

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 Thomas & Nisha Smolenski
(OWNER)

Address: 218 Lexington Ave, Cambridge MA 02138

State that I/We own the property located at 216 Lexington Ave, Cambridge MA 02138 which is the subject of this zoning application.

The record title of this property is in the name of Thomas & Nisha Smolenski

*Pursuant to a deed of duly recorded in the date 6/23/2016, Middlesex South County Registry of Deeds at Book 58866, Page 173; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Thomas Smolenski Nisha Smolenski
**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

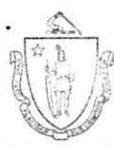
***Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of Middlesex

The above-name Thomas & Nisha Smolenski personally appeared before me, this 27th of April, 2019, and made oath that the above statement is true.

Theresa Kaufman Notary

My commission expires 01-28-2022 (Notary Seal).

 **THERESA KAUFMAN**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 28, 2022

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

82



2016 00101732
Bk: 67482 Pg: 71 Doc: DEED
Page: 1 of 2 08/23/2016 10:51 AM

MASSACHUSETTS QUITCLAIM DEED

Grantor: Thomas Smolenski, a married man, of 216 Lexington Avenue, Cambridge, MA

For consideration paid of One and 00/100 (\$1.00) Dollar.

Grants to: Thomas Smolenski and Nisha Smolenski, a married couple, as tenants by the entirety, of 216 Lexington Avenue, Cambridge, MA.

With *quitclaim covenants*

A certain parcel of land with the buildings thereon, situated in Cambridge, being now numbered 216-218 Lexington Avenue, and being shown as a portion of Lot 55 on a plan entitled, "Plan of the Coolidge Estate Lots in Cambridge, May 16, 1873, with Additions by Arthur Hodges, Civil Engineer, February 1886", duly recorded with Middlesex South District Registry of Deeds, Plan Book 47, Plan 13, being bounded and described as follows:

- EASTERLY: by Lexington Avenue, forty (40) feet;
- NORTHERLY: by Lot 61 on said plan, one hundred seventy-seven and 85/100 (177.85) feet;
- SOUTHWESTERLY: by land now or formerly of Doctor Keen, forty and 91/100 (40.91) feet;
- SOUTHERLY: by land now or formerly of Hugh A. Grimes and Helen W. Grimes, one hundred sixty-nine 25/100 (169.25) feet.

Grantor hereby releases all rights of homestead in said premises and hereby declares under the pains and penalties of perjury that no person is entitled to claim the benefit of an existing estate of homestead in the premises.

For title see document recorded with Middlesex South County Registry of Deeds at Book 58866, Page 173.

216-218 Lexington Ave. Cambridge

Under the Pains and Penalties of Perjury, witness my signature this

On this day 9th of June, 2016

Thomas Smolenski

Thomas Smolenski

COMMONWEALTH OF MASSACHUSETTS

County of:

Middlesex

On this 9 day of June, 2016, before me, the undersigned notary public, personally appeared Thomas Smolenski (name of document signer), proved to me through satisfactory evidence of identification, which were US passport, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and acknowledged to me that he signed it voluntarily for its stated purpose.

Elaine M. Arseneault

Notary Public

My Commission Expires: 12/1/2017



ELAINE M. ARSENEAULT
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 1, 2017

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 relief requested is very technical in nature since the actual height of the building is not increased, but the excavation of the area way and window wells technically increases the calculation of height. There is no parking for the lot so bicycle parking within the house takes on additional relevance, and to be prevented from by this "technical increase" would create a hardship.

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 house is just over the 35' height limit at present, so anything that "increases" the height, even though it does not actually change it, requires a variance. The hardship is owing to the house already being slightly of the allowed 35'

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

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

The change does not actually affect the height of the structure.

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

The change does not actually affect the height of the structure.

*** 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

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 218 Lexington Ave Cambridge, MA 02138 (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 relief requested is for an addition of the house not more than 25% of its area. The house will not exceed the Gross floor area allowed on the lot.
Exterior fenestration changes within the side yard setback are permitted by Special Permit in Article 8 of the ordinance.
- 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:
There will be no change to traffic patterns.
- 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:
There is minimal impact on adjacent uses from the extension.
- 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:
. There is no creation of a nuisance or hazard.
- 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:



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

2019 APR 23 PM 12:54
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017107-2019

GENERAL INFORMATION

Appeal :

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

Special Permit : ✓ Variance : ✓

PETITIONER : Thomas & Nisha Smolenski

PETITIONER'S ADDRESS : 218 Lexington Ave Cambridge, MA 02138

LOCATION OF PROPERTY : 216²¹⁸ Lexington Ave Cambridge, MA

TYPE OF OCCUPANCY : _____ ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :
Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

Variance: Increase in nonconformity of building height due to lowering of average grade.

Special Permit: Fenestration Changes within a setback, alteration and enlargement (including dormer) to a nonconforming structure not more than 25% increase in area or volume.

SECTIONS OF ZONING ORDINANCE CITED :

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

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Original Signature(s) : Thomas Smolenski Nisha Smolenski
 (Petitioner(s) / Owner)

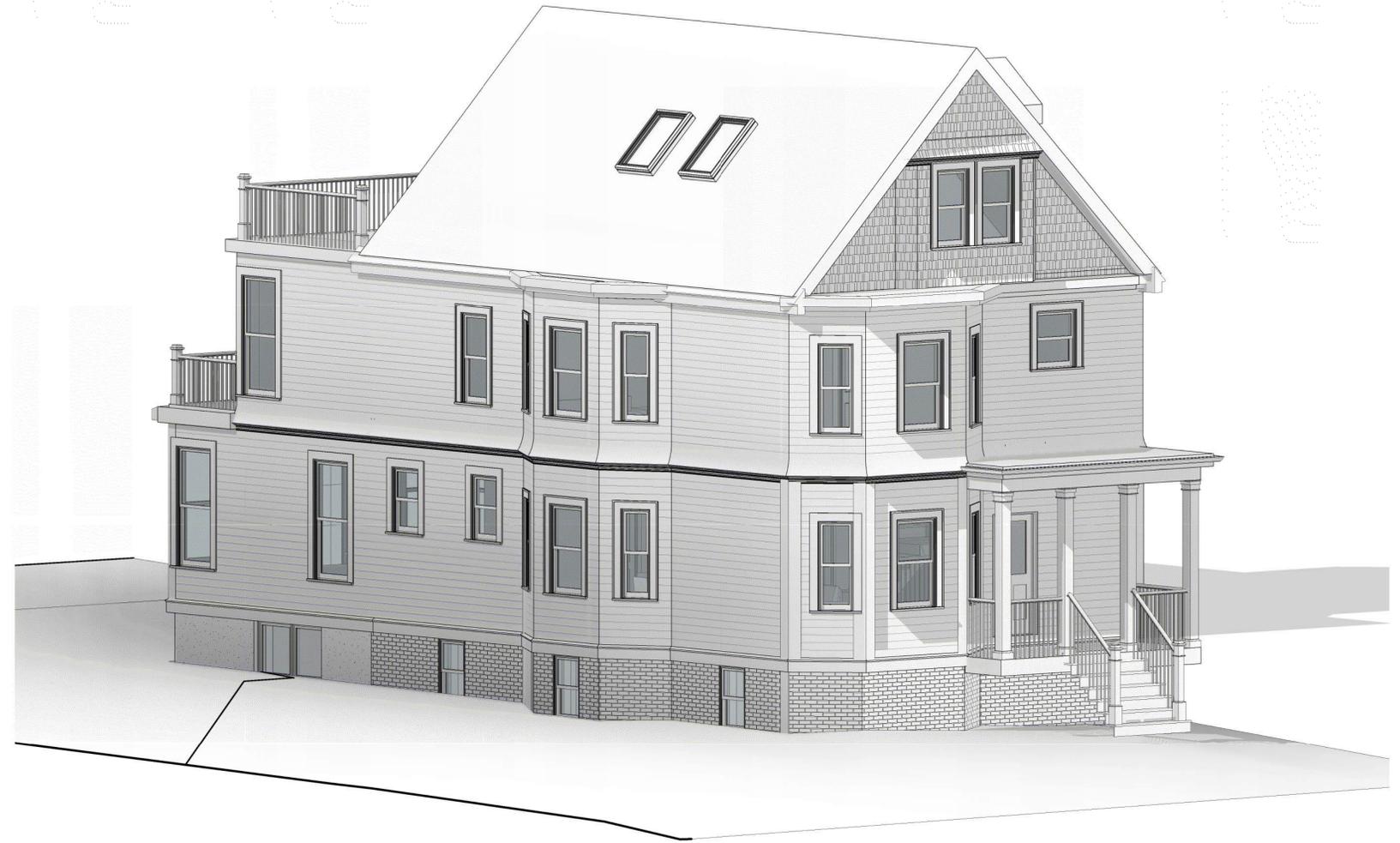
Thomas Smolenski Nisha Smolenski
 (Print Name)

Address : 218 Lexington Ave Cambridge MA 02138

Tel. No. : 508-246-0662 857-443-6260

E-Mail Address : tsmolenski@yahoo.com

Date : 4/18/2019



218 LEXINGTON AVENUE, CAMBRIDGE MA BZA SUBMISSION SET

04.08.19

SHEET LIST	
NO.	NAME
A000	COVER
A002	GIS MAP
A010	ZONING COMPLIANCE - AREA DIAGRAMS
A011	ZONING COMPLIANCE - SITE PLANS & OPEN SPACE
A100	EXISTING FLOOR PLANS
A101	PROPOSED FLOOR PLANS
A200	BUILDING ELEVATIONS - EXISTING & PROPOSED
A201	BUILDING ELEVATIONS - EXISTING AND PROPOSED

Owner
PRIVATE HOMEOWNER

218 LEXINGTON AVENUE
CAMBRIDGE, MA

ARCHITECT
BOYES-WATSON ARCHITECTS

30 BOW ST.
SOMERVILLE, MA 02143

617.629.8200

WWW.BOYESWATSON.COM

STRUCTURAL ENGINEER
TBD

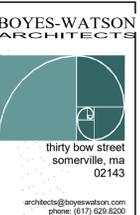
CIVIL ENGINEER
TBD

No.	Description	Date

stamp

client
PRIVATE HOMEOWNER

title
COVER
project
218 LEXINGTON AVENUE, CAMBRIDGE MA



job number 000

scale

date issued 04.08.19

BZA SUBMISSION SET

Sheet no.
A000

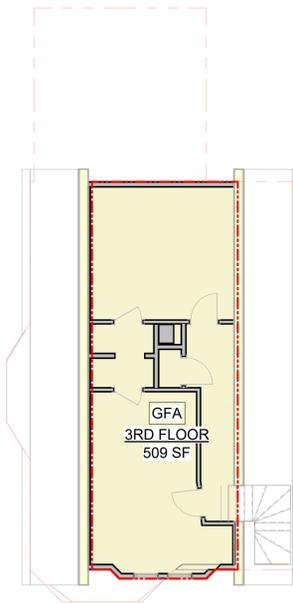
DIMENSIONAL FORM

LOCATION: 218 LEXINGTON AVE.
 ZONE: RESIDENCE B
 PRESENT USE/OCCUPANCY: 2-FAMILY
 REQUESTED OCCUPANCY: 2-FAMILY

	EXISTING	PROPOSED	ORDINANCE	COMPLIANCE
GROSS FLOOR AREA				
EXIST. BUILDING	2801	3117	3180	
EXIST. SF AFTER DEMO	2526	2,526	--	COMPLIES
NEW CONSTRUCTION	--	631	--	
TOTAL GFA	--	3,157	3180	COMPLIES
LOT SIZE:	6,942	UNCHANGED	5000	COMPLIES
FLOOR AREA RATIO	.39	0.45	0.5/0.35 (0.46)	COMPLIES
LOT AREA PER DWELLING UNIT	3,470	Unchanged	2,500/4,000	COMPLIES
NO. OF D.U.	2	Unchanged	2.5	COMPLIES
SIZE OF LOT:				
WIDTH	40'	Unchanged	50'	COMPLIES
LENGTH	169.25'	Unchanged	N/A	
TOTAL OPEN SPACE				COMPLIES
PERCENTAGE LOT AREA	72%	70%	40%	COMPLIES
PRIVATE OPEN SPACE	64%	63%	20%	COMPLIES
PERMEABLE OPEN SPACE	12%	7%	20%	COMPLIES
NO. OF PARKING SPACES:	0	Unchanged	2	COMPLIES

EXISTING GFA	
Level	Area
DEMO	
1ST FLOOR	274 SF
	274 SF
GFA	
1ST FLOOR	1048 SF
2ND FLOOR	969 SF
THIRD FLOOR	509 SF
	2526 SF
NON-GFA	
BASEMENT	1219 SF
	1219 SF
TOTAL GFA	4020 SF

PROPOSED GFA	
EXIST GFA	
1ST FLOOR	1048 SF
2ND FLOOR	969 SF
THIRD FLOOR	509 SF
	2526 SF
NEW GFA	
2ND FLOOR	236 SF
THIRD FLOOR	60 SF
1ST FLOOR	354 SF
	650 SF
TOTAL GFA	3177 SF



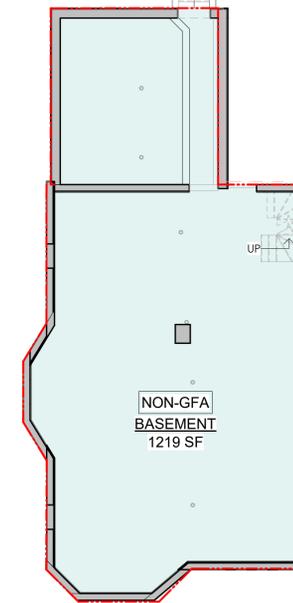
④ AREA PLAN - 3RD
1/8" = 1'-0"



③ AREA PLAN - 2ND
1/8" = 1'-0"



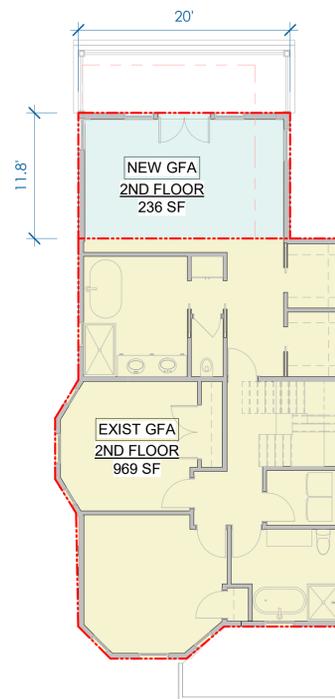
② AREA PLAN - 1ST
1/8" = 1'-0"



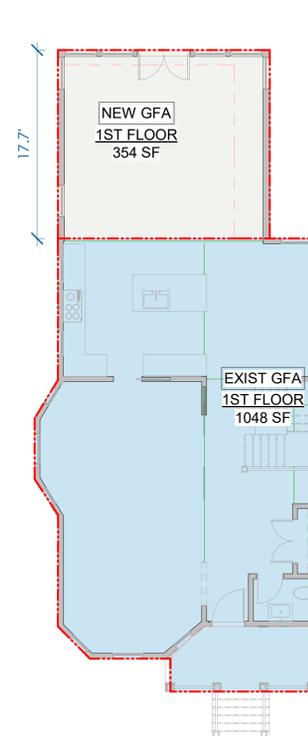
① AREA PLAN - BASEMENT
1/8" = 1'-0"



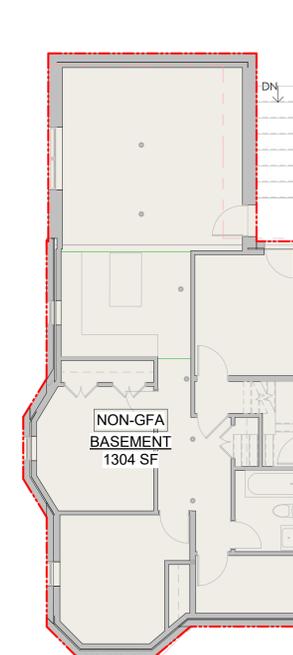
⑥ PROPOSED AREA PLAN - 3RD
1/8" = 1'-0"



⑤ PROPOSED AREA PLAN - 2ND
1/8" = 1'-0"



⑦ PROPOSED AREA PLAN - 1ST
1/8" = 1'-0"



⑧ PROPOSED AREA PLAN - BASEMENT
1/8" = 1'-0"

No.	Description	Date

stamp

client
PRIVATE HOMEOWNER

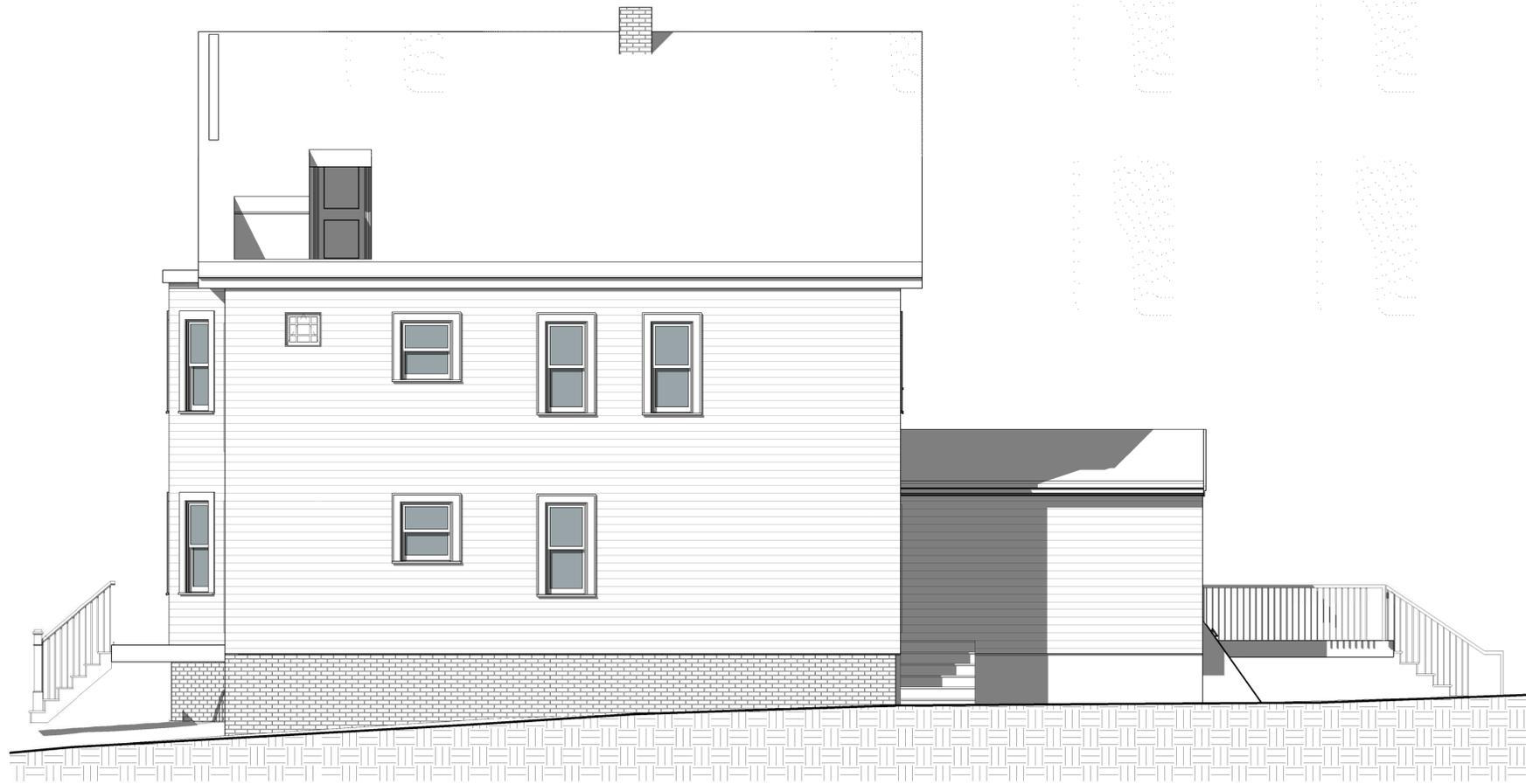
title
ZONING COMPLIANCE - AREA DIAGRAMS
project
218 LEXINGTON AVENUE, CAMBRIDGE MA

BOYES-WATSON ARCHITECTS
 thirty bow street
 somerville, ma
 02143
 architects@boyeswatson.com
 phone: (617) 828 8200
 fax: (617) 828 8201

job number 000
As
scale indicated

date issued 04.08.19
BZA SUBMISSION SET

Sheet no.
A010



② EXISTING RIGHT SIDE ELEVATION
1/4" = 1'-0"



① EXISTING FRONT ELEVATION
1/4" = 1'-0"



④ PROPOSED RIGHT SIDE ELEVATION
1/4" = 1'-0"



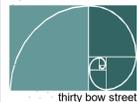
③ PROPOSED FRONT ELEVATION
1/4" = 1'-0"

No.	Description	Date

stamp

client
PRIVATE
HOMEOWNER

title
BUILDING ELEVATIONS - EXISTING & PROPOSED
project
218 LEXINGTON AVENUE, CAMBRIDGE MA

BOYES-WATSON ARCHITECTS

 thirty bow street
 somerville, ma
 02143
 architects@boyeswatson.com
 phone: (617) 628-8200
 fax: (617) 628-8201

job number 000

scale 1/4" = 1'-0"

date issued 04.08.19

BZA SUBMISSION SET

Sheet no.
A200

4/8/2019 4:05:59 PM



② EXISTING LEFT SIDE ELEVATION
1/4" = 1'-0"



① EXISTING REAR ELEVATION
1/4" = 1'-0"

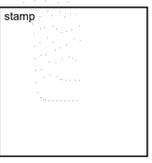


④ PROPOSED LEFT SIDE ELEVATION
1/4" = 1'-0"



③ PROPOSED REAR ELEVATION
1/4" = 1'-0"

No.	Description	Date



client
PRIVATE
HOMEOWNER

title
BUILDING ELEVATIONS - EXISTING AND PROPOSED
project
218 LEXINGTON AVENUE, CAMBRIDGE MA

BOYES-WATSON ARCHITECTS

 thirty bow street
 somerville, ma
 02143
 architects@boyeswatson.com
 phone: (617) 628-8200
 fax: (617) 628-8201

job number 000

scale 1/4" = 1'-0"

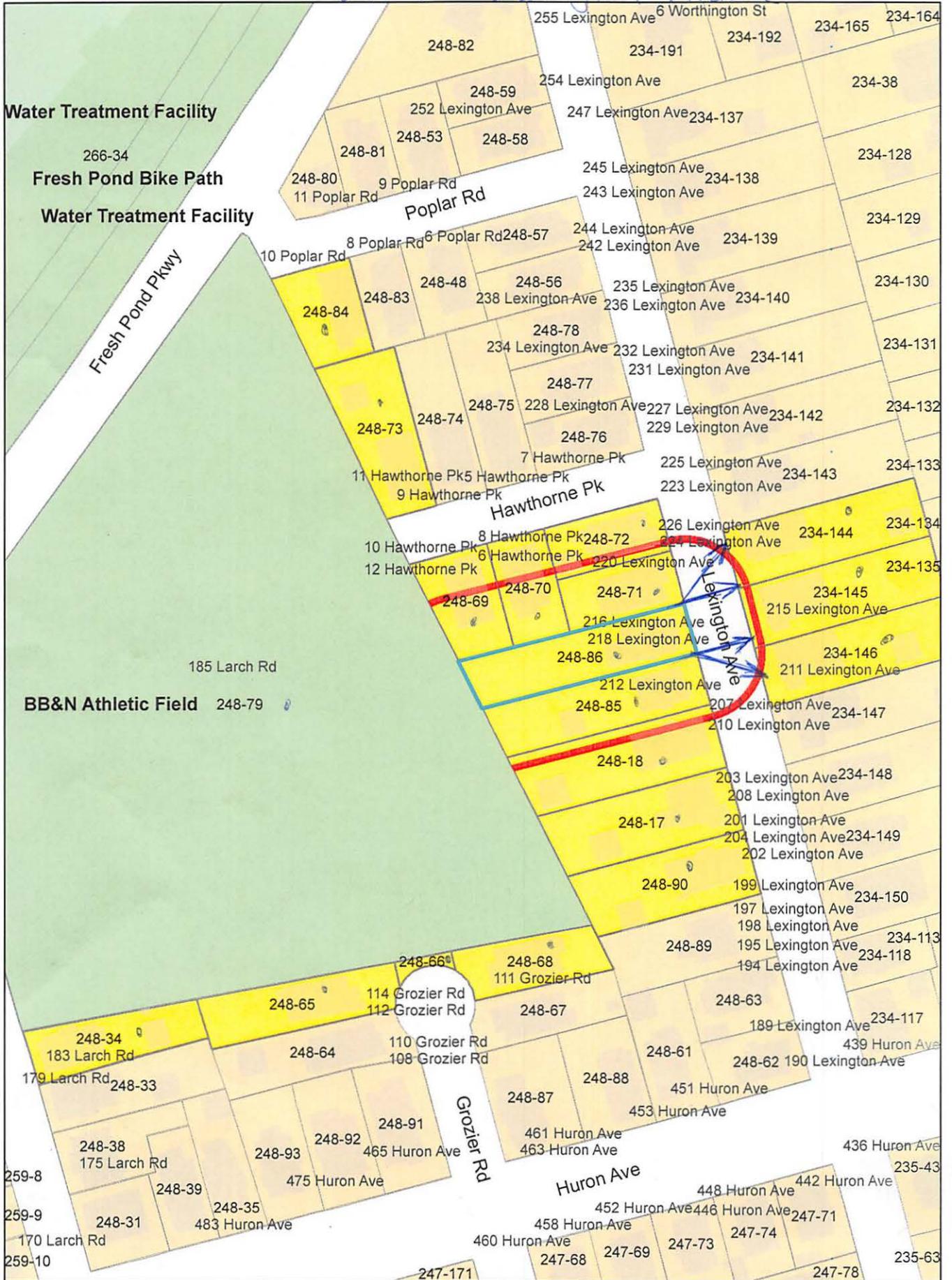
date issued 04.08.19

BZA SUBMISSION SET

Sheet no.
A201

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216-218 Lexington Avenue



216-218 Lexington Ave

Petitioner

234-144
MAHER, JOSEPH & RICHARD P. MAHER
TRS. THE EVELYN F. MAHER TRUST
5 SIMS ALLEY
COLUMBIA, SC 29205

234-145
SAWYER, TIMOTHY & JOAN S. SAWYER
TRUSTEES OF SAWYER REALTY TRUST,
217 LEXINGTON AVE.
CAMBRIDGE, MA 02138

248-86
SMOLENSKI, THOMAS M. & NISHA SMOLENSKI
216-218 LEXINGTON AVE
CAMBRIDGE, MA 02138

248-17
JORDAN, MARY LOU & PETER O. HARRIS
208 LEXINGTON AVE
CAMBRIDGE, MA 02138

248-18
MAHONEY, MICHAEL J. &
ANNE MARIE MAHONEY
210 LEXINGTON AVE
CAMBRIDGE, MA 02138

BOYES-WATSON ARCHITECTS
30 BOW STREET
SOMERVILLE, MA 02143

248-34
CROLL, JOHN W. & LINDA B. DUNN
183 LARCH ROAD, UNIT #2
CAMBRIDGE, MA 02138

248-65
BLACKETT, JOAN G.
114 GROZIER RD
CAMBRIDGE, MA 02138

234-146
MCDERMOTT, CHARLES G. &
PATRICIA E. FLAHERTY
211-213 LEXINGTON AVE
CAMBRIDGE, MA 02138

248-68
HARDER, LAUREN E. & JASON I. KASS
111 GROZIER RD
CAMBRIDGE, MA 02138

248-69
CHASMAN, DANIEL
12 HAWTHORNE PK
CAMBRIDGE, MA 02138

248-69
ROUGH, DARREN
10 HAWTHORNE PK
CAMBRIDGE, MA 02138

248-70
MARTIN, CRISTA & LORA DESALVO
8 HAWTHORNE PK., #1
CAMBRIDGE, MA 02138

248-70
KRAUSS, REBECCA
6-8 HAWTHORNE PK UNIT #2
CAMBRIDGE, MA 02138

248-71
REEVES SHAWN C. & ALISON G. NASH
220-222 LEXINGTON AVE
CAMBRIDGE, MA 02138

248-72
ROOM SEVEN, LLC
C/O BURNS & LEVINSON LLP
125 SUMMER ST
BOSTON, MA 02110

248-73
DENNEY, EDWARD B. & JENNIFER MILES
15 HAWTHORNE PK
CAMBRIDGE, MA 02138

248-79
BUCKINGHAM BROWNE & NICHOLS SCHOOL
80 GERRYS LANDING ROAD
CAMBRIDGE, MA 02138

248-84
BACHMAN, RONALD CLAYTON
10 POPLAR RD., #1
CAMBRIDGE, MA 02138

248-84
PERROTTI, JEFFREY
10 POPLAR RD. UNIT#2
CAMBRIDGE, MA 02139

248-84
BAER, STEPHEN C. & CHRISTINE BAER
10 POPLAR RD., #3
CAMBRIDGE, MA 02138

248-85
WOOD, JAMES D. & CLAIRE D. MESSUD
212-214 LEXINGTON AVE
CAMBRIDGE, MA 02138

248-34
MCKINLAY, JOHN B.,
TR. OF JOHN B. MCKINLAY REVOCABLE TRUST
183 LARCH ROAD, UNIT #1
CAMBRIDGE, MA 02138

248-90
MCJOHN, STEPHEN & LORIE GRAHAM
202 LEXINGTON AVE., #202
CAMBRIDGE, MA 02138

248-90
MORGAN, JAMES & JOYCE L. MORGAN
204 LEXINGTON AVE UNIT #204
CAMBRIDGE, MA 02138

248-66
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

248-66
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER