

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 Rebecca & Bryan Sparkes
(OWNER)

Address: 26 Lowell St. Cambridge, MA 02138

State that I/We own the property located at 26 Lowell St. Cambridge, MA which is the subject of this zoning application.

The record title of this property is in the name of Sparkes, Bryan K. and Rebecca Wells Sparkes

*Pursuant to a deed of duly recorded in the date 1/15/2015, Middlesex South County Registry of Deeds at Book 64800, Page 159; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

[Handwritten 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 Suffolk

The above-name Rebecca and Bryan Sparkes personally appeared before me, this 19 of June, 2018, and made oath that the above statement is true.

[Handwritten Signature] Notary

My commission expires Oct 4, 2024 (Notary Seal).



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

Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to fading and bleed-through.

Handwritten text in the middle section of the page, appearing to be a list or series of notes.

Handwritten text in the lower middle section, continuing the list or notes.

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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:

A literal enforcement of the Ordinance would be a substantial hardship to the Petitioner because the floor plan of the existing dwelling is dated and the current configuration of the first floor area limits the functionality of the living, kitchen and dining areas. Granting the requested addition will allow for a more modern and functional open plan layout that is family friendly and allows for a mudroom adjacent to the driveway.

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 hardship is owing to the location of the non-conforming structure that was built less than 5' from the property line and in excess of the allowed gross floor area therefor any change to that side of the property would require relief.

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

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

Desirable relief may be granted with any detriment to the public good because the character and integrity of the single family will be maintained and the functionality of the dwelling will be enhanced to be more family friendly.

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

The relief requested is consistent with the intent and purpose of the Ordinance, specifically section 1.03, that calls for the most rational use of the land throughout the city. The property is sited in a single and two family residential district and the proposed addition will be consistent with street-scape and the design requirements of the Half-Crown Marsh Conservation Commission design guidelines.

*** 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: Hope Legal law Offices **PRESENT USE/OCCUPANCY:** Single Family
LOCATION: 26 Lowell St Cambridge, MA **ZONE:** Residence B Zone
PHONE: 6174920220 **REQUESTED USE/OCCUPANCY:** Single Family

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>2,210sf</u>	<u>2,236sf</u>	<u>1,390sf</u>	(max.)
<u>LOT AREA:</u>	<u>2,780sf</u>	<u>2,780sf</u>	<u>5,000</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	<u>.79</u>	<u>.80</u>	<u>.5</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>2780sf</u>	<u>2780sf</u>	<u>2,500</u>	(min.)
<u>SIZE OF LOT:</u>	WIDTH	<u>37.5'</u>	<u>37.5'</u>	<u>50'</u> (min.)
	DEPTH	<u>79.73'</u>	<u>79.73'</u>	<u>n/a</u>
<u>SETBACKS IN FEET:</u>	FRONT	<u>8'</u>	<u>8'</u>	<u>15'</u> (min.)
	REAR	<u>22.7'</u>	<u>17.7'</u>	<u>25'</u> (min.)
	LEFT SIDE	<u>1.9'</u>	<u>1.9'</u>	<u>7.5'</u> (min.)
	RIGHT SIDE	<u>10.1'</u>	<u>10.1'</u>	<u>7.5'</u> (min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	<u>32.4'</u>	<u>32.4'</u>	<u>35'</u> (max.)
	LENGTH	<u>41'-3"</u>	<u>41'-3"</u>	<u>n/a</u>
	WIDTH	<u>25.5'</u>	<u>25.5'</u>	<u>n/a</u>
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	<u>40+%</u>	<u>40+%</u>	<u>40%</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>1</u>	<u>1</u>	<u>1</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>2</u>	<u>2</u>	<u>1</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>n/a</u>	<u>n/a</u>	<u>10' min</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.

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'.



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

BZA APPLICATION FORM

GENERAL INFORMATION

2018 AUG -1 PM 3:32
 Plan No: BZA-016984-2018
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : Rebecca and Bryan Sparkes - C/O Sean D. Hope, Esq.

PETITIONER'S ADDRESS : 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 26 Lowell St Cambridge, MA

TYPE OF OCCUPANCY : 4.31 ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :
 Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioners' request Variance relief to construct a one story that is sited within the side and rear yard setback and is increasing the gross floor area of the dwelling.

SECTIONS OF ZONING ORDINANCE CITED :

- | | |
|-----------------------|--|
| Article <u>5.000</u> | Section <u>5.31</u> (Table of Dimensional Requirements). |
| Article <u>8.000</u> | Section <u>8.22.3</u> (Alteration of Non-conforming Structures). |
| Article <u>10.000</u> | Section <u>10.31</u> (Variance). |

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

Sean D. Hope
 (Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139
 Tel. No. : 617-492-0220
 E-Mail Address : sean@hopelegal.com

Date : July 25th 2018

RESIDENCE B SET-BACK REQUIREMENTS:

FRONT: 15'
 SIDE: 7.5' (SUM 20')
 REAR: 25'

HEIGHT OF BUILDING

MEAN GRADE OF THE GROUND
 ADJOINING THE BUILDING: 101.9'
 ROOF PEAK ELEVATION = 134.3'
 HEIGHT = 32.4'

ASSESSORS: MAP 221, LOT 12

ZONING: RESIDENCE B

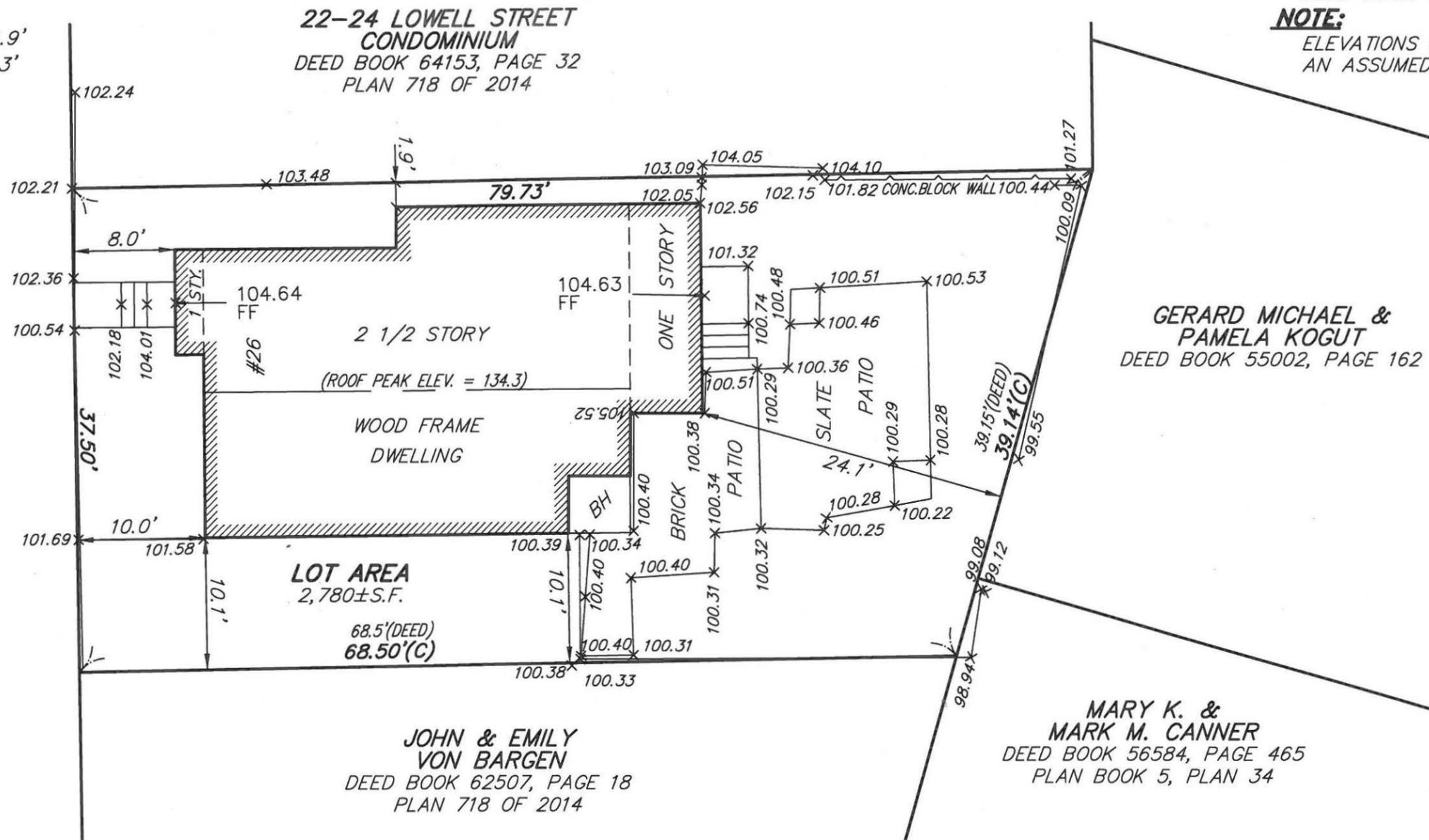
REFERENCE:

DEED BOOK 64800, PAGE 159

NOTE:

ELEVATIONS SHOWN HEREON REFER TO AN ASSUMED DATUM.

LOWELL STREET
 (PUBLIC - 40' WIDE)



MERIDIAN FROM PLAN 718 OF 2014

LEGEND

- × 103.12 SPOT ELEVATION
- (R) RECORD
- (C) CALCULATED
- (DEED) DEED DIMENSION
- × 104.64 ENTRY ELEVATION
- FF



7-20-18

PROFESSIONAL LAND SURVEYOR

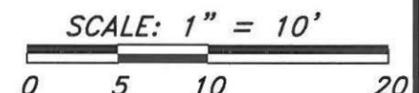
EXISTING PLOT PLAN

OF LAND in
 CAMBRIDGE, MA

PREPARED FOR: BYAN & REBECCA SPARKES

HANCOCK

Survey Associates, Inc.
 185 CENTRE STREET, DANVERS, MA. 01923
 VOICE (978) 777-3050, FAX (978) 774-7816



F:\Civil 3D Projects\21242 Sparkes - Cambridge\dwg\21242SV.dwg Jul 20, 2018 - 1:16 pm

CHK. BY:

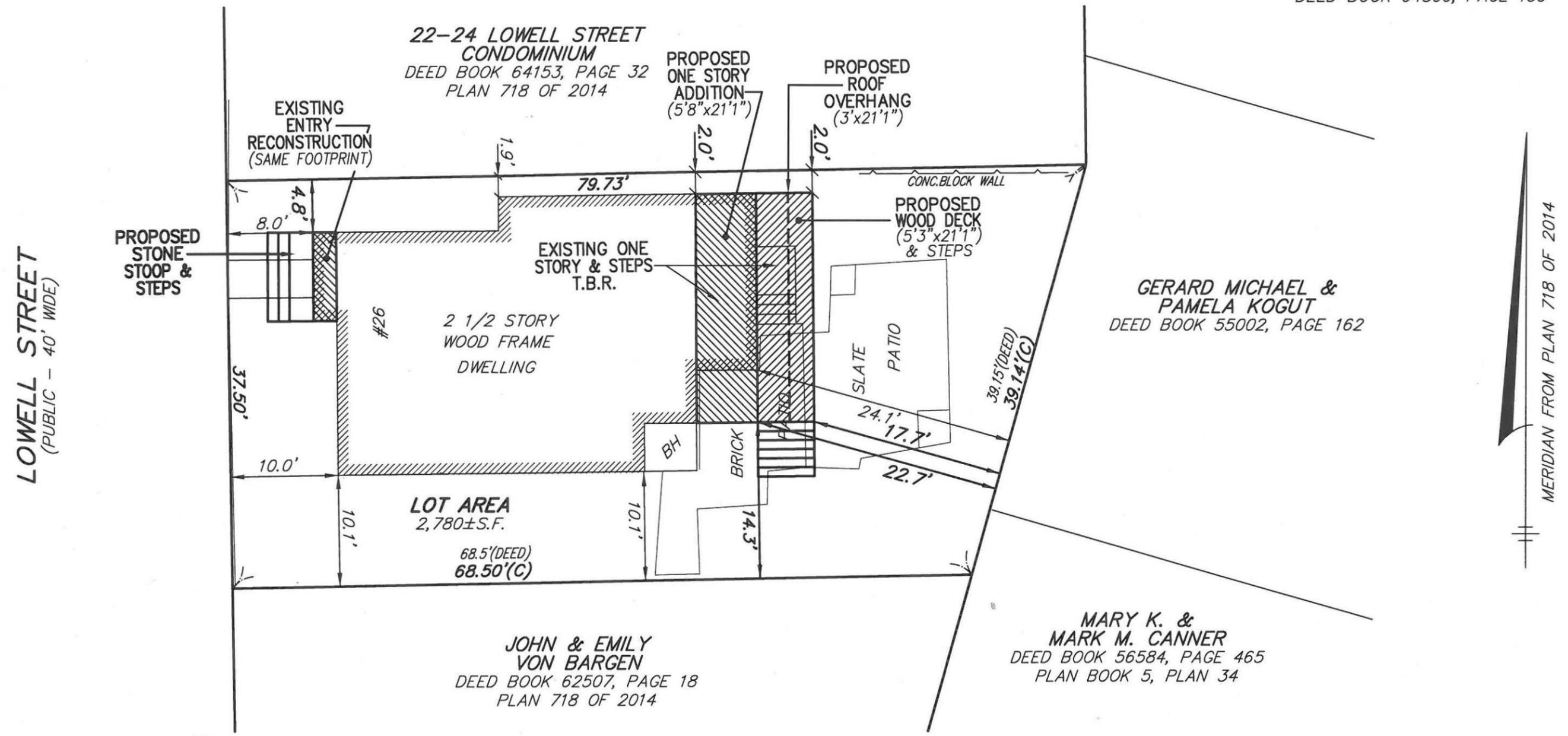
DATE:
 6/5/2018

JOB NO.
 21242

RESIDENCE B SET-BACK REQUIREMENTS:

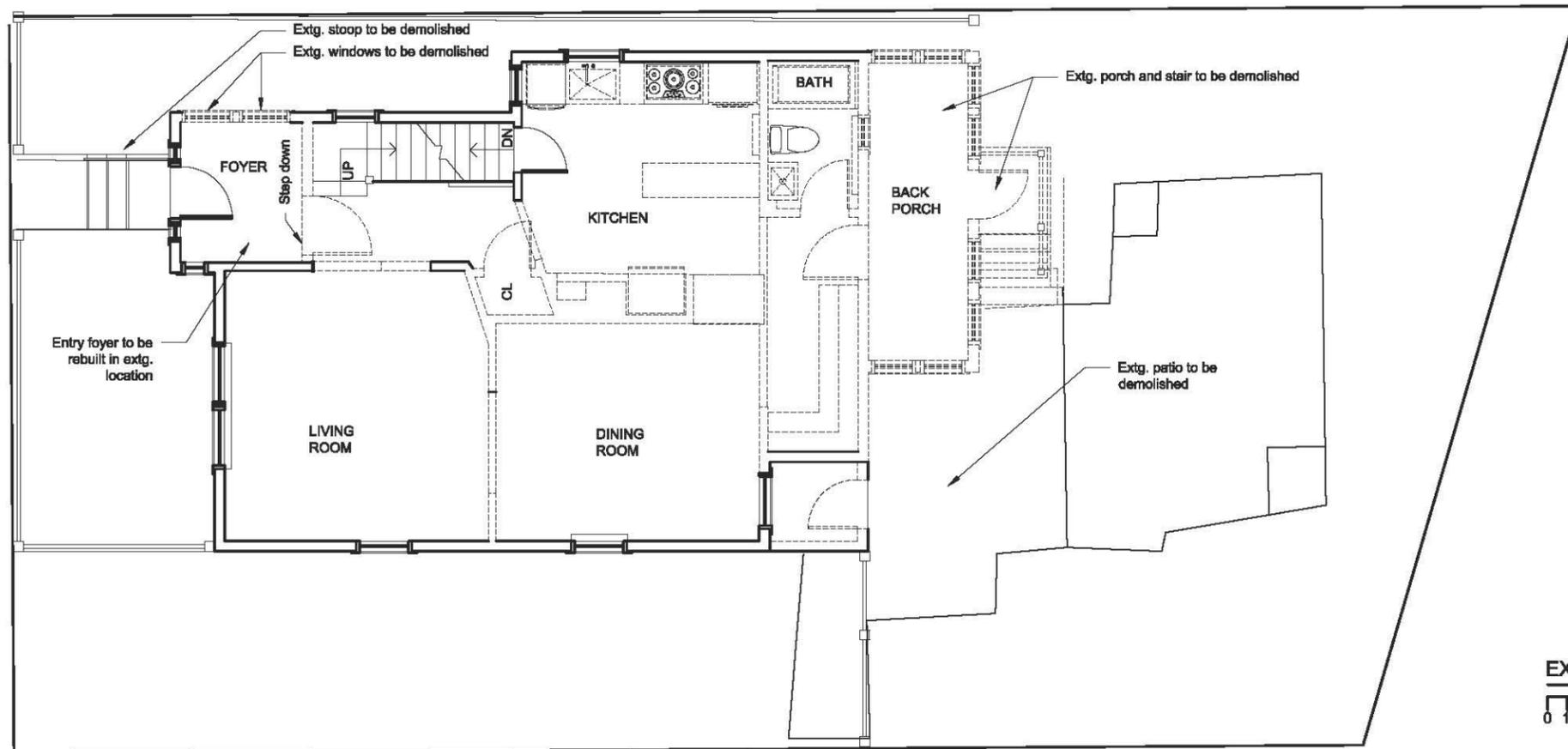
FRONT: 15'
 SIDE: 7.5' (SUM 20')
 REAR: 25'

ASSESSORS: MAP 221, LOT 12
ZONING: RESIDENCE B
REFERENCE: DEED BOOK 64800, PAGE 159

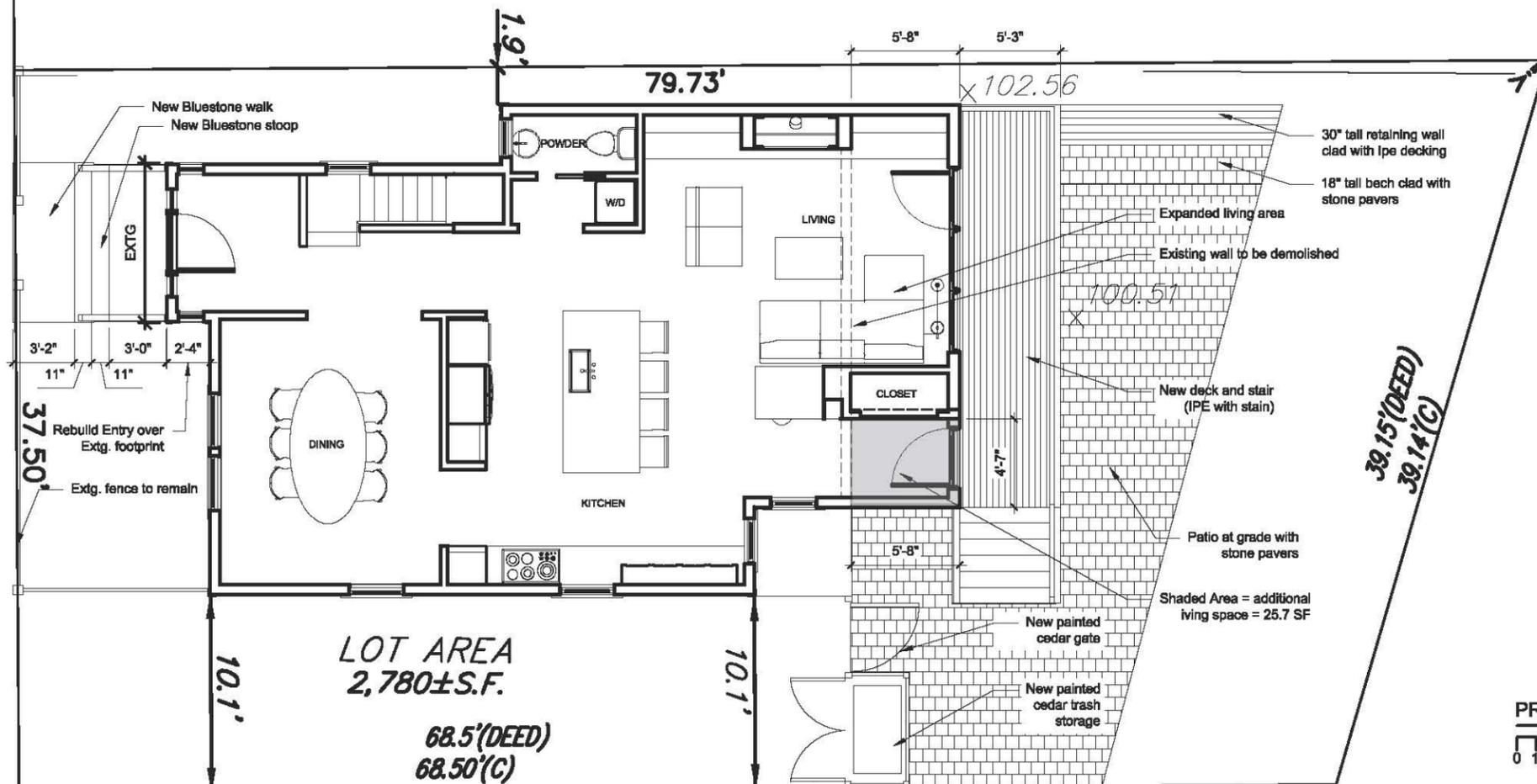
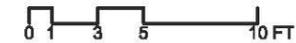


[Handwritten Signature]
 7.20.18
 PROFESSIONAL LAND SURVEYOR

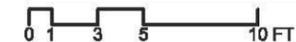
PROPOSED PLOT PLAN OF LAND in CAMBRIDGE, MA PREPARED FOR: BYAN & REBECCA SPARKES		CHK. BY:
HANCOCK Survey Associates, Inc. 185 CENTRE STREET, DANVERS, MA. 01923 VOICE (978) 777-3050, FAX (978) 774-7816		DATE: 6/29/18
SCALE: 1" = 10' 		JOB NO. 21242
F:\Civil 3D Projects\21242 Sparkes - Cambridge\dwg\ 21242SV.dwg Jul 20, 2018 - 1:19 pm		



EXISTING FIRST FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



NOT FOR CONSTRUCTION

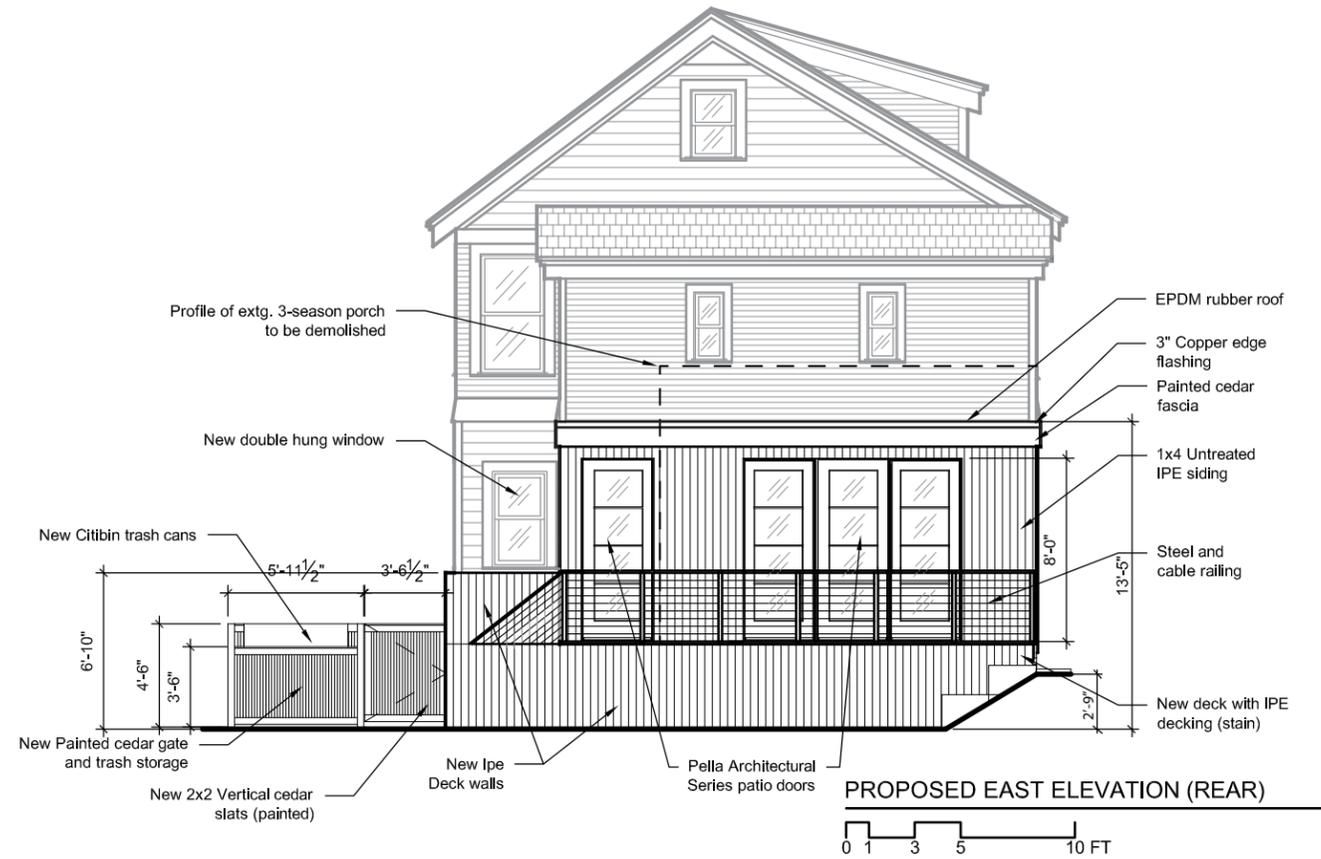
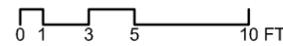
Issue: _____ date: _____

drawing: PLANS

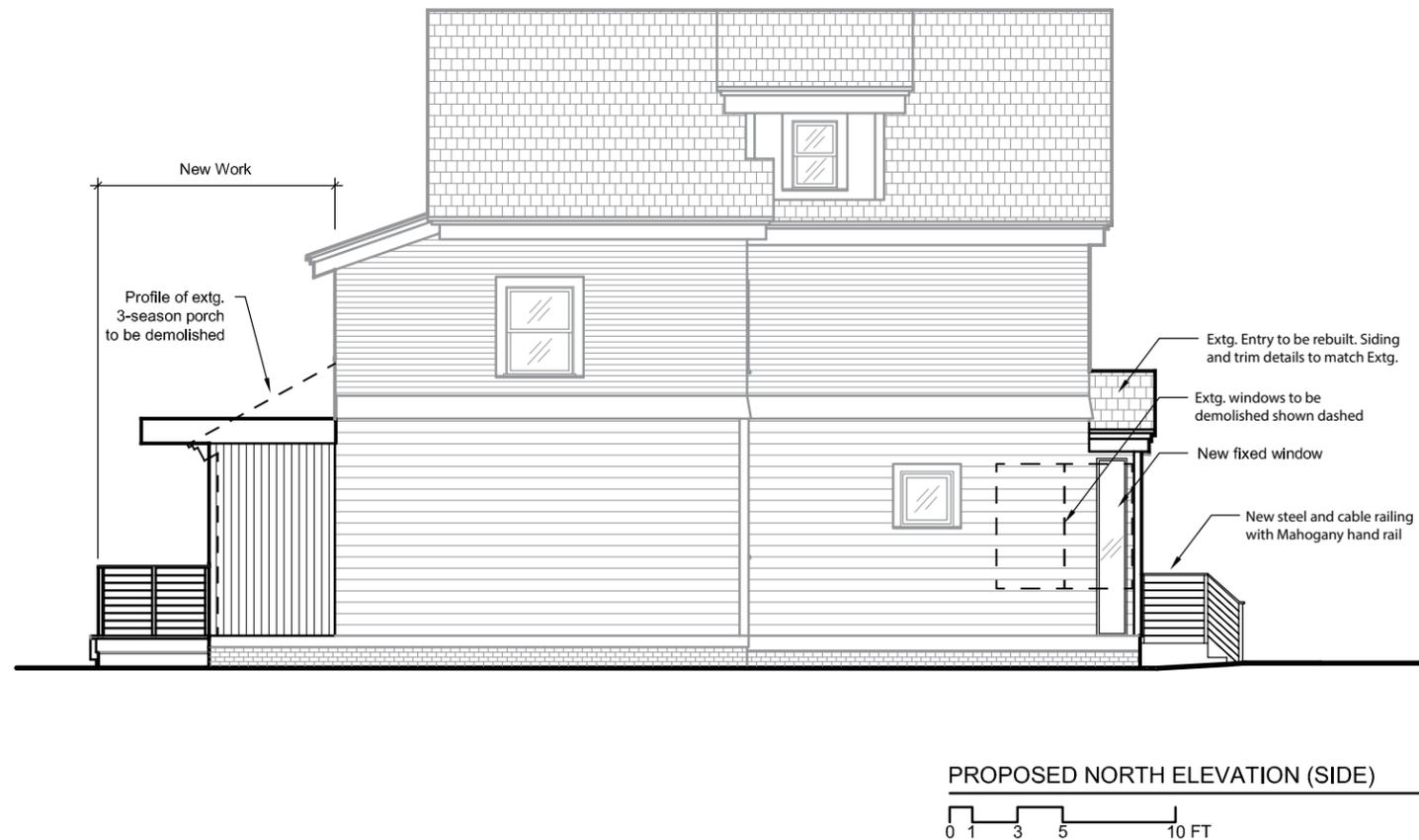
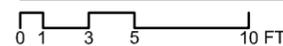
scale: _____



EXISTING EAST ELEVATION (REAR)



EXISTING NORTH ELEVATION (SIDE)



NOT FOR CONSTRUCTION

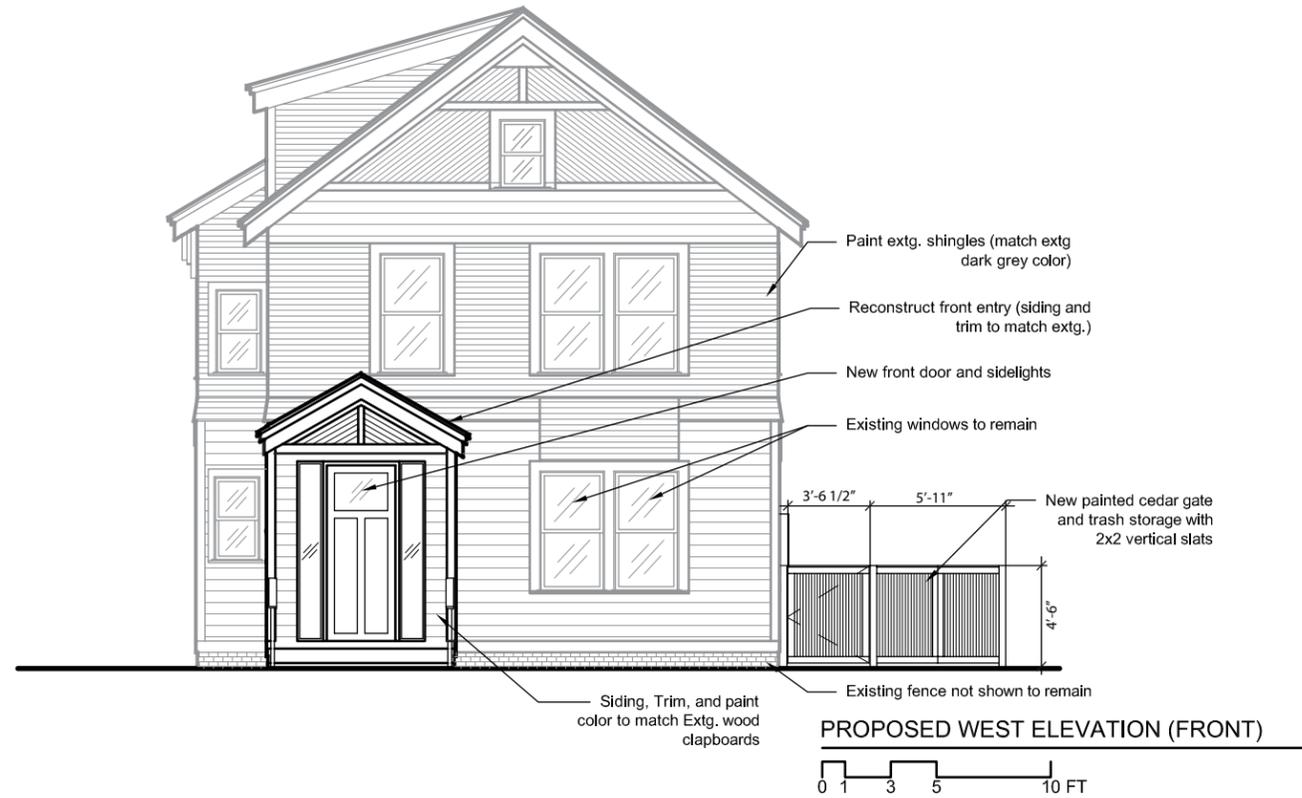
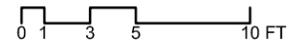
Issue: _____ date: _____

drawing: ELEVATIONS

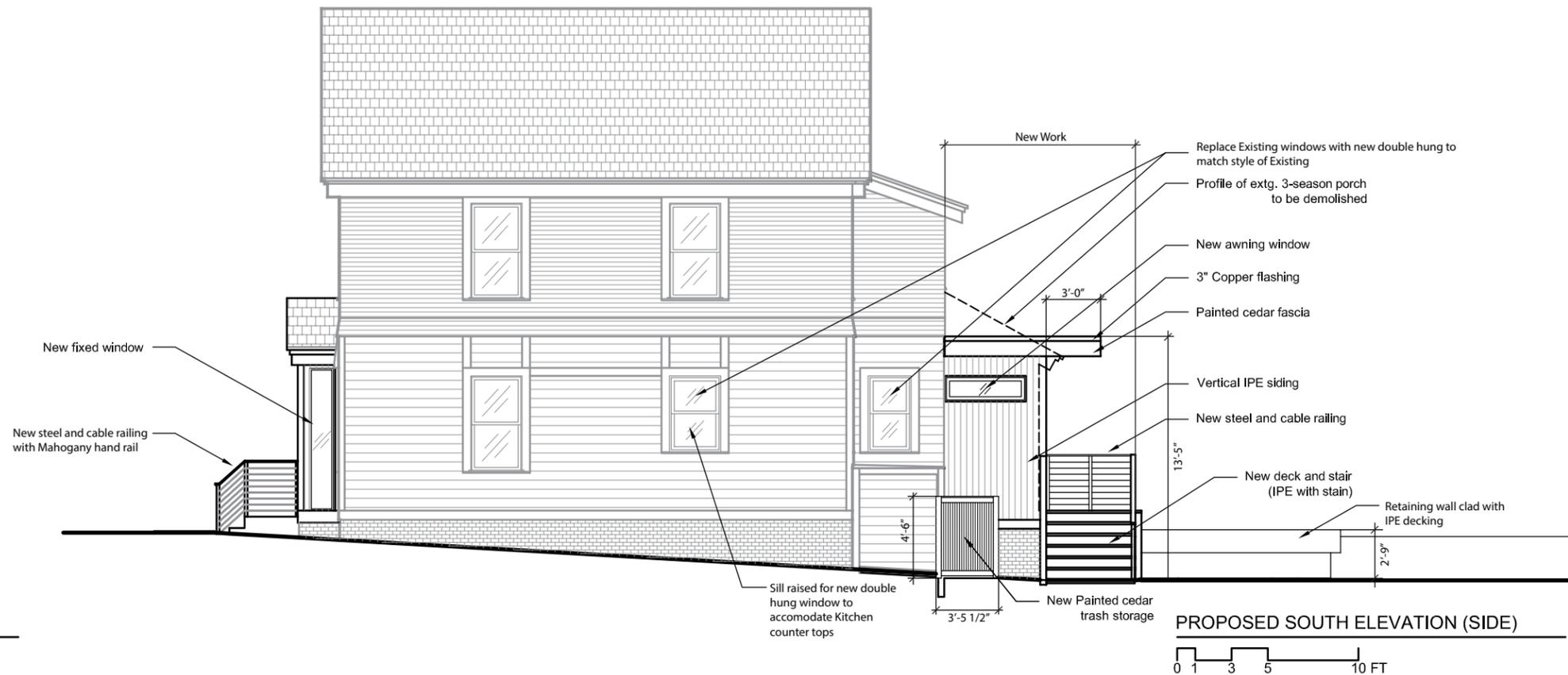
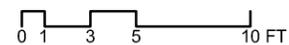
scale: 1/8" = 1'



EXISTING WEST ELEVATION (FRONT)



EXISTING SOUTH ELEVATION (SIDE)



NOT FOR CONSTRUCTION

Issue:	date:

drawing: ELEVATIONS

scale: 1/8" = 1'



Existing North Elevation (Side)



Existing West Elevation (Front)



Existing Front door

NOT FOR CONSTRUCTION

Issue:	date:

drawing: IMAGES

scale:



Existing South Elevation (Side)



Existing South Elevation (Side)



Existing Front & Side

NOT FOR CONSTRUCTION

Issue:	date:

drawing: IMAGES

scale:



Existing Back Porch



Existing Back Porch



Existing East Elevation (Back)

NOT FOR CONSTRUCTION

Issue:	date:

drawing: IMAGES

scale:

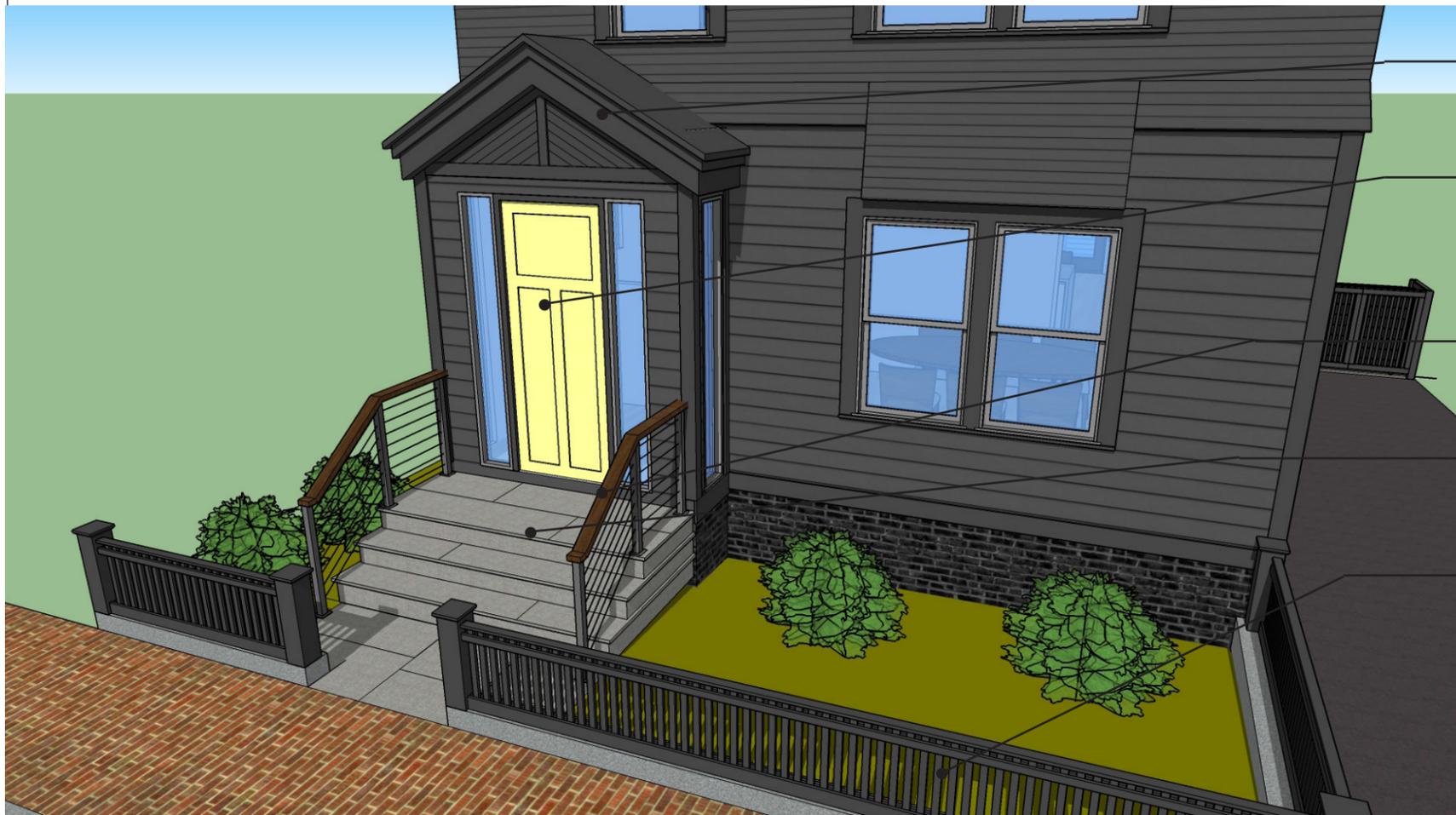


Rebuild Existing roofline to match Existing shingles and trim

New Entry door and sidelights

New steel and cable railing with mahogany hand rail

Existing fence to remain



Rebuild Existing roofline to match Existing shingles and trim

New Entry door and sidelights

New steel and cable railing with mahogany hand rail

New cut bluestone stoop

Existing fence to remain

NOT FOR CONSTRUCTION

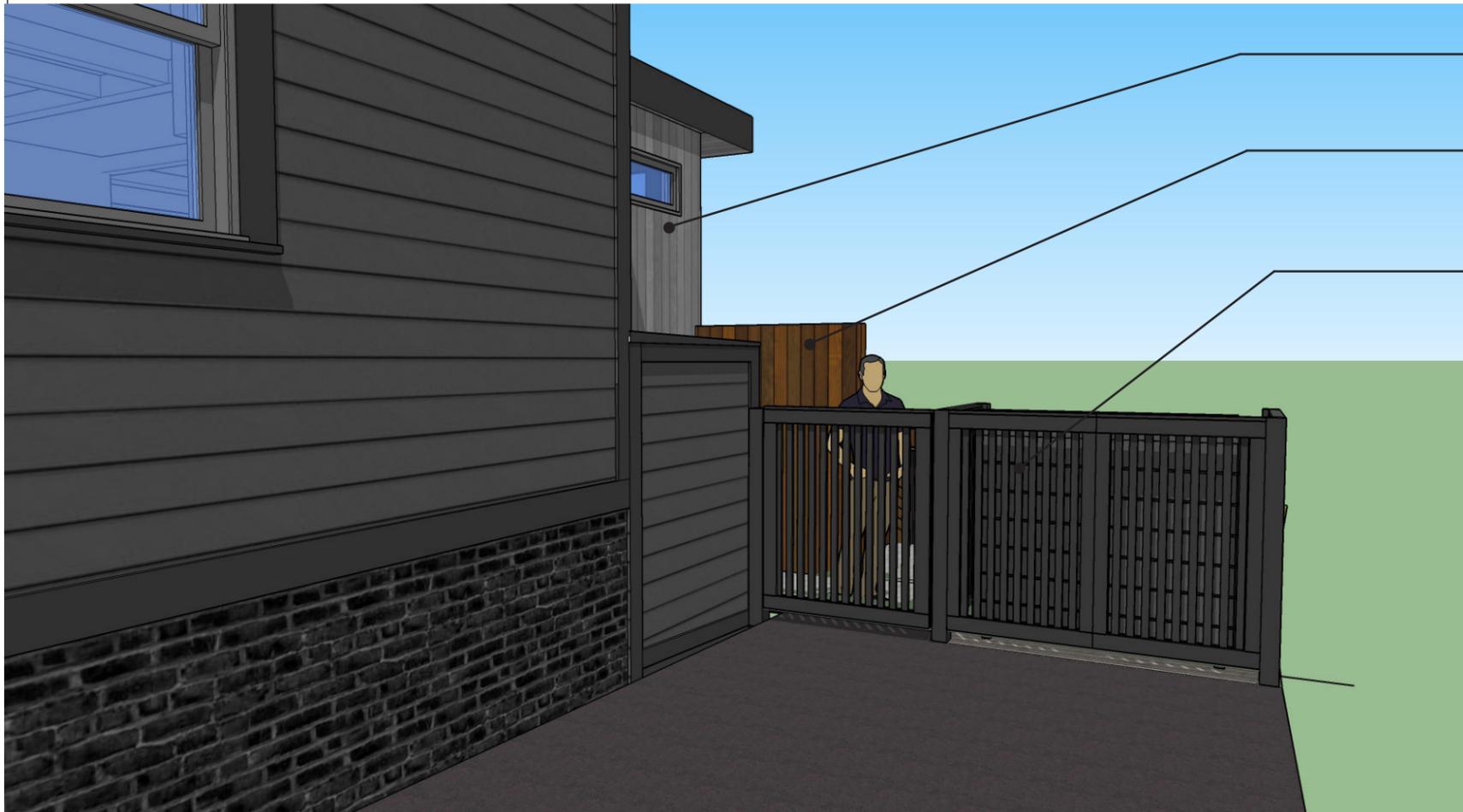
Issue: date:

drawing: RENDERING

scale:



New gate and trash enclosure



Proposed Addition

Proposed deck wall in Ipe (stained)

2x2 Cedar (painted) slats with 1 1/2" gaps in 4x4 cedar frame. See Sheet A2.2 for dimensions.

NOT FOR CONSTRUCTION

Issue:	date:

drawing: RENDERING

scale:



Proposed Addition. See Elevations for details.

Retaining wall with stone cladding and Ipe

Stone Patio at grade

NOT FOR CONSTRUCTION

rev:	date:

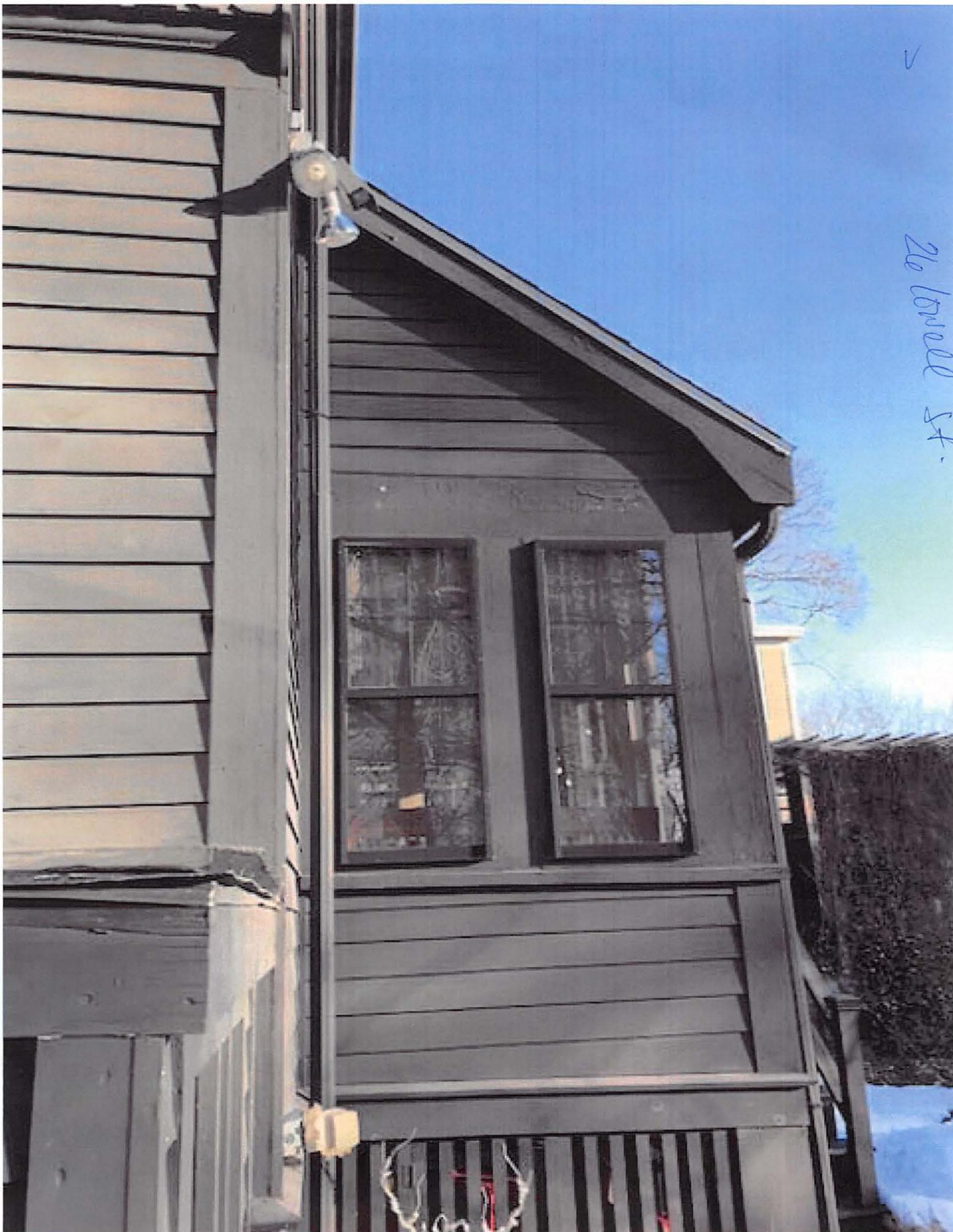
drawing: RENDERING

scale:

A4.3

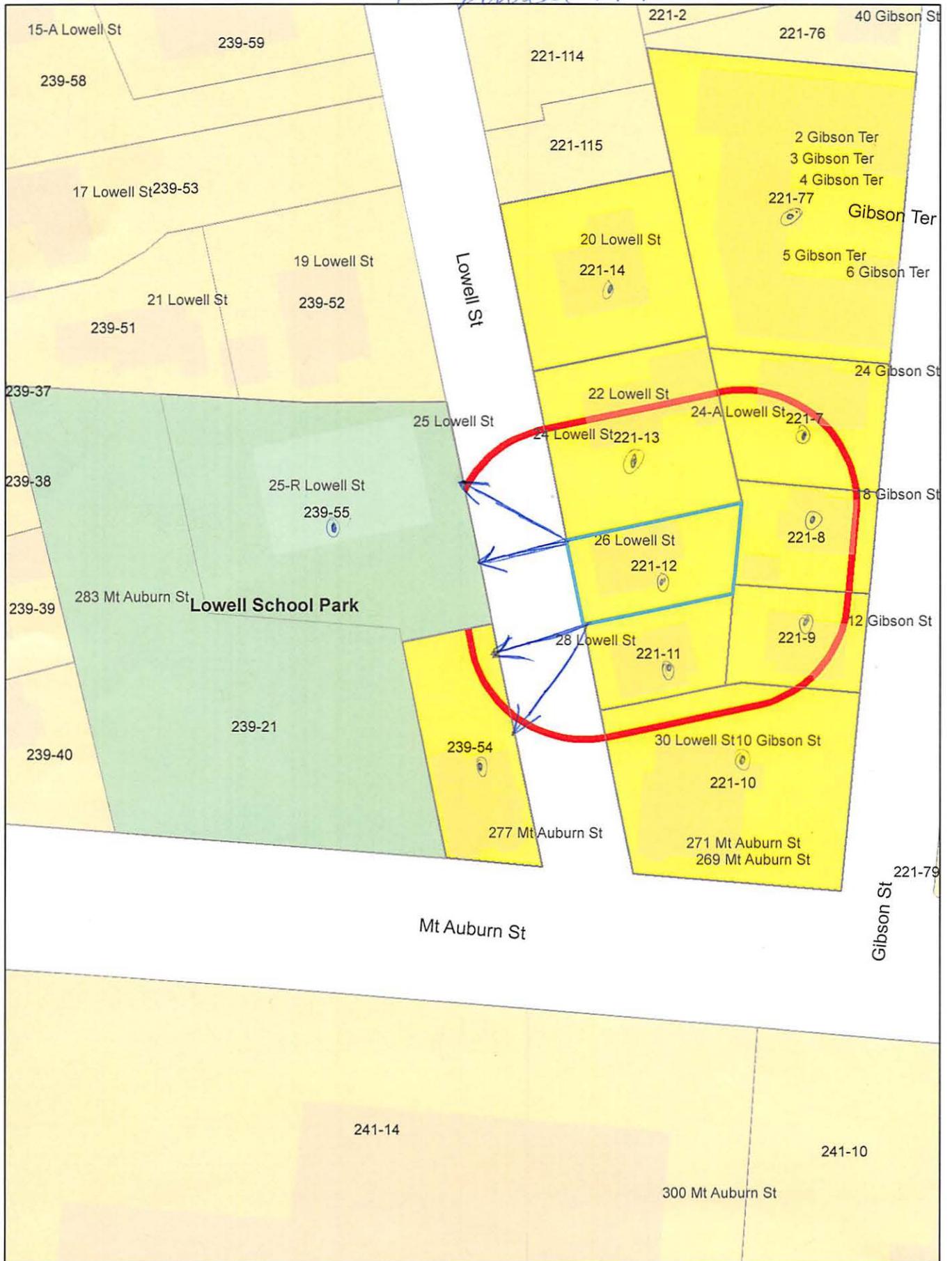
✓

26 Small St.





26 Lowell St.



26 Lowell St.

221-7
JAMAS, SPIROS & DEBBIE BANG JAMAS
24 GIBSON ST
CAMBRIDGE, MA 02139

221-8
MICHAEL, GERARD & PAMELA KOGUT
18 GIBSON ST
CAMBRIDGE, MA 02138

Petitioner
SEAN D. HOPE, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 02139

221-10
CATALANO, ADRIAN & ALEJANDRINA CATALANO
TRUSTEES OF THE CATALANO REALTY TRUST
341 HARVARD STREET
CAMBRIDGE, MA 02138

221-11
BARGEN, JOHN VON & EMILY VON BARGEN
28 LOWELL ST
CAMBRIDGE, MA 02138

221-12
SPARKES, BRYAN K & REBECCA WELLS SPARKES
26 LOWELL ST
CAMBRIDGE, MA 02138

221-14
FRYER, ROLAND G. JR & FRANZISKA MICHOR
20 LOWELL ST
CAMBRIDGE, MA 02138

221-77
COUNIHAN, CHRISTOPHER,
TR. OF GIBSON TERRACE
C/O STEPHEN COUNIHAN & SUSAN C. FRATUS
67 S. BEDFORD ST., SUITE 400 WEST
BURLINGTON, MA 01803

221-9
CANNER, MARY K. & MARK M. CANNER
12 GIBSON ST
CAMBRIDGE, MA 02138

239-54
BARRY, PAULA
26 ARLENE AVE
WILMINGTON, MA 01887

239-55
CAMBRIDGE CITY OF PWD
147 HAMPSHIRE ST
CAMBRIDGE, MA 02139

239-55
CITY OF CAMBRIDGE
C/O LOUIE DEPASQUALE
CITY MANAGER

221-77
COUNIHAN, STEPHEN & SUSAN C. FRATUS
TRS. OF COUNIHAN FAMILY GIBSON TER REALTY
1 GIBSON TERRACE
67 SOUTH BEDFORD ST., SUITE 400 WEST
BURLINGTON, MA 01803

239-55
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

221-13
BARRIE, J. SCOTT & AMY BARRIE
24 LOWELL ST
CAMBRIDGE, MA 02138

221-13
SHADEK, KRISTINE S.
C/O BARRO, ROBERT J & RACHEL M. MCCLEARY
22 LOWELL ST
CAMBRIDGE, MA 02138



Half Crown-Marsh Neighborhood Conservation District Commission

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov

James Van Sickle, *Chair*, Marie-Pierre Dillenseger, *Vice Chair*
Jo Solet, Peter Schur, Charles Smith, *Members*
Adrian Catalano, Maximillian Frank, and Rory O'Connor, *Alternates*

CERTIFICATE OF APPROPRIATENESS

PROPERTY: **26 Lowell Street**

OWNER: **Rebecca & Bryan Sparkes
26 Lowell Street
Cambridge, MA 02138**

The Half Crown-Marsh Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is not incongruous to the historic aspects or architectural character of the building or district:

1. **Demolish the existing entry vestibule and rebuild it with a wider front door sidelights and windows.**
2. **Rebuild the front entry walkway and steps to be wider and made of bluestone. Install new handrails.**
3. **Demolish the existing rear enclosed porch and construct a new rear addition and deck.**
4. **Install a new 4'6" tall painted cedar fence, gate and trash enclosure at the end of the driveway.**

Approval was granted on the condition that the spacing between the slats of the fence, gate, and trash enclosure be 1.5 inches.

Except for the stated condition above, work is to be carried out as indicated in the architectural plans and elevations by Hisel Flynn Architects titled, "Sparkes Residence Addition and Renovation [sic]," and dated received on July 24, 2018.

The plans and specifications referenced above are incorporated into this certificate, which is binding on the applicant and all improvements shall be carried out as described therein.

This certificate is granted upon the condition that the work authorized is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance, or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions for periods not exceeding six months each may be allowed in writing by the Chair.

Case Number: **HCM-426**

Date of Certificate: **August 15, 2018**

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Half Crown-Marsh Neighborhood Conservation District Commission on August 15, 2018.

By James Van Sickle, /s/b, Chair

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____ . Appeal has been filed _____ ,

Date _____ , City Clerk.



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd 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*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 26 Lowell 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
Proposed alterations and addition approved at public hearing 8/13/18.
- 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 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 August 21, 2018

Received by Uploaded to Energov

Date August 21, 2018

Relationship to project BZA 16981-2018

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