

CITY OF CAMBRIDGE MASSAC. BOARD OF ZONING APPEAL 831 MASSACHUSETTS AVENUE 9 OCT 30 PM 2:46

BZA APPLICATION FORM

Plan No:

617-492-0220

sean@hopelegal.com

GENERAL INFORMATION The undersigned hereby petitions the Board of Zoning Appeal for the following: Special Permit: Variance: Appeal: PETITIONER: Ray Acevedo - C/O Sean D. Hope, PETITIONER'S ADDRESS: 907 Mass Avenue Cambridge, MA 02139 25-27 Berkshire St Cambridge, MA 02141 LOCATION OF PROPERTY: 4.31 Residence C-1 Zone TYPE OF OCCUPANCY: ZONING DISTRICT: **REASON FOR PETITION:** New Structure **DESCRIPTION OF PETITIONER'S PROPOSAL:** Petitioner is requesting Variance Dimensional Relief (setbacks, floor area ratio, open space) to reconstruct a three-family dwelling that was destroyed by Fire in East Cambridge on or about December 2016 and to Subdivide the Lot. SECTIONS OF ZONING ORDINANCE CITED: Article 5.000 Section 5.31 (Table of Dimensional Requirements). Section 5.15 (Subdivison). Article 5.000 Article 10.000 Section 10.30 (Variance). Original Signature(s): 907 Mass Avenue Address: Cambridge, MA 02139

Tel. No.:

E-Mail Address:

October 30, 2019 Date:



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

BZA APPLICATION FORM

Plan No:

BZA-017206-2019

GENERAL INFORMATION

The under	signed hereby pet	itions the Boa	rd of Zoning Ap	peal for the fo	llowing:		
Special Pe	ermit :	•	Variance :		Appeal :		
PETITIONE	ER: Ray Ace	evedo - C/C	Sean D. Ho	pe, Esq.			
PETITION	ER'S ADDRESS :	907 Ma	ss Avenue Ca	ambridge, M	A 02139		
	N OF PROPERTY :	25-27 B	Serkshire St	Cambridge,	MA 02141		
		4.31					
TYPE OF C	OCCUPANCY:	4.31		ZONI	NG DISTRICT: Residence C-1 Zone		
REASON F	FOR PETITION:						
	New	Structure					
DESCRIPT	TION OF PETITION	ER'S PROPOS	SAL:				
					(setbacks, floor area ratio, open		
					s destroyed by Fire in East_		
Cambridg	ge on or about	December	2016 and to	Subdivide	the Lot.		
SECTIONS	S OF ZONING ORD						
Article	5.000	Section 5.31 (Table of Dimensional Requirements).					
Article	5.000	Section	ection 5.15 (Subdivison).				
Article 10.000 Section 10.30 (Variance).							
			Original Signature(s) : _		(Petitioner(s) / Owner) Sen D. Hope (Print Name)		
			A	ddress : _	907 Mass Avenue Cambridge, MA 02139		
			-	-	617-492-0220		
				el. No. :			
			E	-Mail Address	sean@hopelegal.com		
Date :	October 30	, 2019					

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 25-27 BERKSHIRE LLC C/O Ray Acevedo							
228 Western Avene							
Address:							
state that I/We own the property located at							
which is the subject of this zoning application.							
The record title of this property is in the name of 25-27 Bertshive LL							
*Pursuant to a deed of duly recorded in the date $\frac{7}{27/2018}$, Middlesex South							
County Registry of Deeds at Book $\frac{7/387}{}$, Page $\frac{484}{}$; 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							
The above-name Sean D. Hope personally appeared before me,							
this 30% of 00 , 209 , and made oath that the above statement is true.							
Cathus M. W. Motary							
My commission expires $3/31/3035$ (Notary Seal).							
CATHERINE M. WILLIAMS Notary Public Commonwealth of Massachusetts My Comm. Expires March 21, 2025							
• If ownership is not shown in recorded deed, e.g. if by counts or deed, or inheritance, please include documentation.							

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 three-family dwelling was destroyed in the tragic fire in East Cambridge that resulted in several multifamily dwellings being raised on Plymouth and Berkshire streets. The then owners were unable to reconstruct the premises and the Petitioner purchased the property after the date in the Ordinance that allowed for property to be rebuilt without zoning relief.

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 pre-existing non-conforming shape/size of the Lot and structure thereon such that the same structure could not be rebuilt without zoning 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 neighborhood will be preserved by restoring the dwelling that were destroyed by the tragic fire.

- 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. Granting the requested relief will allow for a three-family dwelling to be added back to the inventory of housing with new upgrades including sprinkler systems and other code compliant life safety measures.
- * 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: Multifamily

ZONE: Residence C-1 Zone 25-27 Berkshire St Cambridge, MA 02141 **LOCATION:** Multifamily PHONE: 6174920220 **REQUESTED USE/OCCUPANCY: EXISTING** REQUESTED **ORDINANCE CONDITIONS CONDITIONS** REQUIREMENTS 4324 4324 2838.75 (max.) TOTAL GROSS FLOOR AREA: 3785sf 3785sf 5000 (min.) LOT AREA: 1.14 1.14 .75 RATIO OF GROSS FLOOR AREA (max.) TO LOT AREA: 1261.6 1261.6 1500sf (min.) LOT AREA FOR EACH DWELLING UNIT: 37' 37' 50' (min.) SIZE OF LOT: WIDTH 45' 45' n/a DEPTH 0 0 10' (min.) FRONT SETBACKS IN FEET: n/a 20' n/a REAR (min.) >4' >4' h+L/7 (min.) LEFT SIDE 1.4' 1.4' h+L/7 (min.) RIGHT SIDE 31' 31' 351 (max.) HEIGHT SIZE OF BLDG.: 37' 37' n/a **LENGTH** 36' 36' n/a WIDTH >30% 30% >30% RATIO OF USABLE OPEN SPACE (min.) TO LOT AREA: 3 3 2 (max.) NO. OF DWELLING UNITS: 2 2 3 (min./max) NO. OF PARKING SPACES: 0 0 n/a (min.) NO. OF LOADING AREAS: 15'+/-15'+/-10' (min.) DISTANCE TO NEAREST BLDG.

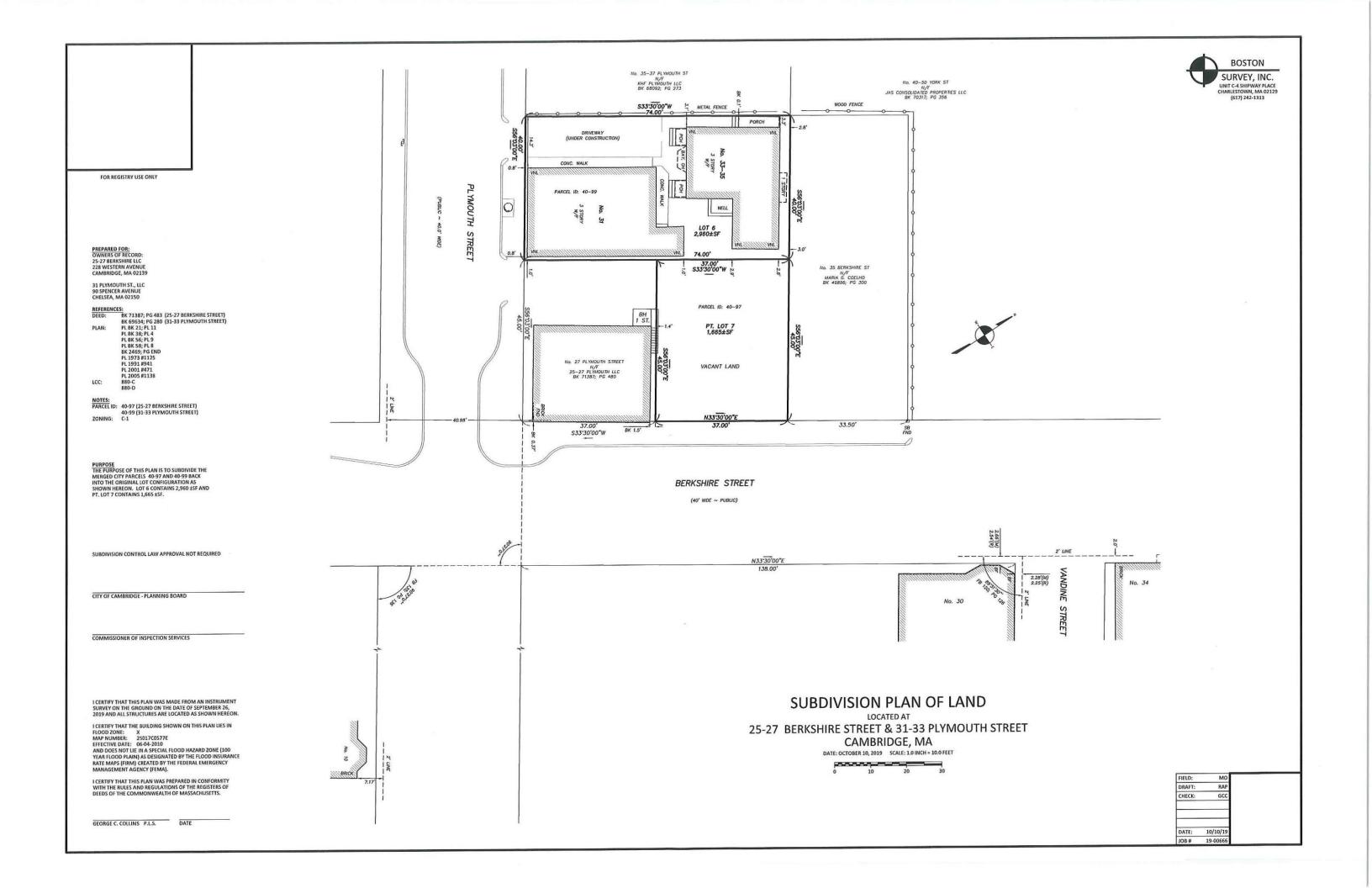
Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

ON SAME LOT:

^{1.} SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).

TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5')
DIVIDED BY LOT AREA.

OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF SEPTEMBER 26, 2019 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT
AGENCY (F.E.M.A.) MAPS, THE MAIDR IMPROVEMENTS ON THIS
PROPERTY PALL IN AN AREA DESIGNATED AS
ZONE:
X
COMMUNITY PANEL:
25017C0577E
EFFECTIVE DATE:
06-04-2010

VERTICAL DATUM:
THE ELEVATIONS SHOWN ON THIS PLAN ARE RELATIVE TO CITY OF
CAMBRIDGE VERTICAL DATUM AND WERE DETERMINED FROM A
SEWER INVERT PROVIDED BY THE CITY OF CAMBRIDGE GIS.

BENCHMARK

1) MAG NAIL SET IN UTILITY POLE;
ELEVATION = 23.32' (CITY OF CAMBRIDGE)

SITE PLAN OF LAND

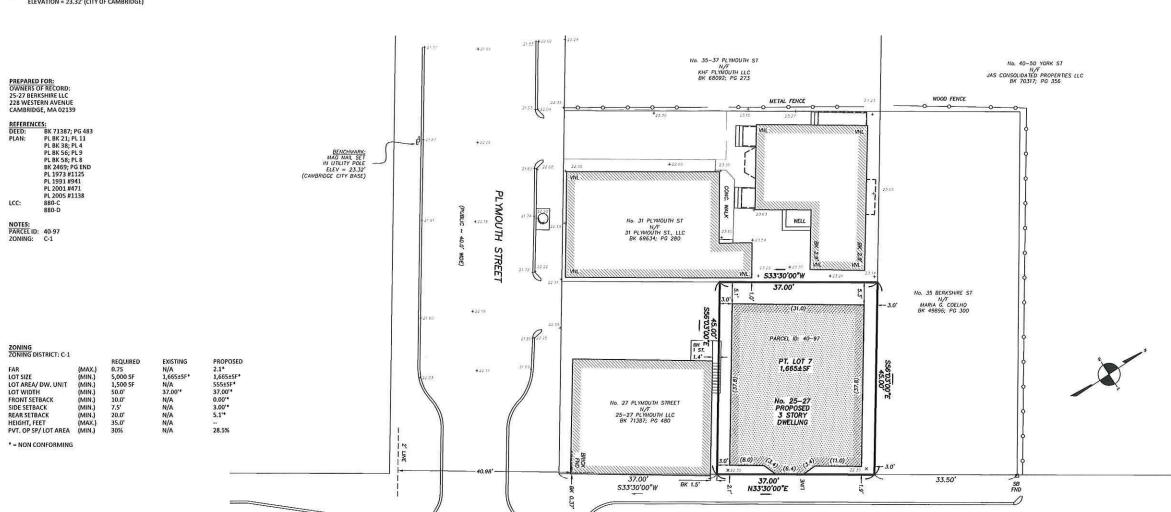
LOCATED AT

25-27 BERKSHIRE STREET & 31-33 PLYMOUTH STREET CAMBRIDGE, MA

DATE: SEPTEMBER 30, 2019 SCALE: 1.0 INCH = 10.0 FEET

0 10 20 30

BERKSHIRE STREET (40' WIDE ~ PUBLIC)



FIELD: DRAFT: CHECK:

DATE: 09/30/19

BOSTON

SURVEY, INC.

UNIT C-4 SHIPWAY PLACE CHARLESTOWN, MA 02129 (617) 242-1313

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF SEPTEMBER 26, 2019 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS

ZONE: X
COMMUNITY PANEL: 25017C0577E
EFFECTIVE DATE: 06-04-2010

DATUM:
THE ELEVATIONS SHOWN ON THIS PLAN ARE RELATIVE TO CITY OF
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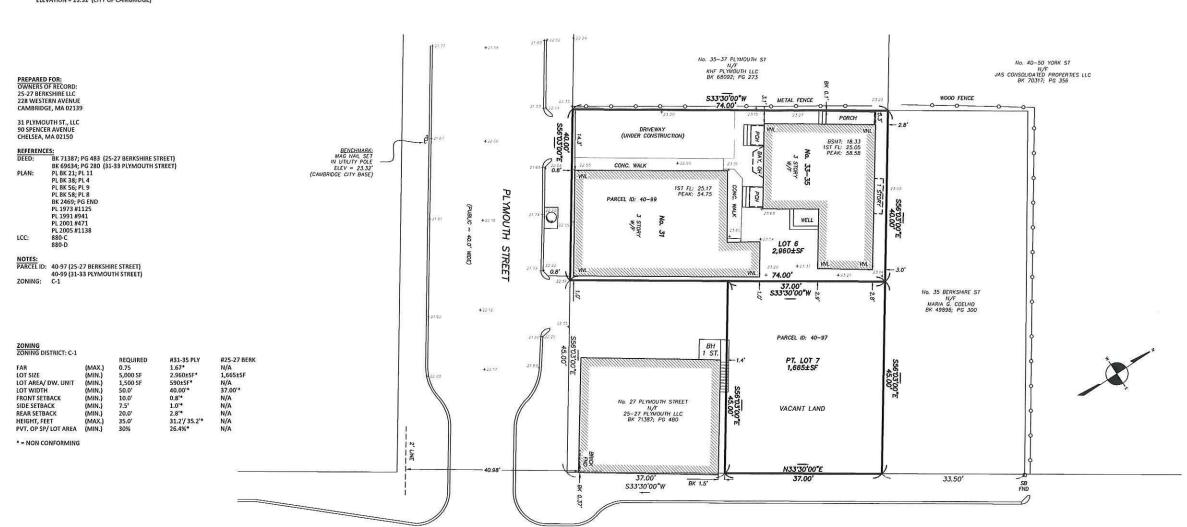
SITE PLAN OF LAND

LOCATED AT

25-27 BERKSHIRE STREET & 31-33 PLYMOUTH STREET

CAMBRIDGE, MA DATE: SEPTEMBER 30, 2019 SCALE: 1.0 INCH = 10.0 FEET

> BERKSHIRE STREET (40' WIDE ~ PUBLIC)



PROFILE PROFILE NOT TO SCALE NOT TO SCALE PEAK: 58.58 PEAK: 54.75 #33-35 AVE GRADE: 23.18 1ST FL: 100.00 ------AVE GRADE: 23.34

BSMT: 18.45 -

FIELD:	МО	
DRAFT:	RAP	
CHECK:	GCC	
DATE:	09/30/19	
IOR#	19-00666	

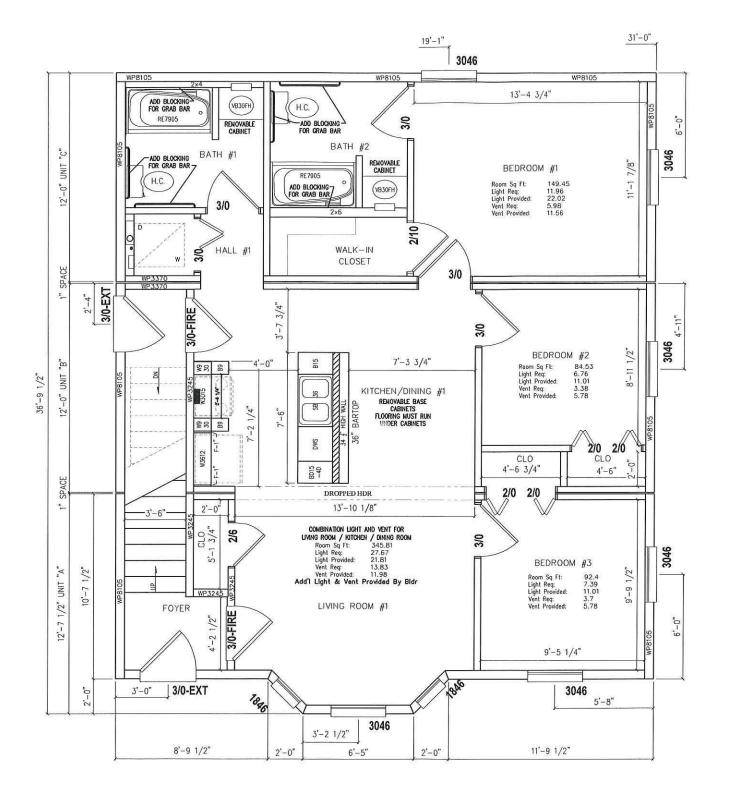
BOSTON

SURVEY, INC.



L539 CLG ASSEMBLY THROUGH STAIRWAY

SPRINKLERS REQUIRED



BRANDYF 7/18/2018 9:06:35 AM

NOTES: 1.*- DENOTES ADDITIONAL COLUMN IN BASEMENT

2. 2X6 EXTERIOR WALLS 24" O.C.

4. ROOF RAFTERS 16" O.C.

3. 2X4 MARRIAGE WALLS 16" O.C.

5.8'-0" CLG.

6. STAIRS TO BE 7" RISERS AND 11" TREADS.

SALES DRAWING FOR PRELIMINARY PRICING ONLY THIS PLAN HAS NOT BEEN REVIEWED FOR LOCAL/STATE CODES

AVALON BUILDING SYSTEMS COUNTY

-THREE STORY STORY STORY FLOOR PLAN

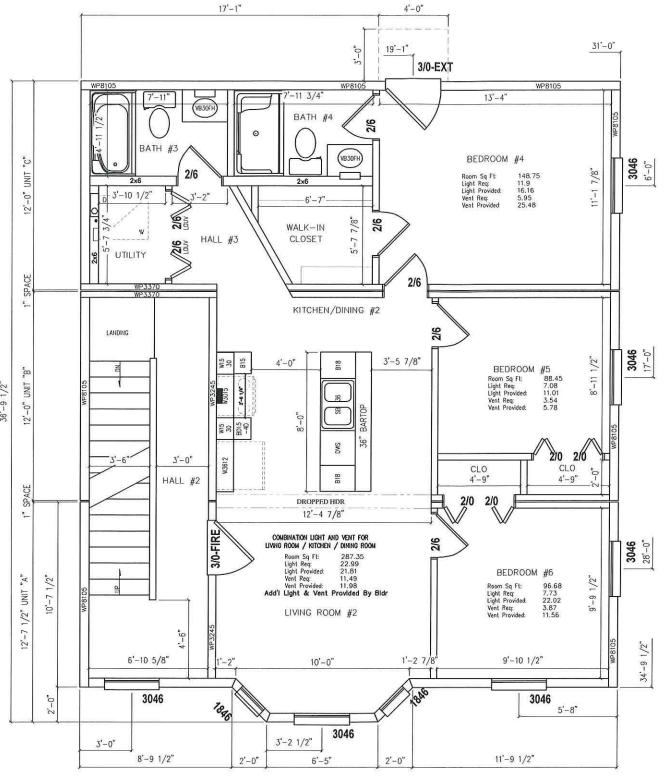
128 MPH VULT

72 EAST MARKET STREET MIDDLEBURG, PA. 17842 PHONE: (570) 837–1424 FAX: (570) 837–6133

PROFESSIONAL
BUILDING
SYSTEMS, INC.

THIS HOUSE IS DERIVED FROM PBS APPROVED SYSTEMS

L539 CLG ASSEMBLY THROUGH STAIRWAY



5. ROOF RAFTERS 16" O.C.

6.8'-0" CLG.

7. 8.

	DRAWN
BRANDYF 7/18/2018 9:06:35 AM	DATE: 07/11/2018
SALES DRAWING FOR PRELIMINARY PRICING ONLY THIS PLAN HAS NOT BEEN REVIEWED FOR LOCAL/STATE CODES THIS HOUSE IS DERIVED FROM PBS APPROVED SYSTEMS	3.2 Begin

10. 11. 12. ACEVEDO STATE MA

AVALON BUILDING SYSTEMS

THREE STORY STORY FLOOR PLAN

MIDDLESEX snow LOAD 40

128 MPH

72 EAST MARKET STREET MIDDLEBURG, PA. 17842 PHONE: (570) 837–1424 FAX: (570) 837–6133

PROFESSIONAL
BUILDING
SYSTEMS, INC.

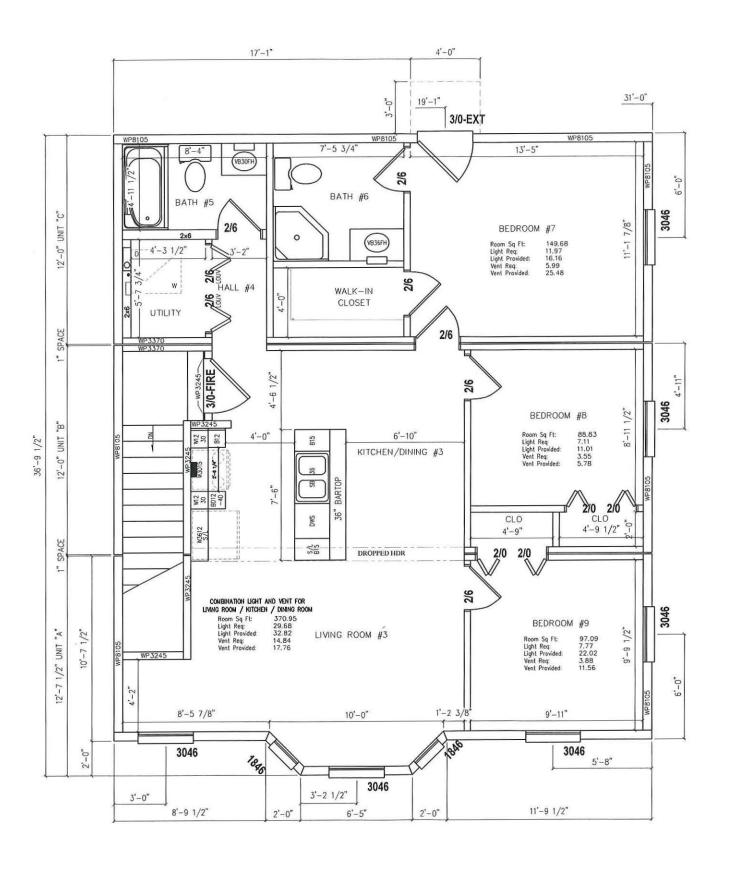
NOTES: 1.*- DENOTES ADDITIONAL COLUMN IN BASEMENT

2. 2X6 EXTERIOR WALLS 24" O.C.

3. 2X4 MARRIAGE WALLS 16" O.C.

4.

RC2601 CLG ASSEMBLY THROUGH STAIRWAY



AVALON BUILDING SYSTEMS | COUNTY VUL 3731-THREE STORY 3rd STORY FLOOR PLAN PROFESSION BUILDING SYSTEMS, IN 9:06:35 AM

NOTES: 1.*- DENOTES ADDITIONAL COLUMN IN BASEMENT

2. 2X6 EXTERIOR WALLS 24" O.C.

3. 2X4 MARRIAGE WALLS 16" O.C.

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5. 8'-0" CLG.

6. 7. 8.

11.

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BRANDYF

THIS HOUSE IS DERIVED FROM PBS APPROVED SYSTEMS

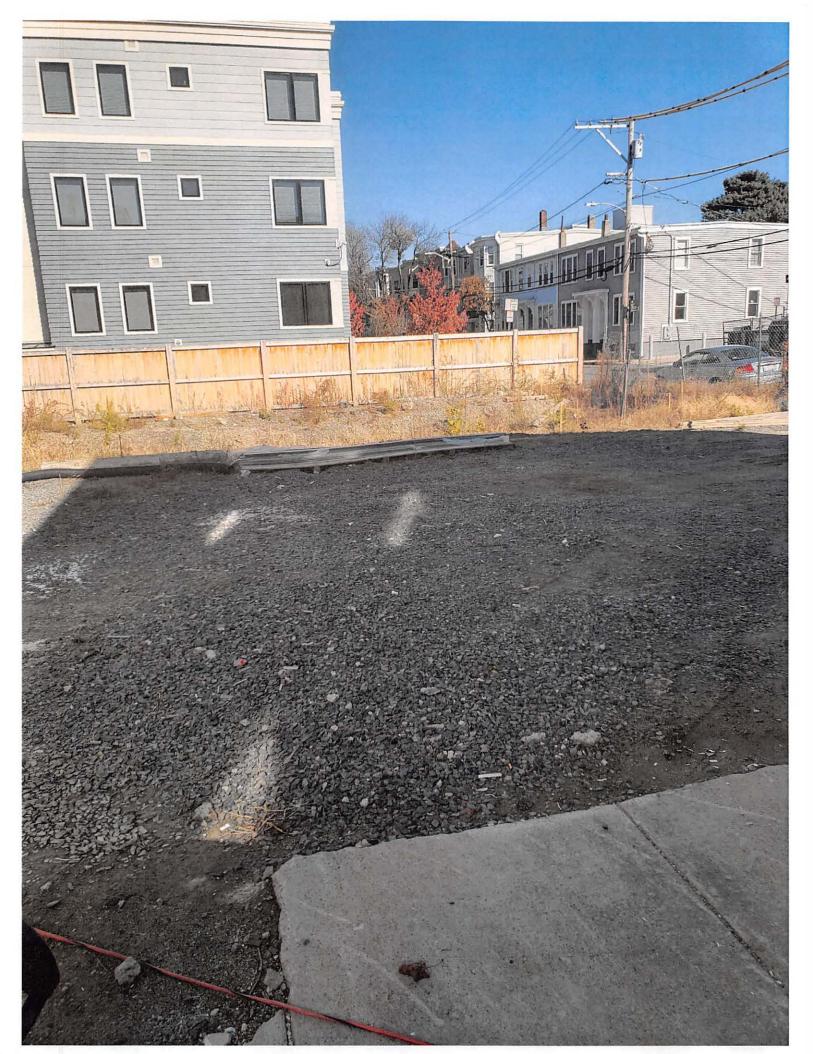
7/18/2018

25-27 Berksline St.

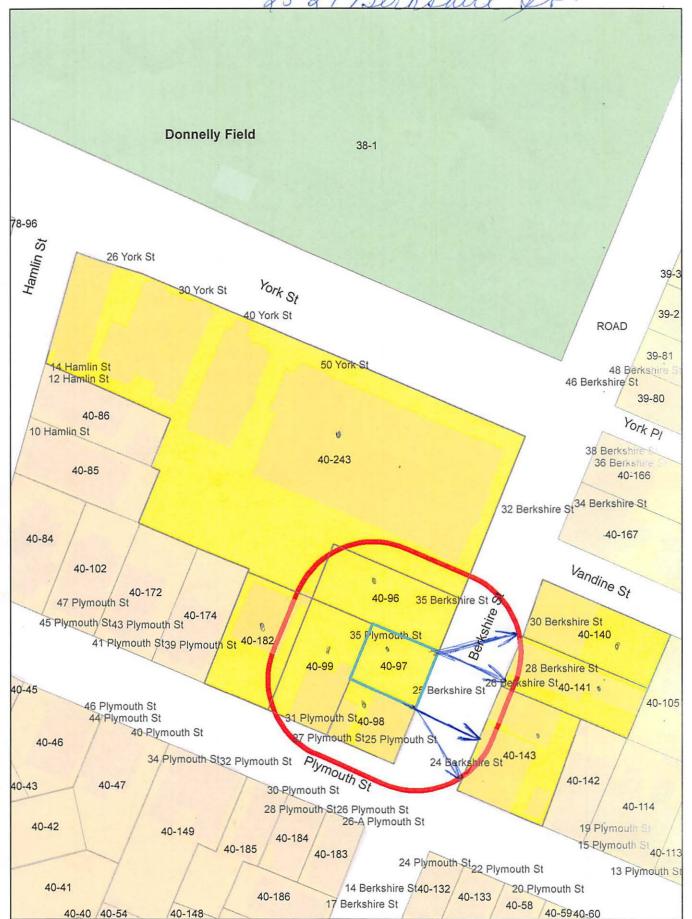








25-27 Berkshire St



25-27 Berkshie St

40-243
JAS CONSILIDATED PROPERTIES LLC
C/O JAS CORPORATION
1035 CAMBRIDGE ST., #12
CAMBRIDGE, MA 02141

40-97 25-27 BERKSHIRE LLC 228 WESTERN AVE CAMBRIDGE, MA 02139

40-96 KHF PLYMOUTH LLC 1551 CENTRAL ST STOUGHTON, MA 02072

40-143 BAIROS, JOAO DE ANDRADE 59 PLYMOUTH ST CAMBRIDGE, MA 02141-1923 40-98 25-27 PLYMOUTH LLC 228 WESTERN AVE CAMBRIDGE, MA 02139

40-99 31 PLYMOUTH ST. LLC 90 SPENCER AVE CHELSEA, MA 02150

40-141 28 BERKSHIRE STREET LLC 30 KATHERINE RD WATERTOWN, MA 02472 SEAN D. HOPE, ESQ. 907 MASS AVENUE CAMBRIDGE, MA 02139

40-182 CICCARELLI, JOHN A. & ANNE MARIE CICCARELLI 37 PLYMOUTH ST. CAMBRIDGE, MA 02141

40-140 30 BERKSHIRE STREET, LLC 18 NEWBURY STREET #4 BOSTON, MA 02116