



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 NOV -7 PM 3:11
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 200398

General Information

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

Special Permit: X

Variance: X

Appeal:

PETITIONER: Kamand B. Shaibani C/O Wendel Klein Builders, Inc - Architect and main contractor.

PETITIONER'S ADDRESS: 2464 Massachusetts Ave, Cambridge, MA 02140

LOCATION OF PROPERTY: 9 Kassul Pk, Cambridge, MA

TYPE OF OCCUPANCY: Residential - Single Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/ /Conversion to Additional Dwelling Units/ /House extension, ADU/

DESCRIPTION OF PETITIONER'S PROPOSAL:

The scope of this renovation project consists of providing an addition to the main dwelling, where an existing covered porch exists and transforming an existing garage into an ADU. The actual distance between the porch and the garage is 8'-0". The project would reduce this distance to 4'-2", which is non-conform per the article 4.21.h.

The addition consists of increasing the square footage of the main dwelling, for a total of 600 sq.ft.

The addition will occur on two floors at the back of the house.

In terms of setback, we are already in a pre existing non-conforming situation on the South side of the house.

The expansion of the main house will change this non-conforming side setback, from 6'-7" to 5'-3". The minimum requirement is 7'-6".

Within the setback mentioned above, we propose to add windows.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 8.000 Section: 8.22.2.d & Sec. 8.22.2.c (Non-Conforming Structure).

Article: 4.000 Section: 4.22.1 (Alteration of Accessory Building)

Article: 4.000 Section: 4.21 (Distance Between Buildings).

Article: 10.000 Section: 10.30 (Variance). & Sec. 10.40 (Special Permit).

5.000 See 5.31 Table of Dimensional

Original
Signature(s):


(Petitioner (s) / Owner)

Kamand Shaibani
(Print Name)

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 Kamand Shaiban:
(OWNER)

Address: 9 Kassul Park Cambridge MA

State that I/We own the property located at 9 Kassul Park, which is the subject of this zoning application.

The record title of this property is in the name of Kamand Shaiban.

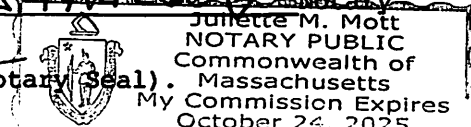
*Pursuant to a deed of duly recorded in the date _____, Middlesex South County Registry of Deeds at Book _____, Page _____; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.


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 Kamand Shaiban: personally appeared before me, this 6th of October 2022 and made oath that the above statement is true.

My commission expires October 24 2025


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

DECLARATION OF THE PRESIDENT OF THE UNITED STATES

I, the President of the United States, do hereby declare that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

Witness my hand and the Great Seal of the United States at Washington, this 1st day of January, 1901.

THE PRESIDENT OF THE UNITED STATES

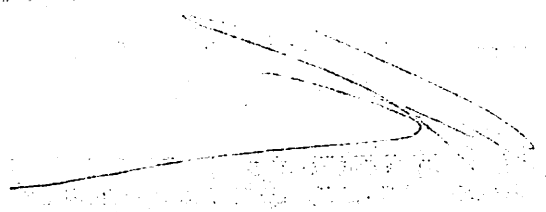
JOHN D. RUSSELL, Secretary of the Interior

Approved: _____

Witness my hand and the Great Seal of the United States at Washington, this 1st day of January, 1901.

THE PRESIDENT OF THE UNITED STATES

JOHN D. RUSSELL, Secretary of the Interior



Witness my hand and the Great Seal of the United States at Washington, this 1st day of January, 1901.

THE PRESIDENT OF THE UNITED STATES

JOHN D. RUSSELL, Secretary of the Interior

Approved: _____

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THE PRESIDENT OF THE UNITED STATES

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THE PRESIDENT OF THE UNITED STATES

JOHN D. RUSSELL, Secretary of the Interior

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 petitioner has many close family members living out of the country. When they visit, they stay for a long period of time. Her parents are getting older and travelling back and forth becomes difficult. The existing house cannot accommodate these family visits; space is tight and there is no privacy. The petitioner doesn't want to move into a new home because of her strong ties with her neighbors and the high cost of real estate. The proposed renovation creates a space for extended family visits while allowing for privacy and independence.
- 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:
- 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 addition to the house is not visible from the street. The dormer on the garage will have a minimal visual impact from the street, only while looking down to the 65- foot-long driveway. We are not losing parking spaces since the driveway remains as is and the garage presently is not large enough to put a car in.
- 2) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- Per article 4.22.1, the four conditions required for altering an existing accessory are met. The petitioner is proposing to renovate her garage which is an underutilized accessory building. The proposed plans will change a pre-existing nonconforming dimension requirement per the article 4.21.h.

***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

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 9 Kassul Pk., 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 additional structure will take over the footprint of an existing porch located at the rear of the house, creating an addition to a pre-existing nonconforming detached single-family dwelling - Sec.8.22.2. The addition will slightly increase a pre-existing nonconforming dimensional side setback. The renovation won't create any additional nonconformities.

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 plans will not cause any hazard or substantial changes in the established character of the neighborhood.
All existing egress and access paths will remain largely as they are.

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:

We are not changing the use of the property.

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 dwelling remains a single-family home.

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 use group is and will remain residential B.

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

Address: _____
 Tel. No. 8572079811
 E-Mail Address: design@wendelklein.com

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Kamand B. Shaibani
Location: 9 Kassul Pk., Cambridge, MA
Phone: 8572079811

Present Use/Occupancy: Residential - Single Family
Zone: Residence B Zone
Requested Use/Occupancy: Residential - Single Family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1,354	2,010	Max of 2,620	(max.)
<u>LOT AREA:</u>		5,345	5,345	5,000 minimum	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.25	0.38	0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		5,345	5,345	2,500 minimum	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	41	41	50 minimum	
	<u>DEPTH</u>	133	133	--	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	17'-5"	17'-5"	15' minimum	
	<u>REAR</u>	84'-4"	72'-8"	25' minimum	
	<u>LEFT SIDE</u>	6'-7"	5'-3"	7'-6" minimum	
	<u>RIGHT SIDE</u>	11'-6"	11'-6"	7'-6" minimum	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	21'-6"	21'-6"	35' max	
	<u>WIDTH</u>	25'-6"	41'	N/A	
	<u>LENGTH</u>	25'-7"	25'-7"	Minimum 20'	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0.65	0.62	0.4 minimum	
<u>NO. OF DWELLING UNITS:</u>		1	1	1	
<u>NO. OF PARKING SPACES:</u>		1	1	1	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		8'-3" from porch and 17' from main dwelling	4'-2"	10' minimum	

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.:

There is an existing garage of 240sq.ft. We want to convert it into an ADU, same footprint. One side will be cinder blocks and the three other ones will be wood frame construction - same as existing.

CAMBRIDGE BZA PRESENTATION

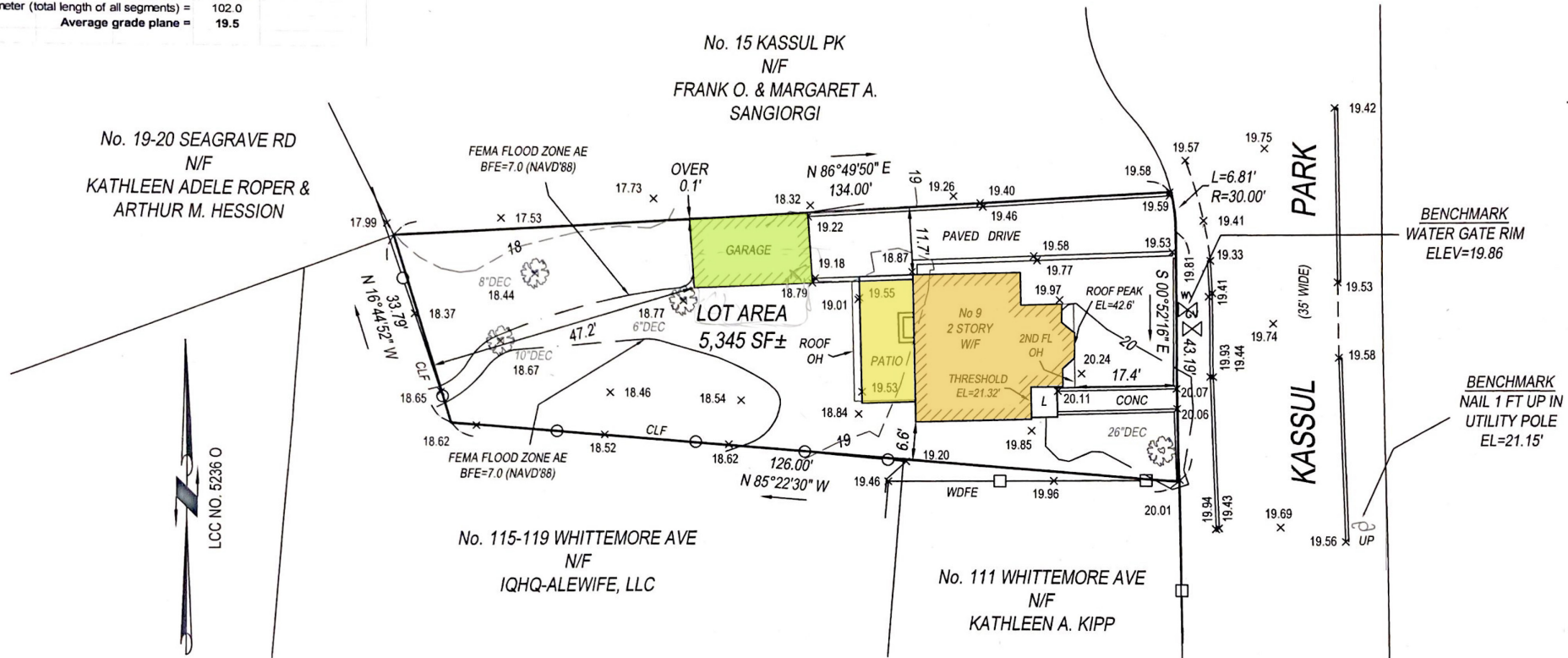
SHAIBANI RESIDENCE

ADDRESS: 9 KASSUL PARK
CAMBRIDGE, MA 02 140

wendelklein
DESIGN / BUILD

AVERAGE GRADE CALCULATION:

Segment	Elevation 1	Elevation 2	Average	Length	Average x Length
Segment 1	19.9	19.8	19.9	25.5	506.2
Segment 2	19.8	18.9	19.4	25.5	493.4
Segment 3	18.9	19.2	19.1	25.5	485.8
Segment 4	19.2	19.9	19.6	25.5	498.5
Sum of all segments =				1983.9	
Perimeter (total length of all segments) =				102.0	
Average grade plane =				19.5	



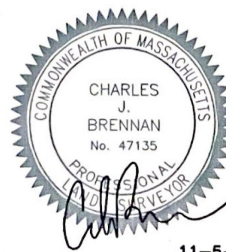
LEGEND:

BIT	BITUMINOUS
CB	CONCRETE BOUND
CONC	CONCRETE
EL	ELEVATION
FD	FOUND
GV	GAS VALVE
L	LANDING
SB	STONE BOUND
UP	UTILITY POLE
WV	WATER VALVE
W/F	WOOD FRAME

NOTES:

- 1.) THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY PERFORMED ON OCTOBER 28, 2021.
- 2.) THE LOCATION OF SUBSURFACE UTILITIES WERE NOT INCLUDED AS PART OF THIS SURVEY. UTILITY STRUCTURES SHOWN HEREON ARE FROM THE LOCATION OF VISIBLE SURFACE EVIDENCE. THE LOCATION OF SUBSURFACE UTILITIES ARE NOT WARRANTED TO BE CORRECT, NOR DOES THE SURVEYOR GUARANTEE THAT ALL UTILITIES ARE SHOWN. THE CONTRACTOR SHALL VERIFY ALL UTILITIES AND CONTACT "DIG SAFE" (1-800-DIG-SAFE) PRIOR TO THE COMMENCEMENT OF WORK.
- 3.) A TITLE EXAMINATION WAS NOT PROVIDED FOR THIS SURVEY. AS SUCH OTHER MATTERS OF RECORD MAY EXIST AND NOT BE SHOWN HEREON.
- 4.) VERTICAL DATUM IS CAMBRIDGE CITY BASE.

5.) PER FEMA FLOOD INSURANCE RATE MAP 25017C0419E EFFECTIVE DATE JUNE 4, 2010 LOCUS FALLS WITHIN ZONE AE AND X (SHADED).



11-5-21

RECORD OWNERS:

KAMAND B. SHAIKANI
9 KASSUL PARK
CAMBRIDGE, MA

REFERENCES:

CERT. # 229066
LLC # 5236 G, M, O

TOPOGRAPHIC
PLAN OF LAND
IN
CAMBRIDGE, MA

AT 9 KASSUL PARK
PREPARED FOR

KAMAND SHAIKANI

BY

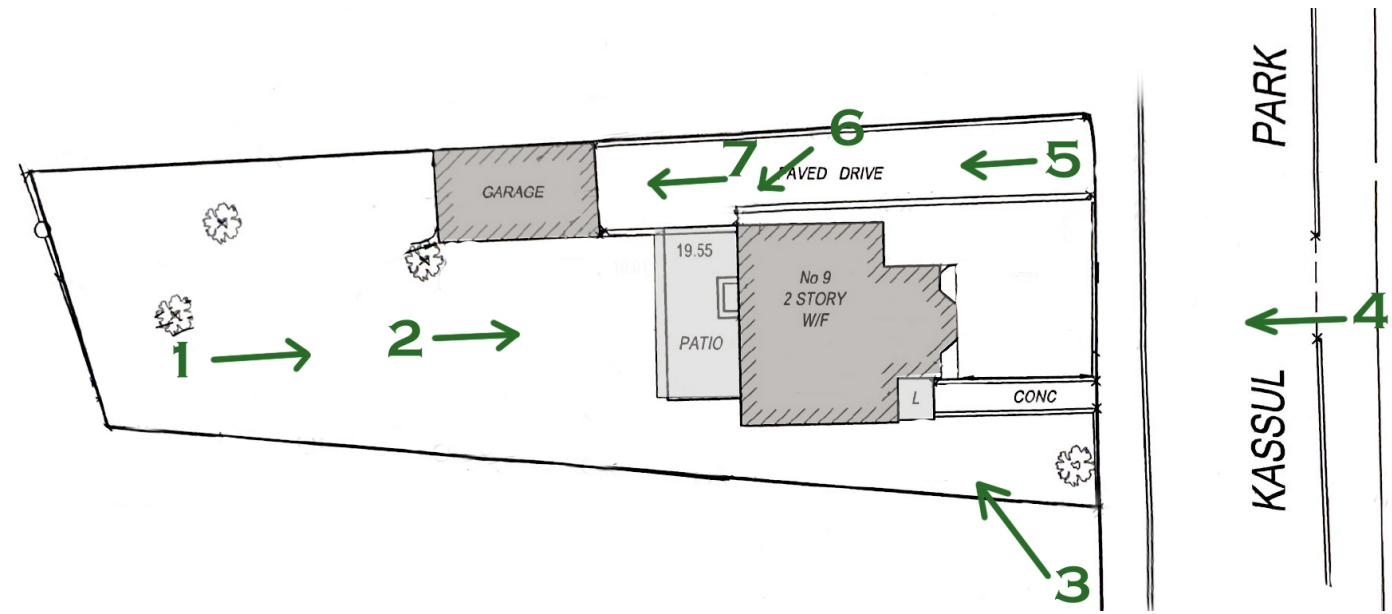
SUMMIT SURVEYING INC.

4 S. POND STREET, NEWBURYPORT, MA 01950
TEL. 978-692-7109
NOVEMBER 1, 2021
WWW.SUMMITSURVEYINGINC.COM
21-0141

LEGEND

	Dwelling
	Porch
	Garage

VIEW LOCATOR



VIEW 1



VIEW 2



VIEW 7



VIEW 5



VIEW 6



VIEW 4



VIEW 3

wendelklein
DESIGN / BUILD

SHAIBANI RESIDENCE
9, Kassul Park
Cambride, MA 02140

EXTERIOR
VIEWS

ZONING ANALYSIS

District: Res. B
Lot Area: 5,345 Sq. Ft.
Built: 1936

BUILDING HEIGHT

Allowed: 35' Existing: 21'6 Proposed: 21'6" max

MINIMUM BUILDING SETBACKS

Allowed	Existing	Proposed
Front (min): 15'	Front: 17'5"	Front: 17'5"
Side (min) sum of 20: 7'6"	Side (North=11'-8" - South=6'-7")	Side (North=11'-8" - South=5'-3")
	Side (sum): 18'3"	Side(sum main dwelling): 16'10"
	Side (ADU): 0"	Side (ADU): 0"
Rear (min): 25'	Rear: 84'4"	Rear: 72'8"
	Rear (ADU): 74'1"	Rear: 74'1"

NON CONFORMANCE - Article 8.22.2.d

This paragraph relates to the preexisting nonconforming side setbacks of the South side of the main dwelling, which is 6'-7". The minimum requirement is 7'-6".

We propose to expand the two stories of the main house, in place of the actual porch (rear facade).

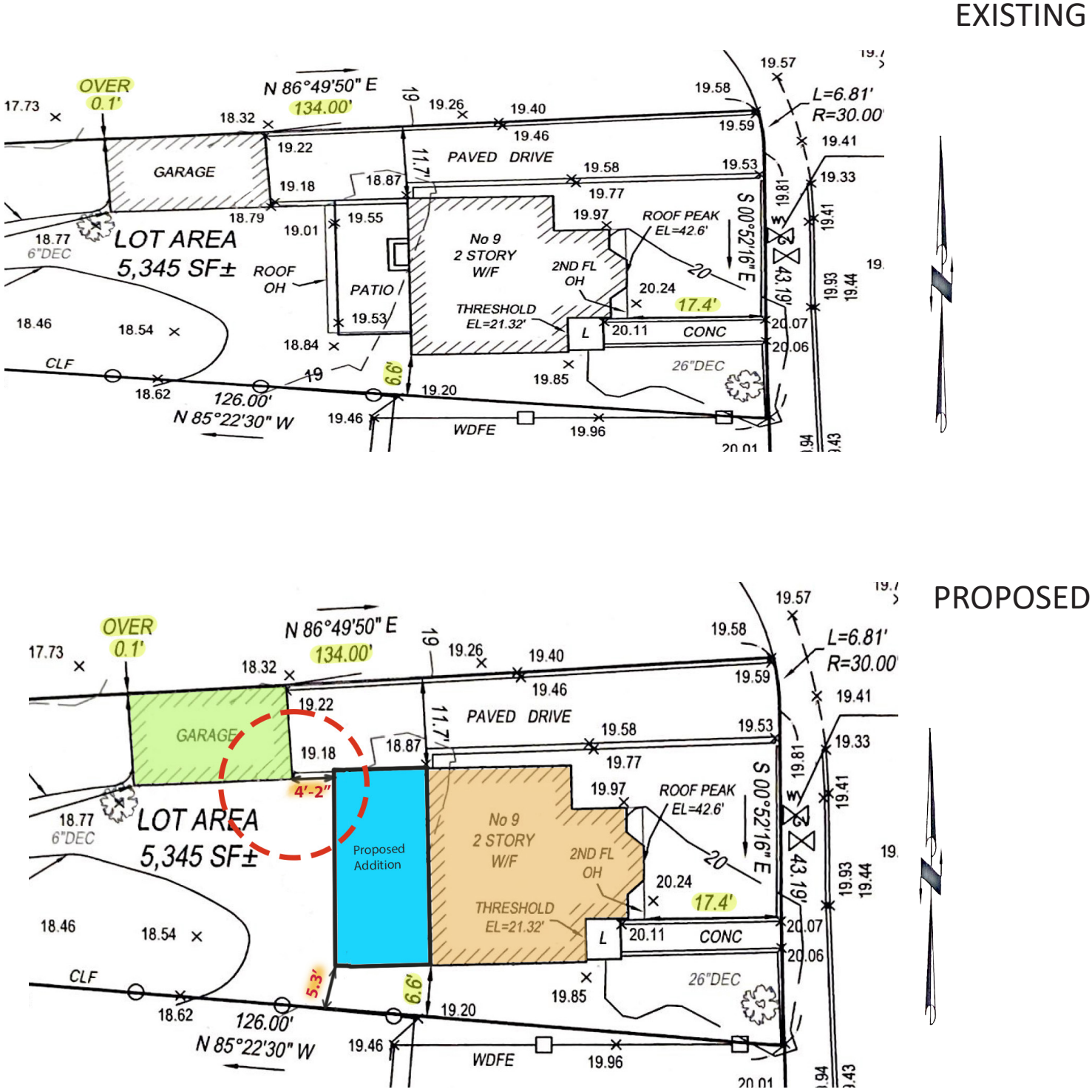
Doing so, we will increase the the preexisting nonconforming side setback, from 6'-7" to 5'-3". We will also meet the criteria in section 10.43 (public interest).

NON CONFORMANCE - Article 4.21.h

In Residence A, B, C, and C-1 Districts an accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district.

Distance between ADU and principal dwelling:

Allowed: 10'-0" min Existing: 8'-3" Proposed: 4'-2"



Article10.43

The proposed renovation won't create any visible change to the property from the street.

It won't also :

- detriment to the public interest
- impair the integrity of the district or adjoining district.
- cause any hazard or substantial changes in the established character of the neighborhood.



OS RATIO

Minimum allowed: 40%alterate an existibng accessory building vc4
Proposed Usable Open Space (lot area-1st FL-studio-driveway-walkway)=3,322 Sq. Ft.
Proposed OS Ratio = 3,322/5,345= 62% - CONFORM

ALTERATION OF EXISTING ACCESSORY BUILDING - Article 4.22.1

Four conditions are required:

1. The dwelling was built in 1936, before February 1st, 2019 ✓
2. Non Applicable (ADU is detached from main dwelling) ✓
3. GFA (ADU) is 264 Sq. Ft., which is less than 400 Sq. Ft. (=35% of Principal dwelling's GFA) ✓
4. There will be ONLY one ADU ✓

wendelklein
DESIGN / BUILD

SHAIBANI RESIDENCE
9, Kassul Park
Cambride, MA 02140

ZONING

MAXIMUM ALLOWED GFA CALCULATION - Article 5.31 - Table 5-1, note (j)

FAR₁ (first 5,000 Sq.Ft.) = 0.5

FAR₂ (additional 345 Sq.Ft.) = 0.35

Max. GFA = [(5,000x FAR₁) + (345x FAR₂)] x Lot Area (Article 5.27.2)

Max. GFA = 2,620 Sq.Ft.

Existing GFA

First Floor: 803.50 Sq.Ft.

Second Floor: 550.58 Sq.Ft.

Proposed GFA

First Floor: 937.50 Sq.Ft.

Second Floor: 808.58 Sq.Ft.

ADU First (240 Sq.Ft.) + Second (24 Sq.Ft.)= 264 Sq.F.

Total: 1,354.08 Sq. Ft.

Total: **2,010.08 Sq. Ft.**

FAR CALCULATION

FAR=GFA/Lot area

Existing FAR

GFA = 1,354.08 Sq.Ft.

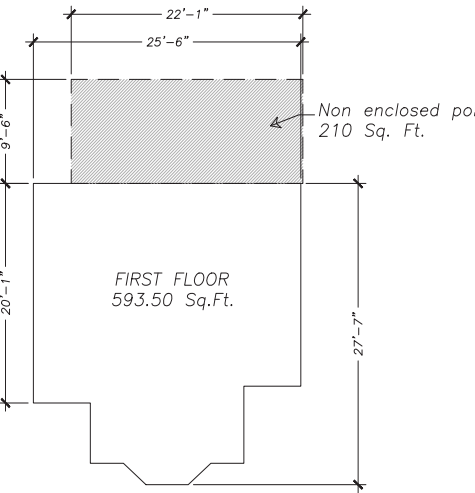
FAR (=1,354/5,345)= **0.25**

Proposed FAR

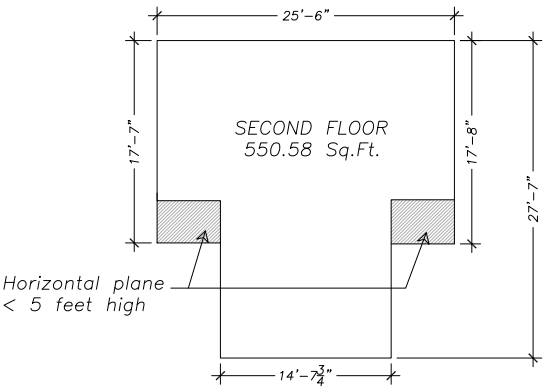
GFA = 2,010.085 Sq.Ft.

FAR (=2,010.08/5,345)= **0.38**

EXISTING

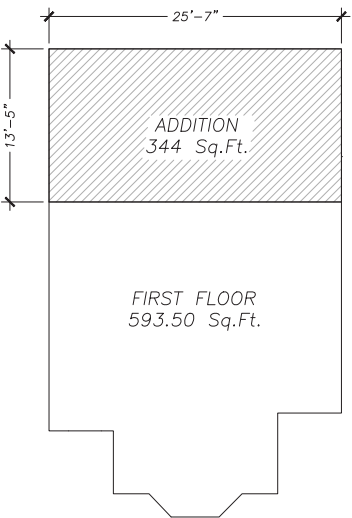


1st Floor

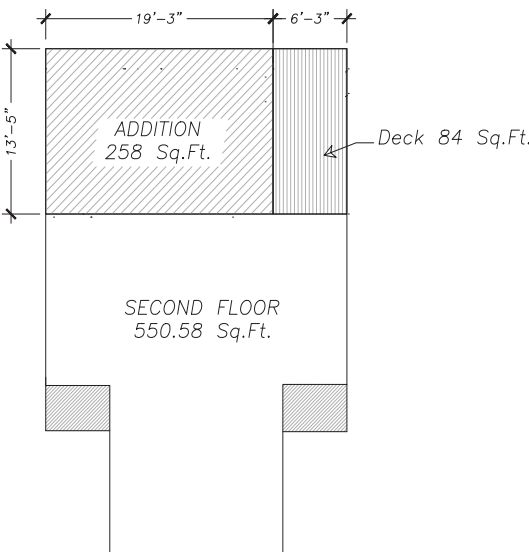


2nd Floor

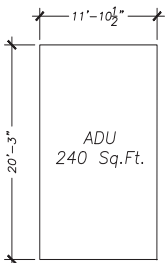
PROPOSED



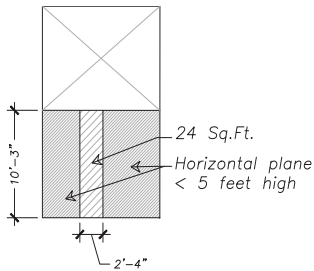
1st Floor



2nd Floor



Studio 1st FL



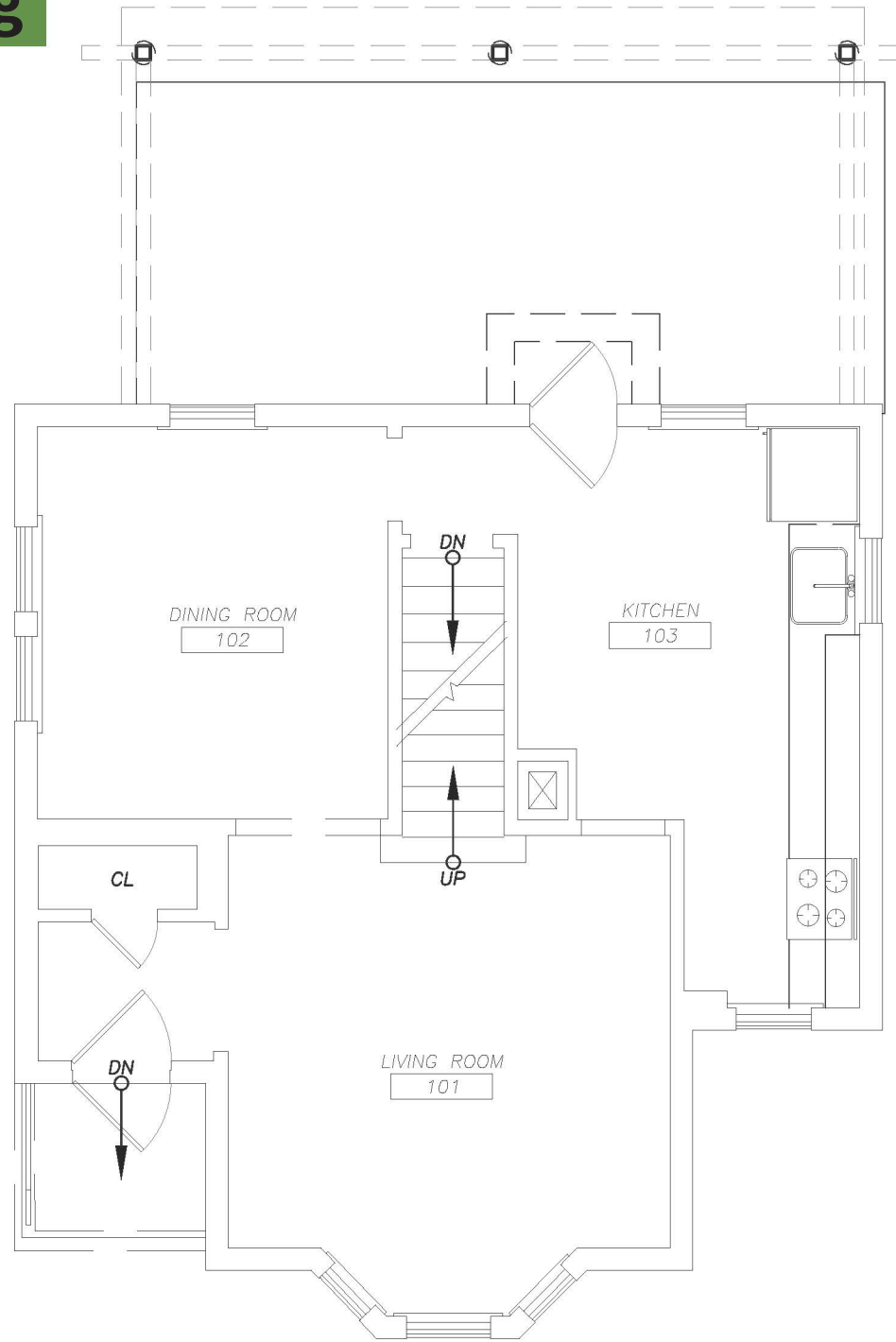
Studio 2nd FL

wendelklein
DESIGN / BUILD

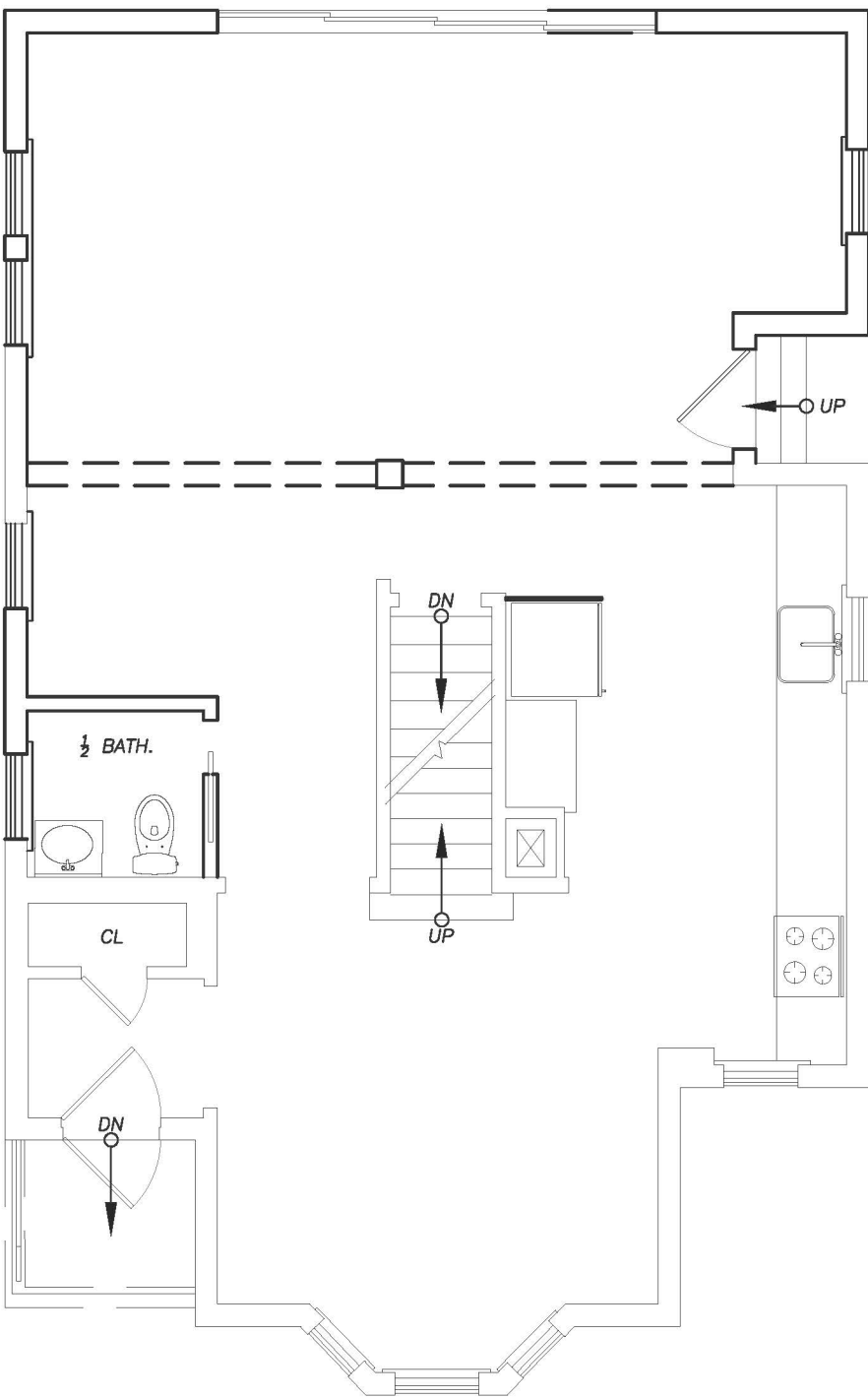
SHAIBANI RESIDENCE
9, Kassul Park
Cambride, MA 02140

ZONING

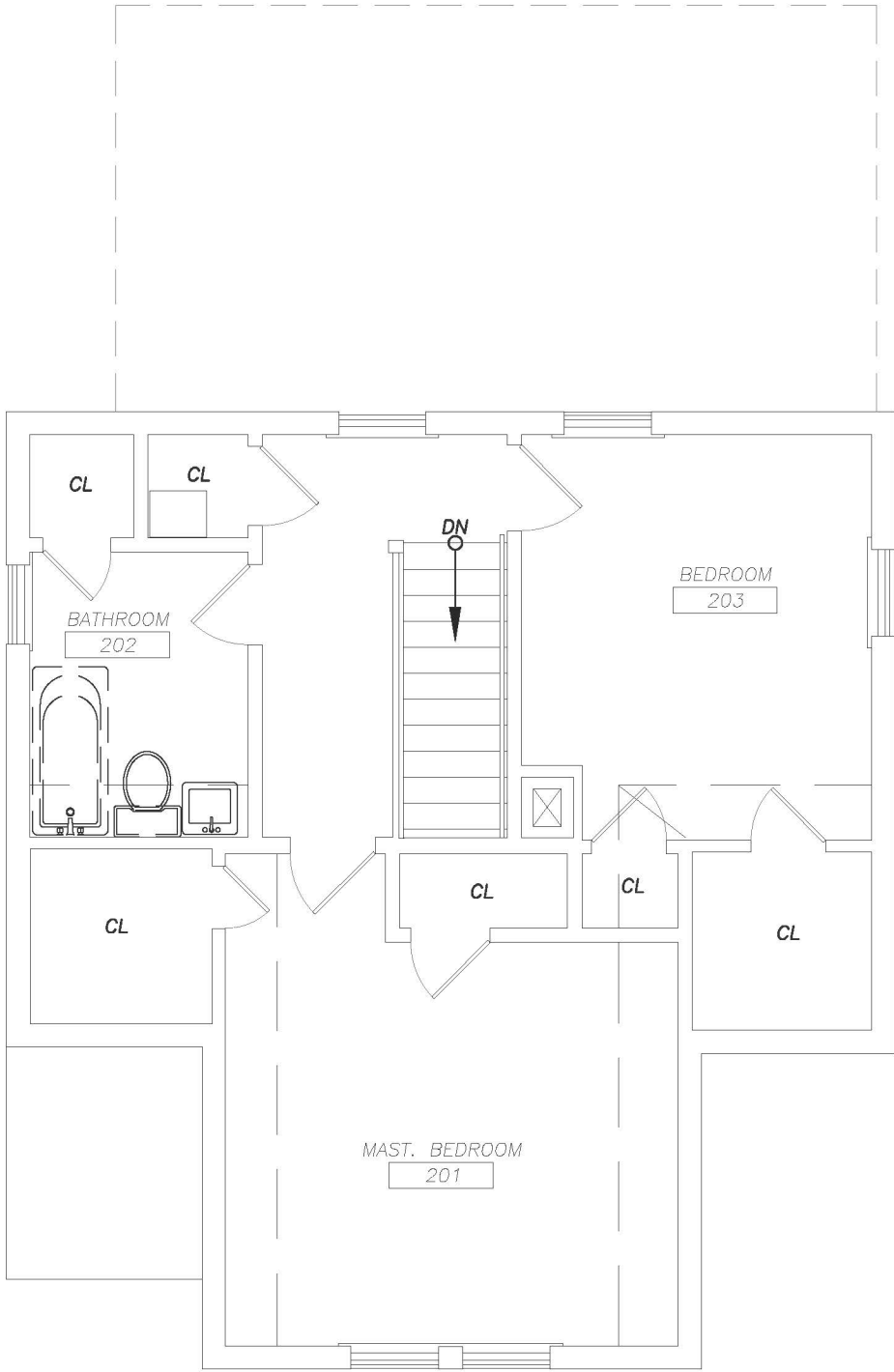
Existing



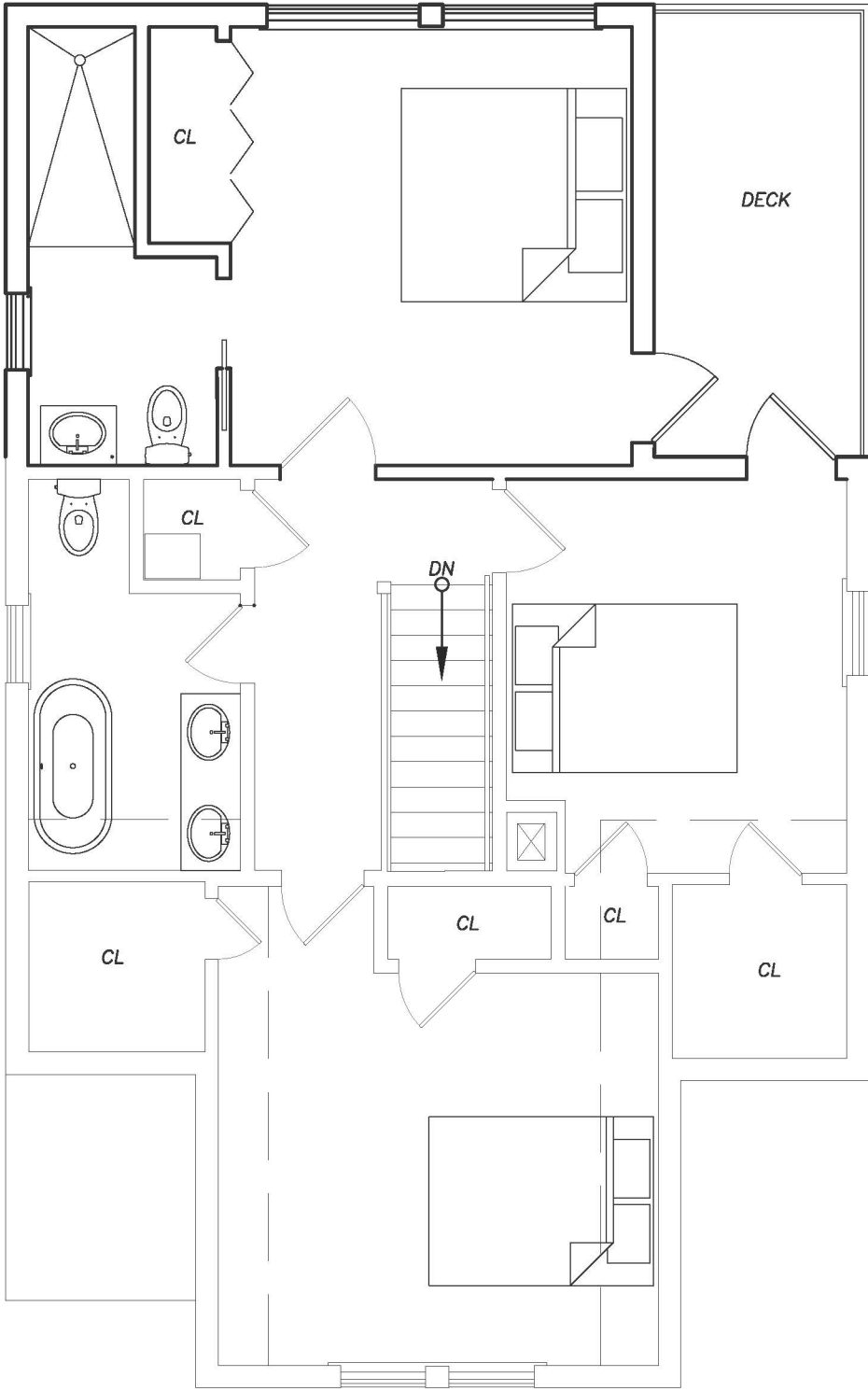
Proposed



Existing



Proposed



East Elevation

Street View



North Elevation



West Elevation



South Elevation



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DESIGN / BUILD

SHAIBANI RESIDENCE
9, Kassul Park
Cambridge, MA 02140

**ADDITION
EXISTING
ELEVATIONS**

East Elevation

Street View



North Elevation



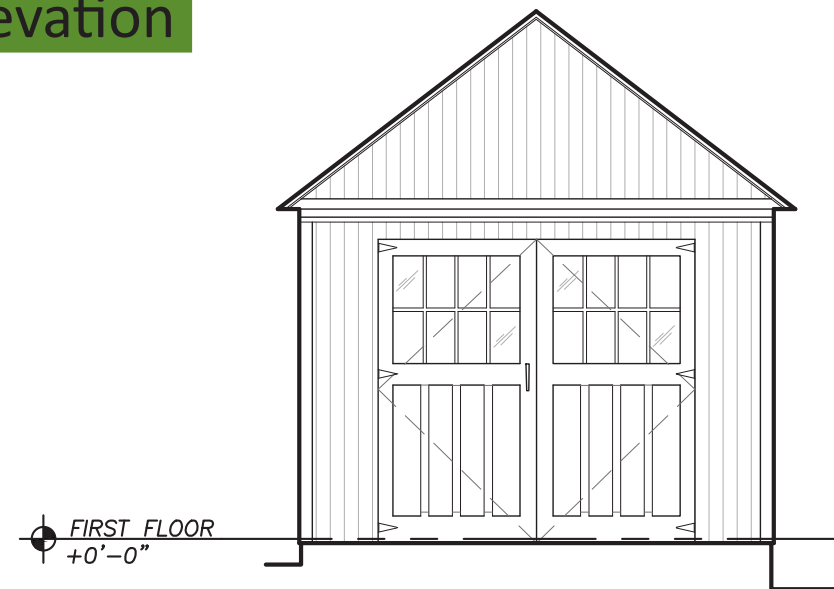
West Elevation



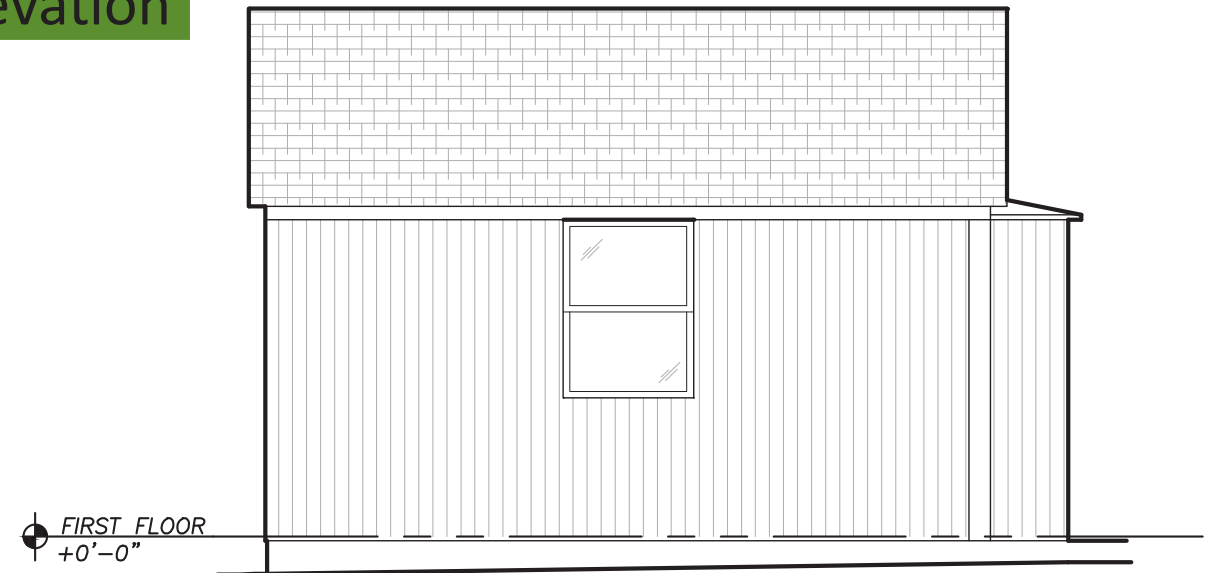
South Elevation



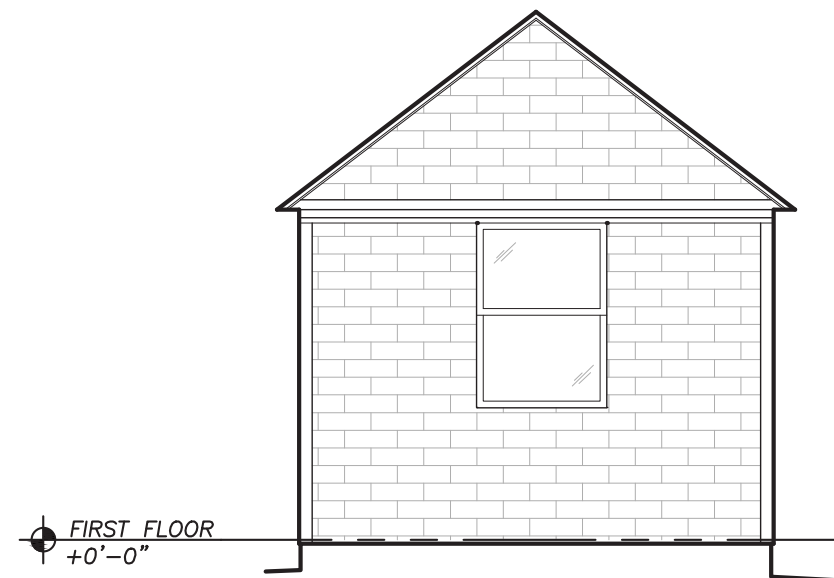
East Elevation



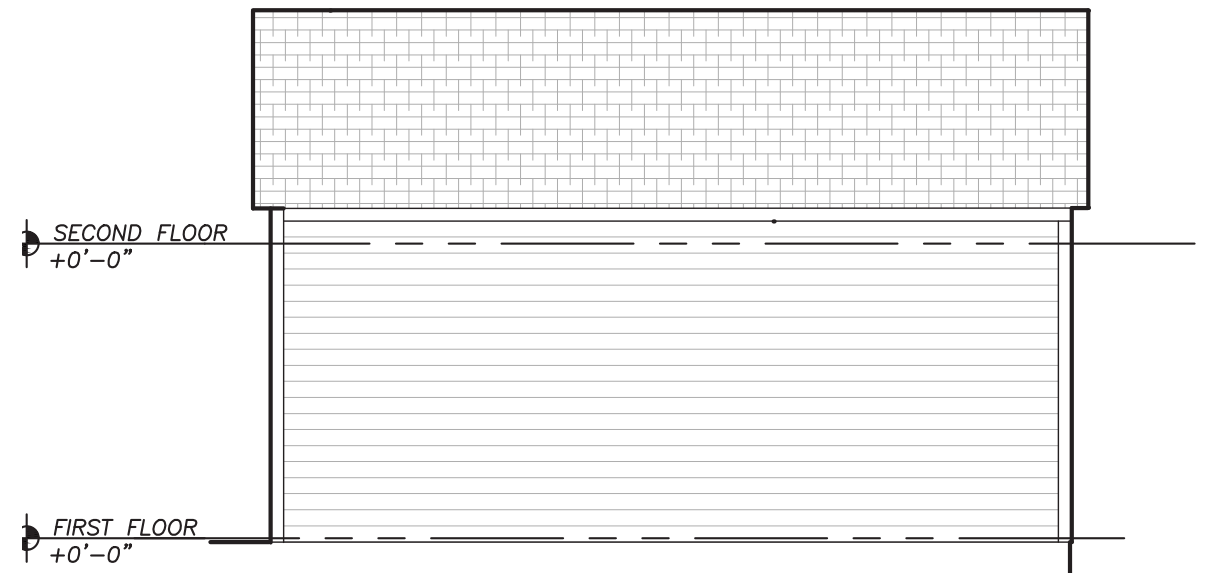
South Elevation



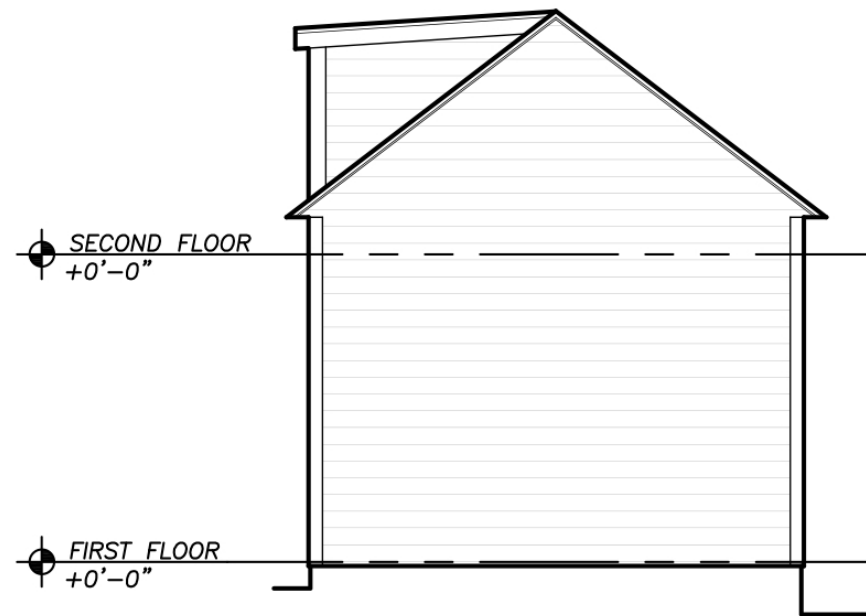
West Elevation



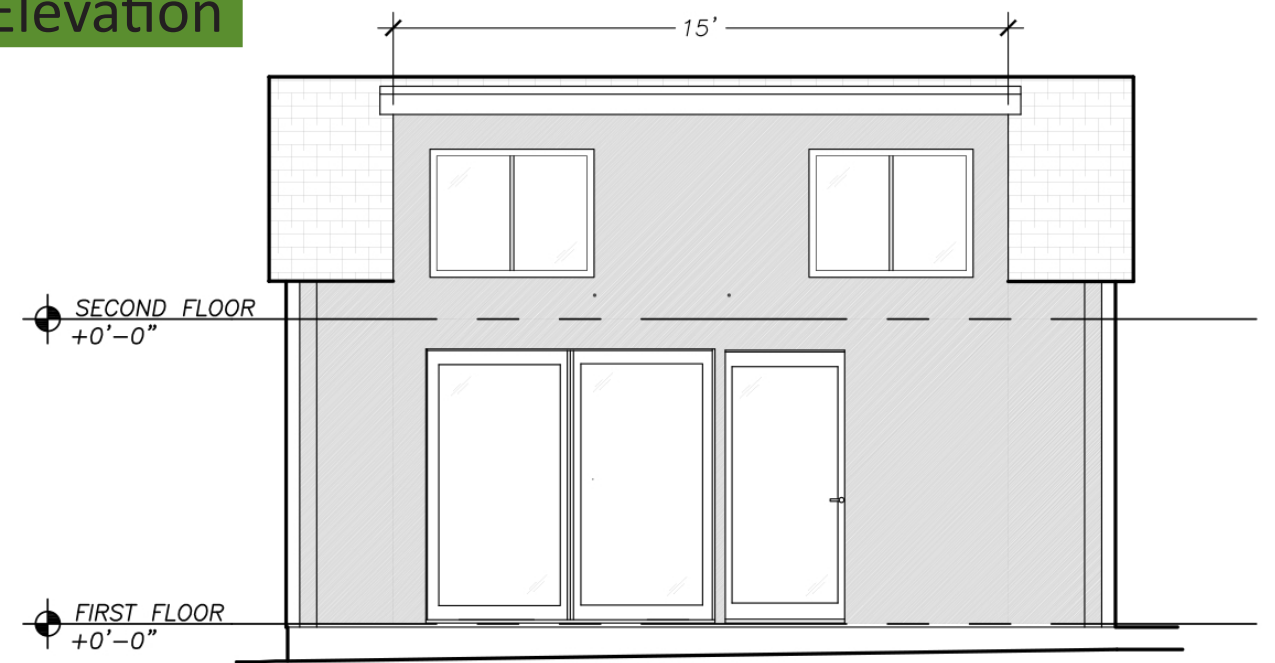
North Elevation



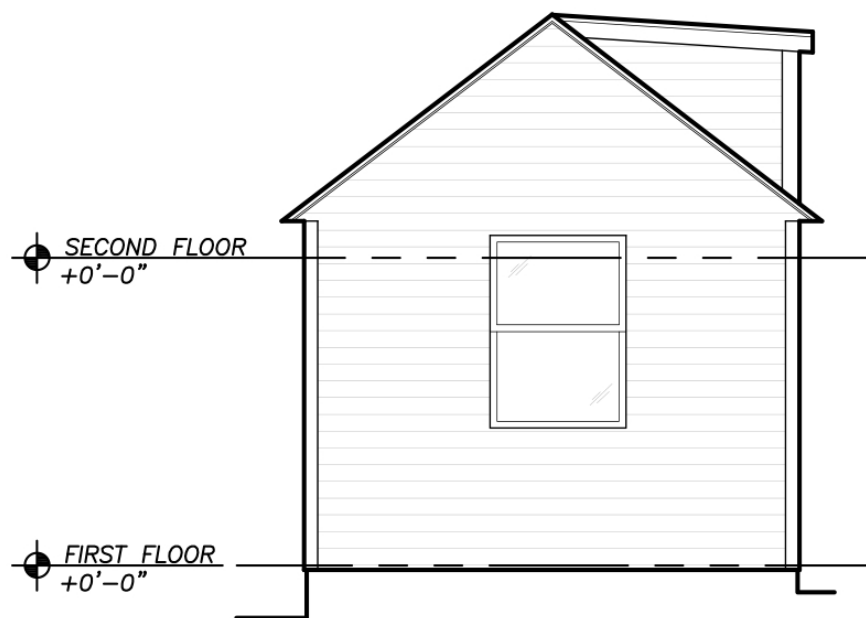
East Elevation



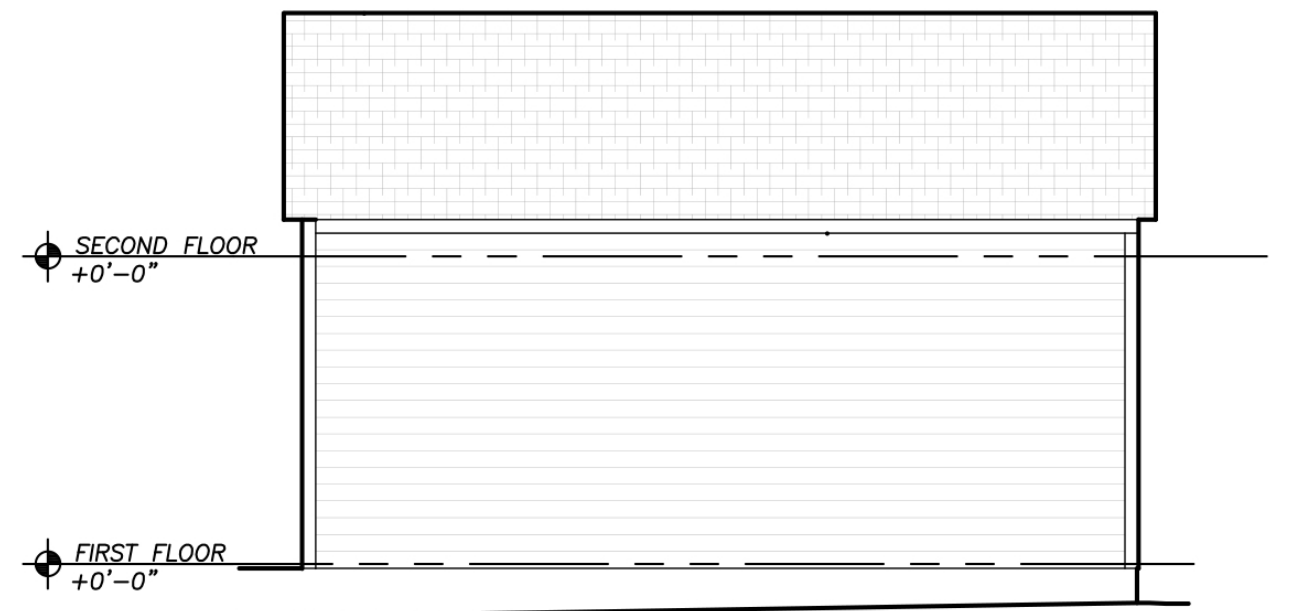
South Elevation



West Elevation



North Elevation



Hello Jess

I wanted to give you this letter to explain the addition I want to add to my home. I am looking to add 589 sq feet total. From the 589 sq ft , 240 sq ft is the conversion of the garage to a tiny home, 344 sq ft will be addition to the first floor and 258 sq ft will be added to the second floor.

The addition will be were the deck is now. The windows will be facing west. There will be a 2nd floor balcony that will face your house.

The garage will have the same footprint and the door and windows will be facing my back yard and not your home. This should minimize impingement onto your property or views

Enclosed is the drawing that I will be presenting to the board for approval.

I would like to discuss this matter with you and have a letter for you to sign if you are ok with the design I am proposing



Kamand

10/6/22



I do not object to the design addition to 9 Kassul Park Cambridge MA

I do object to the design addition to 9 Kassul Park Cambridge MA

Name:

Jessica A. Dansman

Signature:

Jessica A. Dansman

✓
_____ I do not object to the design addition to 9 Kassul Park Cambridge MA

_____ I do object to the design addition to 9 Kassul Park Cambridge MA

Name:

Amy Kipp

Signature:

[Handwritten signature]

This is exciting,
If you really
need to speak with
me, text me at
617-388-1422, but
I have no questions
or objections.

Amy

9 Kassul Park

Petitioner

187-27
KAISER, DONALD J., JR. AND GAIL S. GABRIEL
22 SEAGRAVE RD
CAMBRIDGE, MA 02140

187-31
ERCOLANI, LOUIS &
MAEVE D. MCNALLY ERCOLANI
13-14 SEAGRAVE RD., #14
CAMBRIDGE, MA 02140

187-47
SHAIBANI, KAMAND B.
9 KASSUL PK
CAMBRIDGE, MA 02140

187-50
KIPP, AMY K.
111 WHITTEMORE AVE
CAMBRIDGE, MA 02140-1634

187-29
KELLIHER, JOSEPH F. & MARY MARTHA HALL
17 SEAGRAVE RD
CAMBRIDGE, MA 02139

WENDEL KLEIN BUILDERS, INC.
C/O OLIVER J. CHANGEART
2464 MASS AVENUE – SUITE 400
CAMBRIDGE, MA 02140

187-71
KALE, DAVID J.
10 KASSUL PARK
CAMBRIDGE, MA 02140

187-28
ROPER, KATHLEEN ADELE
20 SEAGRAVE RD
CAMBRIDGE, MA 02140-1618

187-30
DOWNS, KAREN & KATHRYN KILLORAN
15-16 SEAGRAVE RD., UNIT #15
CAMBRIDGE, MA 02140

187-30
DOWNS, KARIN & KATHRYN KILLORAN
16 SEAGRAVE RD
CAMBRIDGE, MA 02140

187-51
RAEBURN, KENNETH G.
4 KASSUL PK
CAMBRIDGE, MA 02140

187-52
BRIK, ELIZABETH W
20 KASSUL PK
CAMBRIDGE, MA 02140-1637

187-33
LUCHANGCO, VICTOR
9-10 SEAGRAVE RD., UNIT #2
CAMBRIDGE, MA 02140

187-53
JABLOKOW, ALEXANDER
16 KASSUL PK
CAMBRIDGE, MA 02140

187-33
LANE, SUZANNE T.
9 SEAGRAVE RD #1
CAMBRIDGE, MA 02140

187-46
DAUSMAN, JESSICA A. LIFE ESTATE
15 KASSUL PARK
CAMBRIDGE, MA 02140

187-31-70
CHA RAD PROPERTIES LLC
362 GREEN ST
CAMBRIDGE, MA 02139

187-32
LIU, TIEQUIN ROQUERRE
P.O. BOX 373
BELMONT, MA 02478

187-75
IQHQ-ALEWIFE LLC
674 VIA DE LA VALLE - STE 206
SOLANA BEACH, CA 92075



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: Olivier Jamin Changeant Date: 11/15/2022
(Print)

Address: 9 Kassul Park

Case No. BZA-200398

Hearing Date: 12-1-22

Thank you,
Bza Members

Variance Supporting Statement – 9 Kassul Park

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 owners are seeking to add a modest amount of habitable space to the existing small house, but the narrowness of the lot makes it extremely difficult to construct a modest addition to the house without coming closer to the accessory building

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: *

The hardship arises from the unusual narrowness of the lot. A modest addition to the rear of the house, which would keep the total FAR of the residence well below the allowable maximum, cannot reasonably be achieved without slightly reducing the existing non-conforming distance between the house and the accessory building. The alternative of demolishing and relocating the garage building back along the property line, rather than simply renovating the existing for accessory use, would be inordinately expensive, and would detract from the open space in the back yard and disturb the immediate abutter.

C-

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons: *

*The addition to the house is not visible from the street.
The dormer on the garage will have a minimal visual impact from the street, only while looking down to the 65-foot-long driveway.
We are not losing parking spaces since the driveway remains as is and will retain sufficient space for parking.*

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

*Per article 4.22.1, the four conditions required for altering an existing accessory are met.
The petitioner is proposing to renovate her garage which is an underutilized accessory building.
The proposed plans will change a pre-existing nonconforming dimension requirement per the article 4.21.h.*