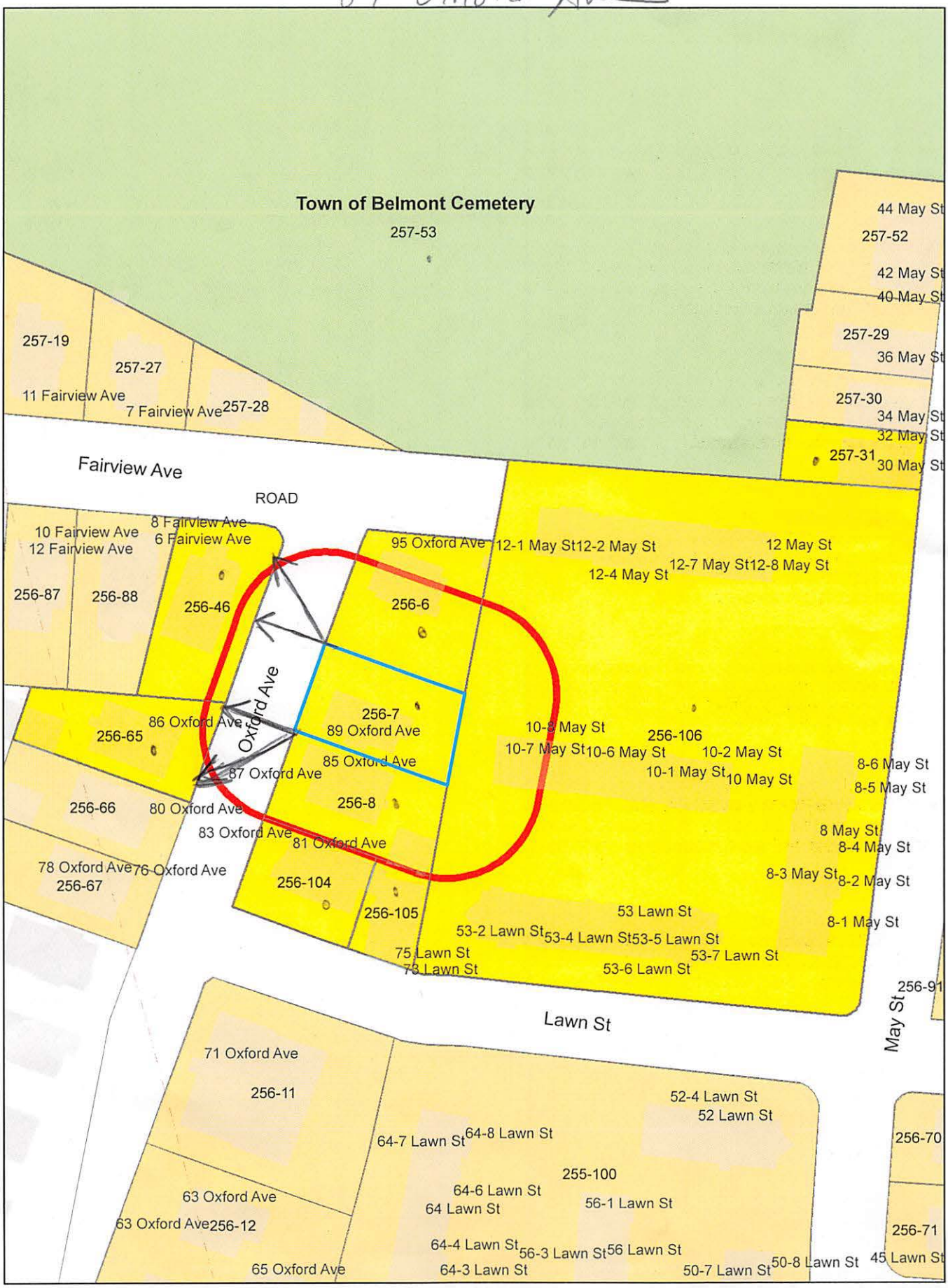
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Single family residence

		EXISTING CONDITIONS	*REQUESTED CONDITIONS*	*ORDINANCE REQUIREMENTS* [1]	
TOTAL GROSS FLOOR AREA:		1977	2840	3200	(max.)
LOT AREA:		4267	4267	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		0.46	0.67	0.75	(max.)
LOT AREA FOR EACH DWELLING UNIT:		1500	1500	1500	(min.)
SIZE OF LOT:	WIDTH	50	50	50	(min.)
	DEPTH	88.98	88.98	N/A	
SETBACKS IN FEET:	FRONT	14.5	14.5	10	(min.)
	REAR	25.4	22.9	20	(min.)
	LEFT SIDE	20.9	11.33	10.9	(min.)
	RIGHT SIDE	4.4	4.4	4.4	(min.)
SIZE OF BLDG.:	HEIGHT	31	31	35	(max.)
	LENGTH	40.9	45.5	N/A	
	WIDTH	19.5	29.08	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA: [3]		0.53	0.46	.30	(min.)
NO. OF DWELLING UNITS:		1	1	1	(max.)
NO. OF PARKING SPACES:		1	1	1	(min./max)
NO. OF LOADING AREAS:		0	0	0	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		N/A	N/A	N/A	(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.

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'.

89 Oxford Ave



89 Oxford Ave

Petitioner

256-7
HENDREN, NATHANIEL D. & SARAH M. MILLER
89 OXFORD AVE
CAMBRIDGE, MA 02138

256-8
ARENA, ANTHONY & FANNY ARENA,
TRS. OFOXFORD TRUST
87 OXFORD AVE
CAMBRIDGE, MA 02138

CUMMINGS ARCHITECTS
C/O MATTHEW D. CUMMINGS
57 SOUTH MAIN STREET
IPSWICH, MA 01938

256-105
COLLINS, MICHELE M.
73-75 LAWN ST., UNIT #1
CAMBRIDGE, MA 02139

256-105
BALL, ALISON
75 LAWN ST., UNIT #2
CAMBRIDGE, MA 02138

CUMMINGS ARCHITECTS
C/O HEATHER FERGUSON
57 SOUTH MAIN STREET
IPSWICH, MA 01938

256-46
SIMMONS, MARK A. & LAURIE S. ROTHSTEIN
90 OXFORD AVE
CAMBRIDGE, MA 02138

257-53
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER

257-53
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

256-65
WILSON, THOMAS W. & DOREEN H. WILSON
84 OXFORD AVE
CAMBRIDGE, MA 02138

256-106
CAMBRIDGE HOUSING AUTHORITY
675 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

256-104
MAZZEI, ANTHONY R. & KELLY E. MAZZEI
83 OXFORD AVE.
CAMBRIDGE, MA 02138-4422

256-6
SAWYER, CHARLES
95 OXFORD AVE.
CAMBRIDGE, MA 02138-1808

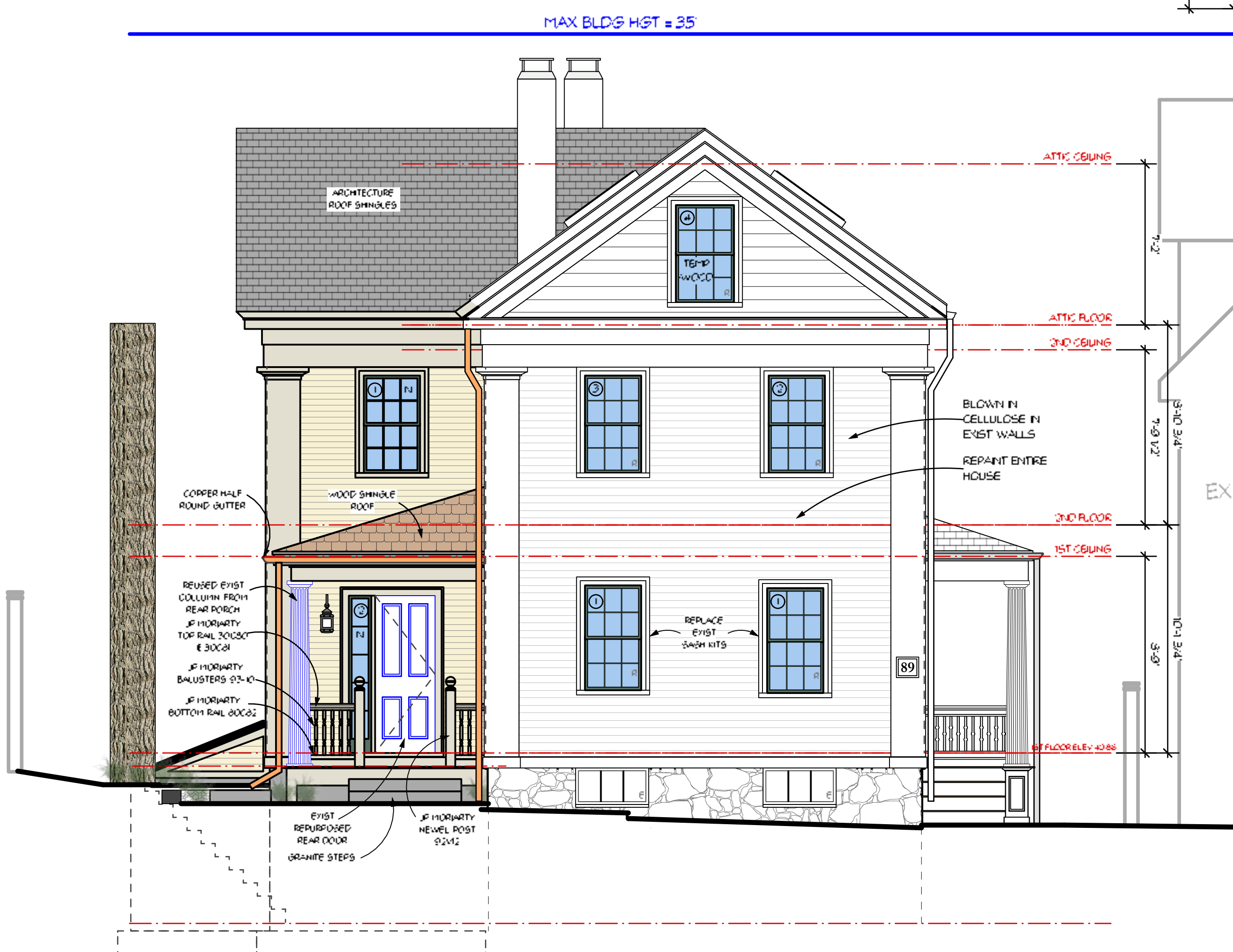
BELMONT CEMETERY
P.O. BOX 56
BELMONT, MA 02478

257-31
BARBER, COLLEEN
91 DALBY STREET
NEWTON, MA 02458

0 4 8 12 FT

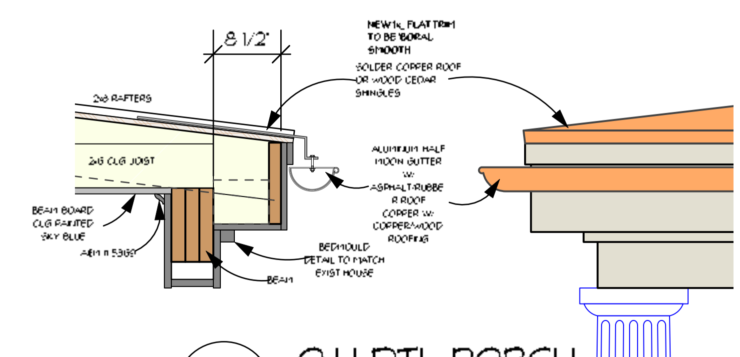
RIGHT ELEVATION

Scale: 1/8" = 1'-0"



FRONT ELEVATION

Scale: 1/8" = 1'-0"



D-2 O.H DTL PORCH

Scale: 1/2" = 1'-0"

ATTENTION THIS DRAWING DOES NOT SHOW THE COMPLETE WORK NECESSARY FOR ANY SINGLE SUBCONTRACTOR. A FULL REVIEW OF EVERY DRAWING SHEET IS REQUIRED

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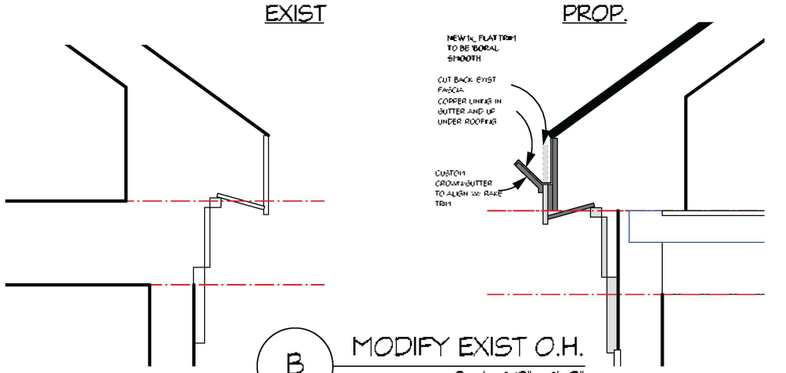
57 S. Main St Ipswich, MA • www.cummingsarchitects.com • 978-356-5026

Date: 5-12-20 DRAFT

DRAWN BY: JOE M.

PROJECT:
Hendren Residence
Additions/Renovations
ADDRESS:
89 Oxford Avenue, Cambridge

F-A1



B MODIFY EXIST O.H.

Scale: 1/2" = 1'-0"

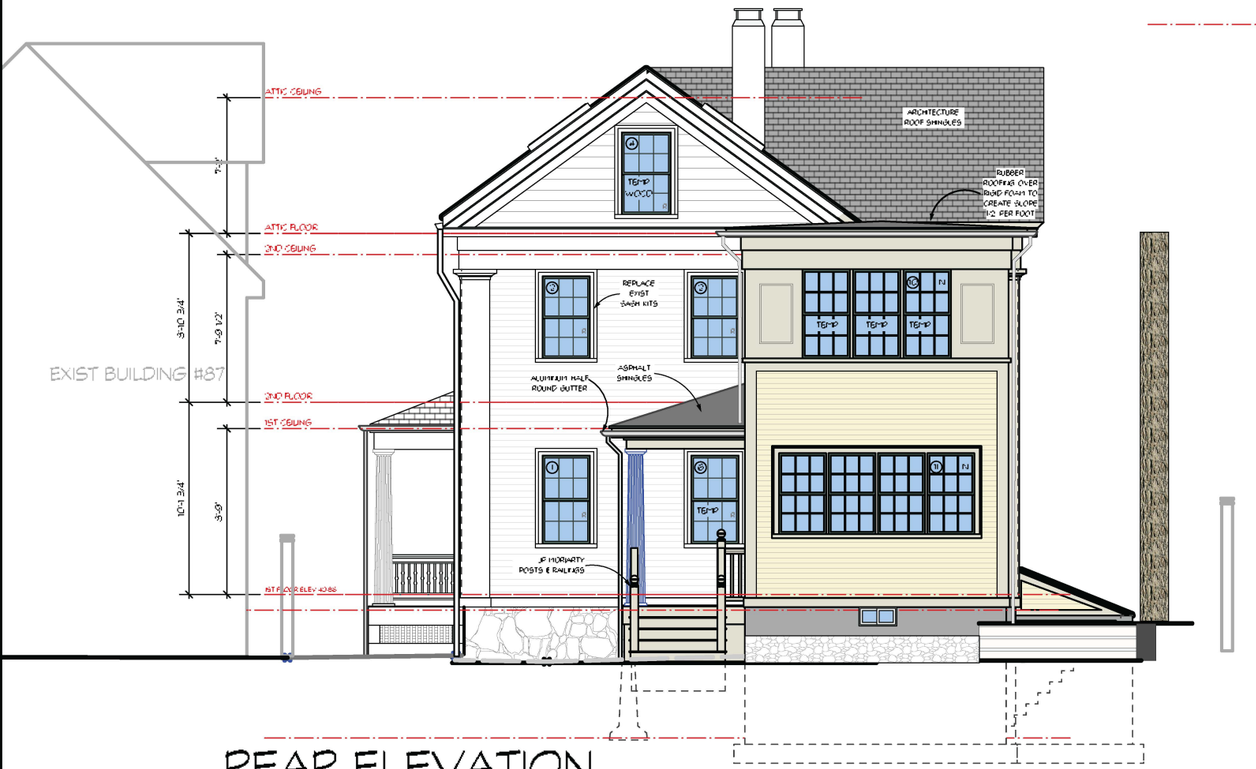
EXISTINGCONDITION | MOCK-UP | PROGRESS | PROGRESS

EXAMPLE OF CUSTOM WOOD GUTTER - COPPERLINED - DOWN SPOUT THRU SOFFIT

0 4 8 12 FT

LEFT ELEVATION

Scale: 1/8" = 1'-0"



REAR ELEVATION

Scale: 1/8" = 1'-0"

WOOD BULKHEAD DOOR

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Observation Design
Only an independent builder or owner approved in writing by Cummings Architects (Cummings) is authorized to use these drawings. Such approved person agrees that all drawings and associated materials furnished by Cummings to such person shall be deemed to be issued by Cummings to such person for a single identified parcel of land as described on these documents. Cummings designs are proprietary, as are any modified plans derived from this document.

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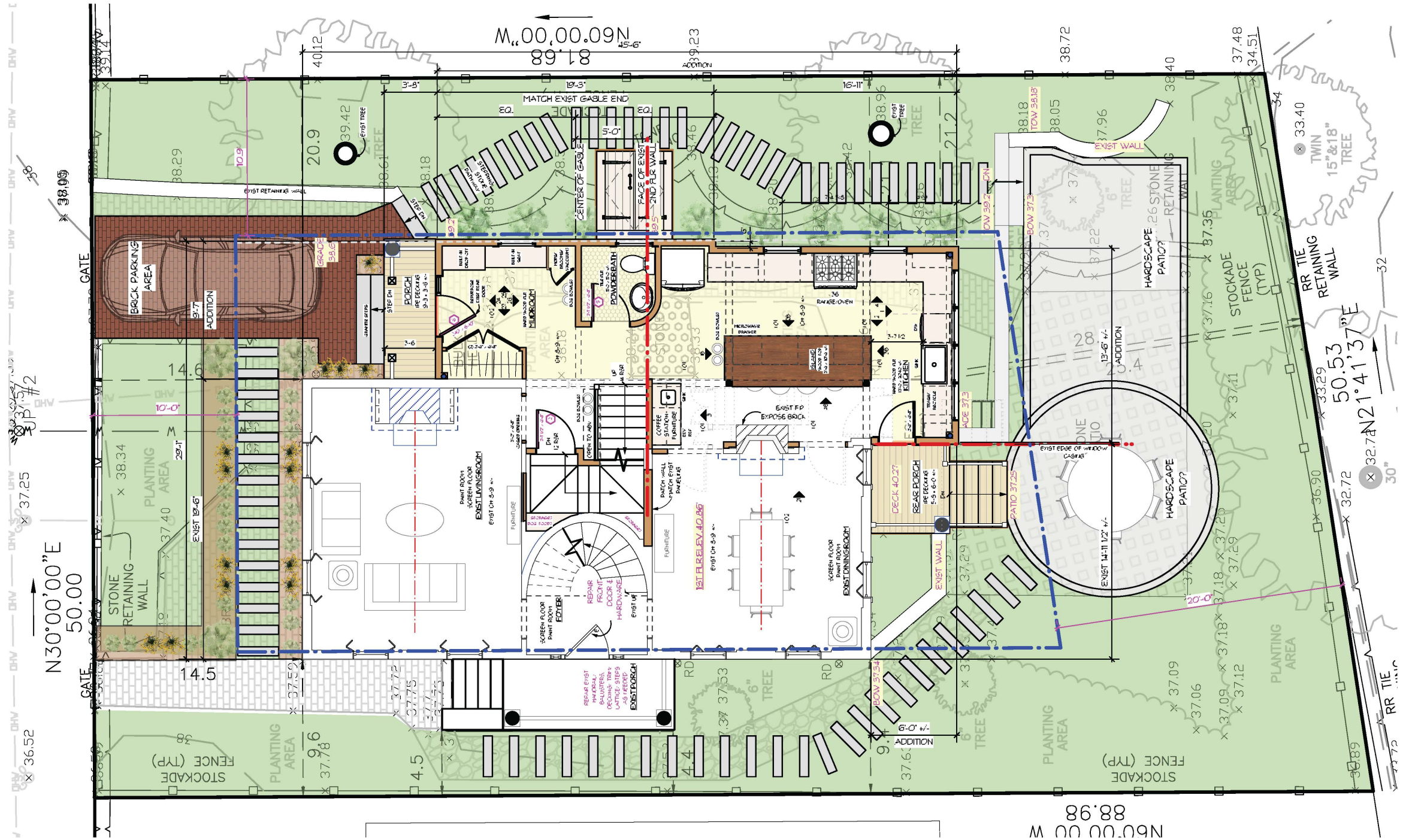
F-A2



GROSS FLOOR AREA

	Exist	Prop.
First Floor	778	1136
Second Floor	772	1136
Attic	316	438
Basement	751	931
Porches	111	130
TOTAL	2728	3771

0 4 8 12 FT

FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"

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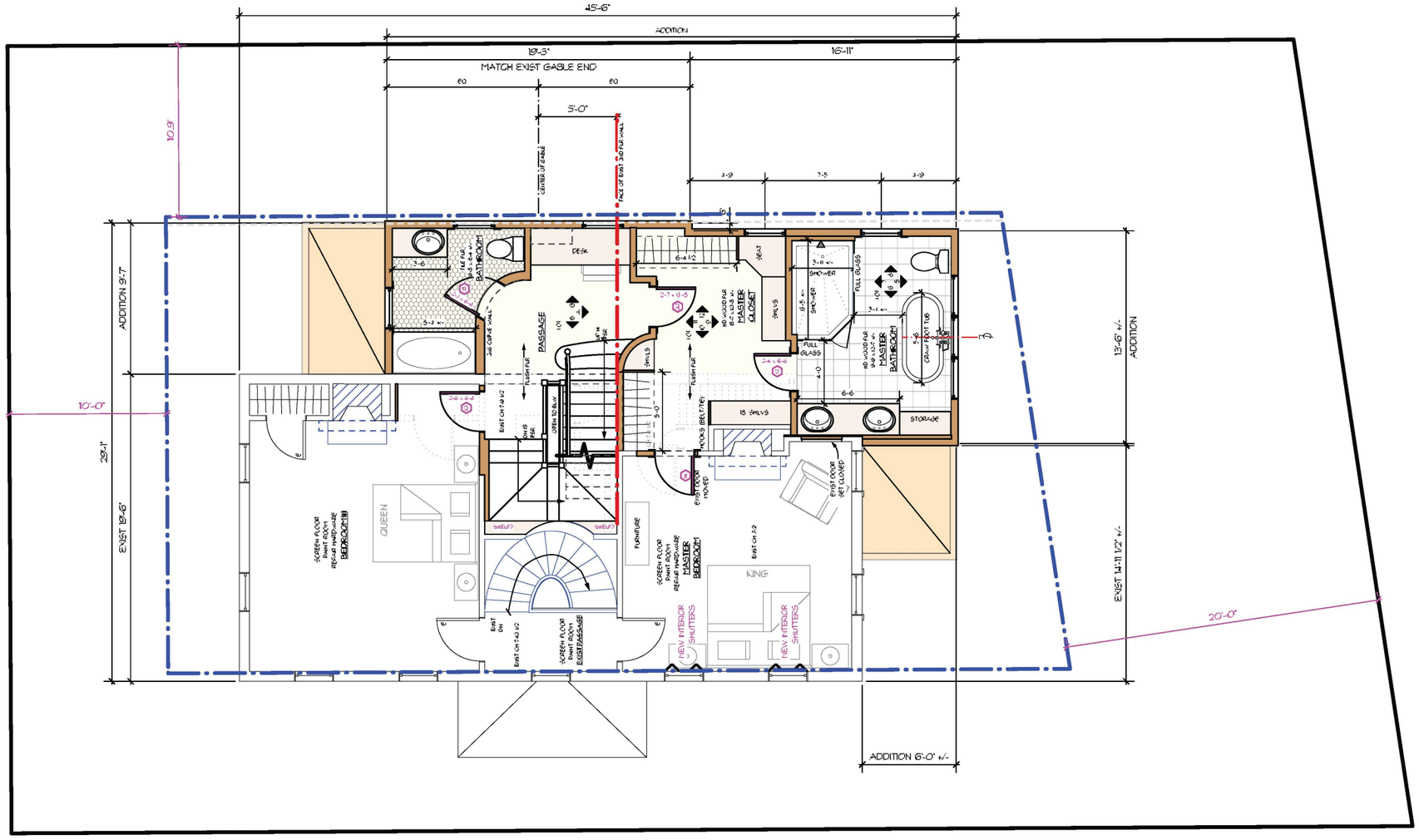

GROSS FLOOR AREA

	Exist	Prop.
First Floor	778	1136
Second Floor	772	1136
Attic	316	438
Basement	751	931
Porches	111	130
TOTAL	2728	3771

0 4 8 12 FT

SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

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DRAWN BY: JOE M.

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Additions/Renovations

ADDRESS:
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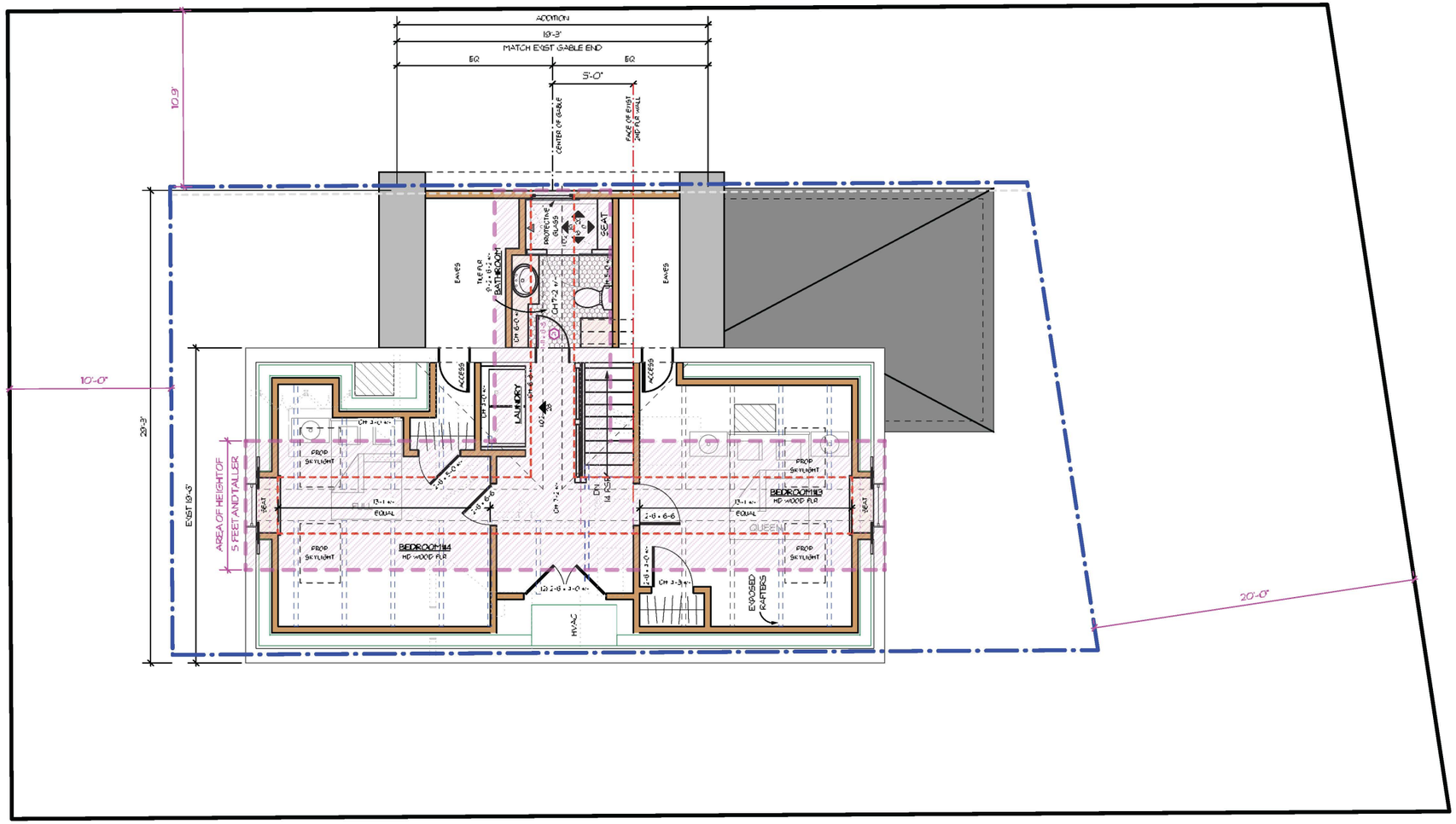
F-A4



GROSS FLOOR AREA

	Exist	Prop.
First Floor	778	1136
Second Floor	772	1136
Attic	316	438
Basement	751	931
Porches	111	130
TOTAL	2728	3771

0 4 8 12 FT

ATTIC FLOOR PLAN

Scale: 1/8" = 1'-0"

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Ownership Disclaimer
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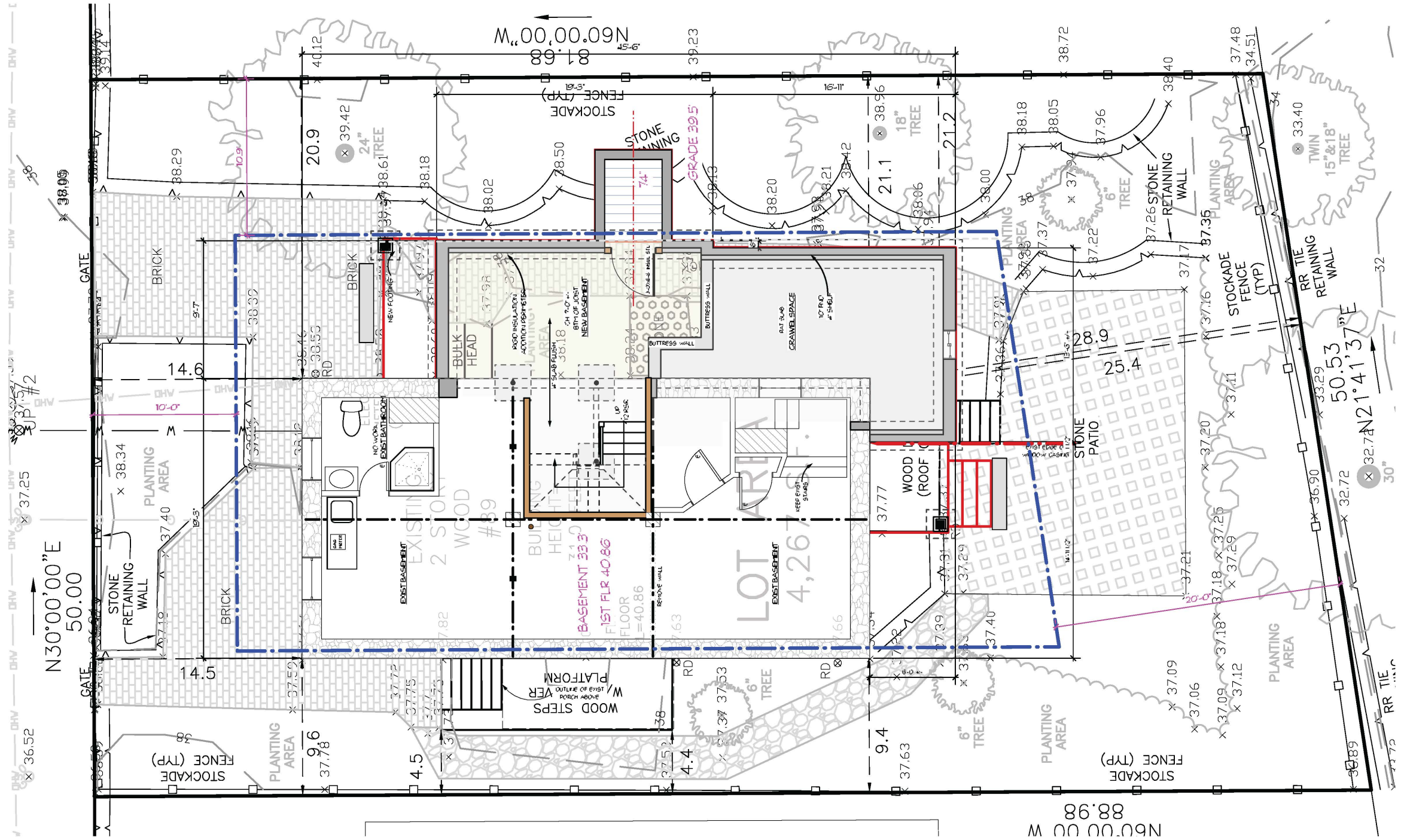
F-A5



GROSS FLOOR AREA

	Exist	Prop.
First Floor	778	1136
Second Floor	772	1136
Attic	316	438
Basement	751	931
Porches	111	130
TOTAL	2728	3771

0 4 8 12 FT

BASEMENT PLAN

Scale: 1/8" = 1'-0"

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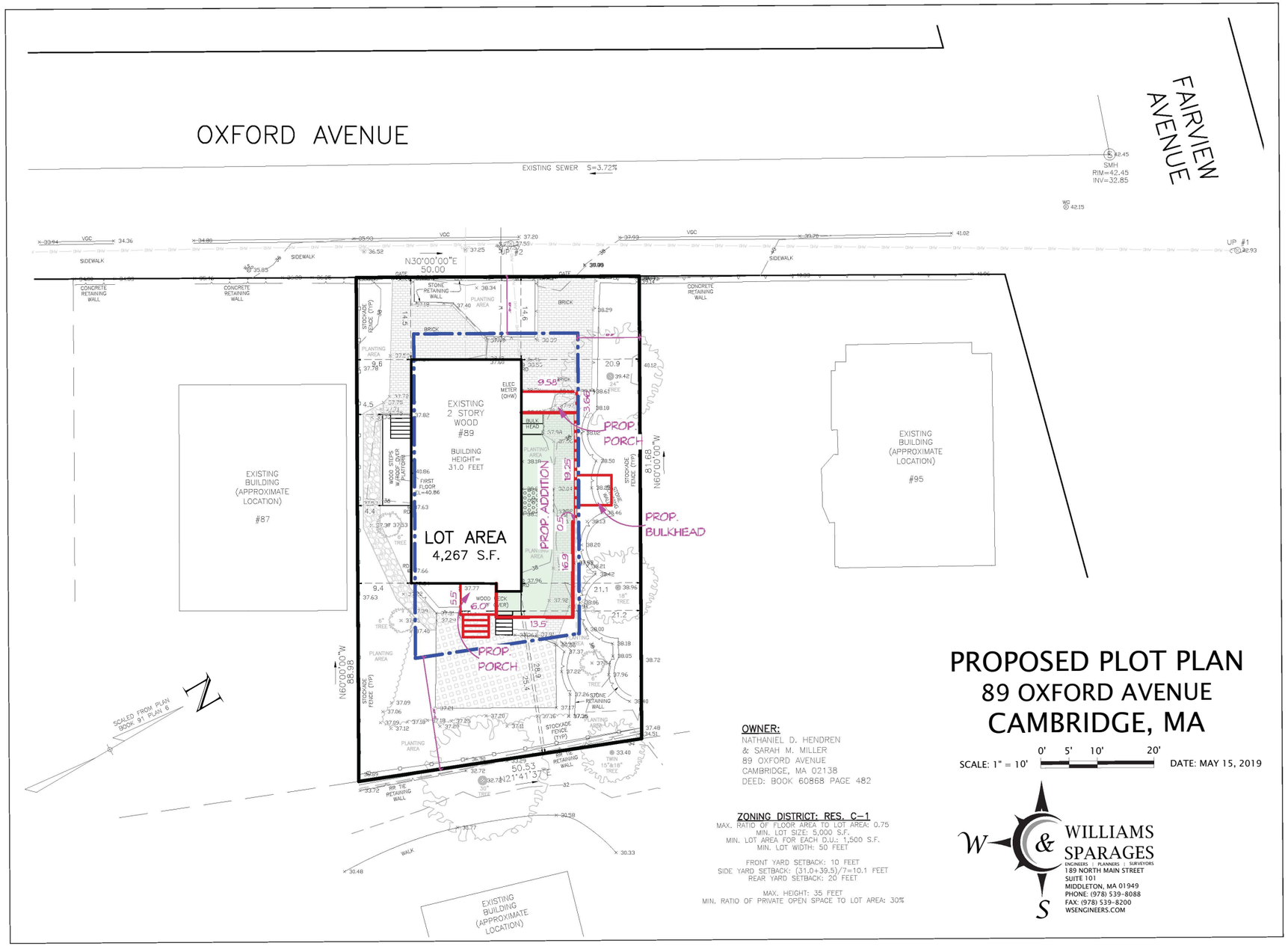
F-A6



ENGINEER PLAN

Scale: 1" = 20'-0"

CUMMINGS ARCHITECTS NOTES IN COLOR

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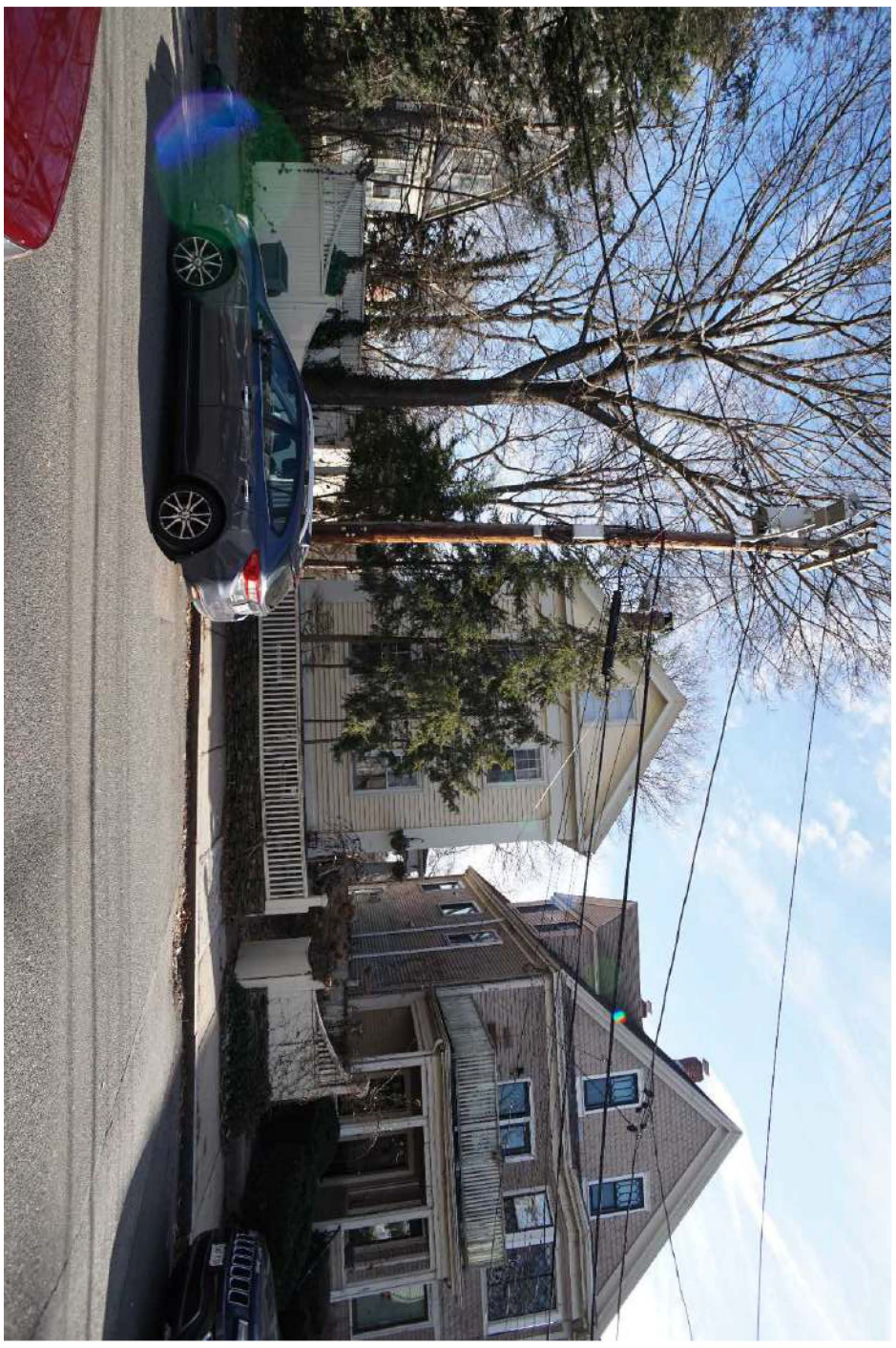
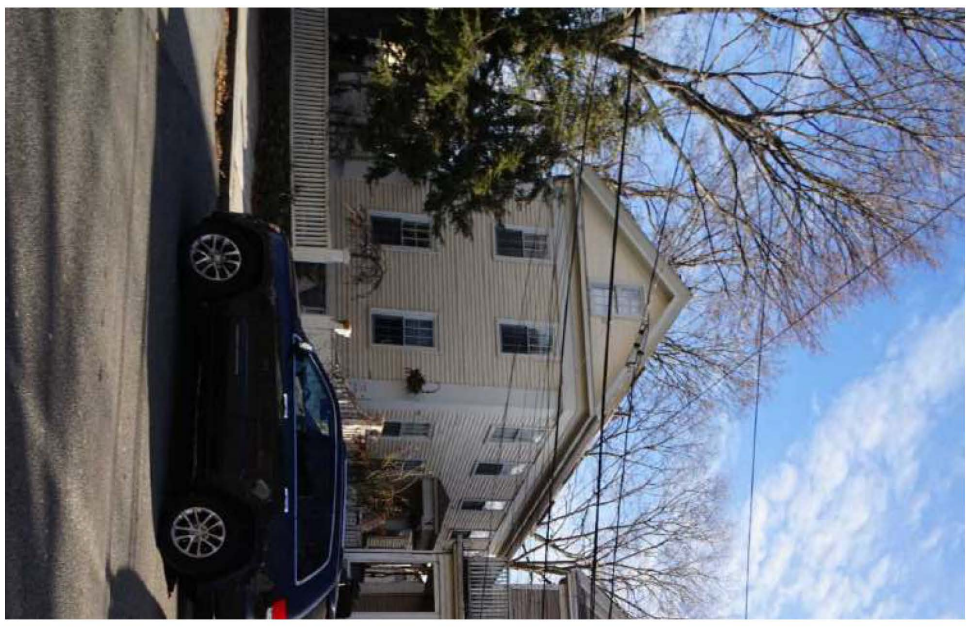
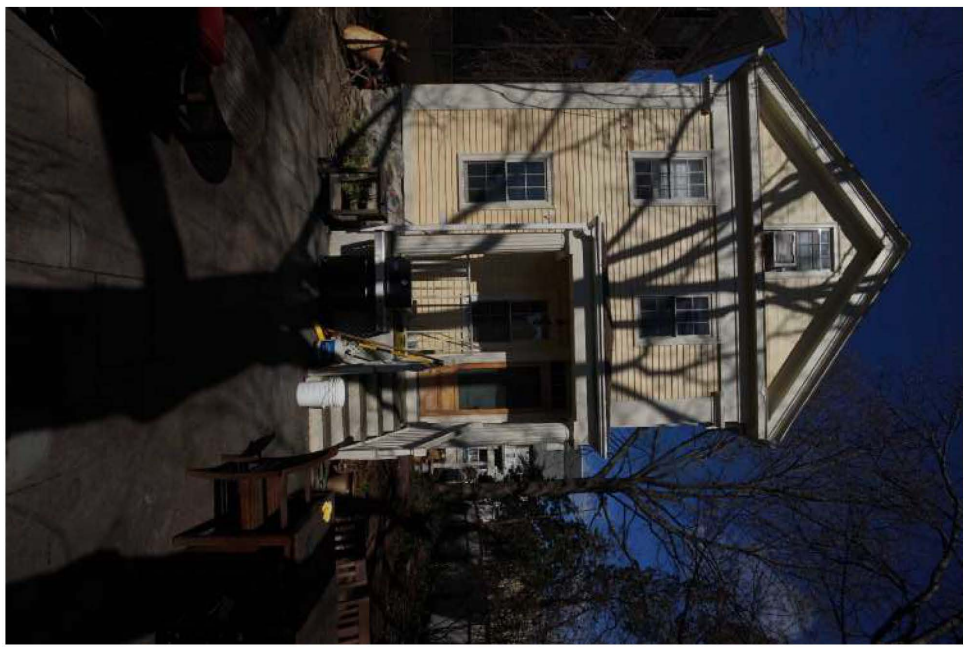
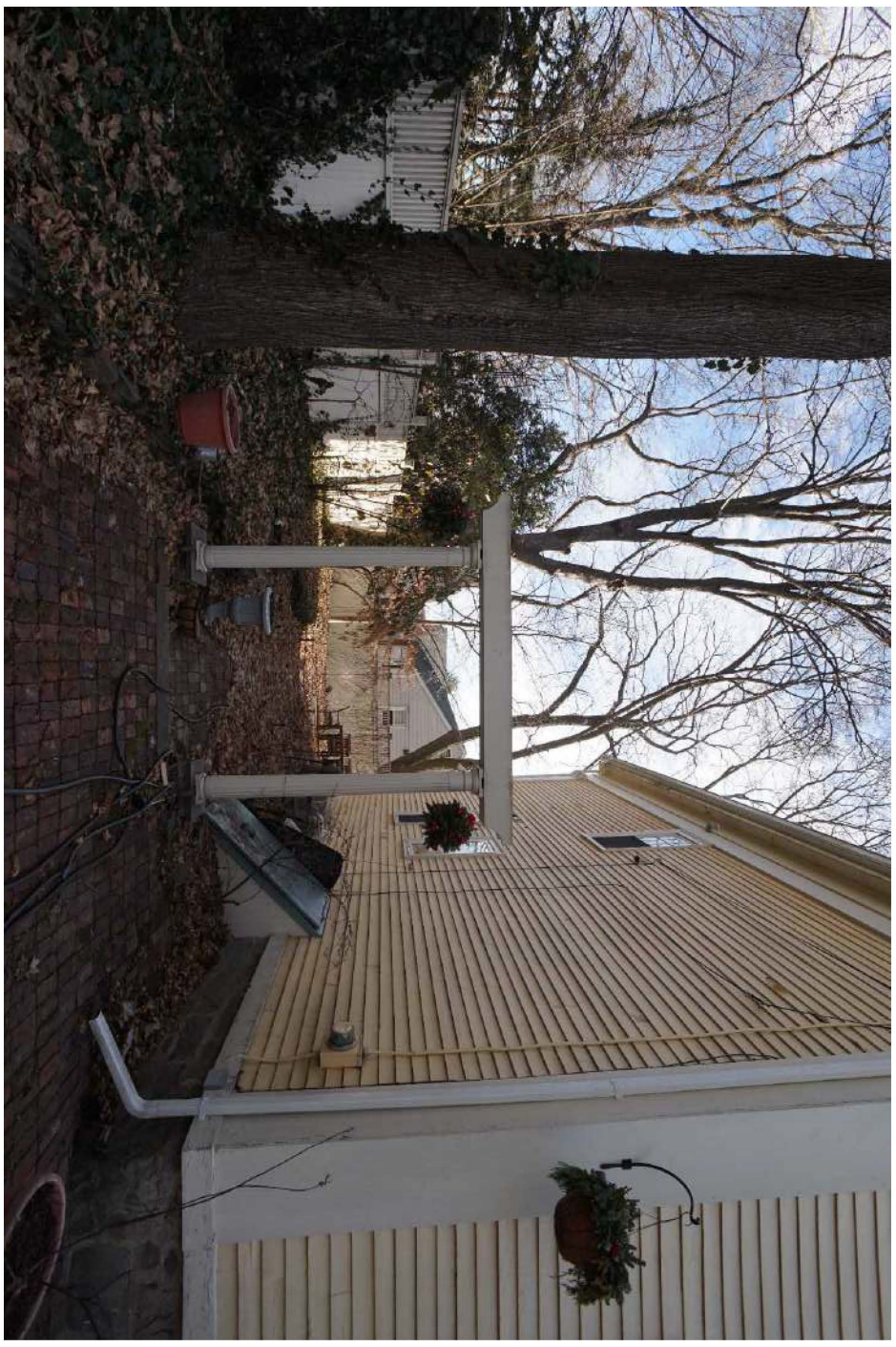
F-A7









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F-A8

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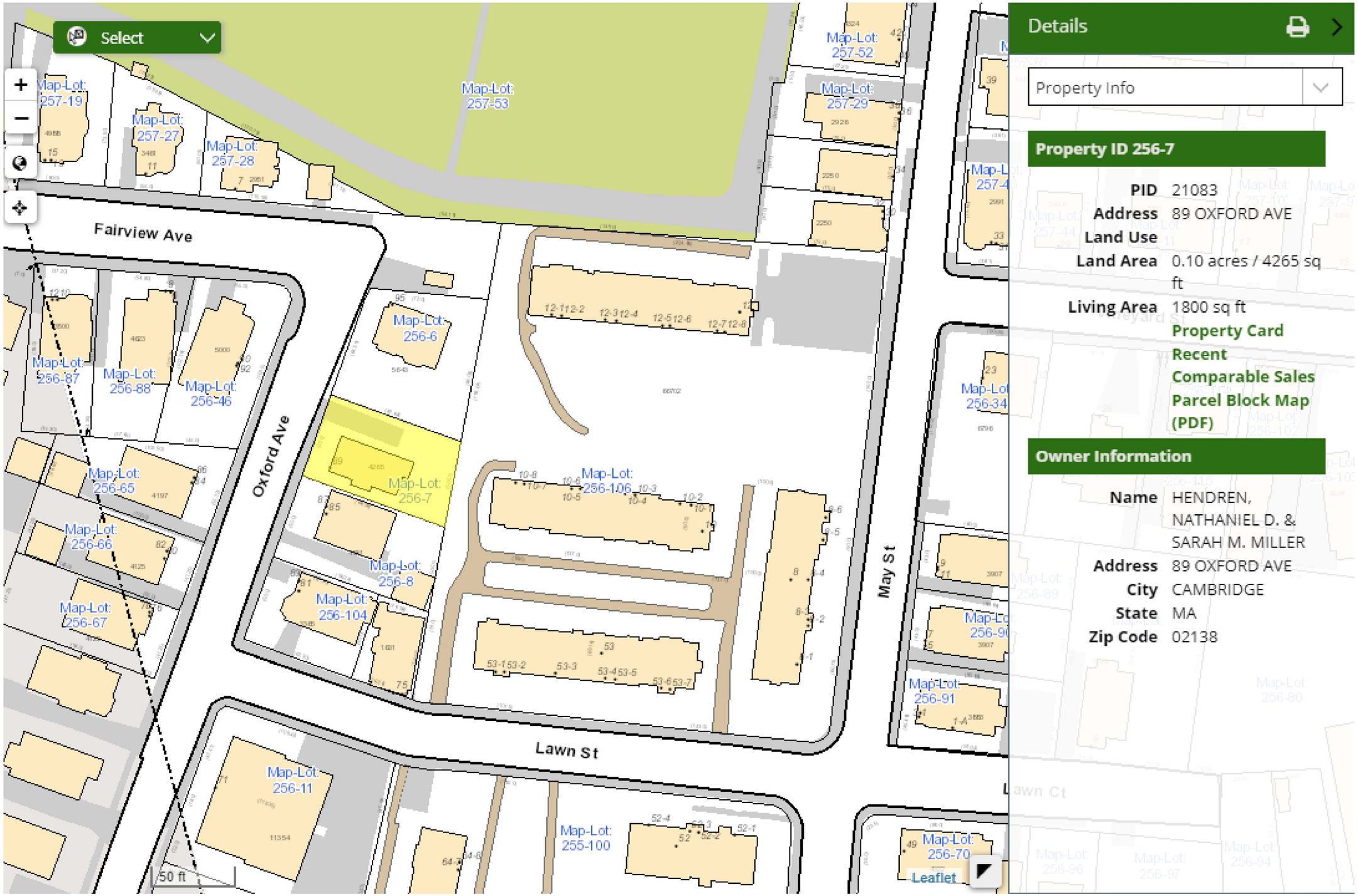

Details

Property Info

Property ID 256-7

PID	21083
Address	89 OXFORD AVE
Land Use	
Land Area	0.10 acres / 4265 sq ft
Living Area	1800 sq ft

Property Card
Recent Comparable Sales
Parcel Block Map (PDF)

Owner Information

Name	HENDREN, NATHANIEL D. & SARAH M. MILLER
Address	89 OXFORD AVE
City	CAMBRIDGE
State	MA
Zip Code	02138

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DRAWN BY: JOE M.

F-A9

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NO BASEMENT

FLOOR AREA RATIO	Exist	Prop.
Lot Area	4267	4267
Gross Floor area	1977	2840
FAR	0.46	0.67

GROSS FLOOR AREA	Exist	Prop.
First Floor	778	1136
Second Floor	772	1136
Attic	316	438
Basement	0	0
Porches	111	130
TOTAL	1977	2840

8.22.2 (C)

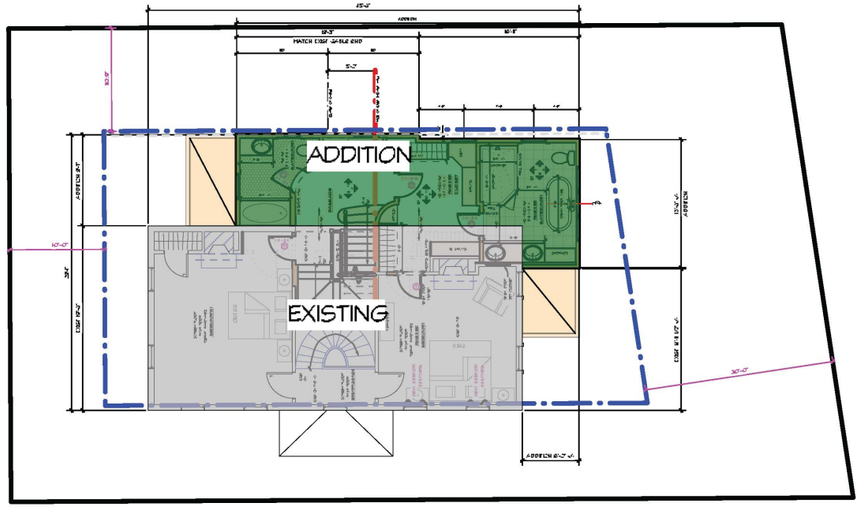
In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and *provided such nonconformingstructurewill not be increasedin area or volume by more than twenty-five(25) percent since it first began to be nonconforming*

EXIST VOLUME = 16,937 +/- CUBIC FT
ALLOW VOLUME = 21,171 +/- CUBIC FT
PROP VOLUME = 24,352 +/- CUBIC FT
INCREASE = 69%

DORMER DEFINITION

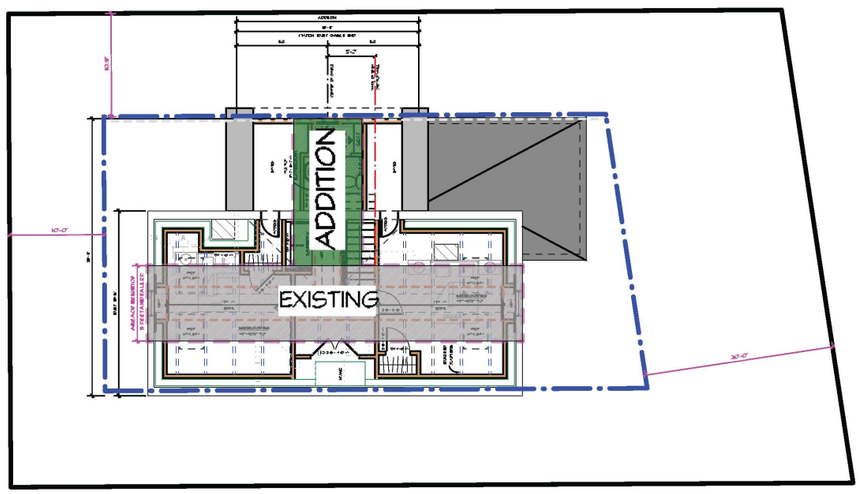
h. Construction of a dormer or an addition to a nonconforming one or two family dwelling which will further violate the yard and height requirements of Article 5.000, but no other requirements of Article 5.000 including FAR, in the following cases:

1. A dormer or addition to the second story that does not extend horizontally beyond the vertical walls of the existing first story of the structure.
2. A dormer on the third story no longer than fifteen (15) feet that does not extend horizontally beyond the vertical walls of the existing second story nor above the existing ridge line provided that the total linear length of all dormers on the third story of the building, after the issuance of the permit authorized by this Subparagraph h 2, does not exceed fifteen (15) feet.



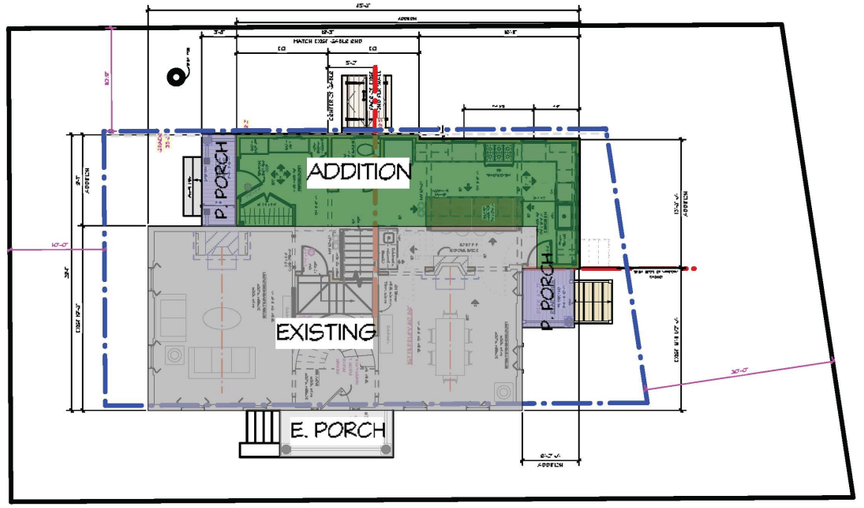
SECOND FLOOR PLAN

Scale: 1/16" = 1'-0"



ATTIC PLAN

Scale: 1/16" = 1'-0"



FIRST FLOOR PLAN

Scale: 1/16" = 1'-0"

Floor Area Gross. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls [except in (8) and (9) below where only interior space shall be measured and in (h) where the area of the parking facility shall be measured] of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

(a) roofed porches and balconies whether enclosed or unclosed;

(b) unroofed porches and balconies above third floor, with the exception of porch and balcony spaces associated with Functional Green Roof Area, in accordance with the regulations in Section 22.30 of this Zoning Ordinance;

(c) elevator shafts and stairwells on each floor, not excluded in (6) below;

(d) attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in (5) below;

(e) interior balconies, mezzanines, and penthouses;

(f) deleted

(g) area of parking facilities in structures except as excluded in (2) below; and

(h) any accessory parking spaces not in above ground structures if in excess of the maximum number permitted on the premises as set forth in Section 5.25 and 6.30.

Gross Floor Area shall not include:

(1) areas used for off street loading purposes;

(2) area of parking facilities in structures located underground and the area of on grade open parking spaces outside the building footprint at or below the maximum number permitted on the premises as set forth in Sections 5.25 and 6.30;

(3) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

(4) open and lattice-work fire escapes;

(5) unroofed porches and balconies no higher than the third floor;

(6) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building, including sustainable mechanical systems and related equipment and chases for systems including, but not limited to, solar energy systems, geothermal systems and heat pumps, solar hot water systems and related tubes and tanks, equipment related to radiant heating, hydronic cooling, heat recovery ventilators, and energy recovery ventilators;

(7) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;

(8) attic space not otherwise included in (d) above;

(9) basement and cellar spaces with less than seven (7) feet of ceiling height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code.

(10) bicycle parking meeting or exceeding the requirements of Article 6.000, which shall include all areas occupied by Bicycle Parking Spaces and access routes intended exclusively for use by bicycles, which shall be clearly indicated in the bicycle parking plan requirements set forth in Section 6.52.1whether located in a principal use structure, any parking facility for motor vehicles, or in an accessory structure.

(11) Functional Green Roof Area, in accordance with the regulations in Section 22.30 of this Zoning Ordinance;

(12) interior air spaces within Double-Skin Façades and additional exterior wall thickness to accommodate insulation, in accordance with the regulations in Section 22.40 of this Zoning Ordinance; and

(13) space directly beneath overhangs, eaves, awnings, pergolas, arbors, trellises or other sun-shading devices, in accordance with the regulations in Section 22.50 of this Zoning Ordinance.

(14) Public Bicycle-Sharing Stations.

(15) Any basement or cellar living space in any single-family or two-family home.

(16) Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approved the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Floor Area Ratio. The ratio of gross floor area of a structure to the total area of the lot.

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Date: 5-12-20 DRAFT

DRAWN BY: JOE M.

PROJECT: **Hendren Residence**
Additions/Renovations
ADDRESS: **89 Oxford Avenue, Cambridge**

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