

BOARD OF ZONING APPEAL - 6/26/2014

**BOARD OF ZONING APPEAL**

**FOR THE**

**CITY OF CAMBRIDGE**

**DATE:** Thursday, June 26, 2014

**TIME:** 7:00 p.m.

**AT:** Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

**BEFORE:**

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Brendan Sullivan, Member

Thomas Scott, Member

Janet Green, Member

Sean O'Grady, Zoning Specialist

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## BOARD OF ZONING APPEAL - 6/26/2014

I N D E X

<u>CASE NAME:</u>	<u>PAGE</u>
BZA-003696-2014 3 William Street	3
BZA-003670-2014 213-243 Walden Street	28
ZBA-003696-2014 3 William Street	106
ZBA-10448-2014 222 Brattle Street	175
ZBA-002934-2014 7 Kirkland Street	177
ZBA-004073-2014 82-84 Alpine Street	213
ZBA-003979-2014 13 Cedar Street	183
ZBA-00400-2014 39 Amory Street	190
ZBA-003938-2014 5 Dana Street	234
ZBA-004059-2014 77 Larch Road	282
ZBA-004043-2014 13 Ash Street	256

**P R O C E E D I N G S**

CONSTANTINE ALEXANDER: The Chair will call the meeting of the Zoning Board of Appeals to order.

And as is our custom, we'll start with the continued cases from prior hearings.

(Sitting Members on Case No. ZBA-003696-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: And the first case I'm going to call is Case No. 003696, 31 Walden Street. Is there anyone here who wishes to be heard in this matter?

ATTY JAMES RAFFERTY: Good evening, Mr. Chair and Members of the Board. For the record, James Rafferty. Along with me is Attorney Jonathan Cacciola, C-A-C-C-I-O-L-A. We are

BOARD OF ZONING APPEAL - 6/26/2014

with the law firm of Adams and Rafferty located at 675 Massachusetts Avenue, appearing this evening on behalf of the applicant, Eric Hoagland, seated to my left, H-O-A-G-L-A-N-D. And to Mr. Hoagland's left is the project architect, Peter Quinn.

And so, this is an application that seeks to allow for the construction of three rear porches on an existing three-family dwelling on Walden Street.

If you've had the opportunity to see the site, Mr. Hoagland has gone through extensive renovation of the property. It's nearing completion. There's actually a garage presently being constructed in the rear.

The porches themselves, because of the nature of the stacking of the porches, they're considered roof porches at the first and second floor. So there's a modest GFA increase given

BOARD OF ZONING APPEAL - 6/26/2014

the area of that.

The third porch is intentionally unroofed because it doesn't have a porch.

It doesn't -- by not being roofed, it doesn't qualify as GFA.

The porches are not within the setback. There's a DPR there. So the relief is really related --

CONSTANTINE ALEXANDER: No side yard problems?

ATTY JAMES RAFFERTY: I don't believe so.

CONSTANTINE ALEXANDER: That's a very deep lot.

ATTY JAMES RAFFERTY: Yeah, because there's a driveway on that side, too, and I think it's only a 7-1/2 requirement there.

So I'm just checking my dimension form.

CONSTANTINE ALEXANDER: My notes don't indicate there was any setback issues.

BOARD OF ZONING APPEAL - 6/26/2014

ATTY JAMES RAFFERTY: No, yeah.

CONSTANTINE ALEXANDER: I want to confirm that.

ATTY JAMES RAFFERTY: Mr. Quinn would know that.

Mr. Quinn has been the architect that's been involved in kind've the renovation of the property.

This would allow a modest amount of open space for the habitants of the building. It's a typical feature on homes of that era and style.

But, as I said, because of the fact that these porches -- if it was only a single-story porch, it wouldn't cover. If there was a way to somehow stagger the three porches in a way that they didn't line up on top of one another, we could do this of right, but given the definitional characteristics of gross floor area, it's necessary to seek.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Did the structure ever have decks? I mean, typically, those structures do have decks, rear decks. Were they taken down at some point in the history of the building?

ATTY JAMES RAFFERTY: Our understanding is, yes, the older plan showed that there was a deck on the side.

CONSTANTINE ALEXANDER: On the side, not rear decks?

PETER QUINN: Right.

CONSTANTINE ALEXANDER: On the side it was all three units?

PETER QUINN: That's correct. And the problem with the side is that it just looks at another unit. You have this beautiful backyard and it was an attempt to reorient the decks.

CONSTANTINE ALEXANDER: Anything else?

ATTY JAMES RAFFERTY: I'm sorry. I

BOARD OF ZONING APPEAL - 6/26/2014

haven't been here in awhile.

CONSTANTINE ALEXANDER: I know. We miss you.

ATTY JAMES RAFFERTY: So, yeah, unless you have any questions for Mr. Quinn, I think it's pretty straightforward in terms of the design of the deck. They're not overly ambitious in their size. They're of a scale appropriate for the width of the house.

CONSTANTINE ALEXANDER: And the numbers are specific 'cuz you point out there are FAR issues because of the covering of the first and second floor decks. The house right now is at .52 and .5 district. It is not conforming slightly, so -- and you'd go to .56 in a .5 district. So there's an increase in the FAR. So I would venture to say it's modest.

ATTY JAMES RAFFERTY: It's a fairly handsome house with a restored mansard roof.

## BOARD OF ZONING APPEAL - 6/26/2014

JANET GREEN: Neighbors are happy?

ATTY JAMES RAFFERTY: Yes, in fact, a few happy neighbors took the time to write --

PETER QUINN: The abutters are supportive of the property.

ERIC HOAGLAND: I think everybody is happy. It was kinda falling apart, and we put it back together and kept it looking the same.

CONSTANTINE ALEXANDER: Are you going to live in this structure or...?

ERIC HOAGLAND: No. This is an apartment rental. We have a tenant on his own living there.

CONSTANTINE ALEXANDER: Questions at this point from the members?

BRENDAN SULLIVAN: My only comment is that I thought that they were rather large, and I was just wondering what drove the size. You know, they may have had decks on them at one

BOARD OF ZONING APPEAL - 6/26/2014

point, but I'm not sure if they were that size, or if that's really traditional to that style and era of building.

PETER QUINN: So the decks that we have added are about 150 square feet. They vary in width from 6 to 11 feet. They fit into a notch on the back of the building, wrapping around that notch.

I can show you on these plans that you have. They're there like that.

I think given that the enjoyment people have in the backyard like this, I think we felt like it was an appropriate amount of space to make it economically useful to the tenant as well.

BRENDAN SULLIVAN: I guess my thought was whether or not this section was necessary, or if deleting it would be of any value. Sort of a two-part question.

BOARD OF ZONING APPEAL - 6/26/2014

Obviously, you have drawn it in, so it probably adds value to the unit. It just seems as it's, you know, a 16 foot by 11 foot deck is quite large. Now if that area were not there, that 6 foot by maybe, I don't know, maybe was it 6 by 8 or something like that?

PETER QUINN: Half of a width, yeah. 6 by 8.

BRENDAN SULLIVAN: Would that cause a problem?

PETER QUINN: Especially No. 1, or taking that void -- would that create some kind of a void there that just doesn't work down below with something like that? I'm trying to justify the size of the deck. And I sort've felt it was kind've large.

ATTY JAMES RAFFERTY: I mean, I think it's clear that the geometry of the footprint is driving that, and that's probably -- I mean,

BOARD OF ZONING APPEAL - 6/26/2014

that at 6 feet, if the house was more rectangular than, you know, I think -- but I do think it gives a nice opportunity for dining, and it has access from the living room and the kitchen or the dining room here. And so, we were, of course, mindful of the setback. So there's the 6 foot depth, frankly, is being driven by the setback numbers. And it also happens to work well for the circulation of the deck.

It's a little admittedly unorthodox in its size, but I think it's that piece that's a little different.

But if -- to take advantage of this area, I mean, to eliminate this seemed -- again, this is a side orientation and the focus is to try to move towards the rear.

CONSTANTINE ALEXANDER: I understand.

THOMAS SCOTT: There's access to the deck from both sets of doors? Is there another set

BOARD OF ZONING APPEAL - 6/26/2014

of doors, a slider or something? There's a French door here?

ATTY JAMES RAFFERTY: Yeah, yeah. As I read the elevation -- is that correct, Peter?

ERIC HOAGLAND: It's a single French door.

PETER QUINN: These are not doors now.

ATTY JAMES RAFFERTY: Oh, I misspoke.

CONSTANTINE ALEXANDER: There's only one door to the deck.

PETER QUINN: One door, yeah.

ERIC HOAGLAND: No, you're right.

ATTY JAMES RAFFERTY: Oh, you changed in the field you're saying?

ERIC HOAGLAND: I don't -- if that's a single --

TIMOTHY HUGHES: If there's a single door to the deck, one single door on the first floor, is there an additional egress on the first

## BOARD OF ZONING APPEAL - 6/26/2014

floor?

ERIC HOAGLAND: No.

TIMOTHY HUGHES: Is that a window also by the stairs, the set of stairs that goes down towards --

PETER QUINN: They all can egress out through a rear stairway. This is not required for a means of egress, if that's what you're saying.

TIMOTHY HUGHES: So there's a single door there at the top of the stairs on the first floor?

ERIC HOAGLAND: Yes, that's the back stairwell on the left.

PETER QUINN: That's existing, that's existing.

TIMOTHY HUGHES: The two decks above that are basically -- I mean, that deck makes sense in terms of, you know, coming out and then

BOARD OF ZONING APPEAL - 6/26/2014

accessing that single door as the way out. And the two decks above it are basically just mirroring that space as they go up?

ERIC HOAGLAND: That's correct. We didn't put a roof on the top deck.

CONSTANTINE ALEXANDER: I understand why you didn't put a roof on the top deck. You've already explained that.

Any other questions?

TIMOTHY HUGHES: No, I'm good.

CONSTANTINE ALEXANDER: I'm going to open up the matter of public testimony unless the Members of the Board have any further questions?

I guess not.

Anyone here wishing to be heard on this matter?

The Chair notes that there's no one who wishes to be heard.

The Chair would report that we are in

BOARD OF ZONING APPEAL - 6/26/2014

receipt of letters. One is from William Evan, E-V-A-N, Nelson, 35 Walden Street No. 3A.

"I would like to go on record as having no objection to the proposed deck under discussion of 31 Walden Street, which is adjacent to my home."

We also have an email from a Gary M. O'Neil, O-'-N-E-I-L.

"My wife and I own the property at 27 Walden Street and are very pleased with the renovations that Mr. Hoagland has made to the previous structure, which was in poor condition. The renovated structure has character and fits well among the other homes. I think the addition of the requested porch deck will further enhance the character of the building, and we are in support of adding the porch decks."

That's it.

BOARD OF ZONING APPEAL - 6/26/2014

Okay. Mr. Rafferty, any final comments?

ATTY JAMES RAFFERTY: Essentially, no.

I mean, it's the modest request that's associated with GFA, and it's modest on top of slightly, only slightly exceeding the FAR, so on balance, I would hope the Board could find that there not be a derogation from the ordinance, and as such, provides an appropriate amenity for a three-family dwelling to allow for this outside space.

CONSTANTINE ALEXANDER: Thank you.

Okay. I'm closing public testimony.

Time for discussion. Any Members of the Board have anything to say? Do you want to go for a vote?

TIMOTHY HUGHES: I'm good with it.

JANET GREEN: I'm good with it.

THOMAS SCOTT: My only I -- I kind've echo Brendan's concerns about the size of the deck.

BOARD OF ZONING APPEAL - 6/26/2014

So since you're asking for relief, is that something that would be -- you know, that you would consider to reduce the size of the deck, or is that off the table?

ATTY JAMES RAFFERTY: It would depend how many votes there are.

ERIC HOAGLAND: It's kind've -- it's an awkward shape, so you're trying to make it look more cleanly.

ATTY JAMES RAFFERTY: I mean --

CONSTANTINE ALEXANDER: One way you could do it, I suppose, is you could make the deck from here to here and not -- squeeze it a little bit, since you got plenty of space over here that would reduce the size of the deck. You could do that.

ATTY JAMES RAFFERTY: One could, but with all do respect, I'm not sure what would be achieved other than we would probably

BOARD OF ZONING APPEAL - 6/26/2014

save -- the 80 feet would probably go down to 60 feet.

CONSTANTINE ALEXANDER: That's what -- the whole discussion right now is about the size of the deck.

JANET GREEN: But are you talking about sort've taking it out of where the windows are, that middle?

CONSTANTINE ALEXANDER: No. Just taking away -- the classic back deck of the three decker and squeezing it a little bit.

JANET GREEN: Making it narrower?

CONSTANTINE ALEXANDER: Narrower, yep. I mean, that's one way. If there's concern about the deck being too big, that's how you would handle it.

ATTY JAMES RAFFERTY: Right. But, I mean, I think once that gets narrower than 6 feet, there's really a question of

BOARD OF ZONING APPEAL - 6/26/2014

functionality.

PETER QUINN: 6 feet is generally considered the width of a deck, which you could have a piece of furniture and circulate around.

Anything narrower than that is kind've of a decoration.

BRENDAN SULLIVAN: I guess I'm not totally convinced of my own concern. And that is there any benefit by not having that piece? And I really probably don't see any benefit in not having it. There's probably more benefit --

CONSTANTINE ALEXANDER: I agree with that.

PETER QUINN: -- in having it because then as you come down, it gets -- so anyhow let me --

CONSTANTINE ALEXANDER: Given the notch in the building, I feel that's the benefit of doing the decks the way they are. In fact,

BOARD OF ZONING APPEAL - 6/26/2014

saying only if people think the deck is too big, I would not touch what is in the notch, but I think it makes sense. The only alternative is to squeeze the deck.

BRENDAN SULLIVAN: I'm not convinced of my own concerns.

CONSTANTINE ALEXANDER: I don't share your concerns.

THOMAS SCOTT: With this portion of the deck is more towards the internal portion of the site, it's less of an issue, I think, so...

CONSTANTINE ALEXANDER: Okay. Are we ready for a vote?

THOMAS SCOTT: Yep.

CONSTANTINE ALEXANDER: Okay. The Chair moves that this Board make the following findings: That this ordinance involves a substantial hardship to the petitioner, the charge being is that the petitioner would not

BOARD OF ZONING APPEAL - 6/26/2014

have use of the second and third floor units, would not have access to the outdoors, and it would diminish the quality of life, inhabitability of the second floor units and even the first floor.

The hardship is owing to the fact that this is a nonconforming structure, and the shape is such that there's a missing notch in the building. And these decks would rectify that, and make a more appealing visual impact for the structure as a whole. And the relief may be granted without substantial detriment to the public good or nullifying the substantial of derogating the intent or purpose of the ordinance.

With regard, the Chair would note and make a finding that -- propose a finding that the relief being sought is modest in terms of its FAR increase, that the aesthetic considerations

BOARD OF ZONING APPEAL - 6/26/2014

are such that in favor of doing what is being proposed, include filling in what we call the notch, that the neighbors most affected by this proposed relief are in favor of the project.

On the basis of these findings, the Chair moves that we grant the variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner, prepared by Peter Quinn, architect, and they're all initialed by the Chair. They're T1, T2. And there's a Plot Plan Z1, Z2, A1.0, A1.1, A1.2, A1.3.

That's all she wrote. There may be one more. Yep, there is one more, and A2.0.

ATTY JAMES RAFFERTY: Do you not have A1.4?

CONSTANTINE ALEXANDER: Let me see. Let me go back. I do. I didn't mention it. Oh, no, I skipped over it. I didn't initial it.

## BOARD OF ZONING APPEAL - 6/26/2014

And A1.4. Thank you,

Mr. Rafferty.

All in favor of granting a variance on this basis, say "aye."

(In Favor: Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green, Constantine Alexander.)

Five in favor to grant this variance.

ATTY JAMES RAFFERTY: Thank you very much.

PETER QUINN: Thank you very much.

BOARD OF ZONING APPEAL - 6/26/2014

(Sitting Members on Case No.

ZBA-003670-2014: Constantine Alexander,  
Timothy Hughes, Brendan Sullivan, Thomas Scott,  
Janet Green.)

CONSTANTINE ALEXANDER: The Chair will  
call Case No. 003670-2014, Walden Street.

Anyone wish to be heard on this matter?

ATTY BRUCE EMBRY: Good evening. My name  
is Bruce Embry, E-M-B-R-Y. I'm an attorney  
with the firm of Clark, Hunt, Ahern, Embry.  
We're at 150 Cambridge Park Drive here in  
Cambridge.

I'm joined tonight by Mr. David Masse and  
Mr. Peter Quinn.

And we are here to talk about the property,  
the historic Masse property at the corner of  
Walden and Sherman Streets here in Cambridge.

I don't know that I need to discuss the

BOARD OF ZONING APPEAL - 6/26/2014

history of this property. The Masse family has owned this property since the 1880s continuously. For the last many years Masse Hardware has occupied the first floor and basement storage of the property with apartments above. All things end.

CONSTANTINE ALEXANDER: Yes. One thing I want to say, at some point your presentation, now or later, whenever, I would like you to identify each and every piece of relief you're seeking tonight because I look at the file and it's a grab bag.

I have a few questions. I'm not quite clear exactly, and I want everybody to be clear what it is that you're seeking, so we know what we're voting on. So whenever you want to cover that, that's up to you.

ATTY BRUCE EMBRY: That's fine.

JANET GREEN: Are people now able to hear?

BOARD OF ZONING APPEAL - 6/26/2014

AUDIENCE MEMBER: Not really.

ATTY BRUCE EMBRY: The hardware business at that location is over, and the Masse family -- Mr. Masse is in a position where he has to decide what will become of the retail portion of that location.

And what Mr. Masse would prefer to do rather than leave it as a retail location is convert it to a residential location adding two apartments to the four that are already there for a total of six.

What may not be obvious about the geography of the lot is that it actually is two lots. There's the lot on which the original building sits. And then there's a small side lot on Walden Street.

The original building is essentially surrounded on two sides by a garage building and a warehouse/office building on Walden Street.

BOARD OF ZONING APPEAL - 6/26/2014

PETER QUINN: I'll show that to you. One story here. And it continues around in this global view, I mean, satellite view. This one story wraps around the building.

ATTY BRUCE EMBRY: And I think that even from those pictures, I think, one can conclude that those -- the garage building and the warehouse/office building are, shall we say, architecturally not interesting.

So what Mr. Masse is proposing to do -- and we'll go through the laundry list of things that would be necessary to accomplish this -- is to essentially -- not essentially, but to tear down the garage building and the warehouse/office building and create a driveway around the perimeter of the building, locate parking spaces within that driveway around the perimeter of the building.

There's no necessity of dealing with the

BOARD OF ZONING APPEAL - 6/26/2014

footprint of the original building. There's no expansion of that building that's necessary for these current plans and none requested. And --

CONSTANTINE ALEXANDER: From your point of view, from the density point of view, you're diminishing the --

PETER QUINN: We are slightly.

ATTY BRUCE EMBRY: Well, because of those out buildings, correct.

CONSTANTINE ALEXANDER: That's land that's being less intensively used?

ATTY BRUCE EMBRY: And to follow-up on that, not only less intensively used, but used more in keeping with what the evolved character of the neighborhood is today, and that is virtually entirely residential until you get to the Concord Avenue corner which has some business locations added, but we're far enough away from that that we are essentially

BOARD OF ZONING APPEAL - 6/26/2014

surrounded by residential uses.

And, in fact, Mr. Masse has submitted, and I'm sure you will read into the record at some point, an array of supporting documentation from the local neighborhood indicating that they're very pleased with the idea that this would become a residential building.

CONSTANTINE ALEXANDER: But you should know, if you don't know already, that there's also a neighborhood option.

ATTY BRUCE EMBRY: Exactly, and we're happy to do talk about that as well.

In the final analysis, and not to prolong the drama here, the real issue that is before the Board, I think, is how to deal with the driveway and the parking.

CONSTANTINE ALEXANDER: Do the current -- there's no parking on the lot right now.

BOARD OF ZONING APPEAL - 6/26/2014

ATTY BRUCE EMBRY: No.

CONSTANTINE ALEXANDER: So the people who rent the four apartments have no parking.

ATTY BRUCE EMBRY: They're on the street basically.

CONSTANTINE ALEXANDER: And now you want to have -- you want to add two units, but you want to add six parking spaces.

ATTY BRUCE EMBRY: We want to give everybody a parking space.

JANET GREEN: You're required to give everybody a parking space is my understanding.

ATTY BRUCE EMBRY: That's right.

CONSTANTINE ALEXANDER: We have the ability to grant relief by Special Permit.

ATTY BRUCE EMBRY: You can diminish that requirement if you choose.

CONSTANTINE ALEXANDER: I'm not sure that it would -- by the way, if you got four units

BOARD OF ZONING APPEAL - 6/26/2014

that are there and they're existing, I don't think they need to have parking. You might want to do it as a matter of discretion, but there's no legal requirement they add parking, is it?

BRENDAN SULLIVAN: The ordinance under 526 says that not only do you owe parking for the units you're adding, but you've got to go back and provide parking to everybody.

CONSTANTINE ALEXANDER: Go back, okay. So you do need six. Thank you.

ATTY BRUCE EMBRY: That's been our assumption all along that we have been prepared to try to design a parking arrangement at the property that would accommodate the six spaces and enough driveway to circulate around the building.

That's what we are providing here.

The array of relief that's necessary really, aside from the change of use, has to do

BOARD OF ZONING APPEAL - 6/26/2014

with where the parking spaces are located.

CONSTANTINE ALEXANDER: You don't need relief for change of use. You're in a residential zoned district now.

ATTY BRUCE EMBRY: Well, the retail to residential.

CONSTANTINE ALEXANDER: Yeah. That doesn't require -- there's no use of relief there. You're going to residential and residential is permitted in the area.

ATTY BRUCE EMBRY: Right. In fact, it's more preferred. So that, as I say, the array of relief that we are looking for has essentially to do with where the parking spaces are located relative to the side lots, lot lines, and to the building facades.

And I think, as Peter will be able to show you, the design is intended to put the majority of the spaces, four out of the six, along the

BOARD OF ZONING APPEAL - 6/26/2014

perimeter boundary of the lot, put two parking spaces closer to the house, and have a one-way driveway going from Walden Street, around the back of the house, exiting out onto Sherman Street, which would necessitate a curb cut up on Walden Street, but the curb cut on Sherman Street, which is already there, can remain.

PETER QUINN: It would be diminished.

CONSTANTINE ALEXANDER: Let's flesh out the parking a little bit particularly for the benefit for the people in the audience.

Under our ordinance, you can't have a driveway within five -- closer than 5 feet to a lot line. The relief you are seeking is for a variance from that. So you could be closer than 5 feet to the lot line --

ATTY BRUCE EMBRY: That's correct.

CONSTANTINE ALEXANDER: That's number one.

BOARD OF ZONING APPEAL - 6/26/2014

Also our ordinance says that if you're going to have a driveway next to first story windows of a residence, you have to be at least 10 feet from those windows. You're not going to be 10 feet.

ATTY BRUCE EMBRY: We will not.

CONSTANTINE ALEXANDER: That's number two.

PETER QUINN: Mr. Chairman, may I say we have these windows that are close to the driveway, we have them as fixed windows in order to work around that problem.

CONSTANTINE ALEXANDER: That doesn't change the zoning analysis. It mitigates -- for a variance, but it doesn't mean you don't have to get a variance for that.

Number three: If I get this right, what about bicycle parking -- no, no, the parking spaces are supposed to have no more than 50

BOARD OF ZONING APPEAL - 6/26/2014

percent for compact cars.

ATTY BRUCE EMBRY: Right. And we are asking for some additional relief. Four out of the six, there are two standard spaces and four compact spaces.

CONSTANTINE ALEXANDER: That's number three. Open space. You're not going to have any open space in the lot.

PETER QUINN: Now it's zero and we actually increased it slightly, if you will.

THOMAS SCOTT: You're not a postage stamp.

CONSTANTINE ALEXANDER: That's number four.

You cited in your application a section that deals with mutual easements, is that gone?

ATTY BRUCE EMBRY: Well, yes. In fact, what we have done, an original plan that was submitted with the original application was

BOARD OF ZONING APPEAL - 6/26/2014

intended to incorporate a common driveway easement with the abutter. The easement already exists actually, but it's not especially detailed, and our ambition was to create a common arrangement with the abutter.

Quite honestly, that failed. And so, what we did was we put all of the driveway and all of the parking on this lot. So, in fact, we don't need that relief. And we also don't need the relief for the exterior stairway that was originally part of the design.

CONSTANTINE ALEXANDER: That's it in terms of relief?

PETER QUINN: I believe because we have a nonconforming existing building, and we are modifying the exterior, I believe there's a Special Permit associated with that, but I could be wrong about that. Roger may have crossed it off.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: If you need that, you're not getting that tonight because you did not advertise it and you'll have to come back.

ATTY BRUCE EMBRY: We did not ask for that one.

THOMAS SCOTT: Could you point out the six spaces?

PETER QUINN: Sure. The way they would work is we have one, two, three four, five, six, all parallel spots. And in terms of how these work --

THOMAS SCOTT: So that becomes a shared driveway then for the adjacent property?

ATTY BRUCE EMBRY: No. All of the traffic on our lot is within our lot.

THOMAS SCOTT: Yeah. Okay.

CONSTANTINE ALEXANDER: Those two on the side, how far are they from the lot line? They also have the 5 foot issue?

BOARD OF ZONING APPEAL - 6/26/2014

PETER QUINN: Right now there's a building wall right here. And they park in this kind've narrow space between the building wall and their building wall. They have been doing it --

CONSTANTINE ALEXANDER: No, no. I'm talking about the relief you're seeking tonight. Do you have a problem with regard to the closeness of the driveway to that -- to the lot that abuts on Sherman Street?

PETER QUINN: Yes. So we assumed we would bring paving right up to meet theirs once the building --

CONSTANTINE ALEXANDER: So you're going to have an issue then.

PETER QUINN: Yeah. We will need relief.

CONSTANTINE ALEXANDER: Because that person -- I may even hear from that person tonight -- is opposing.

BOARD OF ZONING APPEAL - 6/26/2014

PETER QUINN: Understood.

CONSTANTINE ALEXANDER: You may be aware of that.

ATTY BRUCE EMBRY: We are aware of that.

CONSTANTINE ALEXANDER: I want to be very clear about the issues on that side of the building.

JANET GREEN: Both driveways come up to the lot line.

ATTY BRUCE EMBRY: That's correct. Essentially if you can picture it from here and you can see the building envelope, think of the driveway basically as a lot line to building envelope surrounding the building if that's sort've visually helping.

So essentially that is our request is primarily it has to do with the list of relief that the Chair has just gone through having to do with the proximity of the driveway and the

BOARD OF ZONING APPEAL - 6/26/2014

parking spaces both to the side yard line and to the building envelope. And the number of compact spaces relative to the total number of spaces, curb cut.

And, Peter, have I left anything out?

PETER QUINN: I --

CONSTANTINE ALEXANDER: Open space.

ATTY BRUCE EMBRY: Yeah, open space.

There are bike facilities that Peter can point out.

PETER QUINN: We provide the two spaces that required at this location.

CONSTANTINE ALEXANDER: You can solve a lot of the parking issues by providing parking on the lot across the street that Mr. Masse owns. Why are you not doing that?

ATTY BRUCE EMBRY: Well, I'm honestly not prepared to talk about the ownership of the place across the street except to say that it's

BOARD OF ZONING APPEAL - 6/26/2014

a different ownership.

CONSTANTINE ALEXANDER: Is that owned by you?

DAVID MASSE: It's under agreement. We already have a deposit on it.

CONSTANTINE ALEXANDER: To sell it to an unrelated party?

ATTY BRUCE EMBRY: Actually, it's already an unrelated LLC that owns that parcel.

CONSTANTINE ALEXANDER: Unrelated, but is it controlled by Mr. Masse?

ATTY BRUCE EMBRY: It's not the same LLC that owns this parcel.

CONSTANTINE ALEXANDER: I know, but are both LLCs controlled by Mr. Masse?

ATTY BRUCE EMBRY: Correct.

CONSTANTINE ALEXANDER: Okay. So you could do it, but you're not going to do it.

ATTY BRUCE EMBRY: Well, it's not that

BOARD OF ZONING APPEAL - 6/26/2014

that hasn't been thought about, and I think what Mr. Masse has always been trying to do at this site is to keep on this site everything that has to do with this site.

CONSTANTINE ALEXANDER: And also he wants to maximize his ability to develop the site across the street.

ATTY BRUCE EMBRY: Well, I'm not involved in that. I can't speak to that, but what I --

CONSTANTINE ALEXANDER: The only reason I mention that, and I'm pushing on this, is that you're asking for a lot of parking relief on this lot.

ATTY BRUCE EMBRY: That's correct.

CONSTANTINE ALEXANDER: You got neighbors who are opposed to that. And there's a simple solution, one, it diminishes the value of your overall real estate holding perhaps or you hope for a value. But you could solve a lot

BOARD OF ZONING APPEAL - 6/26/2014

of problems by doing that, or you could solve problems by eliminating seeking relief to minimize the amount of parking on the lot. You don't -- you have to have six per the ordinance, but the ordinance also has mechanisms to allow us to grant the right to have less than six, and that, too, would eliminate or alleviate a lot of the parking issues.

I'm wondering why you're not pursuing either of those two alternatives.

ATTY BRUCE EMBRY: Certainly not parking on an alternative site, and quite honestly, I think one of the disadvantages of doing that even, if it were possible, is that you wind up having tenants and occupants crossing. I mean, there's a traffic light there, I will give you that.

But it's a pretty busy interaction to go back and forth to a parking space which they

BOARD OF ZONING APPEAL - 6/26/2014

could have on the site and wouldn't require them to cross any street.

CONSTANTINE ALEXANDER: Are you worried about the safety of your proposed tenants crossing the street? Come on. Come on. Okay. Keep going.

ATTY BRUCE EMBRY: Yeah, and I think the idea was to give everybody a parking space which is the intention of the ordinance and --

CONSTANTINE ALEXANDER: But you've operated this building with four units for years without giving everybody a parking space, and I assume you fully rented the place. I don't think it affected your ability to rent it, number one; number two, the city's recent policy that we have been involved in is to diminish on site parking, to force people not to have cars and to use other means of transportation.

Here you are asking us to go contrary to

BOARD OF ZONING APPEAL - 6/26/2014

where the city is going today. In other words, shoehorning parking onto a lot that doesn't comply with our ordinance.

ATTY BRUCE EMBRY: Well, I think the suggestion is that if people can't park on the lot, they will not park, that they won't have a car, but they will have a car and they're going to park it on Walden Street, or they're going to park it on one of the surrounding streets.

And I think that the idea here was to basically get those cars off the street and put them on the lot.

Now I'll grant you that this is a tight arrangement, and I don't think we are trying to avoid coming to grips with that. And I'm sure that Mr. Masse would be happy to think of alternatives that don't require as many spaces on the lot.

I think what he was trying to do, and as

BOARD OF ZONING APPEAL - 6/26/2014

you say the city has a preference for fewer spaces and more alternative modes of transportation, and I think we are certainly happy to contribute to that.

But I think the idea is that in providing enough spaces on the site for the number of units that are on the site, we wanted to be less burdensome to the neighborhood. And I think that's one of the reasons why so many neighbors were, in fact, in support of the idea of doing this plan because, number one, it creates the residential character in the building and loses the retail character and it takes parking spaces off the street.

CONSTANTINE ALEXANDER: I'm going to give the audience some time to talk, and I'm going to read the letters that are written both pro and con.

Let me push it a little bit further. On

BOARD OF ZONING APPEAL - 6/26/2014

the parking, the driveway, that's going to be closer than 5 feet from the lot line on the Sherman Street side, one of the abutters, maybe that person is here tonight and can speak to it, but the abutter, Tina Marie E. Brunetto, B-R-U-N-E-T-T-O, is opposed. And she's opposed for the very reason why we have in our ordinance a setback requirement for driveways. It's basically air pollution. Their enjoyment of the property is affected by cars idling in the driveway. And they will be idling, by the way. This is a very busy corner. I know it very well, and people have to wait to get through that light. And if you're trying to get out of the driveway, the traffic is backed up, you're going to be sitting there with your car running within very close proximity to that neighbor at 46-48 Sherman Street.

How do you address that? How do you

BOARD OF ZONING APPEAL - 6/26/2014

respond to that concern?

TIMOTHY HUGHES: Can I ask a question?

CONSTANTINE ALEXANDER: Yeah.

TIMOTHY HUGHES: Are you talking about the neighbor at 46-48 Sherman Street who has a driveway that is less than 5 feet from the property line?

CONSTANTINE ALEXANDER: Yep, yep.

TIMOTHY HUGHES: Okay. Just curious.

PETER QUINN: Their driveway is on the property line as well.

TIMOTHY HUGHES: Exactly.

CONSTANTINE ALEXANDER: That's there and that exacerbates the problem.

ATTY BRUCE EMBRY: Listen, it would be silly for me to sit here and try to create suggestions about what a wonderful parking arrangement this is. This is trying to make the best of a difficult situation. We tried two or

BOARD OF ZONING APPEAL - 6/26/2014

three different iterations of how the parking would work on the lot, and this, frankly, is the best iteration, both for the occupants of this property and we think, although I suppose we're not necessarily going to get agreement on this, but we think it's actually better for the neighbors as well.

TIMOTHY HUGHES: The Chair asked you a specific question, and with the hope, I think, that you could respond to it and say something that would address the neighbor's seemingly well-founded concern. Can you do that?

ATTY BRUCE EMBRY: Well, if the concern is, will there be times where people are possibly stacked in the driveway waiting to get out onto Sherman Street, and their engines are running? I can't imagine that I can -- I can suggest that that would never happen, or that there's some plan we could put into place that

BOARD OF ZONING APPEAL - 6/26/2014

would cause them to have to turn off their cars while they're waiting to get out on Sherman Street.

That's a problem that, I think, exists because we live in a dense community with lots of cars in it.

I think there is no answer to that, quite frankly.

CONSTANTINE ALEXANDER: I want to explore things. If there were no driveway going to Sherman Street, the only parking area confined coming off Walden Street, you obviously couldn't have six parking spaces, but could you have a smaller number where you would be able to get in and out of that parking place?

ATTY BRUCE EMBRY: Well, you would have to back out onto Walden Street.

CONSTANTINE ALEXANDER: You have to back -- there's no way in which --

BOARD OF ZONING APPEAL - 6/26/2014

PETER QUINN: You could have small a hammerhead to turn around and so forth.

CONSTANTINE ALEXANDER: That would mean you would have less parking spaces to be sure, but it alleviates the problem with the neighbor on Sherman Street.

ATTY BRUCE EMBRY: I'm perfectly happy to say that we are willing to try anything that will make the neighbor happy. We tried a couple of different things. They turned out to be unsuccessful. We thought this was the most successful possible alternative.

I certainly don't think Mr. Masse would objected to continue to try to resolve the issue with the neighbor about the suggestion like you're making about parking. I don't think it's our intention to create more difficulty in this location.

CONSTANTINE ALEXANDER: We understand

that.

ATTY BRUCE EMBRY: I think our intention is to create an environment that is going to be aesthetically pleasing. I mean, when you look at the garage and you look at that brick out building, and understanding that Mr. Masse, in doing this project, is going to beautify the building significantly. To leave those buildings there would be a sin.

CONSTANTINE ALEXANDER: I accept -- I know that we're not supposed to talk about the conversation. I accept what you're saying.

The question is: Are you going a little too far by trying to creat six parking spaces on that lot and having to shoehorn the parking spaces too close to the building and too close to the lot line.

And one alternative I haven't heard, and it's not before us tonight, you have to rethink

BOARD OF ZONING APPEAL - 6/26/2014

it, is to go back to with an approach that has less than six parking spaces.

ATTY BRUCE EMBRY: Well, I think we would be happy to do that, and try to do that in coordination with the abutter who we know has an objection to this plan, or just about any plan that includes six parking spaces. I think we would be happy to continue in order to have that conversation.

CONSTANTINE ALEXANDER: Well, let's keep going with the case and we'll can decide what -- you can decide and we can decide what you want to do.

THOMAS SCOTT: The other thing that we can do is to give you maybe some potential open space which you have none right now, and it might be nice to actually introduce that into the property, a place where people who actually live there can use the yard.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: That would be the area of the driveway off Sherman Street, make that into a green area.

ATTY BRUCE EMBRY: I'm happy to say that we would be more than pleased to come back with a plan that makes everybody happy. I mean, we're not wedded to having six parking spaces on the lot. If the neighbors are happier with three or four, and the Board can be happier with three or four, that's fine with us.

CONSTANTINE ALEXANDER: Why don't we hear from the people here tonight. I don't want to cut you short.

ATTY BRUCE EMBRY: No, no, that's fine.

CONSTANTINE ALEXANDER: You will have an opportunity to continue your comments.

ATTY BRUCE EMBRY: I'm happy to do that.

PETER QUINN: If I may say, Mr. Chairman, in the history of this in discussing with

BOARD OF ZONING APPEAL - 6/26/2014

Ranjit, all the vagaries of the zoning bylaw we were quite surprised and realized that we, as Sean O'Grady has mentioned, we needed to comply with all six spaces.

I think our intention here was to try to comply with the zoning code. Notwithstanding what has been said about the planning objectives in a more global manner concerning fewer cars and the like. So, you know it's sort've a difficult choice. Do we try to comply with the zoning bylaw, or do we take a position, no, we're not going to comply and here is why.

CONSTANTINE ALEXANDER: Put in a third approach that maybe you didn't appreciate with your conversation with Ranjit, and this is, the Ordinance 6.34 specifically says by Special Permit, not a variance, which is much easier to obtain. We can make certain findings that you don't have to have six parking spaces on the lot.

BOARD OF ZONING APPEAL - 6/26/2014

You can have anywhere from five to zero depending on what we like and what you want to do. So you do have an alternative. It's not either or. You may not have realized that at the outset. But that's where the ordinance is.

Anyway, Mr. Quinn, do you want to say anything more?

PETER QUINN: No. Thank you.

CONSTANTINE ALEXANDER: I guess I know the answer to this, is anyone wishing to be heard on this matter?

I didn't even recognize you, sir.

ATTY KEVIN CRANE: Can everybody hear me?  
Am I on okay?

All right. I'll use the playground voice a little bit. My name is Kevin Crane. I'm an attorney. My office is located at 104 Mount Auburn Street in Cambridge. And I represent Dennis Brunetto and Tina Marie Brunetto, who own

BOARD OF ZONING APPEAL - 6/26/2014

and occupy a location at 46-48 Sherman Street.

The chairman previously referred to a correspondence which Tina Brunetto has submitted. She couldn't be here tonight because of a previous engagement.

First of all, the first plan that was submitted was certainly not acceptable to us, and I'll give the petitioner credit for making the change. It's still not acceptable to us for many of the reasons which have been discussed previously this evening.

I do want to say just as a historical fact on the parking of the present structure, it's my understanding that the residential units which exist now, the four units, that they were provided parking across the street in the property that is evidently being sold, but I believe tenant parking was provided over there.

I would also like to submit for the record

BOARD OF ZONING APPEAL - 6/26/2014

a couple pictures which just show the location right at the driveway between my client's property and

Mr. Masse's which really emphasize how close the properties are.

Our main objection to the petition is the one of congestion. As the chairman pointed out, one of the purposes, express purposes of the zoning ordinance is to lessen congestion. The proposal will just increase congestion in that you will have cars, not only physically present there overnight and other times during the day, but they will be coming and going. And they will be coming and going right under my client's windows somewhat in competition with my client.

I must say that one of the pluses of this new petition is that we have the property line and we are all coming and going on our own

properties.

The second point is as far as the petitioner's attorney described it, the architecturally unappealing wrap-around to the building. We agree with the petitioner in that score. The problem is what is being -- what is replacing it, and what is replaying it again are these cars that my clients will be looking out at through their windows. One of the spaces is actually up in the corner of their lot. It abuts the property line.

If the garage on my client's side was coming down and was being replaced with open space, we might be down here supporting the petition, quite frankly.

CONSTANTINE ALEXANDER: Did you hear that?

ATTY CRANE: And then the ordinance purpose of reducing pollution. Again, I think

BOARD OF ZONING APPEAL - 6/26/2014

there will be a lot of backup of 59 Sherman Street, it's awfully tight there, and particularly in the morning, getting out, if you were coming out of this driveway and going to go left onto Sherman Street up to the Walden Street light, you could be waiting there a long time.

The chairman, I think, makes a good point as far as reduction of parking goes.

Again, I think if there was proposal to reduce the parking, I can only speak for my client, there are other people in the neighborhood that might take this issue differently. We might be here in support of it, as far as a reduction is concerned.

As far as the petitioner making the parking available, I might add that that also adds to his value to provide a parking space to a dwelling unit. Although policy-wise where in

BOARD OF ZONING APPEAL - 6/26/2014

the city, I think, we are trying to reduce that, I think market value-wise, it's a big plus, particularly if we are going to be continuing to have winters like we just had.

My client, I know, wants to speak to the Board as well. But thank you. If you have any questions for me, I'll be glad to try and answer them.

CONSTANTINE ALEXANDER: I don't.

DENNIS BRUNETTO: My name is Dennis Brunetto, B-R-U-N-E-T-T-O. And I've lived at 46-48 Sherman Street since 1959. And I have seen the area change. And you have addressed my concern about the congestion, so I don't want to be redundant about that matter, but for decades I have been removing snowing from that driveway and doing it according to city policy. I don't throw it out in the street. I move it to the backyard and move whatever snow I have

BOARD OF ZONING APPEAL - 6/26/2014

on the limited space that I have.

My concern is with this wrap-around, where is the snow going to go? And if a plow comes, what are the ramifications from that on a typical winter?

My other concern about that wrap-around driveway, maybe it's just fancy, but people might be able to use that for a shortcut to avoid the light on the corner of Sherman and Walden.

CONSTANTINE ALEXANDER: If people pull in the parking lot, they won't go very far.

DENNIS BRUNETTO: They would avoid the light. Very much like they used to cut through Mr. Masse's parking lot to avoid that same lot.

CONSTANTINE ALEXANDER: I do it, so I know what you're talking about.

DENNIS BRUNETTO: I don't want to be redundant. I just fear for the negative impact for my parents' legacy and thank you for

BOARD OF ZONING APPEAL - 6/26/2014

listening.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

Anyone else wishes to be heard?

Ma'am? You have to give your name and address to the stenographer.

RUTH ALLEN: Ruth Allen, A-L-L-E-N.

IRVING ALLEN: Irving, I-R-V-I-N-G.

RUTH ALLEN: Okay. We actually -- I don't know whether the attorney knows, but it's a business area. Masse's was the first one. Patty's has been there since 1934, which is where I own at 260 Walden Street, and there's a little store that's on Walden Street as well. So there's businesses in that area.

IRVING ALLEN: It's more than a residential area.

RUTH ALLEN: I also live on Fenno Street, which is two streets away. I have my business

BOARD OF ZONING APPEAL - 6/26/2014

and my residence within that area. That's my area, that's our neighborhood.

Not only am I business owner, but I live there. And my children are in there.

And I have a -- I have two things, major things is: There's no parking there to begin with. So I'm always bucking the city anyways because we don't need less parking, we need more parking. Because for some reason they think that we don't have cars in our area. Well, we do. We have six and seven cars.

Mr. Masse always provided parking for his tenants in the lot. I didn't know he still owned that lot. I was under the impression that that was sold.

So I did actually put a letter in. I signed it, not knowing that that is part of his, I did not know that. That's not what I was explained.

BOARD OF ZONING APPEAL - 6/26/2014

But the second part was that we need more parking in that area, and I know we have green space, but you know what, we have Danehy Park, we have Saint Peter's Field right across the street. As far as green space goes, that's perfect. You can overlook those fields, you can walk those fields. It's a beautiful area. You've Raymond Park up the street as far as green space goes.

We're small, little companies and we need all the parking we can get. And what happens is, when you say "Oh, these apartments," three-bedroom apartment for one space, that in itself --

IRVING ALLEN: That's not going to fly in that area.

RUTH ALLEN: Well, it does now.

IRVING ALLEN: And also if that other lot is going to be sold, which it is going to be sold,

BOARD OF ZONING APPEAL - 6/26/2014

that developer is going to also come here and ask for reduced parking as well, guaranteed.

CONSTANTINE ALEXANDER: Doesn't mean we are going to give it to him, though.

RUTH ALLEN: You shouldn't give it to this one.

IRVING ALLEN: It's going to end up happening.

CONSTANTINE ALEXANDER: I'm a little confused, which is not unusual.

TIMOTHY HUGHES: Are you in favor of the project or are you against the project?

RUTH ALLEN: First of all, I am in favor of giving one space for an apartment. They have to give one space for an apartment. Where they give that space, I don't care, but that should be because what happens is like next door to us, they have four apartments. Those tenants park in front of my bar every day. They don't park

BOARD OF ZONING APPEAL - 6/26/2014

in the residential piece. There's already four spots being taken there. There's only four apartments, but there are six cars. So where do my people park that come in? I lose business because the guys if they come in and they leave, there's no place to park. Same with the little store that's there. There's no place. They have one loading zone spot. And once that is gone, everything is gone.

CONSTANTINE ALEXANDER: If Mr. Masse doesn't control the lot across the street, he can't provide parking there. Therefore, the only solution if you say there needs parking for the people that who reside there on the premises is to in -- you're in support of the project.

RUTH ALLEN: Of the six, yes. I'm in support of giving parking spaces for those six apartments.

CONSTANTINE ALEXANDER: Even though the

BOARD OF ZONING APPEAL - 6/26/2014

parking spaces are too close to the lot line,  
too close to the building?

RUTH ALLEN: I'm in support of that. We  
are like that anyways in that area. The only  
problem I have is that now I find out that he  
owns the other spot. So there is the  
availability for parking.

CONSTANTINE ALEXANDER: What other spot?

RUTH ALLEN: The other lot.

CONSTANTINE ALEXANDER: Across the  
street where the warehouse is?

RUTH ALLEN: Yes. That is it still  
owned. I know it's --

CONSTANTINE ALEXANDER: It's not clear.  
It's not our business, I suppose.

RUTH ALLEN: No, but I'm saying if that's  
not available, then there should be some kind  
of parking for those six apartments.

CONSTANTINE ALEXANDER: Okay.

BOARD OF ZONING APPEAL - 6/26/2014

RUTH ALLEN: As far as a business owner goes, and as far as a resident in that area. They have three-bedroom apartments in that building. So there's -- there could be three different people and visitors coming in. So it's a minimum they have to provide those six spots. Thank you.

CONSTANTINE ALEXANDER: Thank you. Okay. Anyone else wishes to be heard on this matter.

KAREN BRUNETTO: Good evening. My name is Karen Brunetto, B-R-U-N-E-T-T-O. I'm Dennis's sister. I've lived at the property since 1964.

So I have a little perspective, as my brother does, in how the neighborhood has changed. Now, we have been Mr. Masse's neighbor for years. He has literally seen me from the cradle up to nice middle age. But what

BOARD OF ZONING APPEAL - 6/26/2014

I would like to talk about for a moment is the changing face of the Cambridge neighborhood landscape. And in particular, I'm going to say landscape because you mentioned greening in this case. I'm going to say it's the lack of greening that I have seen over the years. And one of the things I've noticed, the property next -- we're 46-48 Sherman and Mr. Masse is 247 on Walden Street, and then there's the property next to him which is a three-story building, and I knew who grew up there because they were my best friends when I was growing up, and that was the Scanlon family and they own that building.

They used to have a backyard back there, and I used to play with them in that backyard, and it wasn't a big backyard, it was like my backyard at 48 Sherman. Not very big, but it was someplace we can go and play. And, sure, there were Raymond Park, there was Saint Peter's

BOARD OF ZONING APPEAL - 6/26/2014

field. We didn't go to those parks. But it was always nice having your own little space of green that you could go, you know, we could go to Danehy Park to have a barbecue, well, sure, but everybody else might be joining us.

But over the years one thing that happened to that, they changed owners and one thing the new owner did for parking and they probably came to this Board to ask for permission to do it, was to turn their backyard and pave it into a parking lot for their tenants. So that little space of green may not have been very big, but now it's gone and now it's parking for -- and I don't blame them. I mean, parking is difficult. I know, I have seen it.

Now that little space of green is gone. And one of the things as a homeowner, and, you know, this as all homeowners do, even if the garden is exactly this big, you want to have

BOARD OF ZONING APPEAL - 6/26/2014

something green that you can call your own.

One of the things that I have seen just in the neighborhood, just up the street when they have new condominiums going up, they need parking, and the parking has taken precedence over the backyards.

I have seen big lots. As you walk up Garden Street, there used to be a very large, a nice little house owned by an elderly couple who either passed away or moved on. I believe it was on Garden Street. I can't give you the number. It used to be one house, and a developer came in and added two more houses so that big yard that at one time had a garden and kids playing with it, now has three houses. So now, I'm -- now I'm in sort've a situation where here is my neighbor who wants to add more parking in an area where, yes, I understand we need more parking, but I don't want the city to become

BOARD OF ZONING APPEAL - 6/26/2014

Allston, because that's what I see in Allston. When I drive into Allston, I don't see -- I see postage stamp yards that have been paved over to become parking. You may have seen this in Allston and in some parts of Dorchester where front yards were paved over to make parking spaces.

And that -- I hadn't really thought about it until you started talking about the greening of the area, and then, as I said, my reflection of the changes in the neighborhood where I have seen that take over of parking spaces over one little piece of green, and now the little pieces of green are all being turned into parking spaces.

As I said, I have been in this city since 1964, and the traffic is absolutely horrendous. I work in Kendall Square. If you want horrendous, there you go.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Again, excuse me confusion. On the one hand you're saying the need for parking in this area, and on the other hand, there's a need for greenery. How do you resolve it?

KAREN BRUNETTO: I know.

CONSTANTINE ALEXANDER: In your mind how should we resolve this?

KAREN BRUNETTO: I would say -- well, the way I would resolve it, I would get more people to ride bikes, but I don't think that's going to happen.

CONSTANTINE ALEXANDER: Well, one way the city believes you get people to ride bikes, but you don't give them a parking space. If there's no parking in the area, they will ride a bike or walk, that's one way of solving it, at least the city believes that.

KAREN BRUNETTO: Well, I understand the

BOARD OF ZONING APPEAL - 6/26/2014

need to have parking, but I think there has to be a sort've middle ground.

CONSTANTINE ALEXANDER: Yes. I'm waiting to hear it.

KAREN BRUNETTO: I know. Well, like I said, I was under the impression that Mr. Masse sold had the lot, too, and it was going to be turned into some, you know, whatever development it's going to become which would also require parking.

CONSTANTINE ALEXANDER: We shouldn't speculate. But it's very possible, if it's developed into residential units, there will be underground parking or parking on lot. I don't know that the developer of that site is going to create more parking issues unless people have three cars, and they have one apartment, there may be a problem.

KAREN BRUNETTO: Right. I suppose that

BOARD OF ZONING APPEAL - 6/26/2014

my concern, as the resident of the building next to it is -- I'll admit I'm already living next to a parking lot on one side from the apartment building is that I'm going to be surrounded by more cars.

CONSTANTINE ALEXANDER: You want more greenery.

KAREN BRUNETTO: I want -- I would like to see a little more green -- I'd like to see people having yards again instead of parking spaces.

I mean, I suppose my biggest fear is one day we might have to pave our backyard over, and I hope that never happens.

CONSTANTINE ALEXANDER: Thank you very much.

Anyone else wishes to be heard on this matter?

(No response.)

There appears to be no one else that wishes

BOARD OF ZONING APPEAL - 6/26/2014

to be heard.

We do have a number of letters that I'm going to read into the record. I'm going to read them the way they were handed to me, so I'm not trying to -- because some are in favor and some are against. I'm not trying to stack it one way or the other.

The first one I have in front of me is a letter from, that I referred to before, is Tina Marie Brunetto. I see no needed to read this, Mr. Crane, sir, because you have made -- I think you made the points in your -- orally.

We have a letter David Maher, the Mayor of Cambridge.

I am writing to express my concern about the proposed development of 241-243 Walden Street, the former site of Masse's Hardware.

I have spoken to several residents in the neighborhood who are concerned about that

BOARD OF ZONING APPEAL - 6/26/2014

amount of traffic and congestion this proposed development will bring to the area.

Sherman and Walden Streets are already severely congested during the morning and after rush hours, and this development would add to that traffic.

While I believe that the Masse's Hardware site should be redeveloped, it should be done with the input and concerns of the neighbors incorporated into the proposal.

I urge the Board to carefully consider the concerns of local residents as you consider this request."

This is the same letter from Tina Marie Brunetto. I don't have to read that.

There's another letter I'm missing.

Excuse me. Okay, it's here.

There's a letter from Malik, M-A-L-I-K, A. Latif, L-A-T-I-F, 237 Walden Street.

BOARD OF ZONING APPEAL - 6/26/2014

I am Malik Latif and I am immediate abutter to the building 241-243 Walden Street. I have seen the plan pertaining to the conversion of hardware business store to residential use and adding two additional dwelling units.

Mr. David Masse ran the store for a number of years following the footsteps of his parents and grandparents. The family's contribution to the betterment to the City of Cambridge is well-known, and, in fact, the City Council recognized those services and passed a resolution to install a sign at the Sherman Street/Walden Street intersection naming it Masse Corner.

Thank you for all your services, Masse family.

Now, as to the current project under review, I'm very glad to see the good spirit of Masse family to add two more dwelling units for

BOARD OF ZONING APPEAL - 6/26/2014

the city residents while they are compelled to close their business because of family circumstances. This is a great philanthropic: I don't think so -- "this is a great philanthropic as well as a good business decision.

I wholeheartedly support this project and appeal to the members of the Zoning Board to grant the applicant the necessary variances and Special Permit. Cambridge certainly needs more residential units, both to add to the city revenue, as well as to provide additional housing to the people in need."

Then we have a series of letters -- okay. One from an Edward Hassey, H-A-S-S-E-Y, who resides at 176 Sherman Street.

"I am writing this letter regarding the modernizing and reconstruction of Masse's Hardware building. I have known David Masse

BOARD OF ZONING APPEAL - 6/26/2014

over 25 years and has been a person of high integrity. My godmother worked in the hardware store as a bookkeeper when she was 20 years old, and she passed away in 2007 at the age of 88.

We have known the family forever, and they have dedicated their lives to Walden and Sherman Streets. I have no doubt in my mind that David Masse doesn't have -- I have no doubt in my mind that David Masse doesn't have" -- I think there's a double negative here -- "best intent of Cambridge's well-being in his project. I highly recommend the approval of his project."

There's a form letter. I'll just read the form letter and I'll tell you who signed it.

The letter says "I have seen the proposed parking plan for 241-243 Walden Street, the former site of Masse's Hardware Company and have no opposition to the plan -- to this plan. As a close neighbor to this site, I am highly in

BOARD OF ZONING APPEAL - 6/26/2014

favor of this proposed plan since it will allow residents to park their automobiles off the street and relieve congestion in this area of Cambridge. I strongly urge the ZBA to grant the Special Permit and Mr. Masse's application. I believe the requested changes will enhance the neighborhood."

And the person that signed this resides at 57 Sherman Street. We have a the same letter from the resident at 248 Walden Street, from 269R -- I guess is rear -- Walden Street, from 271 Rear Walden Street, from 250 Walden Street, 272 Walden Street, 252 Walden Street, 240 Walden Street, 53 Sherman Street, 271 Walden Street, from and Ruth Allen who spoke already, 260 Walden Street.

There's also a letter in the file from Leland Chung.

"I am writing to express my reservations

BOARD OF ZONING APPEAL - 6/26/2014

for Mr. David W. Masse at 249 Walden Street, this case before the Board of Zoning Appeal.

Mr. Masse has applied for a variance from the requirements" and it lists certain sections.

"To discontinue retail use at ground floor level and to create two dwellings units creating a stairway violation, setbacks not complying with the dimensional standards."

Let me know if that's been superseded as you pointed out.

"Removing adjoining" -- and it talks about the new -- "the driveway from Walden Street with less than required setbacks and parking with no setbacks. I do not often write to the Board of Zoning Appeal because of your judicious and conscientious approach to evaluating cases, but I wanted to be sure to call your attention to the unique circumstances of the surrounding neighborhood.

BOARD OF ZONING APPEAL - 6/26/2014

My concern is that David Masse has moved forward with his project at 241-243 Walden Street by requesting a variance and Special Permit without addressing the concerns and needs of the surrounding community. I have encountered many residents who continue to have concerns with the project and who will be attending tonight's meeting."

And this was back in May when we were -- when the case was first scheduled here.

"I strongly urge you take their concerns into consideration. The Board of Zoning Appeal has a long track record of being a responsive and deliberate body that protects the interest of the broader community when considering plans for the future.

I trust the Board to exercise the same conscientious consideration in this case as well."

BOARD OF ZONING APPEAL - 6/26/2014

And I think that's it. Let me just make sure. Some of these are repetitious. I want to make sure everybody has a chance to give their views.

There's a letter from a person at 240 Walden Street, but -- it's a she, she signed the other letter that I already read into the record. I think that's it.

That's the public testimony both pro and con. Mostly pro, I would say.

RUTH ALLEN: Can I add one thing? I think a lot of the neighbors are confused with the project going on in the parking lot and then Masse, the actual two apartments. I think that's where a lot of this confusion is coming from.

CONSTANTINE ALEXANDER: Did you ever schedule a meeting with the neighbors to go over this thing and answer and dispel confusion?

BOARD OF ZONING APPEAL - 6/26/2014

ATTY BRUCE EMBRY: Well, I don't know that we know that there is confusion, but Mr. Masse walked the neighborhood to get the various letters. And they're -- virtually all of the immediate neighbors have spoken on this. So I don't know that we would agree that they were confused.

CONSTANTINE ALEXANDER: I was just asking.

ATTY BRUCE EMBRY: I didn't know they were confused.

JANET GREEN: Are all these people here for this case because we haven't heard from many people speaking. No, different case.

CONSTANTINE ALEXANDER: They have nothing better to do on Thursday nights.

ATTY BRUCE EMBRY: Mr. Chair, I would like to make a request to the Board, and that is that we continue this case, and that it will give us

BOARD OF ZONING APPEAL - 6/26/2014

an opportunity to have follow-up meetings with our friends and neighbors, the abutters. And I have known Mr. Crane a long time, and I know him to be a fair and judicious person, and I suspect that there's a plan here somewhere that we can make the parties happy with and we can come back to the Board and the Board can be happy.

CONSTANTINE ALEXANDER: I think that's a very good suggestion. I was hoping to get to it on my own, but I am glad you brought it forth first.

I would also suggest that you heard some ideas expressed tonight about more greenery.

ATTY BRUCE EMBRY: Yes, we did.

CONSTANTINE ALEXANDER: I think most of the concerns you heard, if I may say so, relate to the Walden Street side of the property and the driveway there. And the suggestion from

BOARD OF ZONING APPEAL - 6/26/2014

Mr. Scott about maybe using more greenery, I have thrown out the idea that maybe trying to persuade you to reduce the amount of required parking, I think you should address this.

I would suggest, though, that when you noodle about this, whatever you do, don't just do it one-on-one and walk the neighborhood, which is an appropriate thing to do, but have a meeting so everybody -- just like this, where you can explain to them, they can give you feedback, everybody can hear each other, I think you will have a more fruitful conversation and both will be able to do a better job.

ATTY BRUCE EMBRY: We would be happy to do that, Mr. Chairman.

PETER QUINN: Mr. Chairman, may I ask for some clarification? You said the area of concern was mostly the Walden Street side, but Sherman --

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: I'm sorry, yes.

PETER QUINN: We understand that. Thank you.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: Before we continue this meeting, that I applaud your efforts to try and get a parking space for every unit on the site. I really do. And I think as a plan goes, it's not a bad plan.

PETER QUINN: Thank you. There was a lot of work in this.

CONSTANTINE ALEXANDER: Okay. This is what we call a case heard. So to have this case reheard, we need to have the same five people here present.

Sean, when is the earliest --

SEAN O'GRADY: July 24th.

CONSTANTINE ALEXANDER: Does that give you -- let me start with you. Does that give

BOARD OF ZONING APPEAL - 6/26/2014

you enough time to do what you gotta do?

ATTY BRUCE EMBRY: Yes.

CONSTANTINE ALEXANDER: Is there any neighbor here on this case have a strong objection to resuming this case on July 24?

(No response.)

Apparently not. Okay. I am going to make a motion for a continuance, of course of the Board could vote it down, but I'm going to make a motion. The Chair moves that this case be continued as a case heard until 7:00 p.m. on July 24 on the following condition: You signed a waiver of time for decision because this case has been continued once before, that the sign that's posted on the property now change again, the date and the time to 7:00 p.m. July 24.

And, lastly, to the extent that you're going to submit revised plans, those revised

BOARD OF ZONING APPEAL - 6/26/2014

plans together with an any necessary changes to your dimensional form must be in our files no later than 5:00 p.m. on the Monday before July 24. If you don't do that, we are not going hear the case on July 24. That's just the way our rules work.

All in favor to continue the case say "aye."

(In Favor: Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green, Constantine Alexander.)

Five in favor.

BOARD OF ZONING APPEAL - 6/26/2014

(Sitting Members on Case No. ZBA-003696-2014:  
Constantine Alexander, Timothy Hughes, Brendan  
Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will  
call Case No. 003383, 3 William Street. Anyone  
here wishing to be heard on this matter?

Again, I think there are people here who  
are interested in this case. If you're having  
trouble hearing, if you want to come to the front  
of the side, feel free, or if you can't hear,  
just raise your hand and we'll try to solve the  
problem.

FRANCIS HIGGINSON: First of all, thank  
you very much. I'm well aware that all of you  
are.

JANET GREEN: Can you hear? They can't  
hear.

FRANCIS HIGGINSON: I am well aware that

BOARD OF ZONING APPEAL - 6/26/2014

all of you are overworked and underpaid.

CONSTANTINE ALEXANDER: I want to make sure they hear that. Say that again.

FRANCIS HIGGINS: Overworked and underpaid for this job, so I don't want to abuse your time.

I'm applying for a variance to build a single story sunroom off the north end of my house for two reasons: First, as a retired man in my late 70s, I would like to enjoy the visual pleasures of my garden which is a work-in-progress, not just from my deck during the warm summer months, but year-round.

Second, like my father before me, I'm developing rheumatoid arthritis which if it evolves like his did, will mean that I will need a first floor bedroom. To have that, I will have to convert our existing dining room into a bedroom. In order to persevere something of

BOARD OF ZONING APPEAL - 6/26/2014

the sense of family that a proper dining room provides, I have to create additional space which is the purpose of the sunroom. To be denied the authority to proceed would, in my view, constitute a hardship in and of itself. But to my mind, there's a second hardship, namely, to be required to conform to two standards. In the immediate vicinity there's not a single property that is not in conflict with the approved FAR. However, this can be easily verified. My FAR ratio conforms far more closely to the approved norms than any house within a 500 foot radius. The FAR academy built well after the FAR regulations became effective, clearly enjoyed a variance to allow them to construct on 90 percent of their -- 95 percent of their total land footprint.

My neighbor to my left at No. 5 William Street is scarcely better off nor is the condo

BOARD OF ZONING APPEAL - 6/26/2014

at 151 Auburn Street with 14 plus residents.

If I'm to be denied a variance, it will appear to me, at least that multiple standards exist, that, indeed, I'm asked to sacrifice my hopes to accommodate their wishes.

Now, as to the objections from my neighbors in 154 Auburn, and I received a copy of these, I have to say that while they're long on sentiment, they seem to me to be weak on defensible substance. In what way would I be depriving them or, indeed, anyone else of air, light and visual relief?

In fact, I'm not too clear exactly what these concepts mean. They seem to be a bit vague.

CONSTANTINE ALEXANDER: Have you seen the letter that they have submitted with the photographs?

FRANCIS HIGGINS: Photographs, no.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: With simulations they show? It's not professionally done, but some of this is effectively done of a photo stimulation showing the diminishing of light and air that would result if your structure is built.

FRANCIS HIGGINS: Thank you. I'm going to call or hope you will allow my architect friend to explain some of that.

CONSTANTINE ALEXANDER: Of course we will.

FRANCIS HIGGINSON: But I'm going to also try to show you that that seems excessive. My architect, Joe Zelloe, will show you that my eventual sun room would inflect, not block the view of anyone, but even without his explanation, the apartments on the second and floors closer to light, air and visual relief that any us because they're higher up look well

BOARD OF ZONING APPEAL - 6/26/2014

over the roof of anything I might build.

As for those on the other end of the condo, there's nothing that I might build that will impede their quality of life for the simple reason that they have no view of my garden with or without the sun room.

Finally, as regard to my neighbors who live at No. 5 William, they say that my eventual sun room would block their view of Pearl Street.

The only view of Pearl Street they have is through the east and west windows of my kitchen and through the small space between the buildings located at 83 and 85 Pearl Street. To see anything, and as my photographs clearly show, their shades would have to be up as would mine, and they rarely are, and all the shrubbery that completely blocks any view, whether of Pearl Street or my garden, would have to be cut back. They're justification accordingly lacks

BOARD OF ZONING APPEAL - 6/26/2014

legs. And when I talk about cutting stuff back, I would like to show you that when they want to be able -- did they say they would like to be able to see my garden, they can't see my garden because this is their shrubbery and it's growing on their side and it is in front of their window. There it's again and there it's again.

Just to finally conclude, I have several neighbors here tonight, some of whom have written emails and letters to you that I'm sure you have on file, who strongly back my proposal, and will vouch for the efforts taken by me and my wife to improve the quality of life for the residents.

When we bought our house nine years ago, it, along with a garden, were quite frankly pretty shabby. That's no longer the case, and indeed, we're undertaking repairs at this moment.

BOARD OF ZONING APPEAL - 6/26/2014

For these reasons we hope that you will take into account the hardships to which I referred as well the support of many friends and granted the requested variance.

And if it's agreeable to you,  
Mr. Chair, I would ask.

CONSTANTINE ALEXANDER: Just let's get on the record exactly what we're talking about.

These are just the facts. I'm not going one way or another.

According to the file, you now have an 8 foot deck in your rear yard. You want to replace that with a 10 foot or your application said enclosed porch, but it sounds like it's more than an enclosed porch, it's a sun room, I think you're now referring to.

FRANCIS HIGGINSON: Yeah, it is.

CONSTANTINE ALEXANDER: And a new 6 foot, 4 inch rear deck and you now have -- you have

BOARD OF ZONING APPEAL - 6/26/2014

a side deck, you're going to remove 29 square feet of it, if you -- if we grant you the relief. But you're still going to have a 48 square foot side deck. You have a 48 square foot side deck, a 6 foot 4 inch rear deck and a new room that would extend 10 feet into the yard. That's what we are talking about. And the FAR issues are your -- you're nonconforming now your structure. It's .68 in a .6 district and you're going to go to .73, not dramatic, but you're going to be increasing your nonconforming to FAR, and you're also reducing your left side setback. You're supposed to be at 14.4 feet, you're now only 6.2 feet, and if we grant you relief that you're seeking, you'll go to 5.9 feet. So you're going to get even closer to your neighbor to the left.

There's no change in the right side, although you're virtually on the lot line now,

BOARD OF ZONING APPEAL - 6/26/2014

1.9 feet when you're supposed to have 14.4 feet.

So you've got setback issues, you got FAR issues. And you have given us the case notwithstanding you should be granted relief.

I want to make sure everybody understands, including yourself, what it is exactly we're dealing with tonight.

Now Mr. Zelloe.

JOE ZELLOE: I also want to be clear that on those side setbacks, those are calculations that are based on the massing of the building. The truth is there's no change on the side. We are not getting any closer to the side of the property.

CONSTANTINE ALEXANDER: Why does your application say you're going to go from 6.4 feet to 5.9? I got this from your application.

JOE ZELLOE: Yes, you did. That's true. That's an error. It should be the same with the

BOARD OF ZONING APPEAL - 6/26/2014

6.2.

CONSTANTINE ALEXANDER: You're not going to further intrude into the setback?

JOE ZELLOE: On the sides setback.

CONSTANTINE ALEXANDER: The left side setback?

JOE ZELLOE: Correct.

CONSTANTINE ALEXANDER: What about are you going to increase the massing of what is on the side, in other words, are you going to have that one-story addition?

JOE ZELLOE: Yes. The FAR is going to be --

CONSTANTINE ALEXANDER: That's FAR. On the -- is going to be on the left side of the building?

JOE ZELLOE: No, it's on the rear.

CONSTANTINE ALEXANDER: Just rear, not --

JOE ZELLOE: Only on the rear. I'll just

BOARD OF ZONING APPEAL - 6/26/2014

walk through this real quick. Here is the deck on the side. Here is the back of the house, and I just -- I think the easiest way to start, we had a picture of the back of the house.

JOE ZELLOE: That's how it is today.

That's what it looks like.

When Peter came and we met and we did a sketch that showed what that would look like if we closed that in. The concept here is to go where the pergola is there now. And we are closing that end. Now, so the pergola comes over top of these steps and comes out slightly beyond the edge of the existing deck. There's the side deck back here. This is the portion of the deck we're taking off. So what we are is taking the limits of that deck, pushing that out two additional feet. This is the part that gets closed in. This becomes the sun room. And to access it instead of having all these

BOARD OF ZONING APPEAL - 6/26/2014

steps like this, we have this deck here, and these are doors that fold the actual -- the doors fold back and they stick out.

FRANCIS HIGGINSON: They're accordion style, on tracks.

JOE ZELLOE: So the steps that come down from the deck are right here.

CONSTANTINE ALEXANDER: Let me ask a dumb question, which my questions usually are, why do you need a new deck? If we were to grant you relief to put the sun room, why do you also need a deck as well? Now you need a deck because you have nothing else in the backyard. Now you will have effectively access to your backyard through -- looking visual access through the sun room and you walk out the door into your backyard? I'm just curious.

JOE ZELLOE: That's a choice by --

FRANCIS HIGGINSON: Man proposes God

BOARD OF ZONING APPEAL - 6/26/2014

deposes, I was to trying to -- well, I was trying to see whether we could have a little bit of an open deck there. It's as simple as that.

JOE ZELLOE: But it's a matter of convenience and desire. Could it be cut back? Technically there's no reason why it couldn't be.

JANET GREEN: How big is it now?

JOE ZELLOE: The deck right now is 8 feet from the line of the house out.

JANET GREEN: No. The new deck.

JOE ZELLOE: The next deck is 6 feet 4 inches.

JANET GREEN: By what?

JOE ZELLOE: By --

FRANCIS HIGGINSON: The width of the house.

JOE ZELLOE: By the width of the house which is 15 feet, 10 inches.

BOARD OF ZONING APPEAL - 6/26/2014

What we're trying to do by having this be -- it's just a little glass box basically. So glass box with accordion doors that can open when the weather is nice to be used. It's a nice open room, and when the weather is bad, the doors can be closed and still a tremendous amount of transparency, similar to what we have here. It will be a lot of glass that allows both on the sides, both sides and the rear.

What we've done is we've got a low very sloped roof, the highest point is in the middle of the house. And so at the eave, the edge closer to the sidelines on both of the properties we're not any higher than this pergola that's there.

What I have done is I have drawn the pergola in on this drawing and these three drawings so we can see what is there currently and what we're changing.

CONSTANTINE ALEXANDER: I'd like you to

BOARD OF ZONING APPEAL - 6/26/2014

take a look at this letter. I guess apparently you haven't seen it before. It's in our file from a neighbor, an abutter, and it has, as I said, self-created photo stimulation showing --

JOE ZELLOE: Yes.

CONSTANTINE ALEXANDER: Have you seen it?

JOE ZELLOE: Yes, I did.

CONSTANTINE ALEXANDER: Oh, you have.

What's your comment? Are these inaccurate?

Is that an accurate portrayal of what's going to happen?

JOE ZELLOE: Well, I was confused because when -- what we tried to -- we were just looking at that -- looking at the map. Here is our property. And the dotted line represents the part we're talking about adding.

This person's taking their view out of these windows here looking really at the side

BOARD OF ZONING APPEAL - 6/26/2014

of the house. And I think what is someone going to see what they look out at an angle there, they're going to see glass. They'll see through it.

Will there be an obstruction from some of that? Yes. There will be a portion of that that will be obstructed. There's a pergola there right now, and we're making it solid so it will be reduced without a doubt.

The other thing that I think we have to pay attention to is the south side -- this is on the north side of the house and indicated by what we tried to do is shadow in, the shadow that's being cast by the main part of the house. This building, this little addition is not going to block any direct sun or anything. It's being built in the shadow of the existing house.

PETER GREENBERG: Can I ask a question?

CONSTANTINE ALEXANDER: You will be able

BOARD OF ZONING APPEAL - 6/26/2014

to ask a question. Let him finish the presentation first.

JOE ZELLOE: So to speak to that photo, the illustration that was done there, no, I couldn't go and say, I didn't go and measure their vantage point. I do know there's an exceptionally large tree there, and there's a fence that's 6 feet high.

FRANCIS HIGGINSON: 6 plus 2.

JOE ZELLOE: 6 plus 2, and there's a lot of foliage there. So quite honestly -- at times of year, we have more foliage, of course. It's going to be blocked off in the wintertime, you know, when we all like light. I don't want to say that that's not going to be true, but I think with all due respect to what Peter is trying to do, it's a fairly modest structure, and the fact that the roof is very low, I'm not seeing that we're going to cast a lot more shadow than the

BOARD OF ZONING APPEAL - 6/26/2014

pergola that's there now.

CONSTANTINE ALEXANDER: Thank you. Is there anything else you want to -- you will have an opportunity for closing remarks. Is there anything else you want to say at this point, or should I open it up to public testimony?

FRANCIS HIGGINSON: No, I don't think I -- no, you can go ahead and open it up.

TIMOTHY HUGHES: I have a question. The backside of the proposed sun room is violating the rear yard setback?

JOE ZELLOE: I believe so, yes.

TIMOTHY HUGHES: By how far?

JOE ZELLOE: The rear is not a problem.

TIMOTHY HUGHES: There's no rear yard setback encroachment?

CONSTANTINE ALEXANDER: Correct.

According to the dimensional form, they have to have at least 11.7 feet rear yard setback. They

BOARD OF ZONING APPEAL - 6/26/2014

now are at 36.9, well over and they've got to go 26.9.

TIMOTHY HUGHES: The pergola, what is the spacing on the numbers on top of the pergola, any idea?

JOE ZELLOE: Less than 32 inches.

TIMOTHY HUGHES: Was it calculated in the FAR?

JOE ZELLOE: Was the pergola previously calculated in the FAR? I don't believe so.

TIMOTHY HUGHES: Correct. That's my question.

JOE ZELLOE: No.

TIMOTHY HUGHES: 'Cuz it should have been.

CONSTANTINE ALEXANDER: You're saying that the FAR is worse than stated in the dimensional form?

TIMOTHY HUGHES: I'm saying that the

BOARD OF ZONING APPEAL - 6/26/2014

difference between the pergola and the sun room is going to be smaller if the pergola had been calculated in the FAR which it should be if the members are closer than 32 inches apart.

BRENDAN SULLIVAN: That would have generated a building permit which would have generated relief.

TIMOTHY HUGHES: That means the pergola probably got built without relief.

BRENDAN SULLIVAN: Because there was no relief.

TIMOTHY HUGHES: Right.

FRANCIS HIGGINSON: You asked me if I had -- I did want to -- you asked if I had anything else to say. I did want to say nothing is going to be changed so far as the existing garden is concerned. There are no plants going to be up rooted. There are flagstones, and they have been there for nine years where this thing

BOARD OF ZONING APPEAL - 6/26/2014

is all taking place. So there's no -- there have been concerns about adding greenery and so forth are -- are misplaced.

CONSTANTINE ALEXANDER: I'm going to now open it up to public testimony. So you said you had a question, so you can go first.

Give your name and address to the stenographer, please?

PETER GREENBERG: My name is Peter Greenberg and I live at 5 William Street, which is the house that's right over.

I'm the immediate neighbor and I'm the person who wrote that letter.

CONSTANTINE ALEXANDER: With the photographs?

PETER GREENBERG: Yes.

The reason we have come to speak tonight is because we feel that we have a very small house on a very small lot. My neighbor has a

BOARD OF ZONING APPEAL - 6/26/2014

much larger house on a much larger lot.

If he's going to be able to build his addition, it would be extending the line of his house which right now is 6 feet from the property line. The reason it's going to be 5.9 is because the property line is parallel to his house. As it goes farther away, it gets closer to the property line.

And we feel very -- we think it's very clear that we're going to get boxed in by his addition. And we feel that -- we live -- our house is a -- one side of a double house. We have one little window that looks out one side. Most of our windows face the side of his house. And then we have two windows that face William Street.

The rooms that will be directly affected by Peter's addition, our kitchen and our dining room. Right now they look out in a kind a funny

BOARD OF ZONING APPEAL - 6/26/2014

little corner view that's trapped on one side by our large tree. And, yes, it's true on those drawings that there is that big canopy, but that canopy is very high.

I can show through this drawing it's true. The canopy is up here. While this looks perhaps like it boxes the view, it does not. And our house is a -- it's arranged in such a way that right now from our windows, right here, we look out and see right between the house and the edge -- the tree and edge of his house.

JANET GREEN: Is there a fence there?

I'm sorry.

PETER GREENBERG: There's a fence there. We step up several steps to get to our first floor. So we're elevated relative to the fence.

JANET GREEN: How tall is the fence?

PETER GREENBERG: The fence is 8 feet

BOARD OF ZONING APPEAL - 6/26/2014

tall.

The pictures I have shown you are taken from our kitchen. I took several photographs. I took a photograph from our kitchen and I took a photograph from the dining room. And to be fair, I took a photograph with my head pressed up against the window.

If you see right here, this is the existing house, that's the tree, and here is the pergola.

CONSTANTINE ALEXANDER: The photograph underneath it with the pink shading shows what will happen in terms --

PETER GREENBERG: That shows the corner of the pergola brought down, which I understand is the proposal.

TIMOTHY HUGHES: Actually it will be two feet farther out.

PETER GREENBERG: Two feet further than that. Well --

BOARD OF ZONING APPEAL - 6/26/2014

TIMOTHY HUGHES: Towards the back lot line.

PETER GREENBERG: Nevertheless --

TIMOTHY HUGHES: That's what I just heard.

PETER GREENBERG: -- you can see that the continuation of this wall means we would not have natural light coming through. And while it's true that it will be glass instead of seeing the sun rise in the morning, which we see when the light comes in from the east side because we are to the west, so that is east light that's coming towards us.

When I get up at 6:00 in the morning and I'm making coffee, there's a glow through the leaves. It's true I have leaves that are there because I value my privacy.

FRANCIS HIGGINSON: That's what you look at.

## BOARD OF ZONING APPEAL - 6/26/2014

PETER GREENBERG: Well, know, that's what you look at.

FRANCIS HIGGINSON: No, no, that's what you look at.

PETER GREENBERG: No. Excuse me, I have the floor here.

TIMOTHY HUGHES: Can you not enter into a side bar conversation?

PETER GREENBERG: The light comes from your side, so you're looking at the reflection of the light on the leaves. I get the light through the leaves. So I actually get a green glow of light which is quiet normal in the wintertime, or actually from October until May, there are no leaves at all. And so, we would be looking directly at your sun room.

And with respect to the angle of light that comes in, it's true, we're not protesting the direct light that comes in, we don't get direct

BOARD OF ZONING APPEAL - 6/26/2014

light. We get the light that bounces around in the open space that's in the middle of the block. The reason that we're objecting against this is because we believe that the intent of the zoning ordinance is to maintain a level of density that preserves a certain amount of open space between the buildings. We feel if the addition is put on, we will be boxed in, and we will be now looking across an alley.

The addition is proposed to be 5.9 feet away from our property line. And we feel it's true on the second floor of my daughter's bedroom, yeah, perhaps we can see over, but in the public rooms, in our kitchen, in our living room, we will be looking right at this addition.

CONSTANTINE ALEXANDER: Okay. Thank you for taking the time to come down.

Anyone else wishing to be heard? Please come up.

BOARD OF ZONING APPEAL - 6/26/2014

ROSALIE ANDERS: Hello, I'm Rosalie Anders, A-N-D-E-R-S, I live at 154 Auburn Street.

And so, we abut to the west right behind the Greenbergs. And I want to start by saying that in terms of who's affected by this, the people that live on the Williams Street, except the Greenbergs, are not affected. They can't even see these yards.

But surrounding it's very dense, and as Peter pointed out, the FAR is not there for, you know, these old buildings that's just jammed in there.

We have a driveway on one side and we have Farr Academy on the other. Now we have this 8 foot fence, you know, about 5 feet 9 inches from our windows. So open space is really at a premium.

Our building is a voluntarily limited

BOARD OF ZONING APPEAL - 6/26/2014

equity home for six families. We have been there since 1981. And one of the things we're really trying to do by making it voluntarily limited equity is to make it available to families. And so now, as we're all getting older, young families are moving in with young kids, and we just feel like we need that light, we need that air. We need that open -- that sense of open space.

As we live on the first floor, it will certainly affect us because they will now be able to look right into our front windows.

We just encourage you -- you know, we're in here for the long haul. I think we have to look not just over the next couple years, but for the next 50 years. We hope that you will retain the spirit of open space in Cambridge.

CONSTANTINE ALEXANDER: Thank you.

Thank you for taking the time to come down.

## BOARD OF ZONING APPEAL - 6/26/2014

Anyone else wishing to be heard?

LYNNE HALL: I don't have anything novel to say. I'm just going to reiterate --

CONSTANTINE ALEXANDER: Just give me your name.

LYNNE HALL: It's Lynne, L-Y-N-N-E, Hall, H-A-L-L. I live at 154 Auburn. I'm on the third floor so I do have kind've a bird's-eye view.

But I have been spending sometime on the first floor just to kind've see what it's like. And Farr Academy is three feet away. There's this huge fence. It's very dense. As I think about a glassed-in porch, I can kinda get that because it's not that much bigger. It's a large house with a large space, but when you're talking about another elevated deck beyond that, it feels like, you know, guess who is coming to dinner to Rosalie and Paul, it would

BOARD OF ZONING APPEAL - 6/26/2014

be just like they're in their face, and it just feels like we have to think about open space and I just feel like it's too much. Too big. It's too big.

CONSTANTINE ALEXANDER: Thank you.

I guess someone else wishes to be heard.

If you're just going to repeat comments somebody else has made --

VIRGINIA BELIGH: I want to say something actually. I'm Virginia Beligh, B-E-L-I-G-H.

Okay. Well, I live on the other side of 154 Auburn so I'm affected, because I spend a lot of time in our yard, in our precious very small yard with my son who is 7-1/2 and so we are affected by the air. In June when it gets really humid, June and July, down there, it's pretty stagnant. The air is pretty stagnant.

And the more we try to shoot the -- more and more that is shoehorned into that space,

BOARD OF ZONING APPEAL - 6/26/2014

that open space that we have, is just going to increase the diminished -- it's going to diminish the enjoyment of our backyard.

CONSTANTINE ALEXANDER: Thank you.

VIRGINIA BELIGH: Thank you.

CONSTANTINE ALEXANDER: Ma'am.

MARYANNE MCQUILLAN: My name is Maryanne McGuillan, M-C-Q-U-I-L-L-A-N. And I also live at 5 Williams Street.

This has been stressful and troubling because we our friends. And I just wanted to point that out. We have lived happily together for the last ten years. And my husband is an architect. I must say that Peter Higginson timely asked Peter to design the addition about nine months ago. And he said, "You're going to need a variance for that. You're going to need a variance for that."

And I think that our real fault was at that

BOARD OF ZONING APPEAL - 6/26/2014

the point not saying, you know, we have a real problem with this, we have a real objection to this, and then it's my apology to Peter, my biggest regret is at that point I didn't say, "Wow, that's going to radically -- that's going to completely block us in," and, you know, "come on over and I'll show you what we mean," I didn't do that.

When we got the letter from you all, about the requesting for the first hearing, we started an email exchange and that also was very troubling.

So I just wanted to say this is nothing personal whatsoever, and I hope that we can continue to be cordial and to be friends, but Peter needs to hear that having a glass structure behind, glass sure is reflective, but glass also blocks light and glass also reflects light back on you. I'm a photographer so I'm

BOARD OF ZONING APPEAL - 6/26/2014

fully aware of what light does. And by building this extension, this cottonwood tree is enormous, it's the one that sheds the fuzz all over Central square. People take photographs of it. They sort've circle in this like mess of stuff the circles around. It's amazing. But it's a huge tree, it's on three properties, and it's true that the extension Peter is proposing, this will go right up to that cottonwood tree and I won't see anything out the window. It's even for me personally less about light than it's about being blocked in and -- so -- so glass is all fine and good, but we will then be looking at, I think Rosalie said furniture, furniture, and happy family having three meals a day as opposed to a kind've a privacy level that we both have right now. We have a certain privacy where I'm seeing over into all the way into the back of people on Pearl

BOARD OF ZONING APPEAL - 6/26/2014

Street, and in the wintertime I can see through their through windows all the way to the other side of Pearl Street and all of that will be gone.

So in terms of -- we have a dog. I walk a dog. I'm fully aware of neighborhoods before the laws that exist now about size of property on a lot. It's shocking to see how close houses are together and the total fire hazard that is.

For me, it's less about us than it is about preserving what little open space there already is in this tight -- in this incredibly dense neighborhood of Cambridgeport.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

Anyone else wishes to be heard?

KASI CRUX: My name is Kasi Crux, K-A-S-I, C-R-U-Z. I own the property at 83 Pearl Street. And I'm here because I'm strongly in favor of

BOARD OF ZONING APPEAL - 6/26/2014

what Peter is attempting to do here.

I also understand that we have neighbors who feel just as strongly --

CONSTANTINE ALEXANDER: Could you show me where 83 Pearl Street is on that?

KASI CRUX: Yep. 83 Pearl is right to the left of the side deck. Use the bottom.

CONSTANTINE ALEXANDER: On the map.

JANET GREEN: The one in your hand.

JEAN LOPRESTI: These houses.

JANET GREEN: Got it.

CONSTANTINE ALEXANDER: Where is 154? Between you? In between you and the other --

JEAN LOPRESTI: There's 83 and 85. Pearl Street is our entrance and the Williams Street is our backyards. She owns half that.

CONSTANTINE ALEXANDER: I want to get a sense how you're being impacted or not by what is going on.

BOARD OF ZONING APPEAL - 6/26/2014

KASI CRUZ: I'm not as impacted as the folks who are on Williams Street and Auburn Street I believe they are being impacted.

I understand that they have their concerns, and I'm sympathetic to them, and I actually about a month or so ago, I knocked on Peter's door. His wife Tia answered. And I actually asked her can I actually go in your backyard and kind've get a sense of what you're trying to do and actually without going into these people's homes, just try to visualize what it is they're going to see. And honestly I was hard pressed to see how what is he's doing here is going to impact. We're talking about slivers of views, and that, in my opinion, these people have. Little slivers. And I understand the open space concept.

If anyone in the houses surrounding Peter's has built open space, it's Peter. When

BOARD OF ZONING APPEAL - 6/26/2014

he bought that house, he took a fence down. He actually opened up that space. So I feel confident that creating open space and visual beauty is part of what his plan is. And he does beautiful work on his home that we all benefit from.

But honestly I was hard pressed not to really see how this is going to make people feel squeezed in or block their views. Again, I'm not in their homes, but it's just standing in that yard looking in. He has an 8 foot fence that is alongside the Williams Street neighbors. And he's got a wall. I don't know if the fence is there. But it's another high wall right that is, you know, right in front of the people on Auburn Street.

If you're on the first floor, whatever view you have of his yard, it is a sliver. It's hardly -- it's nothing. I know maybe to the

BOARD OF ZONING APPEAL - 6/26/2014

people in those homes it's not nothing, but it's small.

If you're on the second and third floors, yeah, I mean, you will -- you're seeing the top of what he already has there.

So again I'm strongly in favor of what he's done.

CONSTANTINE ALEXANDER: Thank you very much for taking the time to come down.

JEAN LOPRESTI: Jean, J-E-A-N, Lopresti, L-O-P-R-E-S-T-I, I own 85 Pearl Street, which is, you know, she owns 83 and 85 is a side by side house on Pearl Street. Our backyards are on Williams Street.

So, again, I abut him by my driveway. And my thing is to also what Kasi said, yes, it may block a view, but it's glass, and the 8 foot fence is 6 foot of solid fence and two feet of lattice. So there's light flowing around

BOARD OF ZONING APPEAL - 6/26/2014

whatever there is.

The condos -- they're not condos, they're co-ops on Auburn Street, yes, the people upstairs have a view down, they have a very small backyard. They have like side accesses and little small yards.

So I understand from their perspective that it could be like anything, they don't want anything. However, the house where Peter lives, before it was owned by him, was no landscaping, no nothing. No maintenance, quite frankly, squirrels in and out of the roof and everything.

So what they did when they bought it is renovate the house, improved the house and they took a fence down with the agreement of the neighbors and opened up so that their backyard flows into the house before ours which is like 77 or something Pearl Street, and their

BOARD OF ZONING APPEAL - 6/26/2014

backyard. And then the neighbors that -- the other house, the other half just sold it and they took down today a massive walnut tree, which totally opens up like the sky.

I mean, not for nothing, but now I see the ACs on the roof of Farr Academy, which is a brick, a one story -- I think one story brick building, which is a massive ugly block, but it's there, and, you know, like the tree used to hide a lot of that and now it doesn't. I think that it's -- things are changing all the time. We all have to deal with that.

I don't consider what Peter is doing as a major intrusion in the neighborhood as far as density because it's glass and the pergola is already there. I'm in support of the project.

If modifications need to be made maybe they're open to that. As an abutter, I support it.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Sir.

PAUL ANDERS: Paul Anders.

CONSTANTINE ALEXANDER: Are you going to say anything different?

PAUL ANDERS: Yeah. I want to address the question of the sliver that supposedly we are going to see. We're not going to see a sliver. We're going to see the entirety of Peter's pergola and it will block our view of what is on the other side.

And I would like to address the question of cordiality that Maryanne brought up. We would like to stress to Peter the importance of cordiality. Peter has not been cordial with us.

CONSTANTINE ALEXANDER: I don't want to get into that. That's not a zoning issue.

PAUL ANDERS: Well, it is to the extent that he didn't approach us about that.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Sir, I don't want to go down here. He doesn't have to approach you. It's always a good idea, but he doesn't have to, and whether or not he did it is not going to make a difference to our decision on the zoning.

If that's all you have to add to it, I think we should move on.

PAUL ANDERS: Okay. Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishing to be heard?

(No response.)

No one else wishes to be heard. We do have letters in our file, I'm going to put into the public record. We have letters from the residents of 154 Auburn Street, I'm not going to read the letters because you've expressed -- I believe you've expressed what's in the letter in your public testimony.

## BOARD OF ZONING APPEAL - 6/26/2014

We have a letter from James M. Loder,  
L-O-D-E-R.

"My name is James Loder. I have lived at 7 Williams Street, Cambridge for the past 62 years. I am writing to you convey my approval of my neighbor, Francis Higginson to add a new enclosed porch" -- it says "couch," but it means porch -- and rear deck at his home at 3 Williams Street. Mr. Higginson and his family have greatly improved the neighborhood since they purchased 3 Williams Street several years ago. They are wonderful neighbors and I urge you to approve their request."

There's a letter from John C. Borden,  
B-O-R-D-E-N. Williams Street has certainly been approved by the detailed restoration Francis Higginson has researched and managed for his family's attractive residence at 3 Williams Street.

BOARD OF ZONING APPEAL - 6/26/2014

As owners and residents of Unit No. 1 at 6 Williams Street for over 22 years, my wife, Joanna Hatterty, H-A-T-T-E-R-T-Y, and I have no objection to, or issues of any kind with the variance requested by Mr. Higginson for the construction of an enclosed porch as shown in the relevant drawings to be considered by the ZBA."

We have a letter from Mr. Greenberg that I referred to, and Mr. Greenberg has been covered, I think, in your remarks. I don't think I need to read it.

We also have an email from Willy K. Harris/William R. Tibbs, the owners of 79 Pearl Street.

"My name is Willy K. Harris. I'm writing this email to supersede my previous email on this subject. My address is 79 Pearl Street. As abutters to the property owned by Francis

BOARD OF ZONING APPEAL - 6/26/2014

Higginson, I am writing to inform you that we have no issues or concerns with the variance as shown in the proposed drawings."

We have an email from Kasi Cruz and I believe you've talked tonight. I don't think I need to read that.

I think that's all we have. That's the public testimony. The public testimony was given orally, and what is expressed in writing is in our files.

I will give you an opportunity to make any final comments you want add and then we'll close public testimony. You don't have to add anything if you don't want.

FRANCIS HIGGINSON: I would just ask a question, and it's a general question and that is: To what extent is an owner responsible for somebody else's view.

CONSTANTINE ALEXANDER: Let me try to

BOARD OF ZONING APPEAL - 6/26/2014

answer that -- I don't that's an appropriate question and I don't mean to be critical. The zoning ordinance takes on superseding view. It tries to create light air setback and density that makes sense for the community at large. And the City Council, who adopts the zoning ordinances decide, what is appropriate in terms of open space and backyards and setbacks from buildings.

People come to us to get a variance to get relief from that because quite often when you have a citywide ordinance, it's going to create injustice as it proceeds and justice with respect to specific property. That's why you need a variance. That's why you're down here.

We have to make a decision based on a statute, and we take into account the arguments you present or any petitioner presents, and we take into account anyone else, particularly

BOARD OF ZONING APPEAL - 6/26/2014

abutters, who have views on the property. And then we put it all in the mix and we come up with our decision. That's the best explanation I can give you.

Anything else?

Should we close public testimony? Okay. Public testimony is closed.

I think we can go to our deliberations that we do here and now.

Does anyone wish to speak on this at this point? Any Member of the Board?

I'll go first if someone wants or I'll let someone else go.

TIMOTHY HUGHES: Go ahead.

CONSTANTINE ALEXANDER: Okay. I find this an extremely troublesome case and a very close case. I think what you want to do is legitimate. I mean, I think -- I understand why you want to do it. I think in an abstract

BOARD OF ZONING APPEAL - 6/26/2014

sense, it's not significant relief.

On the other hand, you're in a dense neighborhood. And you do have neighbors who will be affected by what you want to do, and our job is to balance that, what you want to do and the impact on your neighbors.

I throw those balls up in the area and I come down with the view that I can't support the variance. I just think the impact on the neighboring properties, big or small, is such that given the dense neighborhood we should not be encouraging projects or allowing projects which further increase the density of use of this area of the city.

So that's my view. I'm only one of five. By the way, to get relief you need four votes in favor. It's not a majority vote, it's a super majority. Two votes against even if the other three in favor means no relief. I have

BOARD OF ZONING APPEAL - 6/26/2014

said my peace.

BRENDAN SULLIVAN: I feel what is before us will really have a singular benefit to the petitioner. However, I feel what is before us and reading all the transcripts and listening to the people, will have fairly substantial and far reaching negative impact on the adjoining properties and their quality of life, and their quality of life is obviously air, light and open space.

And I think that they're allowed protection under the ordinance. That's why we have the ordinance.

And so I would be opposed to the petition.

CONSTANTINE ALEXANDER: Anyone else wish to speak?

JANET GREEN: I didn't feel that way. I was really moved by the pictures of what they could actually see. The fact that the people

BOARD OF ZONING APPEAL - 6/26/2014

who were feeling most affected, which I'm sympathetic about, still managed to have an eight foot fence, allow all that greenery to come down. I mean, it stops the air circulation for sure. Haven't seem to see anything that they could have done from their side to open it up.

So I didn't have a sense that was really a major intrusion into a situation.

I think one of the things they expressed was they liked to have it enclosed in because they like their privacy, but they wanted to be able to see this little piece of view as well. You know, I guess it's a wain of those things, but I didn't find that they did the things they could have been done to make it more air, more light and more circulation.

PAUL GREENBERG: It's not our fence, it's his fence.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Sorry, sir.

TIMOTHY HUGHES: I don't have a problem with the FAR issue. It seems obvious to me the pergola got put up without a permit and it shouldn't have. If this variance had been done with the pergola to begin with, you probably could have built this thing as of right, and you probably would not have anyone object to a pergola the way they're going to object to this closed-in sun room.

But, like I said, I don't have a problem with the FAR. I do have a problem with the setback issue, continuing the plan in the house. If that was pulled back to where that was not a -- a setback violation, pulled back from where the property line is, where the tree is, and we were only dealing with FAR, I could vote for it. But right now I'm having trouble with it.

CONSTANTINE ALEXANDER: Tom, any views?

BOARD OF ZONING APPEAL - 6/26/2014

THOMAS SCOTT: Just with regard to the use of the room, is it strictly as a sun room?

FRANCIS HIGGINSON: No, it's essentially a living space that one -- because of the design is intentionally openable in nice weather, but it's supposed to be an enclosed space. I mean, it's a sun room in the sense it's completely glass.

CONSTANTINE ALEXANDER: It's otherwise a family room you might say?

FRANCIS HIGGINSON: Otherwise a family room, yeah.

Correct me if I'm wrong, I mean you're the architect, but a sun room that is something that is surrounded by glass.

JOE ZELLOE: Well, it's. But a 10 foot depth you're not going to put a lot of furniture out there. You want to be able to walk through? We're talking about a love seat, maybe a chair,

## BOARD OF ZONING APPEAL - 6/26/2014

a table.

THOMAS SCOTT: So the deck that's there now, you can essentially use how many months of the year? Six months?

FRANCIS HIGGINSON: Yes.

THOMAS SCOTT: This enclosure is going to allow you to use it all year-round?

FRANCIS HIGGINSON: Yes, that's it.

CONSTANTINE ALEXANDER: Enclosure plus deck. They also want the deck as well.

FRANCIS HIGGINSON: I would have been --

CONSTANTINE ALEXANDER: Okay. I'm going to make a motion and bring this thing to a vote.

As we always do, we make the motion in the affirmative and then we take the vote.

The Chair moves that this Board --

TIMOTHY HUGHES: I have a question.

Would you consider redesigning this thing because it looks to me like you're going to get

BOARD OF ZONING APPEAL - 6/26/2014

voted down right now, and that means that you can't come back with a petition for two years.

CONSTANTINE ALEXANDER: If you come back with a substantially different petition within two years. That's a long and arduous process and I'm not sure you could come with something substantially different than what's here now. I think that's what your point was.

TIMOTHY HUGHES: My point is: Would there be any benefit to continuing this case? Do you think you could redesign it in a way that the people the most object to it would be satisfied? You're going lose a little space, but the alternative is that you're going to lose this petition tonight and you're not going to be able to do anything with that space for two years.

JOE ZELLOE: I think we're looking at -- if we're looking at meeting the side

BOARD OF ZONING APPEAL - 6/26/2014

setbacks requirements at 14 feet and we're at 6.2 now, to take eight feet off of, we're talking almost half off the side, I think, would it be worthwhile to take four feet off?

FRANCIS HIGGINSON: Are you talking about removing the --

TIMOTHY HUGHES: But that question.

CONSTANTINE ALEXANDER: We don't want you to do this right on the fly.

TIMOTHY HUGHES: Right. But that's something that you would have to be willing do and you would have to sell it to your neighbors. And is there any point in continuing this case and let that process go on?

CONSTANTINE ALEXANDER: Which means more time and money, I suppose, you may not convince the neighbors anymore or you may, I don't know, time would tell, but we would come back another night. It's your call, Mr. Higginson, or we go

BOARD OF ZONING APPEAL - 6/26/2014

right to the vote?

FRANCIS HIGGINSON: I think we can go to the vote.

CONSTANTINE ALEXANDER: Okay. The Chair will move that we make the following findings with respect to the relief being sought that the limited enforcement of the provisions of the ordinance will involve a substantial hardship to the petitioner, the hardship being that he would not be able to have a sun room that he desires to have in his rear yard, that the hardship is owing to circumstances relating to the basically the fact this is a nonconforming structure as it is. And, therefore, it's a topography of the lot itself and the relief maybe granted without substantial detriment to the public good or nullifying or substantially derogating the intent or purpose of this ordinance.

BOARD OF ZONING APPEAL - 6/26/2014

On the basis of these findings, the Chair moves that we grant the variance that's being requested on the condition that the work proceed in accordance with plans submitted by the petitioner, they're prepared by Zelloe & Weaver, Z-E-L-L-O-E, they're numbered A-1.1 and A-1.0, both pages have been initiated by the Chair.

All those in favor of granting the variance on this basis say "aye."

JANET GREEN: Aye.

THOMAS SCOTT: Aye.

CONSTANTINE ALEXANDER: Two in favor.

All those opposed? Three opposed.

(In Favor: Janet Green, Thomas Scott;  
opposed: Timothy Hughes, Brendan Sullivan,  
Constantine Alexander.)

CONSTANTINE ALEXANDER: The variance has been denied.

BOARD OF ZONING APPEAL - 6/26/2014

I think we need to take one more vote, and this vote would be voted on by only the people who voted against granting relief, that the Board or the members who voted against make -- done so on the basis that the petitioner has not established a substantial hardship, for the charge of being as one, if any, it's only personal to the occupant, and to deal with a potential future problem that the hardship is not owing to soil conditions, shape or topography of the lot, and that relief will not be granted. If we granted we relief, it would be a substantial detriment to the public good because it would increase the density of this already dense section of Cambridge.

All those in favor of making this findings as to why we voted against it, say "aye."

Three in favor. Case is over. Thank you.

BOARD OF ZONING APPEAL - 6/26/2014

(Denied: Constantine Alexander, Brendan Sullivan, Timothy Hughes.)

(Sitting Members on Case No. ZBA-10448:  
Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair calls Case No. 10448, 222 Brattle Street, also known as 220R Brattle.

Anyone here wishing to be heard on this matter?

The Chair would note that there's a request from the petitioner to withdraw their petition. I think that, assuming we vote to accept to request the withdrawal, that moots any

BOARD OF ZONING APPEAL - 6/26/2014

need for public testimony unless you oppose the withdrawal.

BRENDAN SULLIVAN: No, I don't.

CONSTANTINE ALEXANDER: All those in favor of accepting the request for withdrawal, please say "aye."

(In Favor: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

Five in favor; case withdrawn.

(Sitting Members on Case ZBA-002934-2014:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will now call Case No. 0039334, 7 Kirkland Road. The Chair would note there is a request from the petitioner to continue this case as a case not heard in this regard became apparent when I read the file that the petitioner needs relief beyond what is being sought, namely, that this deck they want to build will be within only three feet of the garage on the property, and runs afoul of our requirement of the ordinance that you have at least 10 feet of separation.

BOARD OF ZONING APPEAL - 6/26/2014

So they're going to come back, I assume, and seek relief for that as well as the relief they were going to seek tonight.

I would just comment to Mr. O'Grady that I think you -- speaking only from me as the chair, convey to these individuals that they should seriously try to reconfigure the deck so they're not as close as three feet. That's a serious problem, I think. And seriously impairs them of getting relief.

All those in favor -- when do we continue to.

SEAN O'GRADY: They would like August 14.

CONSTANTINE ALEXANDER: August 14. The Chair moves that this case be continued until 7:00 p.m. on August 14th on the following conditions that the petitioner signs a waiver of time for decision. They have done that.

BOARD OF ZONING APPEAL - 6/26/2014

That's been done.

On the condition that the sign that's on the property now, be amended or modified to reflect the new date of August 14th, the new time, 7:00 p.m. and the sign be maintained for the 14 day period required under our ordinance as is the case with the original petition.

And, lastly. To the extent to that the petitioner does modify the plans that were submitted, that the petitioner -- that these modified plans, together with any modified dimensional form that may be required as a result, must be in our files by no later than 5:00 p.m. on the Monday before August 14th.

All those in favor to continue the case on this basis say "aye."

Five in favor, case continued.

(In Favor: Constantine Alexander,  
Timothy Hughes, Brendan Sullivan, Thomas Scott,

BOARD OF ZONING APPEAL - 6/26/2014

Janet Green.)

(Sitting Members on Case No. ZBA-004073-2014:

Constantine Alexander, Brendan Sullivan,

Thomas Scott, Janet Green.)

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: The Chair is now going to call Case No. 004073, 82-84 Alpine Street. Mr. O'Shea, I'm not sure we're going to take your case right now because the fifth member is supposed to be here and he's not here.

MICHAEL O'SHEA: Oh, I see.

CONSTANTINE ALEXANDER: I don't think you want it go forward with just four members.

MICHAEL O'SHEA: I defer to your judgment on that.

CONSTANTINE ALEXANDER: You need five votes to get relief as you may have heard earlier -- four votes.

MICHAEL O'SHEA: I would need a hundred percent.

CONSTANTINE ALEXANDER: If you have four. If you go five, you can have a dissenter and still get your relief. Most people like to have five.

BOARD OF ZONING APPEAL - 6/26/2014

MICHAEL O'SHEA: That's a good plan.

(Sitting Members on Case ZBA-003979-2014:

Constantine Alexander, Timothy Hughes, Brendan  
Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: Let's go back to  
the other agenda. The Chair will call Case No.  
003979, 13 Cedar Street.

## BOARD OF ZONING APPEAL - 6/26/2014

Anyone here wishing to be heard on this matter?

PATRICK RETTIG: My name is Patrick Rettig. I'm here with Brooke Mohnkern and Amy Carlyn. They're the owners of 13 Cedar Street. Brooke and Amy have a growing family. They love the neighborhood they live in. They would like to do a little work to allow them that would allow them to gain a little more usable living space within their existing structure.

They have a basement that walks out to the backyard. They would like to renovate the basement to incorporate a new bedroom and bathroom as shown in the drawings. They would like to enlarge an opening to -- for a new double door and to modify a couple of existing openings, a window and a door to bring some more light and air into the rooms, and to improve the connection between the house and the backyard.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: So the addition doesn't require any zoning relief at all. It's just a relocation of the windows and door, and that's a Special Permit, not a variance.

PATRICK RETTIG: Special Permit, yep. The walls are existing, nonconforming with respect to the rear setback.

CONSTANTINE ALEXANDER: That's short and sweet.

Any questions from the Members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Anyone here wishing to be heard on this matter?

(No response.)

The Chair notes no one is wishing to be heard. I don't believe there's any correspondence in the file from anyone.

Have you spoken to your neighbors by any

## BOARD OF ZONING APPEAL - 6/26/2014

chance?

AMY CARLYN: Yes, we have spoken to all of the -- our abutters, the one right behind us and then the two on either side and everybody is in agreement. No objection.

CONSTANTINE ALEXANDER: Okay. I'm going to close public testimony. Discussion or are we ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote.

JANET GREEN: Ready for a vote.

CONSTANTINE ALEXANDER: Tom, you ready for a vote?

THOMAS SCOTT: Yeah.

TIMOTHY HUGHES: I don't want to rush you, Tom.

CONSTANTINE ALEXANDER: The Chair moves that we grant the Special Permit being requested -- well, the Chair moves that the Board make the following findings with respect

BOARD OF ZONING APPEAL - 6/26/2014

to the Special Permit that's been requested: That the relief being sought will not cause congestion, hazard or substantial change in established neighborhood character, that the continued operation or development of adjacent properties will not be adversely affected by what you propose to do, that no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupants or the citizens of the city, and that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate the intent and purpose of the ordinance.

The Chair would note and make it part of the findings is that what is being done here is something that the city is encouraging, namely, that occupants need additional space. We look favorably on that. We don't automatically

BOARD OF ZONING APPEAL - 6/26/2014

grant it, but we do like to keep people who are committed to the city remain in the city. And the relief being sought is rather modest in nature, as you point out, relocation of windows and doors, and that there appears to be no neighborhood or any opposition from your neighbors.

So on the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with the plans submitted by the petitioner, prepared by Brooke Mohnkern and Amy Carlyn, the first page of which, after the plot plan, have been initiated by the Chair.

And these are final plans because if you modify them, you have to come back before us, you understand?

PATRICK RETTIG: Yes, I understand.

CONSTANTINE ALEXANDER: All those in

BOARD OF ZONING APPEAL - 6/26/2014

favor granting the Special Permit say "aye."

Five in favor.

(In Favor: Thomas Scott, Brendan  
Sullivan, Janet Green, Timothy Hughes,  
Constantine Alexander.)

(Sitting Members for Case No. ZBA 00400-2014:

BOARD OF ZONING APPEAL - 6/26/2014

Constantine Alexander, Janet Green, Timothy Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair calls Case No. 004000, 39 Amory Street.

Anyone here wishing to be heard on this matter?

BHUPESH PATEL: Basically the client is attempting to renovate their basement, and in the process, they need to take an existing staircase, which is shown on this first floor plan, in the rear of the property. It goes to the basement, and have it be built to code. It's a very steep staircase. Basically it's eight and a half by eight and a half. Typical precarious staircase. They cannot actually fit a by code staircase along the back of the property without adding to it.

And so, as a proposition they propose

BOARD OF ZONING APPEAL - 6/26/2014

putting a staircase and a small addition on the side of the property. The Building Department --

CONSTANTINE ALEXANDER: This is more than a staircase, you said a small addition? Is there any other purpose besides just enclosing the staircase?

BHUPESH PATEL: No, there isn't actually. The Building Department did suggest rebuilding the staircase completely which goes from the basement to the first floor to the second floor, but as you can tell from this rendering, the second floor is a mansard roof, two-thirds of it. And so they're stuck. Commission preferred that we didn't put a two-story addition on the side of the house because it would somewhat, in their terms, sort've butcher the mansard. So between the Building Department and commission that we would just

BOARD OF ZONING APPEAL - 6/26/2014

do -- we'd basically do one staircase that goes from the basement to the first floor and we wouldn't redo that staircase that goes from the first floor to the second floor.

So they're not necessarily going to benefit from creating more space in their kitchen, but they do have a by code staircase in the basement right now which is what they really wanted because of the second child coming, and the idea being able to access the basement and having basically a den and an art studio in the basement.

As I think you can tell, the first floor has three public rooms, and they're the basic rooms. At present, the living room and dining room double as a toy room and an artist space. Xian is actually an artist and her husband uses it as a music room in the current space in the basement.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: The zoning problem is FAR. You're over as it is now and you're going to be going a little bit more.

BHUPESH PATEL: As far as dimensional requirements are concerned, the setbacks for both the side and the rear will be conforming, and the only actual relief we're requesting is the FAR, which is going from 102 percent to 105 percent -- 107 percent. It's 5 percent more basically for what is 10 by 5-1/2 foot, one story.

CONSTANTINE ALEXANDER: On the setback, aren't you extending into the setback requirement, and you're not going any further, but you're increasing the massing?

BHUPESH PATEL: We're increasing the massing, so it's not any more detrimental. It's six inches less than the side to accommodate the setback of the historic

BOARD OF ZONING APPEAL - 6/26/2014

building itself.

CONSTANTINE ALEXANDER: I just want to get it on the record.

BHUPESH PATEL: Yes, correct. That's correct. It's three feet less on the rear setback than the existing structure. The only other issue is the basement space, just to be clear, what is being proposed is the existing basement space only has one space in it, which is a music room, and the rest of the basement is basically storage mechanical equipment. That will be renovated to three spaces and the mechanical equipment.

CONSTANTINE ALEXANDER: Doesn't that increase your FAR?

BHUPESH PATEL: That's what I was going to get into. The basement is already a 7.6 ceiling height. This is already counting towards the FAR, but they're obviously finishing the space.

BOARD OF ZONING APPEAL - 6/26/2014

But it's not increasing the FAR. The FAR is already counted in the 102 percent.

That's the proposal relative to the scope of work. But, again, the only relief we're requesting is just the one-story staircase from the basement to the first floor.

The only other issue is in elevation. We're basically echoing the existing house as it was before, meaning the addition has two windows, which is what the existing house had on it, and the rear had a window that is also being echoed on the new rear. That's mainly to keep that scale of the house the same as it was. And provide what the Commission would prefer which is just echoing what was there originally.

The only final note, I think, would be there was a recourse in putting the room in the back not having a staircase in it because we did have to put a way to egress the basement, and

BOARD OF ZONING APPEAL - 6/26/2014

that process requires to have a large window to climb out of. And the commission didn't want -- it wouldn't necessarily be seen from the public view, which means that we wouldn't be able to put that on the side of the building here where the driveway was.

And obviously, it's a very tight driveway where a car goes that would be hard to put a window well in.

So that did affect the reason to have this staircase basically moved here because this has a win win relative to having the fire egress out of the basement that would be in the rear of the property where it would not be in public view.

BRENDAN SULLIVAN: How do you get up and down from the basement now? Whereabouts is that in that plan?

BHUPESH PATEL: So the plan now as you'll go from the basement up a staircase in this

BOARD OF ZONING APPEAL - 6/26/2014

direction, or if you were in the kitchen upstairs, you would be going in the opposite direction.

BRENDAN SULLIVAN: You're down in the basement now -- flip back the other one you had -- you're down in the basement now and you go into the -- the part that is shaded red, you go there, and then you take a right turn up?

BHUPESH PATEL: Take a right turn up, correct.

BRENDAN SULLIVAN: Why cannot that continue?

BHUPESH PATEL: Mainly because there's an exit from the kitchen into the backyard here, and it's three steps down. We couldn't actually put -- relocate that on the rear because --

BRENDAN SULLIVAN: Why do you have to relocate it? Why do you have to change what is

## BOARD OF ZONING APPEAL - 6/26/2014

there?

BHUPESH PATEL: You mean to relocate the stair or the door?

BRENDAN SULLIVAN: Well, the stairs.

BHUPESH PATEL: Mainly because the staircase going to the basement as is is too steep and we can't fit within this dimension. We could have stretched it further out, but that would mean that the slight landing and staircase on the exterior to get you from the door to the grade --

BRENDAN SULLIVAN: I mean, what hardship is the existing condition creating?

BHUPESH PATEL: The dimension of the existing house is too narrow.

BRENDAN SULLIVAN: People are going up and down the stairs?

BHUPESH PATEL: Correct.

BRENDAN SULLIVAN: Now it may not be

BOARD OF ZONING APPEAL - 6/26/2014

convenient, it may not be easy --

BHUPESH PATEL: Right.

BRENDAN SULLIVAN: -- but it works. How old is the house?

YUN XIAN HO: 1863.

BHUPESH PATEL: 1863, yeah.

BRENDAN SULLIVAN: From then to now it has worked. I guess what I want to know is what is driving this addition?

BHUPESH PATEL: Two reasons. Main reason is one, kids -- we want the kids to be able to use the staircase and it's too steep. And two, from a building code standpoint, the house was renovated before they purchased it, and it was recently renovated, purchased it just a little over a year ago.

The Building Department knew that that back staircase had never been rectified. So when they came in to redo the basement, they

BOARD OF ZONING APPEAL - 6/26/2014

asked them to rectify the back staircase stating it meets the building code from the rise and run standpoint.

BRENDAN SULLIVAN: My staircase in my house doesn't meet the building code either as it's in almost everybody's house it doesn't meet the building code.

But are you under a directive to change that staircase?

BHUPESH PATEL: If we were going to renovate the basement they wanted us to put a staircase that meets the building code.

CONSTANTINE ALEXANDER: Their condition to their approval for the renovation is that you do redo the staircase?

BHUPESH PATEL: Technically --

BRENDAN SULLIVAN: It's an existing condition and you're grandfathered in.

BHUPESH PATEL: Technically it is.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: Couldn't you say to them "Thank you very much," as Brendan said, "we've lived with this for 100 years with this staircase and we don't want to spend the money to do it, so would you please approve the renovation of the basement?"

BHUPESH PATEL: Probably not because we probably exceeded the 30 percent value because the electrical system had to be all updated. So it's a pretty big budget for the renovation. I don't know the numbers off the top of my head, but we were quite close to the portion of the renovation percentage that Ranjit felt was over the cusp of requiring us to update the staircase.

I can't be exactly sure, but that's where the conversation started. They were concerned that we were doing so much work --

BRENDAN SULLIVAN: I'm not convinced by

BOARD OF ZONING APPEAL - 6/26/2014

that because I go through this all the time,  
and -- anyhow, okay.

THOMAS SCOTT: The existing stair of the  
basement get checked over -- you're eliminating  
it and the new stair takes its place, but you're  
keeping the stairway that goes upstairs,  
correct?

BHUPESH PATEL: That's correct.

YUN XIAN HO: But we also have one within  
the house to go upstairs. So the rear staircase  
going up to the second floor doesn't get used  
as much. It's just really more or less just  
there and it's just too steep.

I actually tripped on my way down the other  
day carrying a laundry hamper. It's actually  
rather dangerous, I think, for my kids as well.

BRENDAN SULLIVAN: I think what's driving  
this is that you're probably going to renovate  
the basement, it's going to be a grand space,

BOARD OF ZONING APPEAL - 6/26/2014

and you want a grand entry and exit from it.

YUN XIAN HO: A safe entry.

BHUPESH PATEL: I would not call it grand, I'd call it a 32 inch wide rise and run staircase that meets building code and it's safe for children to go up and down, but it's definitely not grand.

YUN XIAN HO: At the moment we can't even fit a railing or a banister for my kids to use as a support to go down the stairs. We really just close it off, so they can't go down there, period.

I would just like it to be a space that we can all use as a family.

CONSTANTINE ALEXANDER: Questions?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open the matter up to the public testimony.

Is there anyone here wishing to be heard

BOARD OF ZONING APPEAL - 6/26/2014

on this matter?

(No response.)

The Chair notes there's no one wishing to be heard. I don't believe there's anything in the files, any kind of correspondence, so the neighborhood is silent in this matter.

Well, any final remarks, sir, or we can close public testimony?

BHUPESH PATEL: No, that's it.

CONSTANTINE ALEXANDER: All right.

BHUPESH PATEL: I'm sorry. I should submit the petition. So there is support.

CONSTANTINE ALEXANDER: Oh, there is support.

BHUPESH PATEL: Sorry. There's support from abutters on both sides. One of them has signed that document.

CONSTANTINE ALEXANDER: Let me read it into the record.

BOARD OF ZONING APPEAL - 6/26/2014

BHUPESH PATEL: There's two abutters across the street on that petition as well.

CONSTANTINE ALEXANDER: I only see three people that signed.

BHUPESH PATEL: Correct. So there one person that's beside them that signed and two people that are opposite that have signed. That makes three. And there's also another petition -- there's also somebody on the other side of the property who is in support of the project but didn't sign the petition.

YUN XIAN HO: She is actually away on vacation, so I couldn't get her signature.

CONSTANTINE ALEXANDER: I will accept your representation that she's in support. I should read the petition.

It definitely say they support. They just recite what you want to do.

"39 Amory Street bearing to proposed

BOARD OF ZONING APPEAL - 6/26/2014

single story addition on the rear corner of the main building approximately 10 feet by 5.5 feet. The addition exclusively houses a new basement staircase that meets building code to replace the existing basement staircase that does not meet the building code. Variance relief is for the additional FAR needed for the footprint of the stair. The dimension of footprint as defined by conforming to the rear and the side yard setbacks. The complete plans of all floors are submitted and presented with this petition by Design Tank, Inc and drawn by Jason -- excuse me -- (inaudible) Jason Roan Design."

I'm still waiting to see we approve or we don't object to the relief. I don't see anything that says that.

BHUPESH PATEL: That doesn't specifically say support. But she sat down

BOARD OF ZONING APPEAL - 6/26/2014

with the three people and she would have to testify to the fact that they're --

CONSTANTINE ALEXANDER: We'll take oral representation that your neighbors --

YUN XIAN HO: I mean, I pushed them at their door the other night, and then I've been -- Marie, the other neighbor who wasn't able to sign because she's out of town, we have had conversations about it all the time.

CONSTANTINE ALEXANDER: I'll take your oral representation. This petition doesn't support what you're saying, but you orally saying that you've talked to your neighbors and abutters and they're in support.

YUN XIAN HO: Yes, definitely.

CONSTANTINE ALEXANDER: Okay. We're now ready to deliberate if we want to deliberate.

Any comments from the Members of the

BOARD OF ZONING APPEAL - 6/26/2014

Board? Let's go to a vote. The moment you have all been waiting for.

The Chair moves that we grant the variance being sought to construct a single story addition on rear corner of the main building. The Chair moves we make the following findings with respect to the variance I just recited that a little enforcement of the provisions of the ordinance will involve a substantial hardship to the petitioner, the charge of being that the petitioner would be forced to continue to have a staircase to the basement that does not comply with the current building code, and is dangerous particularly for smaller children, and the petitioner has small children in the home, that the certain hardship is going to circumstances relating to the fact it's a nonconforming structure, and any modification modest exists requires zoning relief and that desirable

BOARD OF ZONING APPEAL - 6/26/2014

relief may be granted without substantial detriment to the public good or nullifying or substantially derogate the intent and purpose of this ordinance. The Chair would note there appears to be no objection to the relief being sought, the relief being sought is rather modest. And it does have one benefit, namely, of a staircase that's not building code compliant into compliance with the building code.

So on the basis of these findings, the Chair moves we grant the variance sought on the condition that the work proceed in accordance with plans submitted by the petitioner, prepared by Jason Roan Design, the first page of which has been initialed by the Chair, they're dated, by the way, April 4, 2014.

All those in favor of granting the relief on this basis, say "aye."

BOARD OF ZONING APPEAL - 6/26/2014

(In Favor: Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green, Constantine Alexander.)

Five in favor.

Good luck.

(Sitting Members for Case No. ZBA 004073-2014: Constantine Alexander, Janet Green, Timothy Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair will call and then disappear Case No. 004073, 82-84 Alpine Street.

TIMOTHY HUGHES: Identify yourself for the stenographer, please?

MICHAEL O'SHEA: My name is Michael O'Shea, O-'-S-H-E-A. My residence is 340 Walden Street. My business address on the

BOARD OF ZONING APPEAL - 6/26/2014

documents here is 95 Harvey Street in North Cambridge.

My architect, Ed Glassman, had a family situation he had to attend at the last minute, so I'm here on my own tonight.

A quick summary. This property is an existing 1924 nonconforming property. Part of the nonconformance is that on the left-hand side as you face the house, we have a 15 foot driveway on the -- I'm sorry -- the right-hand side. On the left-hand side, the lot line is about eight inches from the house. This is true of all of the properties along the street on Alpine Street.

We're seeking relief to put on a dormer on the third floor, the attic floor. Construction is in progress. There's a gut renovation going on, and we anticipate greatly improving this property by this renovation.

BOARD OF ZONING APPEAL - 6/26/2014

The appearance of the house, this is the appearance as it was when I bought it, and we're hoping to make it better. We're going to add new front and rear porches and historically appropriate windows. And the footprint of the house is of 24 by 40. So it's about a little less than 1,000 square feet. Each of the -- the second floor has two bedrooms now, and the petition is for a dormer for a third bedroom on the attic floor.

THOMAS SCOTT: Is it true that the two neighboring properties have nonconforming dormers relative to our dormer guideline?

MICHAEL O'SHEA: Yes, it is. The two properties next door, their dormers are on both sides -- well, yeah, their dormers are on both sides and are about almost as long as the house, about 40 feet on both sides.

THOMAS SCOTT: But your proposal is for 15

BOARD OF ZONING APPEAL - 6/26/2014

foot dormers on each side?

MICHAEL O'SHEA: Yes.

JANET GREEN: Do those other dormers come off the roof line down to the wall of house?

MICHAEL O'SHEA: They don't. The roof line still has the little shed with the overhang.

TIMOTHY HUGHES: Your dormers or the ones on the neighbor's house?

MICHAEL O'SHEA: Both.

TIMOTHY HUGHES: According to the dormer guidelines, there's three basic things we like to see, it has to be 15 feet or less, it doesn't go to the ridge line and it doesn't come out to the end wall.

I have been always in favor of the end wall as long as it doesn't interrupt the eave because I think structurally it's easier to build. I'm a little less lenient when it goes to the ridge

BOARD OF ZONING APPEAL - 6/26/2014

line unless there's a really good reason for it.

Can you maybe describe why this goes all the way to the ridge line?

MICHAEL O'SHEA: I think I can. The height at the right line is 7 foot 3.

TIMOTHY HUGHES: Are they maintaining a pitch on the shed dormer?

MICHAEL O'SHEA: There will be a pitch.

TIMOTHY HUGHES: How much?

MICHAEL O'SHEA: It's not much. It's going to pretty close to flat. We're going to have maybe 6 foot 9 at the outside.

TIMOTHY HUGHES: Okay.

THOMAS SCOTT: What is the height of the ridge today above finish grade?

MICHAEL O'SHEA: 29 feet, 8 and a half inches. The property next door did, in fact, raise the ridge line, but we're not proposing to do that.

BOARD OF ZONING APPEAL - 6/26/2014

DOUGLAS MYERS: Is that why 80 Alpine Street has more of a pitch?

MICHAEL O'SHEA: Yes. Exactly.

DOUGLAS MYERS: So your neighbor at 88 also would virtually have no pitch. It's virtually a flat shed dormer.

MICHAEL O'SHEA: That's correct. And I think those can be seen here a little bit better. This is a rendering of our proposed dormer and this is 88. And then the white house, may be best seen here has more of a pitch.

DOUGLAS MYERS: With specific reference to the point raised by Mr. Hughes, it seems to me that 80 Alpine Street, the white house, was able to maintain a considerable setback from the main wall at the bottom of the dormer, and I wondered why you were not able to comply with the dormer guidelines in that respect.

## BOARD OF ZONING APPEAL - 6/26/2014

MICHAEL O'SHEA: You mean the side wall?  
The side wall or the front wall?

TIMOTHY HUGHES: I think he was talking  
about the front of the dormer being plane with  
the outside wall of the house.

DOUGLAS MYERS: The front wall. My  
mistake.

MICHAEL O'SHEA: The front wall -- yes.  
Their dormers are twice as big or maybe even  
closer to three times as big. And they did come  
close to the front wall of the house.

TIMOTHY HUGHES: I don't think that's  
what Doug asked you.

DOUGLAS MYERS: As I understand the  
dormer side line, the main wall is on the side  
of the house.

MICHAEL O'SHEA: Side of the house.

DOUGLAS MYERS: Not the front that's  
facing the street. That's what the dormer

BOARD OF ZONING APPEAL - 6/26/2014

guidelines seem to refer to as the main wall, and they recommend a 140 for 1 foot 6 inch setback.

MICHAEL O'SHEA: Well, I see what you mean.

DOUGLAS MYERS: All I'm saying and I'm not even objecting, I'm just saying I noticed the white house, 80 Alpine Street, seemed to have a setback from the main wall that was considerably more than 1 foot 6 inches.

MICHAEL O'SHEA: I see your point.

DOUGLAS MEYERS: I ask you to comment on that if you can.

MICHAEL O'SHEA: Well, I think my comment is that because it's so much longer front to back and they raised the ridge, they get a lot more usable space out of that.

My neighbor on the other side kept the ridge low, and they have the same setback as I'm

BOARD OF ZONING APPEAL - 6/26/2014

proposing.

DOUGLAS MYERS: Okay. And my last question, also under the dormer guideline, has to do with the amount of window space with respect to, say, the square footage of the dormer wall.

MICHAEL O'SHEA: Yes.

DOUGLAS MYERS: You're aware of what the dormer guidelines require.

MICHAEL O'SHEA: Yes.

DOUGLAS MEYERS: I notice that again one of your neighbors seems to comply with the window, with the recommendation of the dormer guideline, and has quite adequate window space and the other has considerably less, and I wonder again what your comment is on that.

MICHAEL O'SHEA: Our idea on this was that part of what happens when you have dormers facing each other is that then you get to look

BOARD OF ZONING APPEAL - 6/26/2014

in to our people's bedrooms and such. We wanted to have smaller windows, and we wanted to offset that with skylights. And I think as you can see, we have proposed, I think, four skylights in the roof of the dormer. We wanted to keep a certain privacy side to side, but still have plenty of light obviously. That's how we came to that.

DOUGLAS MYERS: You've answered my questions. Thank you very much.

TIMOTHY HUGHES: I -- if we're leaning towards too many compromises on dormer guidelines, I just assume settle that now rather than continue this case all the way through. If we think that you might want to sent him packing for a redesign, let me know.

DOUGLAS MYERS: My feeling is that I've asked the questions that I felt were raised under the dormer guidelines. I have received

BOARD OF ZONING APPEAL - 6/26/2014

answers that seem to me candid and persuasive, and I'm prepared to vote in favor of this.

TIMOTHY HUGHES: Okay. Tom.

THOMAS SCOTT: I'm not particularly in favor of it because it's really just copycatting what has been done in the neighborhood and that was not done properly.

And I'm not in favor of continuing down the same path. I think the dormer guidelines are very specific. This really ignores several of the major features that were required in the dormer guidelines, and I'm not in favor of this.

MICHAEL O'SHEA: I would like to show photographs of the condition of the house now. These are identical packages. And the -- they show the houses next door as well.

TIMOTHY HUGHES: Do you have any commitments or should I just open this up to public testimony and get some procedural stuff

BOARD OF ZONING APPEAL - 6/26/2014

done?

MICHAEL O'SHEA: The fourth page is a dormer across the street. A series of dormers actually across the street.

TIMOTHY HUGHES: I think Tom makes a very good point just because somebody else does it in the neighborhood doesn't justify doing it.

THOMAS SCOTT: This picture right here to me, you know, describes why you shouldn't even bother dormers on the roof.

I mean, the house has a historical presence, and it looks architecturally proportionate, and these dormers on the adjacent houses are way out of proportion for the scale of the house.

SLATER ANDERSON: I think you lost me at the windows, I think.

TIMOTHY HUGHES: Michael, I think you will have to redesign this a little bit. I'd

## BOARD OF ZONING APPEAL - 6/26/2014

entertain more comments from the Board, so that you know what direction we're thinking you need to go in. But I think we're going to have to continue this case.

MICHAEL O'SHEA: Okay.

TIMOTHY HUGHES: Does anyone want to be heard on this case?

So that's moot. The public testimony is moot.

You know, anybody else want to weigh in comment-wise before I make a motion to continue?

SLATER ANDERSON: I mean, you created, you know, basically you're recreating a bedroom on the third floor.

MICHAEL O'SHEA: That's correct.

SLATER ANDERSON: As proposed with a bathroom and a nook and laundry area, it's very nice, you're looking at a 19 by 15 foot room with these extra spaces. There's room to reduce

BOARD OF ZONING APPEAL - 6/26/2014

that to make it I think look architecturally consistent with the dormer guidelines, and frankly, more attractive from the street. And I would -- I understand what you say about the windows. But I think the windows you proposed are not consistent with any windows on the house currently. And I think the dormer guidelines gives some guidance on that as well as. So just try to get in compliance with the dormer guidelines and I think you're will be on the right path.

TIMOTHY HUGHES: And I'll add that one of the reasons that, I think, most board members would allow the front wall of a dormer to come out in plane with the side wall is because you have the staircase problem. The staircase already existed. That's not your problem. You don't have that.

So it's really hard to justify making all

BOARD OF ZONING APPEAL - 6/26/2014

of these compromises.

Giving all that input, I think maybe you should draw this again, or have your architect draw it again and come back and see us.

MICHAEL O'SHEA: Okay.

THOMAS SCOTT: I think he should consider a transverse gable, too, as opposed to this flat roof thing that looks so foreign to the rest of the building. If you take a gable -- because you're extending equally on both sides. So that type of an element would probably be more effective.

MICHAEL O'SHEA: Well, you know what, we thought about that. Because I think it's a more attract element as well. But honestly we're copying the dormers next door. We said, "Well, look at these. Let's make it stick contextually accurate with the neighbors. And I did speak to neighbors. I got the list and

BOARD OF ZONING APPEAL - 6/26/2014

I sent out a letter and say do you want to talk about it. And I do have support from four of the neighbors, both of whom are the ones who have those dormers. And one is an abutter in the rear who has a single dormer just like I'm proposing, but I hear you.

TIMOTHY HUGHES: The last point that I would make is that on your application under the V part of a hardship where it has -- this is our legal standard hardship, it has to relate to soil conditions, shape of topography, land and structures. The reason that you put in there doesn't really address that, and if you could maybe rewrite that or give that some more thought. Okay.

MICHAEL O'SHEA: Okay.

TIMOTHY HUGHES: The Chair would move that we continue this case until the next hearing on August 14th.

## BOARD OF ZONING APPEAL - 6/26/2014

JANET GREEN: I can't.

TIMOTHY HUGHES: I can't do  
September 4th.

SEAN O'GRADY: September 18.

DOUGLAS MYERS: No chance on the 24 of  
July?

SEAN O'GRADY: No, you're fully booked  
there.

TIMOTHY HUGHES: So what are we looking  
at?

DOUGLAS MEYERS: We're now up to  
September 18th.

MICHAEL O'SHEA: That's a long time.

JANET GREEN: It's a long time.

SLATER ANDERSON: So what August 14  
doesn't work?

DOUGLAS MYERS: August 28.

JANET GREEN: Neither August.

DOUGLAS MEYERS: Do we have to have the

## BOARD OF ZONING APPEAL - 6/26/2014

five?

TIMOTHY HUGHES: Yea, we do, just in case.

DOUGLAS MEYERS: Can it be four of the  
five?

TIMOTHY HUGHES: Well, it could be, but,  
you know, given the comments, I think Michael  
would be better served if there were five of us  
here.

SLATER ANDERSON: Well, it's your choice.

TIMOTHY HUGHES: You can have four of us  
on August 14 or you can have all of us in  
September. You have the guidelines.

DOUGLAS MYERS: August 14 I have to say I  
can't make it also.

TIMOTHY HUGHES: That's not an option.  
It has to be --

SLATER ANDERSON: August 28 or into  
September.

TIMOTHY HUGHES: There is no 28. We're

BOARD OF ZONING APPEAL - 6/26/2014

going out to September. The second meeting in September is the 18th.

The Chair would move that we continue this case to September 18 on the condition that the petitioner sign a waiver for time of decision and that the sign be changed to reflect a new time of 7:00 p.m. and a new date of September 18.

And any new plans have to be in the file by 5:00 p.m. on the Monday prior to the meeting date.

All those in favor? That's it.

(In Favor: Thomas Scott, Slater Anderson, Douglas Myers, Janet Green, Timothy Hughes.)

## BOARD OF ZONING APPEAL - 6/26/2014

(Sitting Members for Case No. ZBA 003938-2014:  
Constantine Alexander, Janet Green, Timothy  
Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair will  
call Case No. 003938, 5 Dana Street. Anyone  
wishing to be heard on this matter?

HASHIM SARKIS: Good evening. I am here  
representing Orhun Muratoglu, who is the owner  
of the property on 5 Dana Street, and who  
unfortunately could not be here because of his  
schedule traveling.

I am principal of Hashim Sarkis Videos  
here in Harvard Square. I'm in the company of  
Rola Idris who also works with me in HHS and also  
Piccadeli, who is the contractor on this  
project.

We're here because we're applying for a

BOARD OF ZONING APPEAL - 6/26/2014

variance and a Special Permit. The variance is to construct one story addition, a den and a mud room with a roof deck on the rear of an existing and nonconforming one family dwelling.

This is also including a replacement of the sloped roof with a flat green roof which an existing piece attached to the house.

The Special Permit aspect of our application is to alter the existing structure to include enlarging window on the south facade and adding a small window on the back facade. Both windows are to replace windows that will be blocked as a result of the addition.

CONSTANTINE ALEXANDER: Why do you need a variance?

HASHIM SARKIS: The variance is because of a setback condition. The existing setback is such that if we conform, we will not be able to build the piece we're building.

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: The rear yard.

HASHIM SARKIS: The side yard.

Just to give you a little background, the house -- the property has recently been expanded to the back. When the owners bought a piece of the parcel from Ellery Street, the back property, they bought about 2,747 square feet.

The addition is in the amount of 669 square feet which means that in total the -- Dana Street has at least open air outdoor spaces. That's not including a roof deck.

JANET GREEN: How old is that house?

HASHIM SARKIS: It's from the 1850s. And the front is conforming completely.

JANET GREEN: Was it a residence originally.

HASHIM SARKIS: It actually was a show house for the developer of the area. It was

BOARD OF ZONING APPEAL - 6/26/2014

along the main street, and then after several owners, the house itself was pushed to the back creating one of the largest front yards in Cambridge, in the neighborhood. It's a Greek revival house, it's an L-shaped house, it's in the configuration of an L, which makes it such that if we follow the height plus length configuration, they would not be able to add anything because the addition is coming here.

The addition is also coming in a place where the abutting building to the south has a very big backyard, so it's not infringing on any of the neighbors.

CONSTANTINE ALEXANDER: You also as part of the one story addition, you're going to create a roof deck. This Member of the Board sometimes has problems with that.

The kind of roof deck you're proposing given the nature of the addition is not the

BOARD OF ZONING APPEAL - 6/26/2014

typical roof deck we see, it seems to me. Have you -- the concern would be on our side privacy, noise, issues with the use of the roof deck impacting on abutting properties.

HASHIM SARKIS: Our client has done his job in contacting all the abutting neighbors and has received letters from --

CONSTANTINE ALEXANDER: I'm going to read those into the record.

HASHIM SARKIS: -- 3 Dana Street, several letters from the 3 Dana Street, which is apartment building to the south which is over the deck, and they actually -- some of the letters as you see -- all of them are in approval and some of them go to the extent of saying that they prefer this to the existing condition where we have an asphalt roof instead of green roof which is what we're having.

BOARD OF ZONING APPEAL - 6/26/2014

Since that part of the house extends beyond the building that, the Dana building, it does not infringe on privacy in a different way than it's does right now. Because we're simply taking the patio which is in view, anyway of all the units and lifting it up.

JANET GREEN: Can you describe the deck?

HASHIM SARKIS: The deck is a wooden deck which has a big green area replacing the sloping roof that we're hoping is an improvement of the existing condition. There will be planters all around.

The railing itself is made out of glass to be consistent with the contemporary character of the old addition that we did to the house and the den itself.

The den's design is such that we're hoping it would more likely make an enclosed porch, and it's according to this criteria that we

BOARD OF ZONING APPEAL - 6/26/2014

presented it to the Cambridge Historical Commission.

There are letters also from the other abutting --

CONSTANTINE ALEXANDER: We have a letter by your client.

Are there additional letters there.

HASHIM SARKIS: They're the same letter. I think they're all submitted.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No response.)

The Chair notes that there's no one wishing to be heard.

## BOARD OF ZONING APPEAL - 6/26/2014

The Chair would report that we're in receipt of a letter from the petitioner.

"I am the owner the property at 5 Dana Street. I have applied to the BZA to petition for an addition in the back of our single family home. I will be away on June 26, 2014 when the Board of Zoning Appeal meets to review the request for a variance and a Special Permit. I apologize for any inconvenience. My architect, Hashim Sarkis, will present our case to the Board.

I will have also reviewed the proposed construction plans submitted to the Board with my abutting neighbors specifically, 10 Ellery Street, 3 Dana Street, 7 Dana Street. Both 10 Ellery Street and 10 Dana Street are single family homes. Mr. and Mrs. Siegel who will live in the 10 Ellery Street house when their construction is complete will be the most

BOARD OF ZONING APPEAL - 6/26/2014

affected neighbor. They fully support the planned construction. Please see the attached letter from them. Mrs. Amy Domini" -- D-O-M-I-N-I -- "who presides" -- should be resides -- "who presides on 7 Dana Street also reviewed the plan and provided me with a letter of support for the proposed construction plans. Please see the attached letter from her as well. 3 Dana Street is a condo with multiple units. I reviewed the plans with the tenants of 3 Dana Street with direct views of our property, Mr. Tim O'Donnell has a unit on the third floor with a porch overlooking the back of our house where the construction will take place.

As you can see from his email attached here, he supports the planned construction.

Similarly Dr.

Dara" -- D-A-R-A -- "Manoach" -- M-A-N-O-A-C

BOARD OF ZONING APPEAL - 6/26/2014

-H -- "also lives on the third floor with the corner porch overlooking the back of house supported the planned construction.

I also personally met with Ms. Rachel Cooper whose porch has also a direct view on the back of our house. She verbally agreed to the proposed plan and did not raise any objections.

All of these neighbors will have views of a new proposed window on the south side and the new addition."

And as represented, there's a letter from Amy Domini Thornton actually. I'm not going to read the letter.

And there's an email from Dara Manoach also saying that she -- I think it's a she -- she has no objection. "My only request is that workers start later than 7:00 a.m. on Saturday." Good luck.

TIMOTHY HUGHES: That's the city

BOARD OF ZONING APPEAL - 6/26/2014

ordinance. 9:00 starting time on Saturdays.

CONSTANTINE ALEXANDER: And there's an email from Timothy O'Donnell saying "I have no objection to any of the plans you're making and hope that the construction goes smoothly."

And also something from Adam and Rebecca Siegel, S-I-E-G-E-L, by the way, "The proposed addition" -- I'm going to excerpt from it -- "The proposed addition will be visible from our property. We think the proposed design and renderings tasteful and well thought out causing no detractions to our or their property. The green space they're going to create once the project is complete will be a benefit to all of the abutting neighbors. It will be a vast improvement to the comment covered area that is there now. We're excited for this improvement as it will be complementary to our outdoor space which it abuts. We hope to truly convey our

BOARD OF ZONING APPEAL - 6/26/2014

full support for this addition."

That's all she wrote.

Any final comments?

BHUPESH PATEL: No.

CONSTANTINE ALEXANDER: I will close  
public testimony.

Comments from Members the Board? Ready  
for a vote? What's the pleasure?

If there's no comments I'll take a -- move  
to a vote.

No comments.

First, we're going to vote on the variance  
and then we'll vote on the special permit.  
Those are two separate votes.

With respect to the variance being sought  
that we make -- I move that we make the following  
findings that a little enforcement of the  
provisions of the ordinance would involve a  
substantial hardship to the petitioner, such

BOARD OF ZONING APPEAL - 6/26/2014

hardship being that he would be unable to erect an addition that is necessary for the enjoyment of the home, that the hardship is owing to the shape of the lot and it's a long lot actually, but narrow, and therefore, causes setback issues, relief may be granted without substantial detriment to the public good or nullifying or substantially derogating the intent or purpose of the ordinance.

With regard, the Chair would note all the abutters seem to be in support of the project, no one has indicated in the city that they're opposed.

So on the basis of these findings, I move that we grant the variance being sought on the condition -- and let me stop right here -- the condition will be that work has to proceed in accordance with these plans.

These are the final plans?

BOARD OF ZONING APPEAL - 6/26/2014

HASHIM SARKIS: Yes, they are.

CONSTANTINE ALEXANDER: Because if you modify them you're going to have to come back or your client will.

On the condition that the work proceed in accordance with plans prepared by Hashim Sarkis Studios. They're many, many pages in length. I'm going to initial the first page which is entitled "Revised Images for Variance Special Permit June 2014."

All those in favor of granting the variance? So moved. Say "aye."

Five in favor.

(In Favor: Constantine Alexander, Timothy HUGHES, Thomas Scott, Janet Green, Brendan Sullivan.)

CONSTANTINE ALEXANDER: Now the Special Permit. With regard to the Special Permit

BOARD OF ZONING APPEAL - 6/26/2014

being sought for altering -- enlarging windows on the south facade and third floor and enlarging windows on the south facade first floor, and to add a window on the north facade basement level.

The Chair moves we make the following findings: That granting the Special Permit will not cause congestion, hazard or substantial change in established neighborhood character, the continued operation or development of adjacent uses will not be adversely affected by what is proposed, that no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupants or the citizens of the city and that what is being proposed will not impair the integrity of the district, or adjoining districts, or otherwise derogate the intent and purpose of the ordinance.

## BOARD OF ZONING APPEAL - 6/26/2014

In this regard the Chair would note that the relief being sought with regard to the windows is rather modest in nature and consistent with the structure generally.

So on the basis of these findings, the Chair moves that we grant the Special Permit being requested on the condition that the work will again proceed in accordance with these plans, that the windows will be as new windows will be as shown in these plans.

All those in favor of granting the Special Permit say "aye."

Five in favor.

(In Favor: Constantine Alexander,  
Timothy Hughes, Thomas Scott, Janet Green,  
Brendan Sullivan.)

## BOARD OF ZONING APPEAL - 6/26/2014

(Sitting Members for Case No. ZBA 004059-2014:  
Constantine Alexander, Janet Green, Timothy  
Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair calls  
Case No. 0040977 77, Larch Road.

Anyone here wishing to be heard on this  
matter?

JOHN RILEY: Hello. My name is John  
Riley.

CONSTANTINE ALEXANDER: Mr. Riley, are  
you the architect of that project?

JOHN RILEY: I'm not. I'm the co-owner.

CONSTANTINE ALEXANDER: Oh. It your  
architect here?

JOHN RILEY: Yes, she is.

CONSTANTINE ALEXANDER: The reason I ask  
that question before we get started, you've  
hard, if you were listening -- and I can

BOARD OF ZONING APPEAL - 6/26/2014

understand why you wouldn't be listening -- you heard discussion about our dormer guidelines we have in Cambridge? And although there are guidelines, we take them very seriously you also could've learned, and what I see -- maybe -- what you propose to do is to connection two existing dormers to create a 22 foot dormer which is substantially not conforming to our guidelines. And on top of that you're going to erect another dormer which is 11 or 12 feet. And I gotta tell you that's problematical in terms of getting relief from our Board.

If you want to proceed and try to persuade us, that's fine. But you better be -- you're going to have to really address those issues. That's going to be a troublesome aspect, at least in my mind, for the relief you're seeking. With that -- the reason I mention this now is if you think there's a possibility of rethinking

BOARD OF ZONING APPEAL - 6/26/2014

this thing, you comply with the dormer guidelines and get much closer than you're now, it's best to continue the case right now so we can hear it -- we call it case not heard -- sooner. If we start the case and it's not going well and you want to continue, you've got to wait for the five us to get together again and that would be September. So you're looking late September.

It's your call. But I want to give you a heads up on that as to how you want to go about it.

JOHN RILEY: That's an interesting decision.

CONSTANTINE ALEXANDER: By the way, if you want time to think about it, we can hear the next case.

JOHN RILEY: Yes. Can we?

CONSTANTINE ALEXANDER: Sure.

BOARD OF ZONING APPEAL - 6/26/2014

JOHN RILEY: Thank you.

(Sitting Members for Case No. ZBA 004043-2014:  
Constantine Alexander, Janet Green, Timothy  
Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair will  
call Case No. 004043, 13 Ash Street.

## BOARD OF ZONING APPEAL - 6/26/2014

Is there anyone here wishing to be heard on this matter?

BLAKE ALLISON: I'm going to try to be as brief as I can. I think it's all in the text here.

The new owners want to renovate the house with two main goals: One is to convert it from a two family. The third floor is currently an apartment. They want to change it back to a single family; and the second thing is they want to renovate the house so it will be set up for aging in place. In other words, an elevator and a new entrance that will work better for energy efficiency and daily use.

So in these boards I've got the existing elevations in the bottom row here, and the proposed elevations on the upper row, and I think this tells the story the best. What is there right now on the south side for that stair

BOARD OF ZONING APPEAL - 6/26/2014

that goes up to the third-floor apartment is shown here.

And by eliminating that stairwell, which we don't need anymore from the third-floor apartment, we can turn that into living space. That's what you see here. This is a new entry on the first floor into the mud room.

CONSTANTINE ALEXANDER: I'm sorry. That faces --

BLAKE ALLISON: It faces south. It faces towards the river. The main facade faces east on Ash Street, which is -- let's see. Here. This is the east facade, okay?

CONSTANTINE ALEXANDER: Okay.

BLAKE ALLISON: Actually maybe -- here are the photographs. This is better. So here is the entry facade and this is the stair tower on the south side.

So the relief is requested to add in a

BOARD OF ZONING APPEAL - 6/26/2014

little bit of tiny square footage on the second floor and third floor because when this stair tower was built, I think around 1970 or so, it has this sort've pointed end to it, and therefore, the idea is to fill that in with a wall that comes back into the existing wall at 90 degrees.

The other thing about the tower is to actually raise it up a little bit because it doesn't have quite enough height here to meet the existing roof, which you can see in the drawing up here.

This would allow us to tie in the new roof to the existing break line between the mansard and the hip roof, and at the same time do a proper roof over it.

What is there now is this very odd -- you can see it here. This sort've cap over it. And a very pronounced cornice with big brackets and

BOARD OF ZONING APPEAL - 6/26/2014

everything. It's really kind've overdone the way it's now. And the idea is to kinda clean it all up and actually make it a simpler volume.

The other part of the relief that's requested on this side is to redo this roof right here.

In the new entryway it ties into the parking that's in the front of the house, and it will be the only entry that allow them to come into sort've a mud room airlock.

The front door comes right into the main hall. The door in the back comes right into the family room area.

This would be an energy efficient and functional everyday access to the house.

It involves replacing this roof, moving it up a little bit higher, but also the idea is to make it four foot feet instead of the current three feet wide, just to give it a little bit

BOARD OF ZONING APPEAL - 6/26/2014

more protection from the weather and make that entry --

CONSTANTINE ALEXANDER: Can you show me the that on the drawing?

Show me the roof before and after.

BLAKE ALLISON: Here's the existing. This door is down at grade because that only serves the third floor and that's that curved copper roof. This would be the new roof up here.

The other relief is requested for two new dormers on the third floor. One of them is for the elevator, the shaft of the elevator has to come up on the line of the building wall, and that would be this new dormer right here.

Next to that is another new proposed dormer because this bedroom has only one window. And with a new dormer --

CONSTANTINE ALEXANDER: Right now -- I'm

BOARD OF ZONING APPEAL - 6/26/2014

sorry. Go back to the drawing, if you don't mind. Right now you're so of lopsided on dormers in the back, as I see it. You got two on the right-hand --

JANET GREEN: No.

CONSTANTINE ALEXANDER: The wrong one.

BLAKE ALLISON: Right now there's two dormers over here. This one would actually stay, and this one is in -- currently in a bathroom which we propose to move around the corner to the other street side. This one would in effect become the new dormer for the elevator, then this is one that would be added on.

You can see -- it's on the -- a window like this, but around on the corner. So it's kind've a missing element right now.

CONSTANTINE ALEXANDER: I didn't check.

BLAKE ALLISON: It wasn't built that way

BOARD OF ZONING APPEAL - 6/26/2014

originally, but...

CONSTANTINE ALEXANDER: Are the dormers in compliance with the dormer guidelines?

BLAKE ALLISON: The dormer guidelines don't address mansard roofs. The limit of 15 feet there's already 34 feet of dormer there presently. We would be exceeding that. I went to see Charlie Sullivan to ask him about the whole idea. At first I went around and looked at big mansard houses to see what is out there. And you can see that there's many examples of the mansard roofs with multiple dormers on them. This house isn't in the Half Crown Historic District. It surrounded by the Half Crown. In fact, the owners live across the street in a house that is in the Half Crown, but I asked Charlie if he would take a look at it for me, and he kindly did and thought that the house had a big enough roof to support the dormers as

BOARD OF ZONING APPEAL - 6/26/2014

proposed, and also that the general idea of redoing the stair tower, and so on, he thought would constitute an improvement.

I specifically asked him if I had his permission to relay that message to the Board, he said yes.

CONSTANTINE ALEXANDER: I was going to say is that basically you're looking at two kinds of relief, bell tower relief. To me at least, that's a no brainer. What's there now is hideous, in my judgment.

But the other one is the dormers and I'm a little bit more concerned. I think what you're doing, to me, again, improve the dormer look of that back, it's just horrible again off balance and the like. But it's still not perfectly symmetrical. And does have dormer guideline issues and I'm a little puzzled, I never thought of this before. I mean, there are

BOARD OF ZONING APPEAL - 6/26/2014

mansard houses in Cambridge, and why the dormer guidelines -- you say the dormer guidelines are very rarely complied with in mansard houses.

I'm puzzled about why Community Development didn't deal with that.

TIMOTHY HUGHES: Why Community Development didn't deal with it or why the City Council didn't deal with it?

CONSTANTINE ALEXANDER: On the dormer issue.

TIMOTHY HUGHES: I don't know. I mean I think the dormer guidelines are specific for shed dormers or you can could have a hip roof and dormer, but they don't seem to apply to the mansard at all.

BLAKE ALLISON: It was kind of a dilemma. I asked the Historical Commission staff about is there anything you can help me out with on this. And I guess the idea is perhaps a mansard

BOARD OF ZONING APPEAL - 6/26/2014

it's sort've a roof, but it's also sort've of a wall. I mean, these are somewhat more like windows in a wall, not entirely, but...

TIMOTHY HUGHES: Some of them pop out and some of them don't, and some are setback and there's little kinda ledge up front.

BLAKE ALLISON: Right.

JANET GREEN: Why are these two windows different?

BLAKE ALLISON: Well, this is -- this one is not a window. That's paneling because that's the elevator shaft.

JANET GREEN: So why isn't the paneling consistent with the other -- I mean, it just looks --

CONSTANTINE ALEXANDER: I have the same question.

BLAKE ALLISON: Well.

JANET GREEN: They look like --

## BOARD OF ZONING APPEAL - 6/26/2014

TIMOTHY HUGHES: Maybe you can get them a little closer but you need a bigger mullion in the panel when you're doing glass.

BRENDAN SULLIVAN: You could put a faux window in there.

TIMOTHY HUGHES: I don't know.

CONSTANTINE ALEXANDER: The notion of a dormer for the elevator and the way you presented it is also off putting to me. It's -- I would like it see a better solution to that dormer.

TIMOTHY HUGHES: To that side of the house you're talking about?

CONSTANTINE ALEXANDER: Right. In terms of its being a little off center or...?

CONSTANTINE ALEXANDER: Off center. All three dormers are different dimensions.

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: So they're both

BOARD OF ZONING APPEAL - 6/26/2014

off center.

TIMOTHY HUGHES: They all have a different looks. One of them because it's bigger and the other one because it's closed in.

BLAKE ALLISON: And for some reason that's got this little arched roof on it and so on. I mean, I suppose we could entertain the idea of converting that back to the typical one. This is the one that repeats. Almost all of them are like that. But, again, this actually is pretty hard to see because this two story addition is bumped out in front of it, as you can see in the photograph.

CONSTANTINE ALEXANDER: It's hard to see, but you're talking about a structure that's a very distinctive structure in a very prominent part of Cambridge, so you're going to see it.

BLAKE ALLISON: This structure comes out in front of it. It's a little bit less visible.

BOARD OF ZONING APPEAL - 6/26/2014

You have to go further down the street in order to see that.

CONSTANTINE ALEXANDER: You can see it, though.

BLAKE ALLISON: Well, we can certainly make this look more like a window on the outside in terms of the paneling.

THOMAS SCOTT: I think you have done a good job with the dormers given that you have tried to maintain the architecture, the lines of the house and the mansard roof, but, again, I think the comment that maybe that should look more like a window makes more sense to me. Whether it's a faux window or a window.

BRENDAN SULLIVAN: Put a window and you block it up on the inside.

THOMAS SCOTT: Exactly.

BLAKE ALLISON: If we did something that just looked more like the sash and maybe we could

BOARD OF ZONING APPEAL - 6/26/2014

even paint it black.

BRENDAN SULLIVAN: Put a piece of plywood behind it and paint it black.

CONSTANTINE ALEXANDER: The larger dormer which is a continuation, can you shrink that a bit or make it look more like the other two dormers?

BLAKE ALLISON: Right now it has an arched sustained glass window in it. The former owner seemed collected bits and pieces of salvage. So what we're proposing to do is take that out and put in two regular double-hung windows to make it a little bit more like the other ones.

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: I hear you, but I don't know.

TIMOTHY HUGHES: I know what you mean. I just wonder if it's worth the cost to make it match.

## BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: It's not going to match. The point is it's not going to match.

THOMAS SCOTT: It's not original to the house, correct, the one with the arch?

BLAKE ALLISON: Are you talking about this one?

THOMAS SCOTT: Yeah.

BLAKE ALLISON: It may be that for some reason they put in -- they rebuilt it with a larger one than what was there originally which might have been one of the regular ones, but without tearing off the plaster and looking at the framing underneath, I'm afraid I can't answer that question accurately. I really don't know.

TIMOTHY HUGHES: You might not be able to tell them because it's an enlargement rather than shrinking. But when they enlarged it, you might not be able to tell. I don't know.

BOARD OF ZONING APPEAL - 6/26/2014

It doesn't bother me that much. I understand what you're saying, but I'm not an architect or a designer, so -- but it doesn't really bother me that much.

CONSTANTINE ALEXANDER: The middle one, the middle dormer, the elevator shaft dormer, you got to do something with that.

BLAKE ALLISON: We can certainly agree to making it something appropriate to look like a window.

CONSTANTINE ALEXANDER: I'm trying to think ahead from an approval point of view. If we make you come back with new plans it's going to be into almost October because it will be a case heard. I'm sure you don't want to wait until October.

BRENDAN SULLIVAN: I think you can mark that drawing there and I think --

CONSTANTINE ALEXANDER: It's going to get

BOARD OF ZONING APPEAL - 6/26/2014

there.

BRENDAN SULLIVAN: If the owner is satisfied with the looks of the other stuff, I'm not wanting to be tinkering with your house or imposing my...

BLAKE ALLISON: I saved the most important thing for last. Most of the abutters and neighbors are friends anyhow.

WINIFRED HENTSHEL: We'll submit that. I don't know how many there are, but there are a lot on Ash and all around.

CONSTANTINE ALEXANDER: Here are your plans. When we approve this, can you take the sheet and change the dormer right now?

BLAKE ALLISON: On here?

CONSTANTINE ALEXANDER: To make it like we talked about.

BLAKE ALLISON: Sketch over the elevation?

BOARD OF ZONING APPEAL - 6/26/2014

TIMOTHY HUGHES: Panel 1 and say it's going to match the one next to it.

CONSTANTINE ALEXANDER: Unless the Members of the Board have any questions, I'm going to open it up to public comment.

Anyone here wishing to be heard on this matter?

(No response.)

I guess not. The Chair would report that the petitioners have submitted to us petition. We have reviewed the plans for the renovations at 13 Ash Street prepared by Dingman, Allison Architects dated April 1, 2014. We have no objection.

And this petition has been signed by the owners of or residents at 14 Ash Street, 3 Acacia Street, 16 Ash Street, 15 Ash Street, 18R Ash Street, 18 Ash Street. It looks like 4 Acacia, 8 Acacia, 19 Ash Street, 6 Acacia and 12 Ash.

BOARD OF ZONING APPEAL - 6/26/2014

Substantial neighborhood support and no oppositions that I see.

BLAKE ALLISON: On the dormer this is a new surface to imitate adjacent --

CONSTANTINE ALEXANDER: Make sure you identify the right adjacent one.

CONSTANTINE ALEXANDER: Let me make the motion while you're doing that just to move things along.

THOMAS SCOTT: Can I ask one more question?

CONSTANTINE ALEXANDER: Sure.

THOMAS SCOTT: On the elevation with the tower, could you relocate those dormers?

BLAKE ALLISON: Yes.

THOMAS SCOTT: Those had to be pushed over.

BLAKE ALLISON: Yes. And I'll quickly mention that in 1997 a variance was granted for

BOARD OF ZONING APPEAL - 6/26/2014

this house to put that big addition on the back, and also that variance included rebuilding the stair tower and making it larger, and so that was never done, I think, because they found out in order do that, they had to move all these windows, and they decided it was too expensive. So they just kept the same footprint, but the variance did include that relief.

So actually what we're proposing now is smaller. It's keeping the footprint as it is just filling in those little triangles.

Okay. So new surface to imitate window of adjacent dormer.

CONSTANTINE ALEXANDER: There's two adjacent dormers. There's one on either side. You need more words.

TIMOTHY HUGHES: Initial that. Initialed by the Chair.

CONSTANTINE ALEXANDER: Yeah. I think

BOARD OF ZONING APPEAL - 6/26/2014

we're ready for a motion.

TIMOTHY HUGHES: I am, yes.

CONSTANTINE ALEXANDER: The Chair moves that we make the following finding with regard to the variance being sought by the petitioner, that a little enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner, such hardship being is that they would not be able to modify their structure to allow them to age in place.

BLAKE ALLISON: Age in place. Stay in that house for ever and ever and ever.

CONSTANTINE ALEXANDER: That the hardship is owing basically to the shape of the structure, and its unique experience -- appearance, and that relief may be granted without substantial detriment to the public good or nullifying or substantial derogate the intent or purpose of the ordinance.

BOARD OF ZONING APPEAL - 6/26/2014

And, in fact, the work that is being proposed will bring the structure closer to its original form than it's now. And it will be more pleasing architecturally, that there's no option from the Historical Commission on an informal basis, and that there's unanimous neighborhood support.

Based on these findings, we grant a variance being sought on the condition that the work proceed in accordance with plans submitted by Dingman Alison Architects starting with an A1-1, which I have initialed and goes to A1-2, A1-3. A2-1, A2-2, A2-3, A2-4, EX1-2, EX1-2, EX1-3, EX2-1, EX2-2, EX2-3, EX2-4, L-1.

The Chair would note that one of those plans has been modified by the -- Mr. Allison to reflect a change that we approve, and therefore, are part of the plans. You know the drill. This is it.

BOARD OF ZONING APPEAL - 6/26/2014

If you modify them in a material way,  
you're going to have to come back before us.

All those in favor of granting the  
variance subject to those conditions, say  
"aye."

(In Favor: Constantine Alexander,  
Timothy Hughes, Thomas Scott, Janet Green,  
Brendan Sullivan.)

Five in favor.

The variance is granted, good luck.

(Sitting Members for Case No. ZBA 004059-2014:  
Constantine Alexander, Janet Green, Timothy  
Hughes, Brendan Sullivan, Thomas Scott.)

BOARD OF ZONING APPEAL - 6/26/2014

CONSTANTINE ALEXANDER: We'll resume the case.

And what is your pleasure?

JOHN RILEY: Based on your discussions, what we would like to do is to excise from this request the connecting up the two second floor dormers.

What we would like to proceed with is the request for the Special Permit to reinstall a bathroom window on the north side of the house. We would like to have the request for a small window seat bump out on the second floor on the north side of the house.

CONSTANTINE ALEXANDER: I would like to see your revised plans if you were going to do that. I don't want to go forward tonight with we want to do this and we want to do that.

Revise the plans and we'll pick another date and you can come back. You can come back

BOARD OF ZONING APPEAL - 6/26/2014

sooner rather than later.

SEAN O'GRADY: The things they're describing are in the plans. They're just taking things out.

THOMAS SCOTT: Tell us specifically what you're taking out?

JOHN RILEY: Taking a request to take these two window dormers and connect them. That seem to be what the Board was in opposition for because it's against the dormer guidelines which are no more than 15 feet in length, and this is 22.

CONSTANTINE ALEXANDER: What about the dormer above that that you're adding?

JOHN RILEY: The dormer above that we're requesting.

CONSTANTINE ALEXANDER: Do they comply?

AMY SEMMES: 11 foot 9.

CONSTANTINE ALEXANDER: The setback from

BOARD OF ZONING APPEAL - 6/26/2014

the ridge line, the setback from

the --

AMY SEMMES: This is the side-view, this is the back view. There's a -- it's set 5 feet from the gable end on one side and 10 or 11 feet on the other side.

JOHN RILEY: What we're trying to do here with this house, I just want to step back to give you an overview.

We bought the property in September of last year. And we really loved the house. My wife and I are living there now. We have two adult sons and they come to share the house with us. They live in New York and Portland, Oregon.

The house was designed with a formal parlor and living room in the front room of the house. It's a small room. We're looking to have a family room which is a little bit larger.

When we bought the house, we proposed the

BOARD OF ZONING APPEAL - 6/26/2014

idea of building a family room on the third floor. It had a tall enough ceiling and the room was large enough. The house is a very gracious older house. There's some issues with the design as we live more modernly now, and one is light coming into the house. That is why we're proposing the third floor dormer.

The issue with the dormer is that -- as I said, the ceiling is high. We would like to have true windows to have light coming into the house. If we stepped this dormer back 18 inches, we would not need the Special Permit or the variance.

AMY SEMMES: We won't need FAR variance relief because it would line up with the five foot windows.

JOHN RILEY: But the windows would be much higher than just sort've being counter intuitive to the whole process of it, and we

BOARD OF ZONING APPEAL - 6/26/2014

would end up with skylights instead. This is why we're proposing it now. I just wanted to give that overview.

CONSTANTINE ALEXANDER: And going back, you're going to eliminate the connection of the two dormers, and would -- you were saying you were going to do something else?

JOHN RILEY: This is in the master bedroom here. Currently they have one window here. We want to put a window seat bump out.

AMY SEMMES: We're taking another bay on top of the existing bay.

JOHN RILEY: It doesn't bump out as much as you can see.

JANET GREEN: This is the new second floor bay window?

AMY SEMMES: Yes.

JOHN RILEY: Yes. Right here. Two windows. It has -- it's taking one window and

## BOARD OF ZONING APPEAL - 6/26/2014

making two.

CONSTANTINE ALEXANDER: This is all part of the variance. The Special Permit is some other windows.

JOHN RILEY: The Special Permit is for a bathroom window.

AMY SEMMES: Which is on the side that's too close to the setback. The window existed there before. It's for a bathroom. And we're wanting to put it back. This face of the building is five foot five inches from the side property line. We're looking for permission to add that.

TIMOTHY HUGHES: And the rest of the relief the bay window and the dormer is FAR relief?

JOHN RILEY: That's correct.

TIMOTHY HUGHES: It can't be much, can it?

AMY SEMMES: The total was 65 and we have

BOARD OF ZONING APPEAL - 6/26/2014

taken 25 away. What does that make 40?

CONSTANTINE ALEXANDER: .73 to .74 and .49.

JOHN RILEY: The idea overall of the project was just to bring the light into the house. Part of that relief was to make live life more modernly, and we need light in the house. My wife has always wanted a window seat. She needs to have light in the wintertime because she suffers from a seasonal disorder, light. So it's good for that. So this is motivating some of our thinking as well.

Part of it is it's a very hot house in the summertime, and we're trying to insulate it well and put windows that are efficient as well. Put a new boiler in. And that costs money and we want to make these additions as well, which we can be assured at some point we can recoup some of that investment.

We can go through some of the hardship

BOARD OF ZONING APPEAL - 6/26/2014

things that we talked about earlier, if you would like. I don't know how you want to move forward.

CONSTANTINE ALEXANDER: You should identify the hardship and the special conditions, circumstances, and things you have prove to us that you need to get the relief you need.

AMY SEMMES: Should I address the FAR issue? The house is not conforming considerably in FAR currently, but almost all of that is due to the fact it has a really high basement. But there's no intention to actually expand living space down there. So when you fill out the form, it looks like the house is 1200 square feet or something more than allowed, but almost all of that is basement area.

CONSTANTINE ALEXANDER: Got it. I think you made that point in your application.

BOARD OF ZONING APPEAL - 6/26/2014

AMY SEMMES: I think the other aspect of it the house is a unique gambrel design with a gambrel roof facing the backyard and the front yard.

The house presents two full stories of roof from either front or back. So it's a big roof scape, really to add light, you need to add dormers.

JOHN RILEY: Do you have a front photo?

CONSTANTINE ALEXANDER: You're satisfied with the aesthetic appearance of the structure with the gable on the back?

AMY SEMMES: The new shed dormer on the back? It's facing the backyard, it's not visible from any public way and it's high up.

CONSTANTINE ALEXANDER: Visible to your neighbors.

TIMOTHY HUGHES: I can't see it from my housewife.

## BOARD OF ZONING APPEAL - 6/26/2014

MARGARET GADON: We have total approval from all neighbors.

AMY SEMMES: It's a shed, but it's going to be wall to wall glass.

CONSTANTINE ALEXANDER: To me -- to me it's not most attractive. That's not a zoning issue, anyway. We'll move on.

Questions from any Members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: No.

THOMAS SCOTT: The connected dormers -- we're going -- that elevation will be a combination of --

AMY SEMMES: You have to take this dormer and put it on top of there. The chimney is being removed. That's part of the proposal.

JOHN RILEY: Essentially.

THOMAS SCOTT: There's a deck off that third floor, family room or media room?

BOARD OF ZONING APPEAL - 6/26/2014

AMY SEMMES: Currently there's no deck, but part of the proposal is we will be adding one. But I don't believe that part of the project requires any relief because it's very far away from any setbacks.

CONSTANTINE ALEXANDER: It doesn't, but sometimes we -- to get the relief you need, we have taken the position that you can't have the roof deck. Not you. I missed that. So there's -- there will be a roof deck. Your neighbors are aware of the roof deck?

JOHN RILEY: Yes, they are.

CONSTANTINE ALEXANDER: How big will the roof deck be?

JOHN RILEY: It's 8 by 12 as proposed.

CONSTANTINE ALEXANDER: The size of a room. It will be assessed from the so-called media room?

JOHN RILEY: Yes. There's a doorway

BOARD OF ZONING APPEAL - 6/26/2014

right there.

CONSTANTINE ALEXANDER: The media room I think you said in your application it will be used for your sons when they come to visit.

JOHN RILEY: Yeah, we wanted a room -- our thought was we needed a room to watch football. I mean -- you know, you live in a family with females and my wife would like to sit out there and read a book, too, you know, sometimes. But the idea of that was to try to look at the space and use it efficiently.

BRENDAN SULLIVAN: We actually did something similar on Lincoln Lane and it was a large grand house, but some of these large grand houses have sort've odd rooms that really don't -- the flow doesn't work very as well. And so they took this bedroom up on the third floor -- actually there were two bedrooms knocked, down the wall and that was going to be

BOARD OF ZONING APPEAL - 6/26/2014

their family room. And because everybody family's rooms was down and they wanted theirs up and we actually popped something out like that. And it was an absolutely grand space, it was a gorgeous space with the window and something very similar to that, and I became a believer in it and they used that room constantly. And sometimes if there's a collection of people in the first floor or something, then there can be a quiet space upstairs for one or two people also the outside deck area.

TIMOTHY HUGHES: For people that don't watch football can be on the first floor in the kitchen.

BRENDAN SULLIVAN: Anyhow something like that works.

JOHN RILEY: What we listed as our -- I don't know -- you can take this as a board here,

BOARD OF ZONING APPEAL - 6/26/2014

but there was -- we looked to sort of think what is the hardship here? What are we trying to do? We have to try to make it fit within the guidelines in some way.

As I mentioned, the idea of this house was to try to make it live for a family not necessarily make it larger, but try to fit better to what we're doing. Some of that is not in front of you now. A little bit of bathrooms down the road and a kitchen, more insulation. There's no insulation in the house now. Better windows. A boiler that doesn't use a lot of energy. Taking to make the heat in the house sort've environmentally better than what it is now.

And part of that also included the idea of windows. As this conversation goes along, and I'm sure you've had these conversations yourself, what happens is it sort've mutates and

BOARD OF ZONING APPEAL - 6/26/2014

it moves along and we try to think about why are we doing the things we want? And part of that is to have more windows, because my wife does suffer from a seasonal disorder, you know, and it's tough.

Having more windows is better. It's a dark bedroom. And having another window in there, just for the bump out, boy, that would be really nice because it would help her.

So when we look at hardships, we talk about that on a personal level, but it's a hardship in terms of where we live.

And I thought about this myself. If, for example, we got old and we will get old and we're in this house, what will happen about needing a ramp? Where do we put a ramp? How does that fit in with your goals? I don't know really how that works. That's a decision for the City of Cambridge to make. But there are hardships

BOARD OF ZONING APPEAL - 6/26/2014

that exist as we grow older, and so, in regards to bump out and regards to windows that make it a little brighter, it fits better. And we want to make it fit within your guidelines as well.

BRENDAN SULLIVAN: It's general feelings that these houses do need tweaking, that they're incredibly inefficient, both in flow and also in the expense of maintaining them. And in order for you to have to go through this exercise, then you have to justify to yourself to go through this exercise and expense of money, time, blood, sweat and tears, we need a space that makes it all worth it. And I think that third floor space tends to make it all worth it.

It's all part of the mix, because without it has a missing element. Because then you say why are we spending all this? Because there's a missing element here. Well, this sort've

BOARD OF ZONING APPEAL - 6/26/2014

completes the element to me anyway.

JOHN RILEY: It does for me as well. When I saw it, it's like, gee --

BRENDAN SULLIVAN: It's hard to put it into words. It's that the general feeling of an exercise you're going through.

JOHN RILEY: Thank you.

We listed hardship as being, I don't know if this sits as well, but we talked about the soil. The basement does leak. We have water in the ground and it leaks. It's nice to keep my tools down there and some stuff, and we have everything off the ground, but I never thought why the former owner was leaving a wet vac until the spring, and I sort've figured it out, because it looked kind've dry.

BRENDAN SULLIVAN: There's a stream that runs all underneath that.

JOHN RILEY: We're not looking to build

BOARD OF ZONING APPEAL - 6/26/2014

down there, and I think it would even cost a lot of money to do that -- because of trying to waterproof --

AMY SEMMES: It's dark. And fix the space you have rather than...

JOHN RILEY: That's really it in terms of the hardships. Those are our thoughts.

CONSTANTINE ALEXANDER: Thank you for the time coming down and your accomodation with regard to the dormer guidelines. I think you're wise to make the change you made.

Comments from Members of the Board?  
Ready for a vote?

TIMOTHY HUGHES: I am ready for a vote. I don't have to ask you.

CONSTANTINE ALEXANDER: The Chair -- we need two votes actually because you need a Special Permit as well. The Special Permit is for the bathroom window. You already explained

## BOARD OF ZONING APPEAL - 6/26/2014

that.

JOHN RILEY: One final comment I want to make for the record. I did submit letters.

CONSTANTINE ALEXANDER: You did?

JOHN RILEY: Yes.

CONSTANTINE ALEXANDER: I don't remember seeing them.

JOHN RILEY: I gave them to --

CONSTANTINE ALEXANDER: Oh, yeah, here they are. I apologize. For the record I'm not going to read the letters. I'm just going to recite. These letters are incorporated in their entirety to our record but they're letters from Kate Cleary, C-L-E-A-R-Y, who resides at 83 Larch Road and Brandon Ingersoll who resides at 74 Larch Road and both of these letters are in support of the relief being sought.

Let's start with the variance. With respect to the variances being sought, the Chair

BOARD OF ZONING APPEAL - 6/26/2014

moves that we make the following findings:

That a little enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner, such hardship being this is an older structure that is not well lit in terms of -- wrong word -- does not have good access to the outside in terms of the window treatment and leads to a rather dark feel to the house inside, that the hardship is owing to the fact that soil conditions of the property are such that relief to modify was a problem cannot be done very easily and that relief may be granted without substantial detriment to the public good or nullify a substantially derogated intent and purpose of the ordinance.

Based on these findings, the Chair move that we grant the variances being sought on the condition that the work proceed in accordance with plans submitted by the petitioner,

BOARD OF ZONING APPEAL - 6/26/2014

prepared Amy Semmes, S-E-M-M-E-S, there were multiple pages dated May 19, 2014. There are multiple pages, the first page which has been initiated by the Chair except that to the extent that these plans reflect adjoining of the two dormers on the second floor, that this adjoining has been abandoned and that the dormer configuration of the second floor, the two adjoining dormers, will remain as it is right now.

That's what you have agreed to, right?

JOHN RILEY: Yes.

CONSTANTINE ALEXANDER: All this in favor of granting the variance, say "aye."

Five in favor.

(In Favor: Constantine Alexander,  
Timothy Hughes, Thomas Scott, Janet Green,  
Brendan Sullivan.)

By the way, I should say that these are the

BOARD OF ZONING APPEAL - 6/26/2014

final plans, if you change the plans as you go forward, you're going to have to come back and spend another night with us.

TIMOTHY HUGHES: As pleasant as that is.

CONSTANTINE ALEXANDER: And then with regard to the Special Permit being sought, the Chair moves we make the following findings: That the Special Permit -- the relief being sought for the Special Permit will not cause congestion, hazards or substantial change in established neighborhood character, that the continued operation of adjacent properties will not adversely be affected by what is proposed to do for the Special Permit, that no nuisance or hazard will be created to the detriment of health, safety and welfare of the occupant or the citizens of the city and that that the proposed use will not impair the integrity of the district or to any district or otherwise

BOARD OF ZONING APPEAL - 6/26/2014

derogate the intent and purpose of this ordinance.

On the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition again that the work proceeds in accordance with the plans as modified as we discussed -- referred to with regard to the variance.

All those in favor of granting the Special Permit say "aye."

Five in favor. Special Permit granted.

(In Favor: Constantine Alexander,  
Timothy Hughes, Thomas Scott, Janet Green,  
Brendan Sullivan.)

(The Public Meeting of the Board of  
Zoning Appeal was adjourned at 11:09  
p.m.)

## BOARD OF ZONING APPEAL - 6/26/2014

1'cuz

[2] - 9:9,  
128:13

0003383

[1] - 106:7

003670-2014

[1] - 28:7

003696

[1] - 3:16

0039334

[1] - 177:6

003938

[1] - 234:7

003938-2014

[1] - 234:2

003979

[1] - 183:7

00400-2014

[1] - 190:2

004000

[1] - 190:7

004043

[1] - 256:6

004043-2014

[1] - 256:2

004059-2014

[2] - 252:

2, 282:2

004073

[2] - 181:

6, 213:7

004073-2014

[1] - 213:2

0040977

[1] - 252:6

02139

[1] - 1:11

BOARD OF ZONING APPEAL - 6/26/2014

1

1  
[6] - 12:1  
6, 157:11,  
220:12,  
221:2,  
275:13,  
276:8

1,000

[1] - 215:5

1.9

[1] - 116:  
10

10

[14] - 39:  
17, 39:18,  
114:18,  
115:13,  
122:3,  
167:10,  
177:17,  
194:1,  
208:3,  
242:13,  
242:14,  
242:15,  
242:17,  
284:15

100

[1] - 202:  
13

102

[2] - 193:  
18, 195:16

104

[1] - 65:14

10448

[1] - 175:6

105

[1] - 193:  
18

106

[1] - 2:6

107

[1] - 193:  
19

11

## BOARD OF ZONING APPEAL - 6/26/2014

[5] - 11:1  
0, 12:8,  
253:13,  
284:8,  
284:15

**11.7**

[1] - 127:  
17

**11:09**

[1] - 308:6

**12**

[3] - 253:  
13,  
276:14,  
294:9

**1200**

[1] - 290:  
18

**13**

[6] - 2:12,  
2:18,  
183:7,  
183:12,  
256:6,  
276:6

**14**

[9] - 109:  
11, 170:4,  
178:14,  
178:15,  
179:7,  
231:8,  
232:6,  
232:8,  
276:10

**14.4**

[2] - 116:  
3, 116:11

**140**

[1] - 220:  
12

**14th**

[4] - 178:  
17, 179:6,  
179:17,  
230:12

**15**

## BOARD OF ZONING APPEAL - 6/26/2014

[8] - 122:  
3, 214:5,  
216:1,  
216:14,  
227:4,  
263:8,  
276:12,  
284:1

**150**

[2] - 11:9,  
28:14

**151**

[1] - 109:  
11

**154**

[6] - 109:  
19, 138:2,  
140:13,  
142:3,  
147:16,  
156:3

**16**

[2] - 12:7,  
276:11

**175**

[1] - 2:8

**176**

[1] - 92:18

**177**

[1] - 2:9

**18**

[5] - 230:  
16,  
232:18,  
233:3,  
276:12,  
286:5

**183**

[1] - 2:12

**1850s**

[1] - 237:3

**1863**

[2] - 200:  
10, 200:11

**1880s**

[1] - 29:6

**18R**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 276:  
12

**18th**

[2] - 231:  
5, 232:16

**19**

[3] - 227:  
3, 276:14,  
305:2

**190**

[1] - 2:14

**1924**

[1] - 214:2

**1934**

[1] - 73:8

**1959**

[1] - 71:2

**1964**

[2] - 80:4,  
85:2

**1970**

[1] - 258:  
16

**1981**

[1] - 139:3

**1997**

[1] - 277:  
15

**2****2**

[2] - 126:  
3, 126:4

**2,747**

[1] - 236:  
15

**20**

[1] - 93:7

**2007**

[1] - 93:8

**2014**

[6] - 1:7,  
212:10,  
242:4,  
249:4,  
276:8,  
305:2

## BOARD OF ZONING APPEAL - 6/26/2014

**213**

[1] - 2:11

**213-243**

[1] - 2:5

**22**

[3] - 157:

12,

253:10,

284:1

**220R**

[1] - 175:7

**222**

[2] - 2:8,

175:6

**234**

[1] - 2:15

**237**

[1] - 90:15

**24**

[7] - 103:

16, 104:5,

104:10,

104:16,

104:18,

215:4,

230:17

**240**

[2] - 95:4,

98:4

**241-243**

[4] - 89:8,

90:18,

94:4,

96:16

**247**

[1] - 80:19

**248**

[1] - 94:19

**249**

[1] - 95:12

**24th**

[1] - 103:7

**25**

[2] - 93:4,

288:18

**250**

[1] - 95:3

## BOARD OF ZONING APPEAL - 6/26/2014

**252**

[1] - 95:4

**256**

[1] - 2:18

**26**[2] - 1:7,  
242:4**26.9**[1] - 127:  
19**260**[2] - 73:8,  
95:7**269R**

[1] - 95:1

**27**

[1] - 18:3

**271**[2] - 95:2,  
95:5**272**

[1] - 95:4

**28**[4] - 2:5,  
231:10,  
232:12,  
232:14**282**

[1] - 2:17

**29**[2] - 115:  
8, 218:3**3****3**[14] - 2:3,  
2:6,  
106:7,  
156:16,  
156:19,  
157:9,  
217:9,  
239:4,  
239:5,  
242:13,  
243:9,  
243:11,

## BOARD OF ZONING APPEAL - 6/26/2014

276:11

**30**[1] - 202:  
18**31**[2] - 3:16,  
17:18**32**[3] - 128:  
4, 129:4,  
204:19**34**

[1] - 263:8

**340**[1] - 213:  
12**35**

[1] - 17:14

**36.9**[1] - 127:  
18**39**[3] - 2:14,  
190:7,  
208:1**3A**

[1] - 17:15

**4****4**[5] - 115:  
6, 115:12,  
121:16,  
212:10,  
276:13**40**[3] - 215:  
4, 215:17,  
288:19**46-48**[5] - 55:6,  
55:13,  
65:17,  
71:2,  
80:18**48**

[3] - 81:1

BOARD OF ZONING APPEAL - 6/26/2014

0, 115:10,  
115:11

**49**

[1] - 289:2

**4th**

[1] - 230:  
15

**5**

**5**

[18] - 2:1  
5, 9:13,  
9:15,  
39:6,  
39:9,  
44:3,  
54:6,  
55:15,  
109:9,  
112:6,  
130:14,  
138:17,  
143:2,  
193:19,  
234:7,  
234:12,  
241:19,  
284:14

**5-1/2**

[1] - 194:1

**5.5**

[1] - 208:4

**5.9**

[4] - 116:  
5, 117:10,  
131:11,  
137:9

**50**

[2] - 40:1  
6, 139:19

**500**

[1] - 109:3

**52**

[1] - 9:12

**526**

[1] - 36:10

**53**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 95:5

**56**

[1] - 9:14

**57**

[1] - 94:18

**59**

[1] - 69:5

**5:00**

[3] - 104:

16,

179:16,

233:5

**6****6**

[22] - 11:

10, 12:9,

12:10,

12:13,

13:7,

13:14,

21:19,

22:2,

115:5,

115:12,

115:17,

121:15,

126:2,

126:3,

126:4,

131:9,

151:14,

157:12,

217:17,

220:13,

221:2,

276:14

**6.2**

[3] - 116:

4, 117:14,

170:5

**6.34**

[1] - 64:8

**6.4**

[1] - 117:

10

**60**

BOARD OF ZONING APPEAL - 6/26/2014

[1] - 21:1

**617.786.77**

**83**

[1] - 1:19

**62**

[1] - 156:

12

**65**

[1] - 288:

17

**669**

[1] - 236:

16

**675**

[1] - 4:5

**68**

[1] - 115:

17

**6:00**

[1] - 135:8

**7**

**7** [6] - 2:9,

156:11,

177:6,

217:9,

242:14,

243:5

**7-1/2**

[2] - 6:5,

142:6

**7.6**

[1] - 195:

12

**70s**

[1] - 107:

15

**73**

[2] - 115:

18, 289:1

**74**

[2] - 289:

1, 303:11

**77**

[3] - 2:17,

152:18,

252:6

## BOARD OF ZONING APPEAL - 6/26/2014

**79**

[2] - 158:  
6, 158:11

**7:00**

[7] - 1:8,  
104:4,  
104:10,  
178:17,  
179:6,  
233:3,  
245:2

**8****8**

[11] - 12:  
10, 12:13,  
114:17,  
121:12,  
133:9,  
138:17,  
150:3,  
151:14,  
218:3,  
276:13,  
294:9

**80**

[4] - 20:1  
9, 218:7,  
219:2,  
220:18

**806**

[1] - 1:10

**82-84**

[3] - 2:11,  
181:6,  
213:7

**83**

[7] - 112:  
12, 147:2,  
147:8,  
147:9,  
147:19,  
151:7,  
303:9

**85**

[4] - 112:  
13,

BOARD OF ZONING APPEAL - 6/26/2014

147:19,  
151:6,  
151:8

**88**

[3] - 93:8,  
218:11,  
218:16

**9**

[3] - 138:  
18,  
217:17,  
284:8

**90**

[2] - 109:  
6, 258:19

**95**

[2] - 109:  
7, 213:14

**9:00**

[1] - 245:4

**A**

**A-1.0**

[1] - 172:  
16

**A-1.1**

[1] - 172:  
15

**A-L-L-E-N**

[1] - 73:2

**a.m**

[1] - 245:2

**A1-1**

[1] - 280:  
14

**A1-2**

[1] - 280:  
15

**A1-3**

[1] - 280:  
15

**A1.0**

[1] - 26:1

**A1.1**

[1] - 26:2

## BOARD OF ZONING APPEAL - 6/26/2014

**A1.2**

[1] - 26:2

**A1.3**

[1] - 26:2

**A1.4**[2] - 26:7,  
26:11**A2-1**[1] - 280:  
16**A2-2**[1] - 280:  
16**A2-3**[1] - 280:  
16**A2-4**[1] - 280:  
16**A2.0**

[1] - 26:5

**abandoned**

[1] - 305:8

**ability**[3] - 35:1  
6, 48:18,  
51:14**able**[25] - 30:  
6, 38:7,  
58:9,  
71:19,  
101:19,  
113:3,  
113:5,  
125:13,  
131:7,  
139:14,  
164:18,  
167:13,  
169:19,  
171:17,  
192:17,  
197:4,  
200:17,  
209:13,  
219:3,

## BOARD OF ZONING APPEAL - 6/26/2014

219:6,  
 236:5,  
 237:18,  
 273:4,  
 273:7,  
 279:9

**absolutely**

[2] - 85:2,  
 296:3

**abstract**

[1] - 161:  
 18

**abuse**

[1] - 107:  
 11

**abut**

[2] - 138:  
 4, 151:11

**abuts**

[3] - 44:1  
 3, 68:14,  
 246:7

**abutter**

[8] - 42:1,  
 42:4,  
 54:10,  
 61:7,  
 90:18,  
 123:10,  
 154:3,  
 229:15

**abutters**

[11] - 10:  
 6, 54:8,  
 100:5,  
 158:11,  
 160:17,  
 185:15,  
 206:14,  
 206:18,  
 210:1,  
 248:3,  
 274:17

**abutting**

[6] - 238:  
 2, 238:16,  
 238:18,

## BOARD OF ZONING APPEAL - 6/26/2014

241:1,  
242:12,  
246:2

**Acacia**

[4] - 276:  
11,  
276:13,  
276:14

**academy**

[1] - 109:3

**Academy**

[3] - 138:  
16,  
140:18,  
153:7

**accept**

[4] - 60:9,  
60:11,  
175:13,  
207:15

**acceptable**

[2] - 66:5,  
66:8

**accepting**

[1] - 175:  
19

**access**

[9] - 13:1  
1, 14:7,  
24:7,  
119:18,  
120:15,  
120:16,  
192:17,  
260:11,  
304:4

**accesses**

[1] - 152:3

**accessing**

[1] - 16:11

**accommodat****e**

[3] - 37:1,  
109:16,  
194:11

**accomodati****on**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 302:2

**accomplish**

[1] - 32:6

**accordance**

[10] - 25:

16,

172:12,

188:9,

212:6,

248:10,

248:18,

251:7,

280:12,

304:18,

307:14

**according**

[5] - 71:8,

114:16,

127:16,

216:12,

240:16

**accordingl**

**y**

[1] - 113:1

**accordion**

[2] - 120:

4, 122:6

**account**

[3] - 114:

5, 160:14,

160:16

**accurate**

[2] - 123:

18, 229:8

**accurately**

[1] - 273:1

**achieved**

[1] - 20:18

**ACs**

[1] - 153:7

**actual**

[3] - 98:1

3, 120:2,

193:16

**Adam**

[1] - 245:

11

## BOARD OF ZONING APPEAL - 6/26/2014

**Adams**

[1] - 4:5

**add**

[21] - 35:

6, 35:7,

36:7,

70:5,

83:19,

89:19,

91:18,

92:12,

98:10,

155:13,

156:14,

159:6,

159:8,

215:1,

227:18,

237:18,

249:18,

258:12,

288:10,

291:12,

291:13

**added**

[4] - 11:9,

33:14,

83:14,

262:13

**adding**

[10] - 18:

12, 30:18,

36:11,

91:2,

124:6,

130:5,

191:2,

235:15,

284:3,

293:14

**addition**

[35] - 18:

10, 118:7,

125:6,

131:8,

131:17,

132:6,

BOARD OF ZONING APPEAL - 6/26/2014

137:6,  
 137:9,  
 137:15,  
 143:9,  
 184:13,  
 191:5,  
 191:10,  
 192:2,  
 196:6,  
 200:14,  
 208:2,  
 208:4,  
 210:12,  
 235:5,  
 235:18,  
 236:16,  
 237:18,  
 238:1,  
 238:6,  
 238:12,  
 240:12,  
 242:2,  
 244:13,  
 245:13,  
 245:14,  
 246:9,  
 247:12,  
 269:10,  
 277:17

**additional**

[9] - 15:1  
 0, 40:18,  
 91:3,  
 92:14,  
 108:9,  
 119:16,  
 187:16,  
 208:9,  
 241:4

**additions**

[1] - 289:  
 18

**address**

[13] - 55:  
 7, 57:2,  
 73:1,  
 101:9,

## BOARD OF ZONING APPEAL - 6/26/2014

130:11,  
154:9,  
154:15,  
158:11,  
213:13,  
230:6,  
253:19,  
263:7,  
290:11

**addressed**

[1] - 71:4

**addressing**

[1] - 96:18

**adds**

[2] - 12:6,  
70:6

**adequate**

[1] - 222:8

**adjacent**

[10] - 17:  
19, 43:15,  
187:2,  
225:16,  
250:6,  
276:18,  
277:1,  
278:12,  
278:14,  
306:18

**adjoining**

[7] - 96:4,  
163:10,  
187:10,  
250:14,  
305:6,  
305:7,  
305:10

**adjourned**

[1] - 308:6

**admit**

[1] - 87:8

**admittedly**

[1] - 13:18

**adopts**

[1] - 160:2

**adult**

[1] - 285:3

## BOARD OF ZONING APPEAL - 6/26/2014

**advantage**

[1] - 14:2

**adversely**

[3] - 187:

3, 250:7,

306:19

**advertise**

[1] - 43:4

**aesthetic**

[2] - 25:7,

291:17

**aesthetica****lly**

[1] - 60:1

**affect**

[2] - 139:

13, 197:10

**affected**

[14] - 25:

10, 51:14,

54:16,

132:6,

138:7,

138:9,

142:3,

142:6,

162:3,

164:5,

187:3,

242:19,

250:7,

306:19

**afoul**

[1] - 177:

15

**afraid**

[1] - 272:

19

**age**

[4] - 80:1

0, 93:8,

279:11,

279:12

**agenda**

[1] - 183:6

**aging**

[1] - 256:

## BOARD OF ZONING APPEAL - 6/26/2014

19

**ago**

[5] - 113:  
19,  
143:10,  
148:13,  
157:1,  
201:3

**agree**

[4] - 22:1  
4, 68:7,  
99:7,  
273:17

**agreeable**

[1] - 114:9

**agreed**

[2] - 244:  
9, 305:12

**agreement**

[4] - 47:1  
3, 56:15,  
152:16,  
185:17

**ahead**

[3] - 127:  
5, 161:12,  
274:1

**Ahern**

[1] - 28:14

**air**

[13] - 54:  
14, 110:5,  
110:18,  
111:14,  
139:10,  
142:7,  
142:9,  
159:19,  
163:12,  
164:8,  
165:4,  
184:9,  
236:18

**airlock**

[1] - 260:6

**Alexander**

[27] - 1:1

## BOARD OF ZONING APPEAL - 6/26/2014

2, 3:11,  
26:17,  
28:2,  
105:5,  
106:2,  
173:7,  
174:13,  
175:2,  
176:2,  
177:2,  
180:2,  
181:2,  
183:2,  
189:6,  
190:2,  
212:15,  
213:2,  
234:2,  
249:8,  
251:13,  
252:2,  
256:2,  
281:10,  
282:2,  
305:19,  
308:2

**ALEXANDER**

[280] - 3:  
3, 3:14,  
5:16, 6:1,  
6:9, 6:13,  
7:14, 8:4,  
8:7, 8:14,  
8:18, 9:8,  
10:12,  
10:17,  
14:6,  
14:19,  
16:17,  
17:3,  
19:8,  
20:9,  
21:2,  
21:8,  
21:13,  
22:14,  
22:19,

BOARD OF ZONING APPEAL - 6/26/2014

23:10,  
23:16,  
23:19,  
26:8,  
28:6,  
29:11,  
32:18,  
33:5,  
34:5,  
34:15,  
34:19,  
35:5,  
35:15,  
36:1,  
36:14,  
37:9,  
37:14,  
39:1,  
39:12,  
40:1,  
40:8,  
41:2,  
41:10,  
42:12,  
43:2,  
44:1,  
44:9,  
44:18,  
45:3,  
45:7,  
45:11,  
46:15,  
47:2,  
47:11,  
47:15,  
48:1,  
48:5,  
48:8,  
48:17,  
49:4,  
49:9,  
51:1,  
51:9,  
53:19,  
55:11,  
55:16,  
56:2,

## BOARD OF ZONING APPEAL - 6/26/2014

58:2,  
58:13,  
58:17,  
59:16,  
60:9,  
61:13,  
62:5,  
62:17,  
63:3,  
64:5,  
65:4,  
69:1,  
70:18,  
72:3,  
72:10,  
72:16,  
76:4,  
76:10,  
77:15,  
78:6,  
78:14,  
78:17,  
79:2,  
79:8,  
79:17,  
85:5,  
85:11,  
85:17,  
86:8,  
86:16,  
87:13,  
88:4,  
98:16,  
99:9,  
99:17,  
100:12,  
101:1,  
102:8,  
102:12,  
103:2,  
103:8,  
103:13,  
106:6,  
107:6,  
110:10,  
110:14,  
111:5,

## BOARD OF ZONING APPEAL - 6/26/2014

114:11,  
115:5,  
117:8,  
117:15,  
117:19,  
118:3,  
118:10,  
118:14,  
120:8,  
123:6,  
123:13,  
123:16,  
125:12,  
126:17,  
127:15,  
128:15,  
130:7,  
130:18,  
134:2,  
137:16,  
140:3,  
140:10,  
141:13,  
142:16,  
142:18,  
146:16,  
147:7,  
147:12,  
147:16,  
148:4,  
151:2,  
154:4,  
154:6,  
155:1,  
155:7,  
155:16,  
159:14,  
161:13,  
163:18,  
165:8,  
166:10,  
167:3,  
168:5,  
168:10,  
169:4,  
170:12,  
171:1,

## BOARD OF ZONING APPEAL - 6/26/2014

171:10,  
173:3,  
173:8,  
175:5,  
175:18,  
177:5,  
178:15,  
181:5,  
181:12,  
181:17,  
182:3,  
183:5,  
184:12,  
185:1,  
185:6,  
185:19,  
186:6,  
186:11,  
188:19,  
190:6,  
191:8,  
193:9,  
194:3,  
194:13,  
195:8,  
202:2,  
202:10,  
205:11,  
205:13,  
206:7,  
206:11,  
206:16,  
207:2,  
207:15,  
209:7,  
209:16,  
210:4,  
213:5,  
234:6,  
235:19,  
236:7,  
238:5,  
239:2,  
241:2,  
241:7,  
241:10,  
245:6,

## BOARD OF ZONING APPEAL - 6/26/2014

246:13,  
248:14,  
249:12,  
252:5,  
252:11,  
252:15,  
252:18,  
255:1,  
255:5,  
256:5,  
257:18,  
258:6,  
260:19,  
261:17,  
262:4,  
262:18,  
263:3,  
264:12,  
265:17,  
267:9,  
268:1,  
268:8,  
268:11,  
268:15,  
269:12,  
270:2,  
271:5,  
271:18,  
272:4,  
273:12,  
273:19,  
274:9,  
275:4,  
275:9,  
275:15,  
276:19,  
277:2,  
277:7,  
278:13,  
278:18,  
279:2,  
279:14,  
282:6,  
283:2,  
284:2,  
284:6,  
284:9,

BOARD OF ZONING APPEAL - 6/26/2014

286:17,  
287:17,  
289:1,  
290:6,  
291:3,  
291:16,  
292:5,  
292:13,  
292:19,  
293:18,  
294:7,  
294:11,  
294:16,  
301:19,  
302:9,  
302:17,  
302:19,  
303:3,  
305:15,  
306:10

**Alison**

[1] - 280:  
13

**ALLEN**

[18] - 73:  
2, 73:3,  
73:4,  
73:12,  
73:14,  
75:15,  
75:17,  
75:18,  
76:6,  
76:8,  
76:15,  
78:3,  
78:9,  
78:16,  
78:19,  
79:4,  
79:9,  
98:10

**Allen**

[2] - 73:2,  
95:6

**alleviate**

[1] - 50:4

## BOARD OF ZONING APPEAL - 6/26/2014

**alleviates**

[1] - 58:19

**alley**

[1] - 137:8

**ALLISON**

[26] - 256

:9, 258:1,

258:7,

261:3,

262:6,

263:1,

263:6,

266:6,

266:19,

267:3,

267:11,

269:2,

269:17,

270:4,

270:19,

271:9,

272:10,

272:13,

273:16,

274:15,

275:8,

275:11,

276:17,

277:11,

277:14,

279:12

**Allison**

[2] - 276:

7, 281:1

**allow**

[15] - 4:1

3, 7:1,

19:6,

50:1,

94:10,

109:6,

111:3,

164:7,

168:2,

183:16,

183:17,

228:1,

BOARD OF ZONING APPEAL - 6/26/2014

259:7,  
260:4,  
279:10

**allowed**

[2] - 163:  
13, 291:1

**allowing**

[1] - 162:  
13

**allows**

[1] - 122:  
13

**Allston**

[4] - 84:3,  
84:4,  
84:5, 84:8

**almost**

[7] - 170:  
6, 201:13,  
215:17,  
269:7,  
274:3,  
290:13,  
291:1

**alongside**

[1] - 150:4

**Alpine**

[7] - 2:11,  
181:7,  
213:7,  
214:10,  
218:7,  
219:2,  
220:18

**alter**

[1] - 235:  
13

**altering**

[1] - 249:  
15

**alternativ**

**e**  
[7] - 23:6,  
50:8,  
53:5,  
59:8,  
60:19,

## BOARD OF ZONING APPEAL - 6/26/2014

64:16,  
169:16

**alternativ  
es**

[2] - 50:6,  
53:1

**amazing**

[1] - 145:3

**ambition**

[1] - 42:3

**ambitious**

[1] - 9:5

**amended**

[1] - 179:4

**amenity**

[1] - 19:5

**Amory**

[3] - 2:14,  
190:7,  
208:1

**amount**

[9] - 7:1,  
11:18,  
49:17,  
89:13,  
101:8,  
122:11,  
137:4,  
221:16,  
236:16

**Amy**

[6] - 183:  
12,  
183:13,  
188:11,  
243:3,  
244:15,  
304:19

**AMY**

[15] - 185  
:14,  
284:8,  
284:12,  
286:7,  
287:7,  
287:13,  
288:3,

## BOARD OF ZONING APPEAL - 6/26/2014

288:17,  
 290:11,  
 291:6,  
 292:1,  
 292:11,  
 293:4,  
 293:12,  
 301:14

**analysis**

[2] - 34:1  
 0, 40:9

**ANDERS**

[6] - 138:  
 1, 138:2,  
 154:5,  
 154:8,  
 155:4,  
 155:15

**Anders**

[2] - 138:  
 2, 154:5

**ANDERSON**

[6] - 225:  
 18,  
 226:16,  
 227:1,  
 231:8,  
 232:3,  
 232:12

**Anderson**

[1] - 233:9

**angle**

[2] - 124:  
 11, 136:13

**answer**

[6] - 57:1  
 9, 65:5,  
 70:17,  
 98:18,  
 159:15,  
 272:19

**answered**

[2] - 148:  
 15, 223:4

**answers**

[1] - 223:  
 16

## BOARD OF ZONING APPEAL - 6/26/2014

**anticipate**

[1] - 214:  
15

**anyhow**

[4] - 22:1  
8, 203:14,  
274:18,  
296:15

**anyway**

[4] - 65:1,  
239:19,  
292:15,  
300:9

**anyways**

[2] - 74:6,  
78:10

**apart**

[2] - 10:9,  
129:4

**apartment**

[10] - 10:  
15, 75:13,  
76:17,  
76:18,  
87:4,  
87:10,  
239:6,  
256:15,  
257:10,  
257:14

**apartments**

[11] - 29:  
9, 30:18,  
35:1,  
75:13,  
77:2,  
77:7,  
78:5,  
79:7,  
79:12,  
98:14,  
111:13

**apologize**

[2] - 242:  
7, 303:4

**apology**

[1] - 143:

## BOARD OF ZONING APPEAL - 6/26/2014

17

**apparent**

[1] - 177:

10

**Appeal**

[5] - 95:1

3, 96:9,

97:10,

242:5,

308:6

**appeal**

[1] - 92:8

**APPEAL**

[1] - 1:2

**appealing**

[1] - 24:16

**Appeals**

[1] - 3:5

**appear**

[1] - 109:

14

**appearance**

[4] - 214:

17,

214:18,

279:17,

291:17

**appearing**

[1] - 4:6

**applaud**

[1] - 102:

14

**applicant**

[2] - 4:7,

92:9

**applicatio****n**

[11] - 4:1

2, 41:12,

41:18,

94:14,

114:19,

117:9,

117:11,

229:19,

235:13,

291:5,

## BOARD OF ZONING APPEAL - 6/26/2014

294:17

**applied**

[2] - 95:1

4, 242:1

**apply**

[1] - 266:4

**applying**

[2] - 107:

12, 235:2

**appreciate**

[1] - 64:7

**approach**

[5] - 61:3,

64:6,

96:10,

155:5,

155:9

**appropriat****e**

[8] - 9:7,

11:17,

19:5,

101:13,

159:16,

160:3,

215:2,

273:17

**approval**

[6] - 93:1

7, 156:13,

202:3,

239:9,

274:1,

292:10

**approve**

[5] - 157:

3, 202:15,

208:18,

275:5,

281:2

**approved**

[3] - 108:

18, 109:2,

157:6

**April**

[2] - 212:

10, 276:8

## BOARD OF ZONING APPEAL - 6/26/2014

**arch**

[1] - 272:9

**arched**

[2] - 269:

3, 271:10

**architect**

[13] - 4:1

0, 6:17,

25:18,

111:4,

111:9,

143:7,

167:8,

213:16,

228:11,

242:8,

252:12,

252:16,

273:10

**Architects**

[2] - 276:

7, 280:14

**architectu****rally**

[5] - 32:2,

68:6,

225:14,

227:6,

280:6

**architectu****re**

[1] - 270:

11

**arduous**

[1] - 169:7

**area**

[36] - 5:8,

7:13,

12:9,

14:3,

37:18,

58:5,

62:6,

62:7,

71:3,

73:6,

73:11,

## BOARD OF ZONING APPEAL - 6/26/2014

73:13,  
 73:17,  
 74:9,  
 75:1,  
 75:7,  
 75:16,  
 78:10,  
 79:11,  
 84:1,  
 84:13,  
 85:7,  
 86:2,  
 89:15,  
 94:12,  
 102:6,  
 162:7,  
 162:15,  
 227:2,  
 237:8,  
 240:5,  
 246:4,  
 260:9,  
 291:2,  
 296:11

**arguments**

[1] - 160:  
 15

**arranged**

[1] - 132:  
 17

**arrangemen****t**

[4] - 36:1  
 9, 42:4,  
 52:17,  
 56:7

**array**

[3] - 33:1  
 9, 37:5,  
 38:2

**art**

[1] - 192:  
 18

**arthritis**

[1] - 108:2

**artist**

[2] - 193:

## BOARD OF ZONING APPEAL - 6/26/2014

5, 193:6

**Ash**

[12] - 2:1

8, 256:6,

258:3,

275:2,

276:6,

276:10,

276:11,

276:12,

276:14,

276:15

**aside**

[1] - 37:6

**aspect**

[3] - 235:

12, 254:1,

291:6

**asphalt**

[1] - 239:

12

**assessed**

[1] - 294:

12

**associated**

[2] - 18:1

9, 42:18

**assume**

[3] - 51:1

2, 177:19,

223:8

**assumed**

[1] - 44:15

**assuming**

[1] - 175:

12

**assumption**

[1] - 36:17

**assured**

[1] - 289:

19

**AT** [1] - 1:9

**attached**

[4] - 235:

10, 243:2,

243:8,

243:18

## BOARD OF ZONING APPEAL - 6/26/2014

**attempt**

[1] - 8:12

**attempting**

[2] - 147:

4, 190:11

**attend**

[1] - 213:

17

**attending**

[1] - 97:4

**attention**

[2] - 96:1

2, 125:1

**attic**

[2] - 214:

12, 215:8

**Attorney**

[1] - 4:3

**attorney**

[4] - 28:1

3, 65:13,

68:5, 73:5

**attract**

[1] - 229:5

**attractive**

[3] - 157:

9, 227:8,

292:14

**ATTY**

[72] - 3:1

9, 5:18,

6:3, 6:12,

6:15, 8:1,

8:16, 9:1,

9:18,

10:3,

13:4,

14:11,

14:18,

15:4,

18:17,

20:3,

20:8,

20:16,

21:17,

26:6,

26:19,

## BOARD OF ZONING APPEAL - 6/26/2014

28:11,  
30:5,  
30:9,  
31:16,  
33:3,  
33:7,  
34:8,  
34:18,  
35:3,  
35:9,  
35:14,  
35:18,  
36:16,  
37:12,  
37:19,  
39:11,  
39:19,  
40:17,  
41:15,  
43:6,  
43:17,  
45:9,  
45:16,  
46:16,  
47:7,  
47:17,  
48:3,  
48:7,  
48:11,  
49:1,  
49:8,  
50:7,  
51:5,  
52:6,  
56:4,  
57:5,  
58:11,  
59:2,  
59:18,  
61:5,  
62:8,  
63:1,  
63:5,  
65:8,  
69:3,  
99:1,  
99:11,

## BOARD OF ZONING APPEAL - 6/26/2014

99:19,  
 100:19,  
 102:2,  
 103:12

**Auburn**

[10] - 65:  
 14,  
 109:11,  
 109:19,  
 138:2,  
 140:13,  
 142:3,  
 148:9,  
 150:9,  
 151:19,  
 156:3

**audience**

[2] - 39:4,  
 54:1

**AUDIENCE**

[1] - 30:8

**August**

[12] - 178  
 :14,  
 178:15,  
 178:17,  
 179:6,  
 179:17,  
 230:12,  
 231:8,  
 231:10,  
 231:11,  
 232:6,  
 232:8,  
 232:12

**authority**

[1] - 108:  
 11

**automatica****lly**

[1] - 187:  
 17

**automobile****s**

[1] - 94:10

**availabili****ty**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 78:13

**available**

[3] - 70:5,  
79:5,  
139:6

**Avenue**

[3] - 1:10,  
4:6, 33:13

**avoid**

[4] - 52:1  
8, 72:1,  
72:6, 72:9

**aware**

[8] - 45:8,  
45:9,  
106:18,  
107:3,  
144:16,  
146:5,  
222:1,  
294:4

**awfully**

[1] - 69:6

**awhile**

[1] - 8:17

**awkward**

[1] - 20:6

**aye**

[15] - 26:  
14, 105:2,  
172:19,  
173:1,  
173:2,  
174:10,  
176:1,  
179:19,  
189:2,  
212:12,  
249:6,  
251:11,  
281:9,  
305:17,  
307:18

**B**

**B-E-L-I-G-**

**H**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 142:1

**B-O-R-D-E-**

**N**

[1] - 157:5

**B-R-U-N-E-**

**T-T-O**

[2] - 71:1,

80:2

**backed**

[1] - 55:3

**background**

[1] - 236:

10

**backside**

[1] - 127:7

**backup**

[1] - 69:5

**backward**

[1] - 120:

18

**backyard**

[22] - 8:1

2, 11:16,

71:10,

81:7,

81:9,

81:10,

82:6,

88:2,

120:14,

120:16,

142:15,

148:16,

152:2,

152:17,

153:1,

184:2,

184:11,

198:18,

238:3,

291:9,

292:2

**backyards**

[4] - 83:6,

148:2,

151:9,

160:4

## BOARD OF ZONING APPEAL - 6/26/2014

**bad**

[2] - 102:  
17, 122:9

**bag**

[1] - 29:17

**balance**

[3] - 19:2,  
162:4,  
265:3

**balls**

[1] - 162:7

**banister**

[1] - 205:5

**bar**

[2] - 77:3,  
136:3

**barbecue**

[1] - 81:18

**based**

[5] - 117:  
3, 160:13,  
280:10,  
282:9,  
304:15

**basement**

[35] - 29:  
8, 184:1,  
184:3,  
190:11,  
190:15,  
191:15,  
192:8,  
192:14,  
192:17,  
192:19,  
193:8,  
194:18,  
195:1,  
195:3,  
195:11,  
196:1,  
196:18,  
197:14,  
197:18,  
198:2,  
198:7,  
198:8,

## BOARD OF ZONING APPEAL - 6/26/2014

199:9,  
201:7,  
201:18,  
202:16,  
203:16,  
204:14,  
208:5,  
208:7,  
211:2,  
249:19,  
290:15,  
291:2,  
300:19

**basic**

[2] - 193:  
3, 216:13

**basis**

[13] - 25:  
13, 26:14,  
172:9,  
172:19,  
173:15,  
179:19,  
188:6,  
212:3,  
212:12,  
248:6,  
251:3,  
280:8,  
307:10

**bathroom**

[7] - 184:  
4, 227:2,  
262:9,  
282:16,  
288:2,  
288:6,  
302:12

**bathrooms**

[1] - 297:  
10

**bay**

[4] - 287:  
7, 287:8,  
287:12,  
288:12

**bearing**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 208:1

**beautiful**

[3] - 8:12,  
75:7,  
149:14

**beautify**

[1] - 60:6

**beauty**

[1] - 149:  
13

**became**

[3] - 109:  
4, 177:10,  
296:6

**become**

[6] - 30:1  
3, 34:4,  
84:3,  
84:7,  
86:15,  
262:12

**becomes**

[2] - 43:1  
4, 119:18

**bedroom**

[12] - 75:  
13, 79:11,  
108:4,  
108:6,  
137:12,  
184:4,  
215:8,  
226:18,  
261:15,  
287:4,  
295:15,  
298:9

**bedrooms**

[3] - 215:  
6, 222:15,  
295:16

**BEFORE**

[1] - 1:12

**begin**

[2] - 74:5,  
165:14

**behalf**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 4:7

**behind**

[4] - 138:  
5, 144:12,  
185:16,  
271:4

**believer**

[1] - 296:6

**believes**

[2] - 85:1  
8, 86:4

**BELIGH**

[2] - 141:  
18, 142:17

**Beligh**

[1] - 141:  
19

**bell**

[1] - 264:  
14

**below**

[1] - 12:19

**benefit**

[11] - 22:  
10, 22:12,  
22:13,  
23:2,  
39:3,  
149:15,  
163:5,  
169:12,  
192:12,  
211:18,  
246:2

**beside**

[1] - 207:5

**best**

[8] - 56:8,  
56:12,  
81:4,  
93:15,  
161:1,  
218:17,  
254:7,  
257:8

**better**

[16] - 56:

## BOARD OF ZONING APPEAL - 6/26/2014

16, 99:18,  
102:1,  
109:10,  
214:19,  
218:15,  
232:1,  
253:17,  
257:2,  
258:9,  
268:4,  
297:8,  
297:13,  
297:16,  
298:8,  
299:8

**betterment**

[1] - 91:7

**between**

[11] - 44:

6, 67:4,  
112:12,  
128:19,  
132:19,  
137:5,  
147:17,  
184:10,  
192:5,  
259:8

**beyond**

[4] - 119:

11, 141:6,  
177:12,  
239:15

**BHUPESH**

[29] - 190

:10,  
191:12,  
193:13,  
194:8,  
194:15,  
195:10,  
198:1,  
198:12,  
198:16,  
199:5,  
199:8,  
199:19,

## BOARD OF ZONING APPEAL - 6/26/2014

200:4,  
 200:7,  
 200:11,  
 200:15,  
 201:17,  
 202:6,  
 202:9,  
 202:17,  
 204:1,  
 204:18,  
 206:6,  
 206:8,  
 206:13,  
 206:18,  
 207:4,  
 209:2,  
 246:12

**bicycle**

[1] - 40:14

**big**

[25] - 21:  
 15, 23:4,  
 70:10,  
 81:9,  
 81:11,  
 82:9,  
 82:17,  
 83:7,  
 83:15,  
 121:11,  
 132:11,  
 141:12,  
 162:11,  
 203:1,  
 219:18,  
 219:19,  
 238:3,  
 240:5,  
 259:14,  
 263:12,  
 264:4,  
 277:17,  
 291:12,  
 294:7

**bigger**

[3] - 141:  
 3, 267:15,

## BOARD OF ZONING APPEAL - 6/26/2014

268:19

**biggest**

[2] - 87:1

9, 143:17

**bike**

[2] - 46:1

7, 86:2

**bikes**

[2] - 85:1

5, 85:19

**bird's**

[1] - 140:

15

**bird's-eye**

[1] - 140:

15

**bit**

[20] - 20:

12, 21:11,

39:2,

54:4,

65:12,

110:9,

121:5,

193:11,

218:15,

226:2,

258:13,

259:3,

260:13,

260:16,

264:19,

269:18,

271:7,

271:15,

285:10,

297:10

**bits**

[1] - 271:

11

**black**

[2] - 271:

2, 271:4

**BLAKE**

[26] - 256

:9, 258:1,

258:7,

## BOARD OF ZONING APPEAL - 6/26/2014

261:3,  
 262:6,  
 263:1,  
 263:6,  
 266:6,  
 266:19,  
 267:3,  
 267:11,  
 269:2,  
 269:17,  
 270:4,  
 270:19,  
 271:9,  
 272:10,  
 272:13,  
 273:16,  
 274:15,  
 275:8,  
 275:11,  
 276:17,  
 277:11,  
 277:14,  
 279:12

**blame**

[1] - 82:10

**block**

[10] - 111  
 :11,  
 112:7,  
 125:7,  
 136:18,  
 144:1,  
 149:19,  
 151:13,  
 153:10,  
 154:13,  
 270:17

**blocked**

[3] - 126:  
 8, 145:10,  
 235:18

**blocks**

[2] - 112:  
 17, 144:13

**blood**

[1] - 299:  
 19

BOARD OF ZONING APPEAL - 6/26/2014

**Board**

- [40] - 3:4,
- 4:1, 17:5,
- 19:3,
- 19:11,
- 24:1,
- 34:12,
- 62:14,
- 70:15,
- 82:4,
- 90:6,
- 92:9,
- 95:13,
- 96:8,
- 97:9,
- 97:15,
- 100:1,
- 100:11,
- 104:1,
- 161:9,
- 168:16,
- 173:13,
- 185:4,
- 186:14,
- 210:8,
- 226:4,
- 238:8,
- 241:8,
- 242:4,
- 242:9,
- 242:12,
- 246:15,
- 253:15,
- 264:11,
- 275:16,
- 283:17,
- 292:17,
- 302:5,
- 308:5

**BOARD**

- [1] - 1:2

**board**

- [2] - 228:
- 1, 296:19

**boards**

- [1] - 257:4

**body**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 97:11

**boiler**

[2] - 289:  
16, 297:13

**book**

[1] - 295:6

**booked**

[1] - 231:1

**bookkeeper**

[1] - 93:7

**Borden**

[1] - 157:4

**bother**

[3] - 225:  
11, 273:8,  
273:11

**bottom**

[3] - 147:  
11, 219:5,  
257:5

**bought**

[8] - 113:  
18,  
149:10,  
152:13,  
214:18,  
236:13,  
236:15,  
284:19,  
285:11

**bounces**

[1] - 136:  
17

**boundary**

[1] - 38:10

**box**

[2] - 122:  
5, 122:6

**boxed**

[2] - 131:  
16, 137:6

**boxes**

[1] - 132:  
15

**boy**

[1] - 298:  
11

BOARD OF ZONING APPEAL - 6/26/2014

**brackets**

[1] - 259:  
14

**brainer**

[1] - 264:  
16

**Brandon**

[1] - 303:  
10

**Brattle**

[3] - 2:8,  
175:6,  
175:7

**break**

[1] - 259:8

**BRENDAN**

[34] - 10:  
19, 12:1,  
12:14,  
22:8,  
23:8,  
36:9,  
129:5,  
129:11,  
163:3,  
175:17,  
197:17,  
198:6,  
198:14,  
199:2,  
199:7,  
199:16,  
200:2,  
200:5,  
200:8,  
200:12,  
201:11,  
202:7,  
203:12,  
204:12,  
267:17,  
270:16,  
271:3,  
274:7,  
274:11,  
295:9,  
296:15,

## BOARD OF ZONING APPEAL - 6/26/2014

299:11,  
 300:12,  
 301:8

**Brendan**

[28] - 1:1  
 3, 3:12,  
 26:15,  
 28:3,  
 105:3,  
 106:3,  
 173:6,  
 174:14,  
 175:3,  
 176:3,  
 177:3,  
 180:3,  
 181:3,  
 183:3,  
 189:4,  
 190:3,  
 202:12,  
 212:13,  
 213:3,  
 234:3,  
 249:10,  
 251:15,  
 252:3,  
 256:3,  
 281:12,  
 282:3,  
 306:2,  
 308:4

**Brendan's**

[1] - 19:16

**brick**

[3] - 60:3,  
 153:8,  
 153:9

**brief**

[1] - 256:  
 10

**brighter**

[1] - 299:8

**bring**

[6] - 44:1  
 6, 89:14,  
 168:11,

## BOARD OF ZONING APPEAL - 6/26/2014

184:8,  
280:4,  
289:4

**broader**

[1] - 97:12

**Brooke**

[3] - 183:  
11,  
183:13,  
188:11

**brother**

[1] - 80:6

**brought**

[3] - 100:  
15, 134:7,  
154:17

**BRUCE**

[49] - 28:  
11, 30:5,  
30:9,  
31:16,  
33:3,  
33:7,  
34:8,  
34:18,  
35:3,  
35:9,  
35:14,  
35:18,  
36:16,  
37:12,  
37:19,  
39:11,  
39:19,  
40:17,  
41:15,  
43:6,  
43:17,  
45:9,  
45:16,  
46:16,  
47:7,  
47:17,  
48:3,  
48:7,  
48:11,  
49:1,

## BOARD OF ZONING APPEAL - 6/26/2014

49:8,  
 50:7,  
 51:5,  
 52:6,  
 56:4,  
 57:5,  
 58:11,  
 59:2,  
 59:18,  
 61:5,  
 62:8,  
 63:1,  
 63:5,  
 99:1,  
 99:11,  
 99:19,  
 100:19,  
 102:2,  
 103:12

**Bruce**

[1] - 28:12

**Brunetto**

[8] - 54:1  
 0, 65:16,  
 66:1,  
 71:1,  
 80:2,  
 89:1,  
 90:10

**BRUNETTO**

[11] - 54:  
 11, 70:19,  
 72:6,  
 72:12,  
 80:1,  
 85:10,  
 85:13,  
 86:5,  
 86:10,  
 87:6,  
 87:15

**bucking**

[1] - 74:6

**budget**

[1] - 203:1

**build**

[8] - 107:

## BOARD OF ZONING APPEAL - 6/26/2014

12,  
111:17,  
111:19,  
131:7,  
177:13,  
217:2,  
236:5,  
301:11

**building**

[78] - 7:3,  
7:19,  
11:7,  
11:12,  
18:12,  
23:1,  
24:14,  
31:4,  
31:7,  
31:9,  
31:15,  
31:19,  
32:1,  
32:8,  
32:9,  
32:10,  
32:12,  
32:14,  
32:15,  
34:4,  
37:3,  
38:6,  
42:15,  
44:5,  
44:7,  
44:17,  
45:13,  
45:18,  
46:1,  
46:2,  
46:10,  
51:10,  
53:16,  
60:4,  
60:6,  
60:17,  
68:7,  
78:8,

## BOARD OF ZONING APPEAL - 6/26/2014

79:12,  
 81:2,  
 81:6,  
 87:8,  
 87:10,  
 90:18,  
 93:3,  
 117:4,  
 118:12,  
 125:6,  
 129:6,  
 139:1,  
 144:17,  
 153:9,  
 194:12,  
 197:5,  
 200:18,  
 201:9,  
 201:12,  
 201:14,  
 201:19,  
 205:1,  
 208:3,  
 208:6,  
 208:8,  
 210:13,  
 211:3,  
 211:19,  
 212:2,  
 228:18,  
 236:6,  
 238:2,  
 239:6,  
 239:15,  
 239:16,  
 261:12,  
 285:12,  
 288:7

**Building**

[4] - 191:  
 7, 191:13,  
 192:5,  
 201:4

**buildings**

[6] - 33:4,  
 60:7,  
 112:12,

## BOARD OF ZONING APPEAL - 6/26/2014

137:5,  
138:13,  
160:5

**built**

[9] - 109:  
3, 111:1,  
125:8,  
129:9,  
149:9,  
165:15,  
190:16,  
258:15,  
263:1

**bump**

[5] - 282:  
18, 287:6,  
287:9,  
298:10,  
299:6

**bumped**

[1] - 269:  
10

**burdensome**

[1] - 53:11

**business**

[12] - 30:  
10, 33:13,  
73:6,  
73:16,  
73:19,  
77:9,  
79:3,  
79:9,  
91:1,  
92:2,  
92:5,  
213:13

**businesses**

[1] - 73:11

**busy**

[2] - 50:1  
5, 54:18

**but..**

[2] - 263:  
2, 266:14

**butcher**

[1] - 192:4

## BOARD OF ZONING APPEAL - 6/26/2014

**bylaw**

[2] - 63:1  
0, 64:2

**BZA**

[1] - 242:1

**BZA-003670**

**-2014**

[1] - 2:4

**BZA-003696**

**-2014**

[1] - 2:3

**C****C-A-C-C-I-**

**O-L-A**

[1] - 4:4

**C-R-U-Z**

[1] - 147:1

**Cacciola**

[1] - 4:3

**calculated**

[3] - 128:  
5, 128:8,  
129:2

**calculatio**

**ns**

[1] - 117:3

**CAMBRIDGE**

[1] - 1:4

**Cambridge**

[20] - 1:1  
1, 28:14,  
28:15,  
29:2,  
65:15,  
80:12,  
89:6,  
91:8,  
92:11,  
94:12,  
140:2,  
156:11,  
174:7,  
213:15,  
237:12,  
240:18,  
253:5,

## BOARD OF ZONING APPEAL - 6/26/2014

265:8,  
269:15,  
299:4

**Cambridge'****s**

[1] - 93:16

**Cambridgep****ort**[1] - 146:  
15**candid**[1] - 223:  
17**cannot**[3] - 190:  
19,  
198:14,  
304:10**canopy**[3] - 132:  
11,  
132:12,  
132:14**cap**[1] - 259:  
12**CAPTURING**

[1] - 1:18

**car**[4] - 52:9,  
52:10,  
55:4,  
197:8**care**

[1] - 76:19

**carefully**

[1] - 90:6

**Carlyn**[2] - 183:  
12, 188:12**CARLYN**[1] - 185:  
14**carrying**

[1] - 204:9

**cars**

[14] - 40:

## BOARD OF ZONING APPEAL - 6/26/2014

16, 51:18,  
 52:14,  
 54:16,  
 57:14,  
 57:18,  
 63:18,  
 67:13,  
 68:11,  
 74:9,  
 74:10,  
 77:7,  
 87:4,  
 87:12

**CASE**

[1] - 2:2

**Case**

[25] - 3:1  
 0, 3:15,  
 28:1,  
 28:7,  
 106:1,  
 106:7,  
 175:1,  
 175:6,  
 177:1,  
 177:6,  
 181:1,  
 181:6,  
 183:1,  
 183:7,  
 190:1,  
 190:7,  
 213:1,  
 213:6,  
 234:1,  
 234:7,  
 252:1,  
 252:6,  
 256:1,  
 256:6,  
 282:1

**case**

[47] - 3:1  
 5, 61:14,  
 80:15,  
 95:12,  
 97:6,

## BOARD OF ZONING APPEAL - 6/26/2014

97:17,  
99:14,  
99:16,  
100:2,  
103:3,  
103:4,  
103:14,  
103:15,  
104:3,  
104:4,  
104:7,  
104:18,  
105:1,  
106:11,  
114:2,  
116:14,  
161:14,  
161:15,  
169:13,  
170:18,  
174:11,  
176:5,  
177:9,  
178:16,  
179:9,  
179:19,  
180:1,  
181:8,  
223:9,  
226:7,  
226:10,  
230:11,  
231:15,  
232:18,  
242:9,  
254:8,  
254:9,  
254:10,  
255:3,  
274:4,  
282:7

**cases**

[2] - 3:7,  
96:11

**cast**

[2] - 125:  
4, 126:15

## BOARD OF ZONING APPEAL - 6/26/2014

**causes**

[1] - 247:  
16

**causing**

[1] - 245:  
17

**Cedar**

[3] - 2:12,  
183:7,  
183:13

**ceiling**

[3] - 195:  
12,  
285:14,  
286:2

**center**

[3] - 268:  
9, 268:11,  
268:16

**Center**

[1] - 1:9

**Central**

[1] - 144:  
19

**certain**

[6] - 64:1  
1, 95:15,  
137:4,  
145:16,  
211:6,  
223:1

**certainly**

[9] - 50:7,  
53:7,  
59:9,  
66:5,  
92:11,  
139:13,  
157:6,  
270:5,  
273:16

**chair**

[3] - 114:  
10,  
167:14,  
178:5

**Chair**

## BOARD OF ZONING APPEAL - 6/26/2014

[62] - 1:1

2, 1:13,  
3:3, 4:1,  
17:10,  
17:12,  
24:1,  
25:3,  
25:14,  
25:19,  
28:6,  
46:6,  
56:18,  
99:19,  
104:3,  
106:6,  
168:16,  
171:11,  
172:10,  
172:17,  
175:5,  
175:10,  
177:5,  
177:7,  
178:16,  
181:5,  
183:6,  
185:9,  
186:11,  
186:13,  
187:12,  
188:7,  
188:14,  
190:6,  
205:18,  
210:10,  
210:13,  
211:15,  
212:4,  
212:9,  
213:5,  
230:10,  
232:17,  
234:6,  
241:15,  
241:17,  
248:2,  
250:1,

## BOARD OF ZONING APPEAL - 6/26/2014

250:17,  
 251:4,  
 252:5,  
 256:5,  
 276:3,  
 278:17,  
 279:2,  
 280:18,  
 302:9,  
 303:16,  
 304:15,  
 305:4,  
 306:12,  
 307:11

**chairman**

[4] - 40:3,  
 65:19,  
 67:8,  
 69:13

**Chairman**

[3] - 63:8,  
 102:3,  
 102:4

**chance**

[3] - 98:2,  
 185:13,  
 230:17

**change**

[18] - 37:  
 6, 37:10,  
 40:9,  
 66:7,  
 71:3,  
 104:9,  
 116:8,  
 117:5,  
 186:18,  
 199:3,  
 201:16,  
 250:4,  
 256:16,  
 275:6,  
 281:1,  
 302:4,  
 306:4,  
 306:16

**changed**

## BOARD OF ZONING APPEAL - 6/26/2014

[5] - 15:4,  
80:7,  
82:2,  
129:17,  
233:2

**changes**

[3] - 84:1  
4, 94:15,  
104:14

**changing**

[3] - 80:1  
1, 123:5,  
153:13

**character**

[9] - 18:8,  
18:11,  
33:10,  
53:16,  
53:17,  
186:19,  
240:11,  
250:5,  
306:17

**characteri  
stics**

[1] - 7:12

**charge**

[3] - 24:4,  
173:17,  
210:18

**Charlie**

[2] - 263:  
10, 264:2

**check**

[1] - 262:  
19

**checked**

[1] - 203:  
16

**checking**

[1] - 6:7

**child**

[1] - 192:  
16

**children**

[4] - 74:1,  
205:2,

## BOARD OF ZONING APPEAL - 6/26/2014

211:4,

211:5

**chimney**

[1] - 293:6

**choice**

[3] - 64:1,

121:1,

232:4

**choose**

[1] - 35:19

**Chung**

[1] - 95:9

**circle**

[1] - 145:2

**circles**

[1] - 145:3

**circulate**

[2] - 22:5,

37:2

**circulatio**

**n**

[3] - 13:1

7, 164:9,

165:5

**circumstan**

**ces**

[5] - 92:2,

96:13,

172:1,

211:7,

290:8

**cited**

[1] - 41:12

**citizens**

[3] - 187:

7, 250:11,

307:5

**CITY**

[1] - 1:4

**City**

[5] - 91:8,

91:9,

160:2,

265:16,

299:3

**city**

[20] - 52:

## BOARD OF ZONING APPEAL - 6/26/2014

2, 53:4,  
 70:8,  
 71:9,  
 74:6,  
 84:2,  
 85:1,  
 85:18,  
 86:4,  
 91:19,  
 92:13,  
 162:15,  
 187:7,  
 187:14,  
 187:19,  
 245:3,  
 248:4,  
 250:11,  
 307:5

**city's**

[1] - 51:15

**citywide**

[1] - 160:8

**clarificat****ion**

[1] - 102:5

**Clark**

[1] - 28:13

**classic**

[1] - 21:9

**clean**

[1] - 259:

16

**cleanly**

[1] - 20:7

**clear**

[9] - 13:5,

29:19,

30:1,

45:12,

79:3,

110:7,

117:1,

131:16,

194:19

**clearly**

[2] - 109:

5, 112:14

## BOARD OF ZONING APPEAL - 6/26/2014

**Cleary**

[1] - 303:9

**CLEARY**

[1] - 303:9

**client**

[7] - 67:1

8, 69:18,

70:14,

190:10,

238:17,

241:3,

248:16

**client's**

[3] - 67:4,

67:17,

68:16

**clients**

[1] - 68:11

**climb**

[1] - 196:

19

**close**

[22] - 40:

4, 55:5,

60:16,

60:17,

67:6,

78:7,

78:8,

92:1,

94:7,

146:8,

159:7,

161:4,

161:15,

178:8,

186:1,

203:4,

205:7,

206:5,

217:16,

220:1,

246:13,

288:4

**closed**

[6] - 119:

7, 119:17,

## BOARD OF ZONING APPEAL - 6/26/2014

122:10,  
 161:5,  
 165:18,  
 269:1

**closed-in**

[1] - 165:  
 18

**closely**

[1] - 109:1

**closeness**

[1] - 44:12

**closer**

[14] - 38:  
 11, 39:6,  
 39:9,  
 54:6,  
 111:14,  
 116:6,  
 117:6,  
 122:18,  
 129:4,  
 131:13,  
 219:19,  
 254:6,  
 267:14,  
 280:4

**closing**

[3] - 19:9,  
 119:9,  
 126:19

**co**

[2] - 151:  
 19, 252:14

**co-ops**

[1] - 151:  
 19

**co-owner**

[1] - 252:  
 14

**code**

[15] - 63:  
 15,  
 190:16,  
 191:1,  
 192:13,  
 200:18,  
 201:9,

## BOARD OF ZONING APPEAL - 6/26/2014

201:12,  
 201:14,  
 202:1,  
 205:2,  
 208:6,  
 208:8,  
 211:3,  
 211:19,  
 212:2

**coffee**

[1] - 135:9

**collected**

[1] - 271:

11

**collection**

[1] - 296:8

**combinatio**

**n**

[1] - 293:3

**coming**

[19] - 16:

10, 52:18,

58:5,

67:15,

67:16,

68:2,

68:17,

69:8,

79:14,

98:15,

135:1,

135:7,

141:7,

192:16,

237:19,

238:1,

285:18,

286:4,

302:1

**comment**

[11] - 10:

19,

123:17,

178:3,

221:4,

221:7,

222:10,

## BOARD OF ZONING APPEAL - 6/26/2014

226:14,  
 246:4,  
 270:13,  
 275:18,  
 302:14

**comment-wi****se**

[1] - 226:  
 14

**comments**

[12] - 18:  
 16, 63:4,  
 141:17,  
 159:6,  
 210:7,  
 226:3,  
 231:19,  
 246:11,  
 246:15,  
 246:17,  
 246:19,  
 302:5

**commission**

[3] - 192:  
 1, 192:6,  
 197:1

**Commission**

[4] - 196:  
 11,  
 240:18,  
 266:8,  
 280:8

**commitment****s**

[1] - 224:  
 18

**committed**

[1] - 187:  
 19

**common**

[2] - 41:1  
 9, 42:4

**Community**

[2] - 265:  
 12, 265:14

**community**

[4] - 57:1

## BOARD OF ZONING APPEAL - 6/26/2014

8, 97:1,  
97:13,  
160:1

**compact**

[3] - 40:1  
6, 41:1,  
46:11

**companies**

[1] - 75:10

**Company**

[1] - 94:6

**company**

[1] - 234:  
18

**compelled**

[1] - 92:1

**competitio**

**n**  
[1] - 67:18

**complement**

**ary**  
[1] - 246:6

**complete**

[3] - 208:  
13,  
242:18,  
246:1

**completely**

[5] - 112:  
17, 144:1,  
167:2,  
191:15,  
237:4

**completes**

[1] - 300:9

**completion**

[1] - 4:19

**compliance**

[3] - 212:  
1, 227:15,  
263:4

**compliant**

[1] - 212:1

**complied**

[1] - 265:  
10

**comply**

## BOARD OF ZONING APPEAL - 6/26/2014

[10] - 52:  
4, 63:13,  
63:15,  
64:1,  
64:3,  
211:2,  
219:7,  
222:5,  
254:5,  
284:7

**complying**

[1] - 95:19

**compromise****s**

[2] - 223:  
7, 228:8

**con**

[2] - 54:3,  
98:9

**concept**

[2] - 119:  
7, 149:7

**concepts**

[1] - 110:8

**concern**

[13] - 21:  
15, 22:9,  
55:8,  
57:4,  
57:6,  
71:4,  
71:13,  
71:17,  
87:7,  
89:7,  
96:15,  
102:6,  
238:14

**concerned**

[6] - 70:3,  
89:12,  
129:18,  
193:14,  
203:10,  
264:19

**concerning**

[1] - 63:18

## BOARD OF ZONING APPEAL - 6/26/2014

**concerns**

[12] - 19:  
16, 23:9,  
23:11,  
90:4,  
90:7,  
96:19,  
97:2,  
97:9,  
101:2,  
130:4,  
148:12,  
158:14

**conclude**

[2] - 31:1  
8, 113:10

**Concord**

[1] - 33:12

**condition**

[22] - 18:  
7, 25:15,  
104:5,  
172:11,  
179:3,  
188:8,  
199:17,  
202:3,  
202:8,  
212:5,  
224:13,  
232:19,  
236:3,  
239:11,  
240:7,  
248:8,  
248:9,  
248:17,  
251:5,  
280:11,  
304:17,  
307:12

**conditions**

[6] - 174:  
2, 178:18,  
230:4,  
281:8,  
290:8,

## BOARD OF ZONING APPEAL - 6/26/2014

304:8

**condo**

[3] - 109:

11,

111:19,

243:10

**condominiu****ms**

[1] - 83:3

**condos**

[2] - 151:

18

**confident**

[1] - 149:

12

**configurat****ion**

[3] - 237:

15,

237:17,

305:9

**confined**

[1] - 58:5

**confirm**

[1] - 6:14

**conflict**

[1] - 108:

18

**conform**

[2] - 108:

15, 236:5

**conforming**

[6] - 9:13,

193:16,

208:12,

237:4,

253:11,

290:12

**conforms**

[1] - 109:1

**confused**

[5] - 76:1

1, 98:11,

99:8,

99:12,

124:1

**confusion**

## BOARD OF ZONING APPEAL - 6/26/2014

[4] - 85:6,  
98:15,  
98:19,  
99:2

**congested**

[1] - 89:17

**congestion**

[9] - 67:8,  
67:11,  
67:12,  
71:5,  
89:13,  
94:11,  
186:18,  
250:3,  
306:15

**connect**

[1] - 283:  
16

**connected**

[1] - 293:1

**connecting**

[1] - 282:  
12

**connection**

[3] - 184:  
10, 253:9,  
286:19

**conscienti****ous**

[2] - 96:1  
0, 97:16

**consider**

[6] - 19:1  
9, 90:7,  
90:8,  
153:15,  
168:18,  
228:15

**considerab****le**

[1] - 219:4

**considerab****ly**

[3] - 221:  
1, 222:9,  
290:13

## BOARD OF ZONING APPEAL - 6/26/2014

**considerat  
ion**

[2] - 97:9,  
97:16

**considerat  
ions**

[1] - 25:7

**considered**

[3] - 5:5,  
22:3,  
157:19

**considerin  
g**

[1] - 97:13

**consistent**

[5] - 227:  
6, 227:11,  
240:10,  
251:1,  
267:7

**CONSTANTIN****E**

[280] - 3:  
3, 3:14,  
5:16, 6:1,  
6:9, 6:13,  
7:14, 8:4,  
8:7, 8:14,  
8:18, 9:8,  
10:12,  
10:17,  
14:6,  
14:19,  
16:17,  
17:3,  
19:8,  
20:9,  
21:2,  
21:8,  
21:13,  
22:14,  
22:19,  
23:10,  
23:16,  
23:19,  
26:8,  
28:6,

BOARD OF ZONING APPEAL - 6/26/2014

29:11,  
32:18,  
33:5,  
34:5,  
34:15,  
34:19,  
35:5,  
35:15,  
36:1,  
36:14,  
37:9,  
37:14,  
39:1,  
39:12,  
40:1,  
40:8,  
41:2,  
41:10,  
42:12,  
43:2,  
44:1,  
44:9,  
44:18,  
45:3,  
45:7,  
45:11,  
46:15,  
47:2,  
47:11,  
47:15,  
48:1,  
48:5,  
48:8,  
48:17,  
49:4,  
49:9,  
51:1,  
51:9,  
53:19,  
55:11,  
55:16,  
56:2,  
58:2,  
58:13,  
58:17,  
59:16,  
60:9,

## BOARD OF ZONING APPEAL - 6/26/2014

61:13,  
62:5,  
62:17,  
63:3,  
64:5,  
65:4,  
69:1,  
70:18,  
72:3,  
72:10,  
72:16,  
76:4,  
76:10,  
77:15,  
78:6,  
78:14,  
78:17,  
79:2,  
79:8,  
79:17,  
85:5,  
85:11,  
85:17,  
86:8,  
86:16,  
87:13,  
88:4,  
98:16,  
99:9,  
99:17,  
100:12,  
101:1,  
102:8,  
102:12,  
103:2,  
103:8,  
103:13,  
106:6,  
107:6,  
110:10,  
110:14,  
111:5,  
114:11,  
115:5,  
117:8,  
117:15,  
117:19,

## BOARD OF ZONING APPEAL - 6/26/2014

118:3,  
118:10,  
118:14,  
120:8,  
123:6,  
123:13,  
123:16,  
125:12,  
126:17,  
127:15,  
128:15,  
130:7,  
130:18,  
134:2,  
137:16,  
140:3,  
140:10,  
141:13,  
142:16,  
142:18,  
146:16,  
147:7,  
147:12,  
147:16,  
148:4,  
151:2,  
154:4,  
154:6,  
155:1,  
155:7,  
155:16,  
159:14,  
161:13,  
163:18,  
165:8,  
166:10,  
167:3,  
168:5,  
168:10,  
169:4,  
170:12,  
171:1,  
171:10,  
173:3,  
173:8,  
175:5,  
175:18,

## BOARD OF ZONING APPEAL - 6/26/2014

177:5,  
178:15,  
181:5,  
181:12,  
181:17,  
182:3,  
183:5,  
184:12,  
185:1,  
185:6,  
185:19,  
186:6,  
186:11,  
188:19,  
190:6,  
191:8,  
193:9,  
194:3,  
194:13,  
195:8,  
202:2,  
202:10,  
205:11,  
205:13,  
206:7,  
206:11,  
206:16,  
207:2,  
207:15,  
209:7,  
209:16,  
210:4,  
213:5,  
234:6,  
235:19,  
236:7,  
238:5,  
239:2,  
241:2,  
241:7,  
241:10,  
245:6,  
246:13,  
248:14,  
249:12,  
252:5,  
252:11,

## BOARD OF ZONING APPEAL - 6/26/2014

252:15,  
252:18,  
255:1,  
255:5,  
256:5,  
257:18,  
258:6,  
260:19,  
261:17,  
262:4,  
262:18,  
263:3,  
264:12,  
265:17,  
267:9,  
268:1,  
268:8,  
268:11,  
268:15,  
269:12,  
270:2,  
271:5,  
271:18,  
272:4,  
273:12,  
273:19,  
274:9,  
275:4,  
275:9,  
275:15,  
276:19,  
277:2,  
277:7,  
278:13,  
278:18,  
279:2,  
279:14,  
282:6,  
283:2,  
284:2,  
284:6,  
284:9,  
286:17,  
287:17,  
289:1,  
290:6,  
291:3,

## BOARD OF ZONING APPEAL - 6/26/2014

291:16,  
 292:5,  
 292:13,  
 292:19,  
 293:18,  
 294:7,  
 294:11,  
 294:16,  
 301:19,  
 302:9,  
 302:17,  
 302:19,  
 303:3,  
 305:15,  
 306:10

**constantin****e**

[1] - 1:12

**Constantin****e**

[26] - 3:1

1, 26:17,  
 28:2,  
 105:5,  
 106:2,  
 173:7,  
 174:13,  
 175:2,  
 176:2,  
 177:2,  
 180:2,  
 181:2,  
 183:2,  
 189:6,  
 190:2,  
 212:15,  
 213:2,  
 234:2,  
 249:8,  
 251:13,  
 252:2,  
 256:2,  
 281:10,  
 282:2,  
 305:19,  
 308:2

**constantly**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 296:7

**constitute**

[2] - 108:

12, 264:8

**construct**

[3] - 109:

6, 210:11,

235:4

**constructe**

**d** [1] - 5:2

**constructi**

**on**

[11] - 4:1

3, 157:17,

214:13,

242:11,

242:18,

243:1,

243:7,

243:15,

243:19,

244:5,

245:10

**contacting**

[1] - 238:

18

**contempora**

**ry**

[1] - 240:

11

**contextual**

**ly**

[1] - 229:8

**continuanc**

**e**

[1] - 103:

19

**continuati**

**on**

[2] - 134:

19, 271:6

**continue**

[20] - 59:

10, 61:11,

63:4,

97:2,

100:2,

## BOARD OF ZONING APPEAL - 6/26/2014

102:13,  
 105:1,  
 144:10,  
 177:9,  
 178:12,  
 179:18,  
 198:15,  
 211:1,  
 223:9,  
 226:6,  
 226:15,  
 230:11,  
 232:17,  
 254:7,  
 254:11

**continued**

[8] - 3:7,  
 104:3,  
 104:7,  
 178:17,  
 180:1,  
 187:1,  
 250:5,  
 306:18

**continues**

[1] - 31:12

**continuing**

[5] - 70:1  
 2, 166:3,  
 169:12,  
 170:18,  
 224:6

**continuous****ly**

[1] - 29:6

**contractor**

[1] - 235:1

**contrary**

[1] - 52:1

**contribute**

[1] - 53:7

**contributi****on**

[1] - 91:7

**control**

[1] - 77:16

**controlled**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 48:2,  
48:6

**convenienc  
e**

[1] - 121:8

**convenient**

[1] - 200:6

**conversati  
on**

[7] - 60:1

1, 61:12,

64:7,

101:19,

136:3,

203:9,

297:18

**conversati  
ons**

[2] - 209:

14, 298:1

**conversion**

[1] - 91:1

**convert**

[3] - 30:1

7, 108:5,

256:14

**converting**

[1] - 269:5

**convey**

[3] - 156:

13, 178:5,

246:8

**convince**

[1] - 171:3

**convinced**

[3] - 22:9,

23:8,

203:12

**Cooper**

[1] - 244:7

**coordinati  
on**

[1] - 61:7

**copper**

[1] - 261:6

**copy**

[1] - 110:1

## BOARD OF ZONING APPEAL - 6/26/2014

**copycattin****g**

[1] - 224:3

**copying**

[1] - 229:6

**cordial**

[2] - 144:

10, 154:19

**cordiality**

[2] - 154:

16, 154:18

**corner**

[12] - 29:

1, 33:13,

54:18,

68:14,

72:2,

132:8,

134:7,

208:2,

210:12,

244:3,

262:10,

262:16

**Corner**

[1] - 91:13

**cornice**

[1] - 259:

13

**correct**

[23] - 8:9,

14:12,

16:15,

33:4,

39:11,

45:16,

48:7,

49:8,

118:2,

127:15,

128:10,

167:7,

194:15,

194:16,

198:13,

200:4,

203:19,

## BOARD OF ZONING APPEAL - 6/26/2014

204:1,  
 207:4,  
 218:13,  
 226:19,  
 272:8,  
 288:14

**correspondence**

[3] - 66:1,  
 185:11,  
 206:2

**cost**

[2] - 272:  
 3, 301:12

**costs**

[1] - 289:  
 17

**cottonwood**

[2] - 144:  
 17, 145:7

**couch**

[1] - 156:  
 15

**could've**

[1] - 253:7

**Council**

[3] - 91:9,  
 160:2,  
 265:16

**counted**

[1] - 195:  
 16

**counter**

[1] - 286:  
 12

**counting**

[1] - 195:  
 13

**couple**

[5] - 59:5,  
 67:2,  
 83:10,  
 139:19,  
 184:7

**course**

[4] - 13:1  
 3, 104:1,

## BOARD OF ZONING APPEAL - 6/26/2014

111:5,  
126:7

**cover**

[2] - 7:7,  
30:3

**covered**

[2] - 158:  
3, 246:4

**covering**

[1] - 9:11

**cradle**

[1] - 80:9

**crane**

[2] - 89:2,  
100:6

**CRANE**

[2] - 65:8,  
69:3

**Crane**

[1] - 65:13

**creat**

[1] - 60:14

**create**

[14] - 12:  
17, 32:9,  
42:3,  
56:6,  
59:14,  
59:19,  
87:2,  
95:17,  
108:9,  
159:18,  
160:9,  
238:7,  
245:19,  
253:9

**created**

[5] - 123:  
11, 187:5,  
226:17,  
250:9,  
307:3

**creates**

[1] - 53:15

**creating**

[5] - 95:1

## BOARD OF ZONING APPEAL - 6/26/2014

8, 149:12,  
192:12,  
199:18,  
237:11

**credit**

[1] - 66:6

**criteria**

[1] - 240:  
17

**critical**

[1] - 159:  
17

**cross**

[1] - 50:18

**crossed**

[1] - 42:19

**crossing**

[2] - 50:1  
2, 51:3

**Crown**

[3] - 263:  
17,  
263:19,  
264:2

**CRUX**

[2] - 146:  
19, 147:9

**Crux**

[1] - 146:  
19

**Cruz**

[1] - 158:  
17

**CRUZ**

[1] - 148:7

**curb**

[3] - 38:1  
5, 38:16,  
46:12

**curious**

[2] - 55:1  
7, 120:19

**current**

[6] - 32:1  
6, 34:16,  
91:16,  
193:7,

## BOARD OF ZONING APPEAL - 6/26/2014

211:3,  
260:15

**curved**

[1] - 261:6

**cusp**

[1] - 203:6

**custom**

[1] - 3:6

**cut**

[7] - 38:1

6, 46:12,

62:19,

72:8,

112:19,

121:8

**cutting**

[1] - 113:2

**D****daily**

[1] - 257:3

**Dana**

[14] - 2:1

5, 234:7,

234:12,

236:18,

239:4,

239:5,

239:15,

242:1,

242:13,

242:14,

242:15,

243:5,

243:9,

243:11

**Danehy**

[2] - 75:3,

81:17

**dangerous**

[2] - 204:

10, 211:3

**Dara**

[2] - 244:

1, 244:17

**DARA**

[1] - 244:1

## BOARD OF ZONING APPEAL - 6/26/2014

**dark**

[3] - 298:  
9, 301:14,  
304:6

**DATE**

[1] - 1:7

**date**

[5] - 104:  
9, 179:5,  
233:3,  
233:6,  
283:8

**dated**

[3] - 212:  
10, 276:7,  
305:2

**daughter's**

[1] - 137:  
12

**david**

[1] - 95:11

**DAVID**

[1] - 47:13

**David**

[7] - 28:1  
6, 89:5,  
91:4,  
93:4,  
93:12,  
93:13,  
96:15

**deal**

[6] - 34:1  
3, 153:14,  
173:19,  
265:13,  
265:15,  
265:16

**dealing**

[3] - 32:1  
3, 116:18,  
166:7

**deals**

[1] - 41:13

**decades**

[1] - 71:7

**decide**

## BOARD OF ZONING APPEAL - 6/26/2014

[5] - 30:1  
2, 61:15,  
61:16,  
160:3

**decided**

[1] - 278:3

**decision**

[9] - 92:6,  
104:6,  
155:12,  
160:13,  
161:1,  
179:1,  
233:1,  
254:19,  
299:3

**deck**

[70] - 8:3,  
9:5, 12:8,  
13:2,  
13:17,  
14:8,  
15:1,  
15:9,  
16:9,  
16:16,  
16:19,  
17:17,  
18:10,  
19:17,  
20:1,  
20:11,  
20:14,  
21:4,  
21:9,  
21:15,  
22:3,  
23:4,  
23:7,  
23:13,  
107:18,  
114:17,  
115:6,  
115:7,  
115:11,  
115:12,  
118:18,

BOARD OF ZONING APPEAL - 6/26/2014

- 119:12,
- 119:13,
- 119:14,
- 119:15,
- 120:1,
- 120:7,
- 120:10,
- 120:12,
- 120:13,
- 121:5,
- 121:12,
- 121:14,
- 121:15,
- 141:6,
- 147:10,
- 156:16,
- 167:16,
- 168:6,
- 177:13,
- 178:7,
- 235:6,
- 237:1,
- 238:7,
- 238:10,
- 238:12,
- 238:16,
- 239:7,
- 240:3,
- 240:4,
- 240:5,
- 293:9,
- 293:13,
- 294:2,
- 294:4,
- 294:5,
- 294:8,
- 296:11

**decker**

[1] - 21:10

**decks**

- [13] - 7:1
- 5, 7:17,
- 8:5, 8:13,
- 9:12,
- 11:4,
- 11:8,
- 16:8,

## BOARD OF ZONING APPEAL - 6/26/2014

16:12,  
 18:13,  
 23:2,  
 24:15

**decoration**

[1] - 22:7

**dedicated**

[1] - 93:10

**deep**

[1] - 6:2

**defensible**

[1] - 110:3

**defer**

[1] - 181:  
 15

**defined**

[1] - 208:  
 11

**definitely**

[3] - 205:  
 3, 207:18,  
 210:3

**definition****al**

[1] - 7:12

**degrees**

[1] - 259:1

**deleting**

[1] - 12:3

**deliberate**

[3] - 97:1  
 1, 210:5,  
 210:6

**deliberati****ons**

[1] - 161:7

**den**

[3] - 192:  
 18, 235:5,  
 240:13

**den's**

[1] - 240:  
 14

**Denied**

[1] - 174:  
 13

**denied**

## BOARD OF ZONING APPEAL - 6/26/2014

[3] - 108:  
11,  
109:13,  
173:9

**DENNIS**

[3] - 70:1  
9, 72:6,  
72:12

**Dennis**

[2] - 65:1  
5, 70:19

**Dennis's**

[1] - 80:3

**dense**

[7] - 57:1  
7, 138:11,  
141:1,  
146:14,  
162:1,  
162:12,  
174:7

**density**

[6] - 32:1  
9, 137:3,  
153:17,  
159:19,  
162:14,  
174:6

**Department**

[4] - 191:  
7, 191:13,  
192:5,  
201:4

**deposes**

[1] - 121:3

**deposit**

[1] - 47:14

**depriving**

[1] - 110:4

**depth**

[2] - 13:1  
4, 167:11

**derogate**

[5] - 187:  
10,  
211:13,  
250:15,

## BOARD OF ZONING APPEAL - 6/26/2014

280:1,  
307:8

**derogated**

[1] - 304:  
13

**derogating**

[3] - 25:1,  
172:7,  
247:19

**derogation**

[1] - 19:4

**describe**

[2] - 217:  
6, 240:2

**described**

[1] - 68:5

**describes**

[1] - 225:  
10

**describing**

[1] - 283:  
11

**design**

[10] - 9:4,  
36:18,  
38:8,  
42:11,  
143:9,  
166:17,  
240:14,  
245:16,  
285:16,  
291:8

**Design**

[3] - 208:  
15,  
208:17,  
212:8

**designed**

[1] - 285:6

**designer**

[1] - 273:  
10

**desirable**

[1] - 211:  
10

**desire**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 121:8

**desires**

[1] - 171:  
18

**detailed**

[2] - 42:3,  
157:6

**detraction**

**s**  
[1] - 245:  
18

**detriment**

[10] - 24:  
18, 172:6,  
174:5,  
187:5,  
211:12,  
247:18,  
250:9,  
279:19,  
304:12,  
307:3

**detrimenta**

**l**  
[1] - 194:  
10

**develop**

[1] - 48:18

**developed**

[1] - 86:18

**developer**

[4] - 76:1,  
83:13,  
87:2,  
237:8

**developing**

[1] - 108:2

**Developmen**

**t**  
[2] - 265:  
13, 265:15

**developmen**

**t**  
[6] - 86:1  
4, 89:8,  
89:14,  
89:19,

## BOARD OF ZONING APPEAL - 6/26/2014

187:2,  
250:6

**difference**

[2] - 128:  
19, 155:12

**different**

[13] - 14:  
1, 47:10,  
56:10,  
59:5,  
79:13,  
99:16,  
154:7,  
169:5,  
169:9,  
239:17,  
267:2,  
268:12,  
268:18

**differentl**

**y**  
[1] - 70:1

**difficult**

[3] - 56:8,  
64:1,  
82:11

**difficulty**

[1] - 59:14

**dilemma**

[1] - 266:7

**dimension**

[4] - 6:7,  
199:11,  
199:19,  
208:11

**dimensiona**

**l**  
[6] - 96:1,  
104:14,  
127:16,  
128:17,  
179:14,  
193:13

**dimensions**

[1] - 268:  
13

**diminish**

## BOARD OF ZONING APPEAL - 6/26/2014

[4] - 24:8,  
35:18,  
51:17,  
142:14

**diminished**

[2] - 38:1  
9, 142:14

**diminishes**

[1] - 49:12

**diminishin****g**

[2] - 33:1,  
110:18

**Dingman**

[2] - 276:  
7, 280:13

**dining**

[7] - 13:1  
0, 13:12,  
108:6,  
108:8,  
132:7,  
133:15,  
193:4

**dinner**

[1] - 141:7

**direct**

[5] - 125:  
7, 136:15,  
136:16,  
243:12,  
244:7

**direction**

[3] - 198:  
3, 198:5,  
226:4

**directive**

[1] - 201:  
15

**directly**

[2] - 132:  
5, 136:12

**disadvanta****ges**

[1] - 50:10

**disappear**

[1] - 213:6

## BOARD OF ZONING APPEAL - 6/26/2014

**discontin****e**

[1] - 95:16

**discretion**

[1] - 36:6

**discuss**

[1] - 29:3

**discussed**[2] - 66:9,  
307:15**discussing**

[1] - 63:9

**discussion**[5] - 17:1  
8, 19:10,  
21:3,  
186:2,  
253:3**discussion****s**[1] - 282:  
10**disorder**[2] - 289:  
10, 298:6**dispel**

[1] - 98:18

**dissenter**

[1] - 182:5

**distinctiv****e**[1] - 269:  
14**district**[9] - 9:13,  
9:15,  
37:11,  
115:17,  
187:9,  
187:10,  
250:13,  
307:7,  
307:8**District**[1] - 263:  
18**districts**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 250:  
14

**document**

[1] - 206:  
15

**documentat  
ion**

[1] - 34:1

**documents**

[1] - 213:  
14

**dog**

[2] - 146:  
4, 146:5

**Domini**

[2] - 243:  
3, 244:15

**DOMINI**

[1] - 243:3

**done**

[22] - 41:  
16, 90:3,  
110:16,  
110:17,  
122:15,  
123:2,  
125:16,  
151:1,  
164:10,  
165:3,  
165:13,  
173:14,  
179:1,  
179:2,  
187:14,  
224:3,  
224:4,  
225:1,  
238:17,  
270:8,  
278:1,  
304:10

**door**

[24] - 14:  
10, 14:15,  
15:1,  
15:2,

## BOARD OF ZONING APPEAL - 6/26/2014

15:9,  
 16:2,  
 16:11,  
 77:1,  
 120:18,  
 148:14,  
 184:6,  
 184:8,  
 184:15,  
 199:6,  
 199:14,  
 209:11,  
 215:14,  
 218:4,  
 224:15,  
 229:7,  
 260:7,  
 260:8,  
 261:4

**doors**

[8] - 14:8,  
 14:9,  
 14:16,  
 120:2,  
 120:3,  
 122:7,  
 122:9,  
 188:3

**doorway**

[1] - 294:  
 14

**Dorchester**

[1] - 84:9

**dormer**

[64] - 214  
 :12,  
 215:7,  
 215:12,  
 216:13,  
 217:11,  
 218:12,  
 218:16,  
 219:5,  
 219:7,  
 219:12,  
 220:6,  
 220:11,

## BOARD OF ZONING APPEAL - 6/26/2014

221:15,  
221:18,  
222:2,  
222:7,  
222:19,  
223:8,  
223:15,  
224:7,  
224:10,  
225:3,  
227:7,  
227:13,  
227:15,  
228:2,  
229:16,  
253:4,  
253:10,  
253:13,  
254:6,  
261:13,  
261:15,  
261:16,  
262:12,  
263:4,  
263:6,  
263:9,  
265:2,  
265:5,  
265:8,  
265:9,  
265:17,  
266:1,  
266:3,  
268:2,  
268:5,  
271:6,  
273:13,  
273:14,  
275:6,  
276:17,  
278:12,  
283:19,  
284:3,  
284:4,  
285:19,  
286:1,  
286:5,

BOARD OF ZONING APPEAL - 6/26/2014

288:12,  
292:1,  
293:5,  
302:2,  
305:8

**dormers**

[34] - 215  
:11,  
215:14,  
215:16,  
216:1,  
216:3,  
216:9,  
219:18,  
222:13,  
225:4,  
225:11,  
225:15,  
229:6,  
229:14,  
253:9,  
261:9,  
262:1,  
262:7,  
263:4,  
263:16,  
264:5,  
264:18,  
266:2,  
268:12,  
270:9,  
271:8,  
277:10,  
278:14,  
282:13,  
283:16,  
286:19,  
291:13,  
293:2,  
305:6,  
305:10

**dotted**

[1] - 124:5

**double**

[5] - 93:1  
5, 131:19,  
184:6,

## BOARD OF ZONING APPEAL - 6/26/2014

193:4,  
271:14

**double-hun****g**

[1] - 271:  
14

**doubt**

[3] - 93:1  
1, 93:13,  
124:18

**Doug**

[1] - 220:4

**Douglas**

[1] - 233:9

**DOUGLAS**

[19] - 218  
:7,  
218:10,  
218:19,  
219:15,  
220:5,  
220:9,  
220:16,  
221:4,  
221:14,  
222:1,  
222:4,  
223:4,  
223:13,  
230:17,  
231:4,  
231:10,  
231:12,  
231:16,  
232:8

**down**

[47] - 7:1  
7, 12:19,  
15:15,  
21:1,  
22:17,  
32:7,  
68:17,  
68:18,  
72:17,  
104:1,  
120:7,

BOARD OF ZONING APPEAL - 6/26/2014

- 134:7,
- 137:17,
- 140:5,
- 142:8,
- 146:17,
- 149:11,
- 151:4,
- 152:1,
- 152:15,
- 153:3,
- 155:8,
- 160:12,
- 162:8,
- 164:8,
- 169:1,
- 197:18,
- 198:6,
- 198:8,
- 198:18,
- 200:3,
- 204:8,
- 205:3,
- 205:6,
- 205:8,
- 209:4,
- 216:4,
- 224:7,
- 261:4,
- 270:1,
- 290:17,
- 295:17,
- 295:19,
- 297:10,
- 301:2,
- 301:11,
- 302:1

**DPR**  
[1] - 5:14

**Dr**  
[1] - 244:1

**drama**  
[1] - 34:11

**dramatic**  
[1] - 115:  
18

**draw**  
[2] - 228:

## BOARD OF ZONING APPEAL - 6/26/2014

10, 228:11

**drawing**

[6] - 123:

3, 132:13,

259:6,

261:1,

261:18,

274:8

**drawings**

[5] - 123:

4, 132:11,

157:18,

158:16,

184:5

**drawn**

[3] - 12:5,

123:2,

208:16

**drill**

[1] - 281:3

**drive**

[1] - 84:4

**Drive**

[1] - 28:15

**driven**

[1] - 13:15

**driveway**

[34] - 6:4,

32:9,

32:11,

34:13,

37:2,

38:12,

39:6,

39:15,

40:5,

41:19,

42:7,

43:15,

44:12,

45:19,

46:8,

54:5,

54:17,

55:2,

55:14,

55:18,

## BOARD OF ZONING APPEAL - 6/26/2014

57:8,  
 58:4,  
 62:6,  
 67:3,  
 69:9,  
 71:8,  
 71:18,  
 96:5,  
 101:4,  
 138:15,  
 151:11,  
 197:5,  
 197:8,  
 214:5

**driveways**

[2] - 45:1  
 4, 54:14

**driving**

[3] - 13:6,  
 200:14,  
 204:13

**drove**

[1] - 11:3

**dry**

[1] - 301:7

**due**

[2] - 126:  
 11, 290:14

**dumb**

[1] - 120:9

**during**

[3] - 67:1  
 4, 89:17,  
 107:18

**dwelling**

[6] - 4:15,  
 19:6,  
 70:7,  
 91:3,  
 91:19,  
 235:7

**dwelling**

[1] - 95:18

**E****E-M-B-R-Y**

[1] - 28:12

## BOARD OF ZONING APPEAL - 6/26/2014

**earliest**

[1] - 103:6

**easement**

[2] - 41:1

9, 42:1

**easements**

[1] - 41:13

**easier**

[2] - 64:1

0, 217:2

**easiest**

[1] - 119:1

**easily**

[2] - 108:

19, 304:10

**east**

[5] - 112:

10, 135:5,

135:7,

258:3,

258:4

**easy**

[1] - 200:6

**eave**

[1] - 217:1

**echo**

[1] - 19:16

**echoed**

[1] - 196:9

**echoing**

[2] - 196:

4, 196:12

**economical****ly**

[1] - 11:18

**Ed**

[1] - 213:

16

**edge**

[4] - 119:

12,

122:18,

133:1

**Edward**

[1] - 92:17

**effect**

[1] - 262:

## BOARD OF ZONING APPEAL - 6/26/2014

11

**effective**

[2] - 109:  
5, 229:2

**effectivel****y**

[2] - 110:  
17, 120:15

**efficiency**

[1] - 257:2

**efficient**

[2] - 260:  
10, 289:16

**efficientl****y**

[1] - 295:8

**efforts**

[2] - 102:  
14, 113:15

**egress**

[5] - 15:1  
1, 15:16,  
15:18,  
196:18,  
197:13

**eight**

[5] - 164:  
6, 170:5,  
190:17,  
190:18,  
214:8

**either**

[7] - 50:6,  
64:16,  
83:10,  
185:16,  
201:13,  
278:14,  
291:11

**elderly**

[1] - 83:10

**electrical**

[1] - 202:  
19

**element**

[6] - 229:  
1, 229:5,

## BOARD OF ZONING APPEAL - 6/26/2014

262:17,  
 300:5,  
 300:8,  
 300:9

**elevated**

[2] - 133:  
 6, 141:6

**elevation**

[5] - 14:1  
 2, 196:3,  
 275:12,  
 277:8,  
 293:2

**elevations**

[2] - 257:  
 5, 257:6

**elevator**

[7] - 257:  
 1, 261:10,  
 261:11,  
 262:12,  
 267:5,  
 268:2,  
 273:13

**eliminate**

[3] - 14:3,  
 50:3,  
 286:18

**eliminatin**

**g**  
 [3] - 49:1  
 6, 203:17,  
 257:12

**Ellery**

[4] - 236:  
 14,  
 242:13,  
 242:14,  
 242:17

**email**

[9] - 18:1,  
 144:6,  
 158:5,  
 158:9,  
 158:10,  
 158:17,  
 243:17,

## BOARD OF ZONING APPEAL - 6/26/2014

244:17,  
245:7

**emails**

[1] - 113:  
12

**EMBRY**

[49] - 28:  
11, 30:5,  
30:9,  
31:16,  
33:3,  
33:7,  
34:8,  
34:18,  
35:3,  
35:9,  
35:14,  
35:18,  
36:16,  
37:12,  
37:19,  
39:11,  
39:19,  
40:17,  
41:15,  
43:6,  
43:17,  
45:9,  
45:16,  
46:16,  
47:7,  
47:17,  
48:3,  
48:7,  
48:11,  
49:1,  
49:8,  
50:7,  
51:5,  
52:6,  
56:4,  
57:5,  
58:11,  
59:2,  
59:18,  
61:5,  
62:8,

## BOARD OF ZONING APPEAL - 6/26/2014

63:1,  
 63:5,  
 99:1,  
 99:11,  
 99:19,  
 100:19,  
 102:2,  
 103:12

**Embry**

[2] - 28:1  
 2, 28:14

**emphasize**

[1] - 67:5

**enclosed**

[7] - 114:  
 19, 115:1,  
 156:14,  
 157:17,  
 164:17,  
 166:19,  
 240:16

**enclosing**

[1] - 191:  
 11

**enclosure**

[2] - 168:  
 1, 168:5

**encountere****d**

[1] - 97:1

**encourage**

[1] - 139:  
 16

**encouragin****g**

[2] - 162:  
 13, 187:15

**encroachme****nt**

[1] - 127:  
 14

**end**

[10] - 29:  
 10, 76:8,  
 107:13,  
 111:18,  
 119:9,

## BOARD OF ZONING APPEAL - 6/26/2014

216:16,  
 216:19,  
 258:17,  
 284:14,  
 286:13

**energy**

[3] - 257:  
 2, 260:10,  
 297:14

**enforcemen****t**

[5] - 171:  
 14,  
 210:16,  
 247:8,  
 279:6,  
 303:18

**engagement**

[1] - 66:3

**engines**

[1] - 57:9

**enhance**

[2] - 18:1  
 1, 94:15

**enjoy**

[1] - 107:  
 16

**enjoyed**

[1] - 109:5

**enjoyment**

[4] - 11:1  
 5, 54:15,  
 142:15,  
 247:13

**enlarge**

[1] - 184:5

**enlarged**

[1] - 273:6

**enlargemen****t**

[1] - 273:5

**enlarging**

[3] - 235:  
 14,  
 249:15,  
 249:17

**enormous**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 144:  
18

**enter**

[1] - 136:2

**entertain**

[2] - 226:  
3, 269:5

**entirely**

[2] - 33:1  
1, 266:13

**entirety**

[2] - 154:  
12, 303:7

**entitled**

[1] - 249:2

**entrance**

[2] - 148:  
1, 257:1

**entry**

[6] - 204:  
16,  
204:17,  
257:16,  
258:9,  
260:4,  
260:18

**entryway**

[1] - 260:2

**envelope**

[3] - 45:1  
9, 46:1,  
46:10

**environmen**

**t**

[1] - 59:19

**environmen****tally**

[1] - 297:  
15

**equally**

[1] - 228:  
19

**equipment**

[2] - 195:  
5, 195:7

**equity**

[2] - 139:

## BOARD OF ZONING APPEAL - 6/26/2014

2, 139:5

**era**

[2] - 7:4,  
11:7

**erect**

[2] - 247:  
11, 253:12

**ERIC**

[9] - 10:8,  
10:14,  
14:14,  
15:3,  
15:6,  
15:12,  
16:4,  
16:15,  
20:5

**Eric**

[1] - 4:7

**error**

[1] - 117:  
13

**especially**

[2] - 12:1  
6, 42:2

**essentiall**

**y**  
[11] - 18:  
17, 31:7,  
32:6,  
32:7,  
33:15,  
38:3,  
45:17,  
46:4,  
166:16,  
167:17,  
293:8

**establishe**

**d**  
[4] - 173:  
16,  
186:19,  
250:4,  
306:17

**estate**

[1] - 49:13

## BOARD OF ZONING APPEAL - 6/26/2014

**evaluating**

[1] - 96:10

**Evan**

[1] - 17:14

**EVAN**

[1] - 17:14

**eve**

[1] - 122:

18

**evening**

[6] - 3:19,

4:7,

28:11,

66:10,

80:1,

234:10

**eventual**

[2] - 111:

10, 112:7

**everyday**

[1] - 260:

11

**evidently**

[1] - 66:17

**evolved**

[1] - 33:10

**evolves**

[1] - 108:3

**EX1-2**

[2] - 280:

16

**EX1-3**

[1] - 280:

17

**EX2-1**

[1] - 280:

17

**EX2-2**

[1] - 280:

17

**EX2-3**

[1] - 280:

17

**EX2-4**

[1] - 280:

17

**exacerbate**

## BOARD OF ZONING APPEAL - 6/26/2014

**s**

[1] - 56:3

**exactly**

[10] - 29:

19, 34:8,

56:1,

82:17,

110:7,

114:12,

116:18,

203:8,

218:9,

270:18

**example**

[1] - 298:

17

**examples**

[1] - 263:

15

**exceeded**

[1] - 202:

18

**exceeding**

[2] - 19:2,

263:10

**except**

[3] - 47:9,

138:8,

305:4

**exceptiona****lly**

[1] - 126:1

**excerpt**

[1] - 245:

14

**excessive**

[1] - 111:9

**exchange**

[1] - 144:6

**excise**

[1] - 282:

11

**excited**

[1] - 246:5

**exclusivel****y**

[1] - 208:5

## BOARD OF ZONING APPEAL - 6/26/2014

**excuse**

[4] - 85:5,  
90:13,  
135:19,  
208:16

**exercise**

[4] - 97:1  
5, 299:17,  
299:18,  
300:14

**exist**

[4] - 66:1  
4, 109:15,  
146:6,  
299:5

**existed**

[2] - 228:  
5, 288:5

**existing**

[37] - 4:1  
4, 16:6,  
16:7,  
36:4,  
42:15,  
108:5,  
119:12,  
125:9,  
129:18,  
133:19,  
183:19,  
184:7,  
184:18,  
190:13,  
194:17,  
195:1,  
196:4,  
196:7,  
199:17,  
200:1,  
202:7,  
203:15,  
208:7,  
214:2,  
235:6,  
235:10,  
235:13,  
236:4,

## BOARD OF ZONING APPEAL - 6/26/2014

239:11,  
240:7,  
253:9,  
257:5,  
258:19,  
259:5,  
259:8,  
261:3,  
287:8

**exists**

[3] - 42:1,  
57:17,  
211:9

**exit**

[2] - 198:  
17, 204:16

**exiting**

[1] - 38:14

**expand**

[1] - 290:  
16

**expanded**

[1] - 236:  
12

**expansion**

[1] - 32:15

**expense**

[2] - 299:  
15, 299:19

**expensive**

[1] - 278:4

**experience**

[1] - 279:  
17

**explain**

[2] - 101:  
16, 111:4

**explained**

[3] - 16:1  
9, 74:18,  
302:13

**explanatio**

**n**  
[2] - 111:  
12, 161:1

**explore**

[1] - 58:3

## BOARD OF ZONING APPEAL - 6/26/2014

**express**

[3] - 67:9,  
89:7,  
95:10

**expressed**

[5] - 100:  
17, 156:5,  
156:6,  
159:4,  
164:16

**extend**

[1] - 115:  
13

**extending**

[3] - 131:  
8, 194:4,  
228:19

**extends**

[1] - 239:  
14

**extension**

[2] - 144:  
17, 145:5

**extensive**

[1] - 4:18

**extent**

[6] - 104:  
11, 155:5,  
159:12,  
179:10,  
239:10,  
305:5

**exterior**

[3] - 42:1  
0, 42:16,  
199:14

**extra**

[1] - 227:4

**extremely**

[1] - 161:  
14

**eye**

[1] - 140:  
15

**F****facade**

## BOARD OF ZONING APPEAL - 6/26/2014

[8] - 235:  
15,  
235:16,  
249:16,  
249:17,  
249:19,  
258:2,  
258:5,  
258:9

**facades**

[1] - 38:6

**face**

[6] - 80:1  
1, 132:2,  
132:3,  
141:9,  
214:4,  
288:7

**faces**

[4] - 257:  
19, 258:1,  
258:2,  
258:3

**facilities**

[1] - 46:17

**facing**

[4] - 220:  
10,  
222:13,  
291:8,  
292:2

**fact**

[22] - 7:5,  
10:3,  
23:3,  
24:11,  
33:17,  
37:19,  
41:16,  
42:8,  
53:14,  
66:12,  
91:9,  
110:7,  
126:13,  
164:3,  
172:2,

## BOARD OF ZONING APPEAL - 6/26/2014

209:5,  
211:7,  
218:5,  
263:19,  
280:3,  
290:14,  
304:8

**facts**

[1] - 114:  
14

**failed**

[1] - 42:5

**fair**

[2] - 100:  
7, 133:15

**fairly**

[3] - 9:18,  
126:12,  
163:8

**falling**

[1] - 10:9

**families**

[3] - 139:  
2, 139:6,  
139:8

**family**

[29] - 4:1  
5, 19:6,  
29:5,  
30:11,  
81:5,  
91:15,  
91:18,  
92:2,  
93:9,  
108:8,  
145:13,  
156:18,  
167:4,  
167:6,  
183:14,  
205:10,  
213:17,  
235:7,  
242:3,  
242:16,  
256:14,

## BOARD OF ZONING APPEAL - 6/26/2014

256:17,  
 260:9,  
 285:9,  
 285:12,  
 293:10,  
 295:4,  
 295:18,  
 297:7

**family's**

[3] - 91:7,  
 157:8,  
 295:19

**fancy**

[1] - 71:19

**FAR**

[32] - 9:1  
 0, 9:16,  
 19:2,  
 25:6,  
 108:18,  
 109:1,  
 109:3,  
 109:4,  
 115:15,  
 116:1,  
 116:13,  
 118:8,  
 118:10,  
 128:6,  
 128:8,  
 128:16,  
 129:2,  
 138:12,  
 165:10,  
 166:1,  
 166:8,  
 193:10,  
 193:17,  
 195:9,  
 195:13,  
 195:15,  
 208:9,  
 286:7,  
 288:13,  
 290:11,  
 290:13

**far**

## BOARD OF ZONING APPEAL - 6/26/2014

[19] - 33:  
14, 44:2,  
60:14,  
68:4,  
69:14,  
70:2,  
70:4,  
72:5,  
75:4,  
75:8,  
79:9,  
79:10,  
109:1,  
127:10,  
129:17,  
153:17,  
163:9,  
193:13,  
293:16

**Farr**

[3] - 138:  
16,  
140:18,  
153:7

**father**

[1] - 108:1

**fault**

[1] - 143:  
13

**faux**

[2] - 267:  
18, 270:15

**favor**

[43] - 25:  
8, 25:11,  
26:13,  
26:18,  
76:12,  
76:16,  
88:15,  
94:9,  
105:1,  
105:6,  
147:3,  
150:19,  
162:18,  
163:1,

## BOARD OF ZONING APPEAL - 6/26/2014

172:18,  
 173:3,  
 174:8,  
 174:11,  
 175:19,  
 176:5,  
 178:11,  
 179:18,  
 180:1,  
 189:1,  
 189:3,  
 212:11,  
 212:16,  
 216:18,  
 223:18,  
 224:2,  
 224:6,  
 224:11,  
 233:7,  
 249:5,  
 249:7,  
 251:10,  
 251:12,  
 281:7,  
 281:13,  
 305:16,  
 305:18,  
 307:17,  
 307:19

**Favor**

[13] - 26:  
 15, 105:3,  
 173:5,  
 176:2,  
 180:2,  
 189:4,  
 212:13,  
 233:8,  
 249:8,  
 251:13,  
 281:10,  
 305:19,  
 308:2

**favorably**

[1] - 187:  
 16

**fear**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 72:1  
3, 87:19

**feature**

[1] - 7:3

**features**

[1] - 224:  
10

**feedback**

[1] - 101:  
17

**feelings**

[1] - 299:  
12

**feet**

[59] - 11:  
9, 11:10,  
13:7,  
20:19,  
21:1,  
21:19,  
22:2,  
39:7,  
39:9,  
39:17,  
39:18,  
54:6,  
55:15,  
115:8,  
115:13,  
116:3,  
116:4,  
116:6,  
116:10,  
116:11,  
117:10,  
119:16,  
121:13,  
121:15,  
122:3,  
126:2,  
127:17,  
131:9,  
133:9,  
134:10,  
134:11,  
137:10,  
138:18,

## BOARD OF ZONING APPEAL - 6/26/2014

140:19,  
151:15,  
170:4,  
170:5,  
170:8,  
177:14,  
177:17,  
178:8,  
194:16,  
208:4,  
215:5,  
215:18,  
216:15,  
218:3,  
236:15,  
236:17,  
253:13,  
260:15,  
263:8,  
284:1,  
284:14,  
284:15,  
290:19

**felt**

[4] - 11:1  
7, 13:2,  
203:5,  
223:14

**females**

[1] - 295:4

**fence**

[17] - 126  
:2, 133:2,  
133:4,  
133:7,  
133:8,  
133:9,  
138:17,  
140:19,  
149:11,  
150:3,  
150:6,  
151:14,  
151:15,  
152:15,  
164:7,  
165:6,

## BOARD OF ZONING APPEAL - 6/26/2014

165:7

**Fenno**

[1] - 73:14

**few**

[2] - 10:4,  
29:18

**fewer**

[2] - 53:5,  
63:18

**field**

[2] - 15:5,  
81:14

**Field**

[1] - 75:4

**fields**

[2] - 75:6,  
75:7

**fifth**

[1] - 181:9

**figured**

[1] - 301:6

**file**

[9] - 29:1  
6, 95:8,  
113:13,  
114:16,  
123:9,  
156:1,  
177:11,  
185:11,  
233:5

**files**

[4] - 104:  
15, 159:4,  
179:16,  
206:1

**fill**

[2] - 258:  
18, 290:17

**filling**

[2] - 25:9,  
278:9

**final**

[10] - 18:  
15, 34:10,  
159:6,  
188:15,

## BOARD OF ZONING APPEAL - 6/26/2014

196:14,  
206:4,  
246:11,  
248:12,  
302:14,  
306:4

**finally**

[2] - 112:  
5, 113:10

**findings**

[20] - 24:  
2, 25:13,  
64:11,  
171:12,  
172:9,  
174:9,  
186:15,  
187:13,  
188:6,  
210:14,  
212:3,  
247:7,  
248:6,  
250:2,  
251:3,  
280:10,  
303:17,  
304:15,  
306:13,  
307:10

**fine**

[5] - 30:5,  
62:15,  
63:2,  
145:11,  
253:17

**finish**

[2] - 125:  
13, 218:2

**finishing**

[1] - 195:  
14

**fire**

[2] - 146:  
9, 197:13

**firm**

[2] - 4:5,

BOARD OF ZONING APPEAL - 6/26/2014

28:13

**first**

[43] - 3:1

- 4, 5:6,
- 9:11,
- 15:10,
- 15:11,
- 16:3,
- 24:10,
- 29:8,
- 39:16,
- 66:4,
- 73:7,
- 76:15,
- 88:18,
- 97:6,
- 100:15,
- 106:17,
- 107:14,
- 108:4,
- 125:14,
- 130:10,
- 133:6,
- 139:12,
- 140:17,
- 144:5,
- 150:10,
- 161:10,
- 188:12,
- 190:14,
- 191:16,
- 192:8,
- 192:10,
- 193:1,
- 196:2,
- 212:8,
- 247:1,
- 249:2,
- 249:18,
- 257:16,
- 263:12,
- 296:9,
- 296:13,
- 305:3

**fit**

[8] - 11:1

- 1, 191:1,

## BOARD OF ZONING APPEAL - 6/26/2014

199:10,  
 205:5,  
 297:3,  
 297:8,  
 299:1,  
 299:9

**fits**

[2] - 18:8,  
 299:8

**five**

[26] - 26:  
 18, 39:6,  
 43:12,  
 64:14,  
 103:5,  
 105:6,  
 162:17,  
 176:5,  
 180:1,  
 181:17,  
 182:4,  
 182:6,  
 189:3,  
 212:16,  
 231:13,  
 231:17,  
 232:2,  
 249:7,  
 251:12,  
 254:12,  
 281:13,  
 286:9,  
 288:7,  
 288:8,  
 305:18,  
 307:19

**fix**

[1] - 301:  
 14

**fixed**

[1] - 40:5

**flagstones**

[1] - 130:1

**flat**

[4] - 217:  
 16,  
 218:12,

## BOARD OF ZONING APPEAL - 6/26/2014

228:16,  
235:9

**flesh**

[1] - 39:1

**flip**

[1] - 198:7

**floor**

[58] - 5:6,  
7:13,  
9:11,  
15:10,  
15:11,  
16:3,  
24:6,  
24:9,  
24:10,  
29:8,  
95:17,  
108:4,  
133:6,  
136:1,  
137:11,  
139:12,  
140:14,  
140:17,  
150:10,  
190:14,  
191:16,  
191:18,  
192:8,  
192:10,  
193:2,  
196:2,  
204:5,  
214:12,  
214:13,  
215:6,  
215:8,  
226:18,  
243:14,  
244:3,  
249:16,  
249:18,  
256:15,  
257:10,  
257:14,  
257:17,

## BOARD OF ZONING APPEAL - 6/26/2014

258:14,  
 261:5,  
 261:9,  
 282:12,  
 282:19,  
 285:13,  
 285:19,  
 287:12,  
 293:10,  
 295:16,  
 296:9,  
 296:14,  
 300:2,  
 305:7,  
 305:9

**floors**

[3] - 111:  
 13,  
 150:16,  
 208:14

**flow**

[2] - 295:  
 13, 299:14

**flowing**

[1] - 151:  
 16

**flows**

[1] - 152:  
 17

**fly**

[2] - 75:1  
 6, 170:13

**focus**

[1] - 14:5

**fold**

[2] - 120:  
 2, 120:3

**foliage**

[2] - 126:  
 5, 126:7

**folks**

[1] - 148:8

**follow**

[3] - 33:7,  
 100:4,  
 237:16

**follow-up**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 33:7,  
100:4

**following**

[12] - 24:  
2, 91:5,  
104:5,  
171:12,  
178:18,  
186:14,  
210:14,  
247:7,  
250:1,  
279:3,  
303:17,  
306:13

**foot**

[31] - 12:  
7, 12:8,  
12:9,  
13:14,  
44:3,  
109:3,  
114:17,  
114:18,  
115:6,  
115:11,  
115:12,  
138:17,  
150:3,  
151:14,  
164:6,  
167:11,  
194:1,  
214:5,  
216:1,  
217:9,  
217:17,  
220:13,  
221:2,  
227:4,  
253:10,  
260:14,  
284:8,  
286:9,  
288:8

**footage**

[2] - 221:

## BOARD OF ZONING APPEAL - 6/26/2014

18, 258:13

**football**

[2] - 295:

3, 296:13

**footprint**

[8] - 13:6,

32:14,

109:8,

208:10,

208:11,

215:3,

278:5,

278:8

**footsteps**

[1] - 91:5

**FOR**

[1] - 1:3

**force**

[1] - 51:17

**forced**

[1] - 210:

19

**foreign**

[1] - 228:

17

**forever**

[1] - 93:9

**form**

[9] - 6:8,

93:19,

94:1,

104:15,

127:16,

128:17,

179:14,

280:5,

290:18

**formal**

[1] - 285:6

**former**

[4] - 89:9,

94:5,

271:11,

301:5

**forth**

[4] - 50:1

6, 58:16,

## BOARD OF ZONING APPEAL - 6/26/2014

100:15,  
130:5

**forward**

[5] - 96:1  
6, 181:13,  
283:5,  
290:5,  
306:5

**founded**

[1] - 57:3

**four**

[25] - 30:  
18, 35:1,  
36:3,  
38:9,  
40:18,  
41:1,  
41:11,  
43:12,  
51:10,  
62:14,  
62:15,  
66:15,  
77:2,  
77:5,  
77:6,  
162:18,  
170:8,  
181:13,  
181:19,  
182:4,  
222:18,  
229:13,  
231:16,  
232:5,  
260:14

**fourth**

[1] - 225:2

**framing**

[1] - 272:  
18

**Francis**

[3] - 156:  
14, 157:7,  
158:12

**FRANCIS**

[23] - 106

## BOARD OF ZONING APPEAL - 6/26/2014

:17,  
 107:3,  
 107:9,  
 110:13,  
 111:2,  
 111:7,  
 115:4,  
 120:4,  
 121:2,  
 121:19,  
 126:3,  
 127:4,  
 129:14,  
 135:13,  
 135:17,  
 159:10,  
 166:15,  
 167:5,  
 167:19,  
 168:4,  
 168:8,  
 170:9,  
 171:8

**frankly**

[7] - 13:1  
 5, 56:11,  
 58:1,  
 68:19,  
 114:1,  
 152:11,  
 227:7

**free**

[1] - 106:  
 14

**French**

[2] - 14:1  
 0, 14:14

**friend**

[1] - 111:4

**friends**

[6] - 81:4,  
 100:4,  
 114:7,  
 143:4,  
 144:11,  
 274:17

**front**

## BOARD OF ZONING APPEAL - 6/26/2014

[28] - 77:

3, 84:9,  
 88:18,  
 106:13,  
 113:8,  
 139:15,  
 150:8,  
 215:1,  
 219:10,  
 219:12,  
 219:15,  
 219:17,  
 220:1,  
 220:9,  
 221:8,  
 228:1,  
 237:4,  
 237:12,  
 260:3,  
 260:7,  
 266:18,  
 269:10,  
 269:18,  
 285:7,  
 291:9,  
 291:11,  
 291:14,  
 297:9

**fruitful**

[1] - 101:  
 18

**full**

[2] - 246:  
 8, 291:10

**fully**

[5] - 51:1  
 2, 144:15,  
 146:5,  
 230:19,  
 243:1

**functional**

[1] - 260:  
 11

**functional**

**ity**

[1] - 22:1

**funny**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 132:8

**furniture**

[4] - 22:4,

145:13,

167:12

**future**

[2] - 97:1

4, 173:19

**fuzz**

[1] - 144:

19

**G**

**gable**

[4] - 228:

15,

228:18,

284:14,

291:18

**GADON**

[1] - 292:9

**gain**

[1] - 183:

17

**gambrel**

[2] - 291:

7, 291:8

**garage**

[7] - 5:1,

31:8,

31:18,

32:8,

60:3,

68:16,

177:14

**Garden**

[2] - 83:8,

83:11

**garden**

[9] - 82:1

6, 83:15,

107:17,

112:3,

112:18,

113:5,

113:6,

113:19,

## BOARD OF ZONING APPEAL - 6/26/2014

129:18

**Gary**

[1] - 18:1

**gee**

[1] - 300:

11

**general**

[4] - 159:

11, 264:6,

299:11,

300:13

**generally**

[2] - 22:2,

251:2

**generated**

[2] - 129:

6, 129:7

**geography**

[1] - 31:2

**geometry**

[1] - 13:5

**GFA**

[3] - 5:7,

5:12,

18:19

**given**

[10] - 5:7,

7:11,

11:15,

22:19,

116:13,

159:3,

162:11,

231:19,

238:11,

270:9

**glad**

[3] - 70:1

7, 91:17,

100:15

**glass**

[18] - 122

:5, 122:6,

122:12,

124:12,

135:3,

144:12,

## BOARD OF ZONING APPEAL - 6/26/2014

144:13,  
 144:14,  
 145:11,  
 151:13,  
 153:17,  
 167:2,  
 167:9,  
 240:10,  
 267:16,  
 271:10,  
 292:12

**glassed**

[1] - 141:2

**glassed-in**

[1] - 141:2

**Glassman**

[1] - 213:

16

**global**

[2] - 31:1

3, 63:17

**glow**

[2] - 135:

9, 136:8

**goals**

[2] - 256:

13, 299:2

**God**

[1] - 121:2

**godmother**

[1] - 93:5

**gorgeous**

[1] - 296:4

**gotta**

[2] - 103:

11, 253:14

**grab**

[1] - 29:17

**gracious**

[1] - 285:

15

**grade**

[3] - 199:

15, 218:2,

261:4

**grand**

[7] - 204:

## BOARD OF ZONING APPEAL - 6/26/2014

15,  
204:16,  
204:19,  
205:3,  
295:11,  
295:12,  
296:3

**grandfathe  
red**

[1] - 202:8

**grandparen  
ts**

[1] - 91:6

**grant**

[21] - 25:

14, 26:18,  
35:16,  
50:2,  
52:16,  
92:9,  
94:13,  
115:9,  
116:4,  
120:11,  
172:10,  
186:12,  
187:17,  
188:7,  
210:10,  
212:4,  
248:7,  
251:4,  
280:10,  
304:16,  
307:11

**granted**

[13] - 24:

18, 114:7,  
116:15,  
172:5,  
174:3,  
174:4,  
211:11,  
247:17,  
277:16,  
279:18,  
281:14,

## BOARD OF ZONING APPEAL - 6/26/2014

304:11,  
308:1

**granting**

[11] - 26:  
13,  
172:18,  
173:13,  
189:1,  
212:11,  
249:5,  
250:2,  
251:10,  
281:7,  
305:16,  
307:17

**great**

[2] - 92:3,  
92:4

**greatly**

[2] - 156:  
18, 214:15

**Greek**

[1] - 237:  
13

**GREEN**

[33] - 10:  
2, 19:14,  
21:5,  
21:12,  
30:6,  
35:11,  
45:14,  
99:13,  
107:1,  
121:11,  
121:14,  
121:17,  
133:2,  
133:8,  
147:13,  
147:15,  
164:1,  
173:1,  
186:5,  
216:3,  
230:13,  
231:7,

## BOARD OF ZONING APPEAL - 6/26/2014

231:11,  
 237:2,  
 237:5,  
 240:2,  
 262:3,  
 267:1,  
 267:6,  
 267:12,  
 268:14,  
 271:17,  
 287:11

**Green**

[27] - 1:1  
 4, 3:13,  
 26:16,  
 28:4,  
 105:4,  
 106:4,  
 173:5,  
 175:4,  
 176:4,  
 177:4,  
 180:4,  
 181:4,  
 183:4,  
 189:5,  
 190:3,  
 212:14,  
 213:3,  
 233:9,  
 234:3,  
 249:10,  
 251:15,  
 252:3,  
 256:3,  
 281:12,  
 282:3,  
 306:2,  
 308:4

**green**

[16] - 62:  
 7, 75:2,  
 75:5,  
 75:9,  
 81:16,  
 82:8,  
 82:13,

## BOARD OF ZONING APPEAL - 6/26/2014

82:18,  
 84:17,  
 84:18,  
 87:16,  
 136:8,  
 235:9,  
 239:13,  
 240:5,  
 245:19

**GREENBERG**

[13] - 125  
 :10,  
 130:13,  
 131:1,  
 133:4,  
 133:9,  
 134:6,  
 134:11,  
 134:15,  
 134:18,  
 135:15,  
 135:19,  
 136:4,  
 165:6

**Greenberg**

[3] - 130:  
 14, 158:1,  
 158:2

**Greenbergs**

[2] - 138:  
 5, 138:9

**greenery**

[6] - 85:9,  
 87:14,  
 100:18,  
 101:6,  
 130:5,  
 164:7

**greening**

[3] - 80:1  
 4, 80:16,  
 84:13

**grew**

[1] - 81:3

**grips**

[1] - 52:18

**gross**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 7:12

**ground**

[4] - 86:7,  
95:17,  
301:1,  
301:4

**grow**

[1] - 299:5

**growing**

[3] - 81:4,  
113:7,  
183:14

**guaranteed**

[1] - 76:3

**guess**

[12] - 12:  
1, 17:7,  
22:8,  
65:4,  
95:1,  
123:7,  
141:7,  
141:14,  
165:1,  
200:13,  
266:10,  
276:3

**guidance**

[1] - 227:  
14

**guideline**

[4] - 215:  
12,  
221:16,  
222:7,  
265:5

**guidelines**

[25] - 216  
:13,  
219:7,  
220:11,  
222:2,  
223:8,  
223:15,  
224:8,  
224:11,  
227:7,

## BOARD OF ZONING APPEAL - 6/26/2014

227:13,  
 227:16,  
 232:7,  
 253:4,  
 253:6,  
 253:11,  
 254:6,  
 263:5,  
 263:6,  
 265:9,  
 265:10,  
 266:1,  
 283:19,  
 297:3,  
 299:9,  
 302:3

**gut**

[1] - 214:  
 14

**guys**

[1] - 77:9

**H****H-A-L-L**

[1] - 140:  
 13

**H-O-A-G-L-****A-N-D**

[1] - 4:9

**habitants**

[1] - 7:2

**Half**

[3] - 263:  
 17,  
 263:18,  
 264:1

**half**

[7] - 12:1  
 2, 148:3,  
 153:2,  
 170:6,  
 190:18,  
 218:4

**HALL**

[2] - 140:  
 7, 140:12

**hall**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 260:8

**Hall**

[1] - 140:  
13

**hammerhead**

[1] - 58:16

**hamper**

[1] - 204:9

**hand**

[9] - 85:6,  
85:8,  
106:15,  
147:13,  
162:1,  
214:4,  
214:6,  
214:7,  
262:2

**handed**

[1] - 88:14

**handle**

[1] - 21:16

**handsome**

[1] - 9:19

**happier**

[2] - 62:1  
3, 62:15

**happily**

[1] - 143:6

**happy**

[17] - 10:  
2, 10:4,  
10:9,  
34:9,  
53:1,  
53:7,  
59:3,  
59:5,  
61:6,  
61:11,  
62:8,  
62:11,  
63:5,  
100:10,  
100:11,  
102:2,  
145:13

## BOARD OF ZONING APPEAL - 6/26/2014

**hard**

[8] - 149:  
2, 149:17,  
197:9,  
228:7,  
253:1,  
269:9,  
269:12,  
300:12

**hardly**

[1] - 150:  
12

**hardship**

[28] - 24:  
3, 24:11,  
108:13,  
108:14,  
171:16,  
171:19,  
173:16,  
174:1,  
199:17,  
210:18,  
211:6,  
230:1,  
230:3,  
247:10,  
247:13,  
279:8,  
279:15,  
290:3,  
290:7,  
297:1,  
298:15,  
300:17,  
304:1,  
304:7

**hardships**

[4] - 114:  
5, 298:13,  
299:5,  
301:17

**Hardware**

[5] - 29:7,  
89:10,  
90:2,  
93:3, 94:6

## BOARD OF ZONING APPEAL - 6/26/2014

**hardware**

[3] - 30:9,  
91:1, 93:6

**Harris**

[1] - 158:8

**Harris/Wil****liam**

[1] - 158:6

**Harvard**

[1] - 234:  
17

**Harvey**

[1] - 213:  
14

**HASHIM**

[10] - 234  
:10,  
236:2,  
236:9,  
237:3,  
237:7,  
238:17,  
239:4,  
240:4,  
241:5,  
248:13

**Hashim**

[3] - 234:  
16, 242:8,  
248:19

**Hassey**

[1] - 92:17

**HASSEY**

[1] - 92:18

**Hatterty**

[1] - 157:  
13

**HATTERTY**

[1] - 157:  
14

**haul**

[1] - 139:  
17

**hazard**

[6] - 146:  
9, 186:18,  
187:4,

## BOARD OF ZONING APPEAL - 6/26/2014

250:3,  
250:8,  
307:2

**hazards**

[1] - 306:  
16

**head**

[2] - 133:  
16, 203:3

**heads**

[1] - 254:  
16

**health**

[3] - 187:  
6, 250:10,  
307:3

**hear**

[17] - 30:  
7, 45:4,  
62:18,  
65:8,  
69:1,  
86:9,  
101:17,  
104:18,  
106:14,  
107:1,  
107:2,  
107:7,  
144:11,  
229:17,  
254:8,  
255:3,  
271:18

**heard**

[42] - 3:1  
7, 17:8,  
17:11,  
28:9,  
60:19,  
65:6,  
72:18,  
79:18,  
88:6,  
88:10,  
99:15,  
100:16,

## BOARD OF ZONING APPEAL - 6/26/2014

101:2,  
 103:3,  
 104:4,  
 106:8,  
 134:17,  
 137:18,  
 140:6,  
 141:15,  
 146:18,  
 155:17,  
 155:19,  
 175:8,  
 177:9,  
 181:18,  
 183:8,  
 185:7,  
 185:10,  
 190:8,  
 205:16,  
 205:19,  
 226:10,  
 234:8,  
 241:13,  
 241:16,  
 252:7,  
 253:3,  
 254:9,  
 256:8,  
 274:4,  
 275:19

**hearing**

[3] - 106:  
 12, 144:6,  
 230:12

**hearings**

[1] - 3:8

**heat**

[1] - 297:  
 15

**height**

[5] - 195:  
 12, 217:9,  
 218:1,  
 237:16,  
 259:4

**Hello**

[1] - 252:9

## BOARD OF ZONING APPEAL - 6/26/2014

**hello**

[1] - 138:1

**help**

[2] - 266:

9, 298:12

**helping**

[1] - 46:3

**HENTSHEL**

[1] - 274:

19

**HHS**

[1] - 234:

19

**hide**

[1] - 153:

11

**hideous**

[1] - 264:

16

**HIGGINS**

[3] - 107:

9, 110:13,

111:2

**HIGGINSON**

[20] - 106

:17,

107:3,

111:7,

115:4,

120:4,

121:2,

121:19,

126:3,

127:4,

129:14,

135:13,

135:17,

159:10,

166:15,

167:5,

167:19,

168:4,

168:8,

170:9,

171:8

**Higginson**

[7] - 143:

## BOARD OF ZONING APPEAL - 6/26/2014

8, 156:14,  
 156:17,  
 157:7,  
 157:16,  
 158:13,  
 171:6

**high**

[7] - 93:5,  
 126:2,  
 132:12,  
 150:7,  
 286:2,  
 290:15,  
 292:4

**higher**

[4] - 111:  
 15, 123:1,  
 260:13,  
 286:11

**highest**

[1] - 122:  
 16

**highly**

[2] - 93:1  
 7, 94:8

**hip**

[2] - 259:  
 9, 266:3

**historic**

[2] - 28:1  
 9, 194:12

**Historic**

[1] - 263:  
 17

**historical**

[2] - 66:1  
 1, 225:13

**Historical**

[3] - 240:  
 18, 266:7,  
 280:7

**historical****ly**

[1] - 215:2

**history**

[3] - 7:18,  
 29:4, 63:8

## BOARD OF ZONING APPEAL - 6/26/2014

**HO**

[7] - 200:  
10, 204:2,  
204:17,  
205:4,  
207:12,  
209:10,  
210:3

**Hoagland**

[2] - 4:8,  
4:17

**hoagland**

[1] - 18:5

**HOAGLAND**

[9] - 10:8,  
10:14,  
14:14,  
15:3,  
15:6,  
15:12,  
16:4,  
16:15,  
20:5

**Hoagland's**

[1] - 4:9

**holding**

[1] - 49:13

**home**

[7] - 17:1  
9, 139:2,  
149:15,  
156:16,  
211:6,  
242:3,  
247:13

**homeowner**

[1] - 82:15

**homeowners**

[1] - 82:16

**homes**

[6] - 7:4,  
18:9,  
148:19,  
150:1,  
150:13,  
242:16

**honestly**

## BOARD OF ZONING APPEAL - 6/26/2014

[7] - 42:5,  
 47:7,  
 50:9,  
 126:5,  
 149:2,  
 149:17,  
 229:6

**hope**

[10] - 19:  
 3, 49:13,  
 56:19,  
 88:2,  
 111:3,  
 114:4,  
 140:1,  
 144:9,  
 245:9,  
 246:7

**hopes**

[1] - 109:  
 16

**hoping**

[4] - 100:  
 14,  
 214:19,  
 240:6,  
 240:15

**horrendous**

[2] - 85:3,  
 85:4

**horrible**

[1] - 265:3

**hot**

[1] - 289:  
 13

**hours**

[1] - 89:18

**house**

[122] - 9:  
 7, 9:12,  
 9:19,  
 13:8,  
 38:12,  
 38:14,  
 83:9,  
 83:13,  
 107:14,

## BOARD OF ZONING APPEAL - 6/26/2014

109:2,  
113:18,  
118:19,  
119:2,  
121:13,  
122:1,  
122:3,  
122:17,  
124:9,  
125:2,  
125:5,  
125:9,  
130:15,  
131:4,  
131:5,  
131:9,  
131:12,  
131:18,  
131:19,  
132:2,  
132:16,  
132:19,  
133:1,  
133:19,  
141:4,  
149:10,  
151:8,  
152:8,  
152:14,  
152:18,  
153:2,  
166:3,  
184:10,  
192:3,  
196:5,  
196:7,  
196:10,  
200:1,  
200:9,  
200:19,  
201:12,  
201:14,  
204:3,  
214:4,  
214:8,  
214:17,  
215:3,

## BOARD OF ZONING APPEAL - 6/26/2014

215:17,  
216:5,  
216:10,  
218:17,  
219:3,  
219:14,  
220:2,  
220:7,  
220:8,  
220:18,  
224:13,  
225:13,  
225:17,  
227:12,  
235:11,  
236:11,  
237:2,  
237:8,  
237:10,  
237:14,  
239:14,  
240:12,  
242:17,  
243:15,  
244:4,  
244:8,  
256:13,  
256:18,  
260:3,  
260:11,  
263:16,  
264:1,  
264:4,  
268:7,  
270:11,  
272:8,  
274:14,  
277:16,  
279:13,  
282:17,  
283:1,  
284:17,  
285:2,  
285:4,  
285:6,  
285:8,  
285:11,

## BOARD OF ZONING APPEAL - 6/26/2014

285:15,  
 285:18,  
 286:4,  
 289:5,  
 289:7,  
 289:13,  
 290:12,  
 290:18,  
 291:7,  
 291:10,  
 295:11,  
 297:6,  
 297:12,  
 297:15,  
 298:18,  
 304:6

**houses**

[13] - 83:  
 14, 83:17,  
 146:8,  
 147:14,  
 149:8,  
 208:5,  
 224:15,  
 225:16,  
 263:13,  
 265:8,  
 265:11,  
 295:12,  
 299:12

**housewife**

[1] - 292:8

**housing**

[1] - 92:14

**huge**

[2] - 140:  
 19, 145:4

**Hughes**

[27] - 1:1  
 3, 3:12,  
 26:15,  
 28:3,  
 105:3,  
 106:3,  
 173:6,  
 174:14,  
 175:2,

## BOARD OF ZONING APPEAL - 6/26/2014

176:3,  
177:2,  
180:3,  
183:2,  
189:5,  
190:3,  
212:13,  
213:3,  
219:2,  
233:10,  
234:3,  
251:14,  
252:3,  
256:3,  
281:11,  
282:3,  
306:1,  
308:3

**HUGHES**

[83] - 15:  
8, 15:13,  
16:1,  
16:8,  
17:2,  
19:13,  
55:9,  
55:12,  
55:17,  
56:1,  
56:18,  
76:12,  
102:13,  
127:6,  
127:10,  
127:13,  
128:1,  
128:5,  
128:10,  
128:13,  
128:18,  
129:8,  
129:13,  
134:9,  
134:13,  
134:16,  
136:2,  
161:12,

## BOARD OF ZONING APPEAL - 6/26/2014

165:9,  
168:17,  
169:11,  
170:11,  
170:14,  
185:5,  
186:3,  
186:9,  
205:12,  
213:9,  
216:9,  
216:12,  
217:10,  
217:14,  
217:19,  
219:11,  
220:3,  
223:6,  
223:19,  
224:17,  
225:5,  
226:1,  
226:9,  
227:18,  
229:18,  
230:10,  
230:14,  
231:2,  
231:14,  
231:18,  
232:5,  
232:10,  
232:14,  
241:9,  
245:3,  
249:9,  
265:14,  
265:19,  
266:15,  
267:13,  
267:19,  
268:6,  
268:17,  
272:1,  
273:3,  
275:13,  
278:16,

## BOARD OF ZONING APPEAL - 6/26/2014

279:1,  
 288:11,  
 288:15,  
 292:7,  
 292:18,  
 296:12,  
 302:7,  
 306:8

**humid**

[1] - 142:7

**hundred**

[1] - 182:2

**hung**

[1] - 271:  
 14

**Hunt**

[1] - 28:13

**husband**

[2] - 143:  
 7, 193:6

**I****I-R-V-I-N-****G**

[1] - 73:3

**idea**

[22] - 34:

3, 51:6,  
 52:13,  
 53:8,  
 53:14,  
 101:7,  
 128:3,  
 155:9,  
 192:16,  
 222:11,  
 258:18,  
 259:16,  
 260:14,  
 263:11,  
 264:6,  
 266:10,  
 269:5,  
 285:12,  
 289:3,  
 295:7,  
 297:5,

## BOARD OF ZONING APPEAL - 6/26/2014

297:18

**ideas**

[1] - 100:  
17

**identical**

[1] - 224:  
14

**identify**

[4] - 29:1  
4, 213:9,  
277:1,  
290:7

**idling**

[2] - 54:1  
6, 54:17

**Idris**

[1] - 234:  
18

**ignores**

[1] - 224:9

**illustrati****on**

[1] - 125:  
16

**Images**

[1] - 249:3

**imagine**

[1] - 57:10

**imitate**

[2] - 276:  
18, 278:11

**immediate**

[4] - 90:1  
7, 99:5,  
108:16,  
130:16

**impact**

[6] - 24:1  
6, 72:14,  
149:4,  
162:5,  
162:10,  
163:9

**impacted**

[3] - 148:  
5, 148:7,  
148:10

## BOARD OF ZONING APPEAL - 6/26/2014

**impacting**

[1] - 238:  
16

**impair**

[3] - 187:  
8, 250:13,  
307:6

**impairs**

[1] - 178:9

**impede**

[1] - 112:1

**importance**

[1] - 154:  
18

**important**

[1] - 274:  
16

**imposing**

[1] - 274:  
14

**impression**

[2] - 74:1  
4, 86:11

**improve**

[3] - 113:  
16,  
184:10,  
265:1

**improved**

[2] - 152:  
14, 156:18

**improvement**

**t**  
[4] - 240:  
7, 246:3,  
246:5,  
264:8

**improving**

[1] - 214:  
15

**inaccurate**

[1] - 123:  
18

**inaudible**

[1] - 208:  
17

**Inc**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 208:  
15

**inch**

[4] - 115:  
6, 115:12,  
204:19,  
220:13

**inches**

[11] - 121  
:16,  
122:3,  
128:4,  
129:4,  
138:18,  
194:10,  
214:8,  
218:4,  
221:2,  
286:5,  
288:8

**include**

[3] - 25:9,  
235:14,  
278:6

**included**

[2] - 277:  
18, 297:17

**includes**

[1] - 61:9

**including**

[3] - 116:  
17, 235:8,  
236:19

**inconvenie****nce**

[1] - 242:7

**incorporat****e**

[2] - 41:1  
8, 184:3

**incorporat****ed**

[2] - 90:4,  
303:7

**increase**

[9] - 5:7,  
9:15,

## BOARD OF ZONING APPEAL - 6/26/2014

25:6,  
 67:12,  
 118:4,  
 142:13,  
 162:14,  
 174:6,  
 195:9

**increased**

[1] - 41:6

**increasing**

[4] - 115:  
 19, 194:6,  
 194:8,  
 195:15

**incredibly**

[2] - 146:  
 14, 299:13

**indeed**

[3] - 109:  
 15, 110:5,  
 114:2

**indicate**

[1] - 6:10

**indicated**

[2] - 125:  
 3, 248:4

**indicating**

[1] - 34:2

**individual**

**s**  
 [1] - 178:5

**inefficient**

**t**  
 [1] - 299:  
 14

**inflect**

[1] - 111:  
 11

**inform**

[1] - 158:  
 13

**informal**

[1] - 280:8

**infringe**

[1] - 239:  
 16

**infringing**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 238:4

**Ingersoll**

[1] - 303:  
10

**inhabitability**

[1] - 24:9

**initial**

[3] - 26:1  
1, 249:2,  
278:16

**initialed**

[4] - 25:1  
9, 212:9,  
278:17,  
280:15

**initiated**

[3] - 172:  
16,  
188:13,  
305:4

**injustice**

[1] - 160:9

**input**

[2] - 90:3,  
228:9

**inside**

[2] - 270:  
17, 304:7

**install**

[1] - 91:11

**instead**

[6] - 87:1  
8, 119:19,  
135:3,  
239:12,  
260:15,  
286:14

**insulate**

[1] - 289:  
15

**insulation**

[2] - 297:  
11, 297:12

**integrity**

[4] - 93:5,  
187:9,

## BOARD OF ZONING APPEAL - 6/26/2014

250:13,  
307:7

**intended**

[2] - 38:8,  
41:18

**intensivel**

**y**  
[2] - 33:6,  
33:8

**intent**

[11] - 25:  
1, 93:15,  
137:2,  
172:8,  
187:11,  
211:14,  
248:1,  
250:15,  
280:2,  
304:14,  
307:8

**intention**

[5] - 51:7,  
59:14,  
59:19,  
63:14,  
290:16

**intentiona**

**lly**  
[2] - 5:9,  
166:17

**interactio**

**n**  
[1] - 50:15

**interest**

[1] - 97:12

**interested**

[1] - 106:  
11

**interestin**

**g**  
[2] - 32:2,  
254:18

**internal**

[1] - 23:13

**interrupt**

[1] - 216:

## BOARD OF ZONING APPEAL - 6/26/2014

19

**intersecti****on**

[1] - 91:12

**introduce**

[1] - 62:2

**intrude**

[1] - 117:

16

**intrusion**

[2] - 153:

16, 164:13

**intuitive**

[1] - 286:

12

**investment**

[1] - 290:1

**involve**

[5] - 171:

15,

210:17,

247:9,

279:7,

303:19

**involved**

[3] - 6:18,

49:2,

51:16

**involves**

[2] - 24:3,

260:12

**IRVING**

[5] - 73:3,

73:12,

75:15,

75:18,

76:8

**irving**

[1] - 73:3

**issue**

[15] - 23:

15, 34:11,

44:3,

44:19,

59:11,

70:1,

155:3,

## BOARD OF ZONING APPEAL - 6/26/2014

165:10,  
 166:2,  
 194:18,  
 196:3,  
 265:18,  
 286:1,  
 290:12,  
 292:15

**issues**

[16] - 6:1  
 1, 9:10,  
 45:12,  
 47:3,  
 50:4,  
 87:3,  
 115:15,  
 116:12,  
 116:13,  
 157:15,  
 158:14,  
 238:15,  
 247:16,  
 253:19,  
 265:5,  
 285:16

**iteration**

[1] - 56:12

**iterations**

[1] - 56:10

**itself**

[7] - 75:1  
 4, 108:13,  
 172:4,  
 194:12,  
 237:10,  
 240:9,  
 240:13

**J****JAMES**

[21] - 3:1  
 9, 5:18,  
 6:3, 6:12,  
 6:15, 8:1,  
 8:16, 9:1,  
 9:18,  
 10:3,

## BOARD OF ZONING APPEAL - 6/26/2014

13:4,  
14:11,  
14:18,  
15:4,  
18:17,  
20:3,  
20:8,  
20:16,  
21:17,  
26:6,  
26:19

**James**

[3] - 4:2,  
156:8,  
156:10

**jammed**

[1] - 138:  
14

**JANET**

[33] - 10:  
2, 19:14,  
21:5,  
21:12,  
30:6,  
35:11,  
45:14,  
99:13,  
107:1,  
121:11,  
121:14,  
121:17,  
133:2,  
133:8,  
147:13,  
147:15,  
164:1,  
173:1,  
186:5,  
216:3,  
230:13,  
231:7,  
231:11,  
237:2,  
237:5,  
240:2,  
262:3,  
267:1,

## BOARD OF ZONING APPEAL - 6/26/2014

267:6,  
267:12,  
268:14,  
271:17,  
287:11

**Janet**

[27] - 1:1  
4, 3:13,  
26:16,  
28:4,  
105:4,  
106:4,  
173:5,  
175:3,  
176:4,  
177:3,  
180:4,  
181:3,  
183:3,  
189:5,  
190:2,  
212:14,  
213:3,  
233:9,  
234:3,  
249:9,  
251:14,  
252:3,  
256:3,  
281:11,  
282:3,  
306:1,  
308:3

**Jason**

[3] - 208:  
16,  
208:17,  
212:8

**JEAN**

[4] - 147:  
14,  
147:19,  
151:5

**Jean**

[1] - 151:5

**Joanna**

[1] - 157:

## BOARD OF ZONING APPEAL - 6/26/2014

13

**job**

[5] - 102:  
1, 107:10,  
162:4,  
238:18,  
270:9

**Joe**

[1] - 111:9

**JOE**

[27] - 117  
:1,  
117:12,  
117:18,  
118:2,  
118:8,  
118:13,  
118:16,  
119:3,  
120:6,  
121:1,  
121:7,  
121:12,  
121:15,  
121:18,  
122:2,  
123:12,  
123:15,  
124:1,  
125:15,  
126:4,  
127:9,  
127:11,  
128:4,  
128:7,  
128:12,  
167:10,  
170:2

**JOHN**

[32] - 252  
:9,  
252:13,  
252:17,  
254:18,  
255:4,  
255:6,  
282:9,

## BOARD OF ZONING APPEAL - 6/26/2014

283:15,  
 284:4,  
 284:16,  
 286:10,  
 287:3,  
 287:9,  
 287:14,  
 288:1,  
 288:14,  
 289:3,  
 291:14,  
 293:8,  
 294:6,  
 294:9,  
 294:14,  
 295:1,  
 296:17,  
 300:10,  
 300:16,  
 301:10,  
 301:16,  
 302:14,  
 302:18,  
 303:2,  
 305:14

**John**

[2] - 157:  
 4, 252:9

**joined**

[1] - 28:16

**joining**

[1] - 81:19

**Jonathan**

[1] - 4:3

**judgment**

[2] - 181:  
 16, 264:17

**judicious**

[2] - 96:9,  
 100:7

**July**

[8] - 103:  
 7, 103:16,  
 104:5,  
 104:10,  
 104:16,  
 104:18,

## BOARD OF ZONING APPEAL - 6/26/2014

142:8,  
230:18

**June**

[5] - 1:7,  
142:7,  
142:8,  
242:4,  
249:4

**justice**

[1] - 160:  
10

**justificat  
ion**

[1] - 112:  
19

**justify**

[4] - 13:1,  
225:8,  
228:7,  
299:17

**K****KAREN**

[7] - 80:1,  
85:10,  
85:13,  
86:5,  
86:10,  
87:6,  
87:15

**Karen**

[1] - 80:2

**KASI**

[4] - 146:  
19, 147:1,  
147:9,  
148:7

**Kasi**

[3] - 146:  
19,  
151:12,  
158:17

**Kate**

[1] - 303:8

**keep**

[7] - 48:1  
4, 51:4,

## BOARD OF ZONING APPEAL - 6/26/2014

61:14,  
187:18,  
196:10,  
223:1,  
301:2

**keeping**

[3] - 33:9,  
203:18,  
278:8

**Kendall**

[1] - 85:3

**kept**

[3] - 10:1  
0, 221:11,  
278:4

**KEVIN**

[1] - 65:8

**Kevin**

[1] - 65:12

**kids**

[6] - 83:1  
6, 139:8,  
200:16,  
204:11,  
205:6

**kind**

[7] - 12:1  
8, 79:6,  
132:8,  
157:15,  
206:1,  
238:10,  
266:6

**kind've**

[13] - 6:1  
8, 13:3,  
19:15,  
20:5,  
22:7,  
44:6,  
140:15,  
140:17,  
145:15,  
148:16,  
259:15,  
262:16,  
301:7

## BOARD OF ZONING APPEAL - 6/26/2014

**kinda**

[4] - 10:9,  
141:2,  
259:16,  
266:17

**kindly**

[1] - 264:3

**kinds**

[1] - 264:  
14

**Kirkland**

[2] - 2:9,  
177:7

**kitchen**

[11] - 13:  
12,  
112:11,  
132:6,  
133:12,  
133:14,  
137:14,  
192:13,  
198:4,  
198:17,  
296:14,  
297:11

**knocked**

[2] - 148:  
14, 295:17

**knowing**

[1] - 74:16

**known**

[5] - 91:8,  
93:3,  
93:9,  
100:6,  
175:7

**knows**

[1] - 73:5

**L****L-1**

[1] - 280:  
17

**L-O-D-E-R**

[1] - 156:9

**L-shaped**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 237:  
14

**lack**

[1] - 80:15

**lacks**

[1] - 113:1

**land**

[3] - 33:5,  
109:7,  
230:4

**landing**

[1] - 199:  
13

**landscape**

[2] - 80:1  
2, 80:13

**landscapin****g**

[1] - 152:  
10

**Lane**

[1] - 295:  
10

**Larch**

[4] - 2:17,  
252:6,  
303:10,  
303:11

**large**

[13] - 11:  
2, 12:8,  
13:3,  
83:9,  
126:1,  
132:9,  
141:4,  
160:1,  
196:19,  
285:14,  
295:11,  
295:12

**larger**

[7] - 131:  
5, 131:6,  
271:5,  
272:15,  
277:19,

## BOARD OF ZONING APPEAL - 6/26/2014

285:10,  
297:7

**largest**

[1] - 237:  
12

**last**

[7] - 29:6,  
143:6,  
213:18,  
221:14,  
229:18,  
274:16,  
285:1

**lastly**

[2] - 104:  
11, 179:10

**late**

[2] - 107:  
15, 254:14

**Latif**

[2] - 90:1  
5, 90:17

**LATIF**

[1] - 90:15

**lattice**

[1] - 151:  
15

**laundry**

[3] - 32:4,  
204:9,  
227:2

**law**

[1] - 4:4

**laws**

[1] - 146:6

**leads**

[1] - 304:6

**leak**

[1] - 300:  
19

**leaks**

[1] - 301:1

**leaning**

[1] - 223:7

**learned**

[1] - 253:7

**least**

## BOARD OF ZONING APPEAL - 6/26/2014

[8] - 39:1  
 7, 86:3,  
 109:14,  
 127:17,  
 177:17,  
 236:18,  
 254:1,  
 264:15

**leave**

[3] - 30:1  
 6, 60:7,  
 77:10

**leaves**

[5] - 135:  
 10,  
 135:11,  
 136:6,  
 136:7,  
 136:11

**leaving**

[1] - 301:5

**ledge**

[1] - 266:  
 17

**left**

[13] - 4:8,  
 4:10,  
 16:5,  
 46:13,  
 69:9,  
 109:9,  
 116:2,  
 116:7,  
 117:19,  
 118:11,  
 147:10,  
 214:4,  
 214:7

**left-hand**

[2] - 214:  
 4, 214:7

**legacy**

[1] - 72:14

**legal**

[2] - 36:7,  
 230:2

**legitimate**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 161:  
16

**legs**

[1] - 113:1

**Leland**

[1] - 95:9

**length**

[3] - 237:  
17, 249:1,  
284:1

**lenient**

[1] - 217:3

**less**

[21] - 23:  
14, 33:6,  
33:8,  
50:2,  
53:11,  
55:14,  
58:18,  
61:3,  
74:7,  
96:6,  
128:4,  
145:9,  
146:11,  
194:10,  
194:16,  
204:6,  
215:5,  
216:15,  
217:2,  
222:9,  
269:19

**lessen**

[1] - 67:11

**letter**

[31] - 74:  
15, 88:19,  
89:5,  
90:9,  
90:12,  
90:14,  
93:1,  
93:19,  
94:1,  
94:3,

## BOARD OF ZONING APPEAL - 6/26/2014

94:19,  
95:8,  
98:4,  
98:6,  
110:11,  
123:7,  
130:17,  
144:4,  
156:6,  
156:8,  
157:4,  
158:1,  
229:11,  
241:3,  
241:6,  
241:18,  
243:2,  
243:6,  
243:8,  
244:14,  
244:16

**letters**

[19] - 17:  
13, 54:2,  
88:11,  
92:16,  
99:4,  
113:12,  
156:1,  
156:3,  
156:4,  
238:19,  
239:5,  
239:8,  
240:19,  
241:4,  
302:16,  
303:5,  
303:6,  
303:8,  
303:12

**level**

[5] - 95:1  
7, 137:3,  
145:15,  
249:19,  
298:14

## BOARD OF ZONING APPEAL - 6/26/2014

**life**

[6] - 24:8,  
112:1,  
113:16,  
163:11,  
289:6

**lifting**

[1] - 240:1

**light**

[38] - 50:  
13, 55:1,  
69:11,  
72:1,  
72:7,  
110:5,  
110:18,  
111:14,  
126:9,  
135:1,  
135:5,  
135:7,  
136:4,  
136:6,  
136:7,  
136:8,  
136:14,  
136:15,  
136:16,  
136:17,  
139:9,  
144:14,  
144:16,  
145:9,  
151:16,  
159:19,  
163:12,  
165:4,  
184:9,  
223:2,  
285:17,  
286:3,  
289:4,  
289:7,  
289:9,  
289:10,  
291:13

**likely**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 240:  
15

**limit**

[1] - 263:7

**limited**

[4] - 71:1  
1, 139:1,  
139:5,  
171:13

**limits**

[1] - 119:  
15

**Lincoln**

[1] - 295:  
10

**line**

[38] - 7:1  
0, 39:7,  
39:10,  
44:3,  
45:15,  
46:1,  
46:9,  
54:7,  
55:15,  
55:19,  
60:18,  
68:2,  
68:15,  
78:8,  
116:9,  
121:13,  
124:5,  
131:8,  
131:10,  
131:12,  
131:14,  
134:14,  
137:10,  
166:6,  
214:7,  
216:4,  
216:7,  
216:16,  
217:3,  
217:7,  
217:9,

## BOARD OF ZONING APPEAL - 6/26/2014

218:5,  
220:6,  
259:8,  
261:11,  
284:10,  
286:8,  
288:9

**lines**

[2] - 38:5,  
270:11

**list**

[3] - 32:4,  
46:5,  
229:10

**listed**

[2] - 296:  
17, 300:17

**listen**

[1] - 56:4

**listening**

[4] - 72:1  
5, 163:7,  
253:1,  
253:3

**lists**

[1] - 95:15

**lit**

[1] - 304:3

**literally**

[1] - 80:8

**live**

[23] - 10:  
13, 57:17,  
62:4,  
73:14,  
74:1,  
112:6,  
130:14,  
131:18,  
138:2,  
138:7,  
139:12,  
140:13,  
142:2,  
143:2,  
183:15,  
242:17,

## BOARD OF ZONING APPEAL - 6/26/2014

263:19,  
 285:5,  
 285:17,  
 289:6,  
 295:4,  
 297:6,  
 298:15

**lived**

[5] - 71:2,  
 80:3,  
 143:5,  
 156:11,  
 202:12

**lives**

[3] - 93:1  
 0, 152:8,  
 244:2

**living**

[11] - 10:  
 16, 13:11,  
 87:9,  
 137:14,  
 166:16,  
 183:18,  
 193:3,  
 257:15,  
 285:2,  
 285:7,  
 290:16

**LLC**

[2] - 47:1  
 8, 48:4

**LLCs**

[1] - 48:6

**loading**

[1] - 77:13

**local**

[2] - 34:2,  
 90:7

**locate**

[1] - 32:10

**located**

[5] - 4:5,  
 37:8,  
 38:4,  
 65:14,  
 112:12

## BOARD OF ZONING APPEAL - 6/26/2014

**location**

[8] - 30:1  
0, 30:14,  
30:16,  
30:17,  
47:1,  
59:15,  
65:17,  
67:3

**locations**

[1] - 33:14

**Loder**

[2] - 156:  
8, 156:10

**look**

[28] - 20:  
7, 29:16,  
60:2,  
60:3,  
111:16,  
119:6,  
123:7,  
124:10,  
132:7,  
132:18,  
135:14,  
135:16,  
135:18,  
139:14,  
139:18,  
187:16,  
222:14,  
227:6,  
229:7,  
264:3,  
265:2,  
267:12,  
270:5,  
270:13,  
271:7,  
273:18,  
295:7,  
298:13

**looked**

[4] - 263:  
12, 271:1,  
296:19,

## BOARD OF ZONING APPEAL - 6/26/2014

301:7

**looking**

[23] - 10:

11, 38:2,

68:12,

120:16,

124:3,

124:8,

136:5,

136:12,

137:7,

137:15,

145:12,

150:3,

170:2,

170:3,

227:3,

231:3,

254:14,

264:13,

272:18,

285:9,

288:9,

301:10

**looks**

[12] - 8:1

1, 119:4,

132:1,

132:15,

168:19,

225:14,

228:17,

267:8,

268:18,

274:12,

276:13,

290:18

**LOPRESTI**

[4] - 147:

14,

147:19,

151:5,

151:6

**Lopresti**

[1] - 151:6

**lopsided**

[1] - 262:1

## BOARD OF ZONING APPEAL - 6/26/2014

**lose**

[3] - 77:9,  
169:16,  
169:17

**loses**

[1] - 53:17

**lost**

[1] - 225:  
18

**love**

[2] - 167:  
14, 183:14

**loved**

[1] - 285:1

**low**

[3] - 122:  
15,  
126:14,  
221:12

**luck**

[3] - 212:  
17, 245:2,  
281:14

**Lynne**

[1] - 140:  
12

**LYNNE**

[3] - 140:  
7, 140:12

**M****M-C-Q-U-I-****L-L-A-N**

[1] - 143:1

**ma'am**

[2] - 72:1  
9, 142:18

**Maher**

[1] - 89:5

**main**

[13] - 67:  
7, 125:5,  
200:15,  
208:3,  
210:13,  
219:5,  
220:6,

## BOARD OF ZONING APPEAL - 6/26/2014

220:12,  
 221:1,  
 237:9,  
 256:13,  
 258:2,  
 260:8

**maintain**

[3] - 137:  
 3, 219:4,  
 270:10

**maintained**

[1] - 179:7

**maintainin****g**

[2] - 217:  
 10, 299:15

**maintenanc****e**

[1] - 152:  
 10

**major**

[4] - 74:4,  
 153:16,  
 164:13,  
 224:9

**majority**

[3] - 38:9,  
 162:18,  
 162:19

**Malik**

[2] - 90:1  
 4, 90:17

**MALIK**

[1] - 90:15

**man**

[2] - 107:  
 15, 121:2

**managed**

[2] - 157:  
 8, 164:6

**manner**

[1] - 63:18

**Manoach**

[2] - 244:  
 2, 244:18

**MANOACH**

[1] - 244:2

## BOARD OF ZONING APPEAL - 6/26/2014

**mansard**

[12] - 9:1  
9, 191:18,  
192:4,  
259:9,  
263:7,  
263:13,  
263:15,  
265:7,  
265:11,  
266:4,  
266:10,  
270:12

**map**

[2] - 124:  
4, 147:12

**MARGARET**

[1] - 292:9

**Marie**

[5] - 54:1  
0, 65:16,  
89:1,  
90:10,  
209:12

**mark**

[1] - 274:8

**market**

[1] - 70:10

**MARYANNE**

[1] - 142:  
19

**Maryanne**

[2] - 143:  
1, 154:16

**Massachuse****tts**

[3] - 1:10,  
1:11, 4:6

**Masse**

[32] - 28:  
16, 28:19,  
29:4,  
29:7,  
30:11,  
30:15,  
32:3,  
33:17,

## BOARD OF ZONING APPEAL - 6/26/2014

47:5,  
 48:2,  
 48:6,  
 48:13,  
 52:19,  
 59:9,  
 60:5,  
 74:11,  
 77:15,  
 80:19,  
 86:12,  
 91:4,  
 91:13,  
 91:15,  
 91:18,  
 93:4,  
 93:12,  
 93:14,  
 95:11,  
 95:13,  
 96:15,  
 98:13,  
 99:3

**MASSE**

[1] - 47:13

**masse's**

[1] - 73:6

**Masse's**

[8] - 67:5,

72:8,

80:7,

89:9,

90:1,

93:3,

94:5,

94:14

**massing**

[4] - 117:

4, 118:4,

194:7,

194:9

**massive**

[2] - 153:

3, 153:10

**master**

[1] - 287:3

**match**

## BOARD OF ZONING APPEAL - 6/26/2014

[4] - 272:  
3, 272:5,  
272:6,  
275:14

**material**

[1] - 281:4

**matter**

[24] - 3:1  
8, 17:4,  
17:9,  
28:10,  
36:6,  
65:6,  
71:6,  
79:19,  
88:7,  
106:9,  
121:7,  
175:9,  
183:9,  
185:7,  
190:9,  
205:14,  
205:16,  
206:3,  
234:9,  
241:11,  
241:13,  
252:8,  
256:8,  
276:1

**maximize**

[1] - 48:18

**Mayor**

[1] - 89:6

**McGuillan**

[1] - 143:1

**MCQUILLAN**

[1] - 142:  
19

**meals**

[1] - 145:  
14

**mean**

[43] - 7:1  
5, 13:4,  
13:7,

## BOARD OF ZONING APPEAL - 6/26/2014

14:3,  
16:9,  
18:18,  
20:8,  
21:14,  
21:18,  
31:13,  
40:11,  
50:12,  
58:18,  
60:2,  
62:11,  
76:4,  
82:11,  
87:19,  
108:3,  
110:8,  
144:3,  
150:16,  
153:6,  
159:16,  
161:16,  
164:8,  
167:1,  
167:7,  
199:5,  
199:12,  
199:16,  
209:10,  
219:9,  
220:15,  
225:13,  
226:16,  
265:7,  
266:1,  
266:12,  
267:8,  
269:4,  
272:2,  
295:3

**meaning**

[1] - 196:5

**means**

[10] - 15:  
18, 51:18,  
129:8,  
134:19,

## BOARD OF ZONING APPEAL - 6/26/2014

156:15,  
 163:2,  
 169:2,  
 171:1,  
 197:3,  
 236:17

**measure**

[1] - 125:  
 18

**mechanical**

[2] - 195:  
 4, 195:6

**mechanisms**

[1] - 50:1

**media**

[3] - 293:  
 10,  
 294:13,  
 294:16

**meet**

[5] - 44:1  
 6, 201:12,  
 201:14,  
 208:8,  
 259:5

**meeting**

[8] - 3:4,  
 97:4,  
 98:17,  
 101:14,  
 102:14,  
 170:3,  
 232:16,  
 233:6

**Meeting**

[1] - 308:5

**meetings**

[1] - 100:4

**meets**

[5] - 201:  
 8, 201:19,  
 205:1,  
 208:6,  
 242:5

**MEMBER**

[1] - 30:8

**member**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 181:9

**Member**

[5] - 1:13,  
1:14,  
1:14,  
161:9,  
238:7

**members**

[6] - 10:1  
8, 92:8,  
129:3,  
173:14,  
181:14,  
228:1

**Members**

[23] - 3:1  
0, 4:1,  
17:5,  
19:10,  
28:1,  
106:1,  
175:1,  
177:1,  
181:1,  
183:1,  
185:3,  
190:1,  
210:7,  
213:1,  
234:1,  
241:8,  
246:15,  
252:1,  
256:1,  
275:16,  
282:1,  
292:16,  
302:5

**mention**

[4] - 26:9,  
49:5,  
254:3,  
277:15

**mentioned**

[3] - 63:1  
2, 80:14,  
297:5

## BOARD OF ZONING APPEAL - 6/26/2014

**mess**

[1] - 145:2

**message**

[1] - 264:

10

**met**

[2] - 119:

5, 244:6

**MEYERS**

[5] - 221:

4, 222:4,

231:4,

231:12,

231:16

**MICHAEL**

[32] - 181

:11,

181:15,

182:1,

182:7,

213:11,

215:13,

216:2,

216:6,

216:11,

217:8,

217:12,

217:15,

218:3,

218:9,

218:13,

219:9,

219:17,

220:8,

220:14,

221:3,

221:6,

221:19,

222:3,

222:11,

224:12,

225:2,

226:8,

226:19,

228:13,

229:3,

230:9,

## BOARD OF ZONING APPEAL - 6/26/2014

231:6

**Michael**

[3] - 213:

11, 226:1,

232:1

**middle**

[7] - 21:7,

80:9,

86:7,

122:17,

136:18,

273:12,

273:13

**might**

[16] - 36:

5, 62:1,

68:18,

69:19,

70:1,

70:5,

71:19,

81:19,

88:1,

111:17,

111:19,

167:4,

223:11,

272:16,

273:3,

273:6

**mind**

[6] - 85:1

1, 93:12,

93:13,

108:14,

254:2,

261:19

**mindful**

[1] - 13:13

**mine**

[1] - 112:

15

**minimize**

[1] - 49:17

**minimum**

[1] - 79:15

**minute**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 213:  
18

**mirroring**

[1] - 16:13

**misplaced**

[1] - 130:6

**miss**

[1] - 8:19

**missed**

[1] - 294:3

**missing**

[5] - 24:1

4, 90:12,

262:16,

300:5,

300:7

**misspoke**

[1] - 14:18

**mistake**

[1] - 219:

16

**mitigates**

[1] - 40:10

**mix**

[2] - 160:

19, 300:4

**modernizin****g**

[1] - 93:2

**modernly**

[2] - 285:

17, 289:6

**modes**

[1] - 53:5

**modest**

[11] - 5:7,

7:1, 9:17,

18:18,

19:1,

25:5,

126:13,

188:2,

211:9,

211:17,

250:19

**modificati****on**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 211:9

**modificati  
ons**

[1] - 154:1

**modified**

[5] - 179:

5, 179:13,

179:14,

280:19,

307:14

**modify**

[7] - 179:

11, 184:7,

188:16,

248:15,

279:10,

281:4,

304:9

**modifying**

[1] - 42:16

**Mohnkern**

[2] - 183:

11, 188:11

**moment**

[4] - 80:1

1, 114:3,

205:4,

210:8

**Monday**

[3] - 104:

16,

179:17,

233:5

**money**

[5] - 171:

2, 202:14,

289:17,

299:19,

301:12

**month**

[1] - 148:

13

**months**

[4] - 107:

19,

143:10,

167:18

## BOARD OF ZONING APPEAL - 6/26/2014

**moot**

[2] - 226:  
11, 226:12

**moots**

[1] - 175:  
14

**morning**

[4] - 69:7,  
89:18,  
135:4,  
135:8

**most**

[12] - 25:  
10, 59:8,  
101:1,  
132:1,  
164:4,  
169:14,  
182:6,  
227:19,  
242:19,  
274:15,  
274:16,  
292:14

**mostly**

[2] - 98:9,  
102:6

**motion**

[7] - 103:  
19, 104:2,  
168:11,  
168:13,  
226:14,  
277:3,  
278:19

**motivating**

[1] - 289:  
12

**Mount**

[1] - 65:14

**move**

[16] - 14:  
5, 71:10,  
71:11,  
155:14,  
171:11,  
230:10,

## BOARD OF ZONING APPEAL - 6/26/2014

232:17,  
246:18,  
247:6,  
248:7,  
262:10,  
277:4,  
278:3,  
290:5,  
292:15,  
304:16

**moved**

[5] - 83:1  
1, 96:16,  
164:2,  
197:11,  
249:6

**moves**

[19] - 24:  
1, 25:14,  
104:3,  
168:16,  
172:10,  
178:16,  
186:12,  
186:13,  
188:7,  
210:10,  
210:13,  
212:4,  
250:1,  
251:4,  
279:3,  
298:2,  
303:16,  
306:12,  
307:11

**moving**

[2] - 139:  
8, 260:13

**mud**

[3] - 235:  
5, 257:17,  
260:5

**mullion**

[1] - 267:  
15

**multiple**

## BOARD OF ZONING APPEAL - 6/26/2014

[5] - 109:  
 14,  
 243:10,  
 263:16,  
 305:1,  
 305:3

**Muratoglu**

[1] - 234:  
 11

**music**

[2] - 193:  
 6, 195:3

**must**

[4] - 67:1  
 9, 104:15,  
 143:7,  
 179:15

**mutates**

[1] - 298:2

**mutual**

[1] - 41:13

**my..**

[1] - 274:  
 14

**Myers**

[1] - 233:9

**MYERS**

[14] - 218  
 :7,  
 218:10,  
 218:19,  
 219:15,  
 220:5,  
 220:9,  
 220:16,  
 221:14,  
 222:1,  
 223:4,  
 223:13,  
 230:17,  
 231:10,  
 232:8

**N****NAME**

[1] - 2:2

**name**

## BOARD OF ZONING APPEAL - 6/26/2014

[15] - 28:  
 12, 65:12,  
 70:19,  
 72:19,  
 80:2,  
 130:11,  
 130:13,  
 140:11,  
 142:19,  
 146:19,  
 156:10,  
 158:8,  
 183:10,  
 213:11,  
 252:9

**namely**

[4] - 108:  
 14,  
 177:12,  
 187:15,  
 211:18

**naming**

[1] - 91:12

**narrow**

[3] - 44:6,  
 200:1,  
 247:15

**narrower**

[4] - 21:1  
 2, 21:13,  
 21:18,  
 22:6

**natural**

[1] - 135:1

**nature**

[4] - 5:4,  
 188:2,  
 238:11,  
 250:19

**nearing**

[1] - 4:19

**necessaril**

**Y**  
 [4] - 56:1  
 4, 192:11,  
 197:2,  
 297:7

## BOARD OF ZONING APPEAL - 6/26/2014

**necessary**

[8] - 7:13,  
12:3,  
32:5,  
32:16,  
37:5,  
92:10,  
104:14,  
247:12

**necessitat****e**

[1] - 38:15

**necessity**

[1] - 32:13

**need**

[55] - 29:  
3, 36:4,  
36:15,  
37:10,  
42:8,  
42:9,  
43:2,  
45:1,  
74:7,  
74:19,  
75:11,  
83:4,  
84:1,  
85:7,  
85:8,  
86:6,  
92:15,  
103:4,  
108:4,  
120:10,  
120:12,  
120:13,  
139:9,  
139:10,  
143:11,  
143:12,  
154:1,  
158:4,  
158:19,  
160:11,  
162:17,  
173:10,

## BOARD OF ZONING APPEAL - 6/26/2014

175:14,  
181:17,  
182:1,  
187:15,  
190:12,  
226:5,  
236:1,  
257:13,  
267:14,  
278:15,  
286:6,  
286:7,  
289:6,  
290:9,  
290:10,  
291:13,  
294:1,  
299:12,  
300:1,  
302:10,  
302:11

**needed**

[4] - 63:1  
2, 89:2,  
208:10,  
295:2

**needing**

[1] - 298:  
19

**needs**

[6] - 77:1  
9, 92:11,  
96:19,  
144:11,  
177:11,  
289:8

**negative**

[3] - 72:1  
3, 93:15,  
163:9

**neighbor**

[19] - 55:  
6, 55:13,  
59:1,  
59:4,  
59:11,  
80:8,

## BOARD OF ZONING APPEAL - 6/26/2014

83:19,  
94:8,  
103:14,  
109:9,  
116:7,  
123:9,  
130:16,  
131:5,  
156:13,  
209:12,  
218:10,  
221:11,  
242:19

**neighbor's**

[2] - 57:3,  
216:10

**neighborho****od**

[31] - 33:  
10, 34:2,  
34:7,  
53:12,  
69:19,  
73:18,  
80:6,  
80:12,  
83:2,  
84:15,  
89:12,  
94:16,  
96:14,  
99:3,  
101:13,  
146:14,  
153:16,  
156:19,  
162:2,  
162:12,  
183:15,  
186:19,  
188:4,  
206:2,  
224:4,  
225:7,  
237:13,  
250:5,  
276:15,

BOARD OF ZONING APPEAL - 6/26/2014

280:9,  
306:17

**neighborhoods**

[1] - 146:6

**neighborings**

[2] - 162:  
10, 215:10

**neighbors**

[41] - 10:  
2, 10:4,  
25:10,  
49:10,  
53:13,  
56:17,  
62:13,  
90:4,  
98:11,  
98:17,  
99:5,  
100:5,  
109:19,  
112:5,  
113:11,  
147:6,  
150:5,  
152:16,  
153:1,  
157:2,  
162:2,  
162:6,  
170:17,  
171:3,  
185:12,  
188:5,  
209:9,  
210:1,  
222:5,  
229:9,  
229:10,  
229:13,  
238:4,  
238:19,  
242:12,  
244:11,  
246:2,

## BOARD OF ZONING APPEAL - 6/26/2014

274:17,  
292:6,  
292:10,  
294:4

**Nelson**

[1] - 17:14

**never**

[6] - 57:1  
1, 88:2,  
201:5,  
265:6,  
278:1,  
301:4

**neverthele****ss**

[1] - 134:  
15

**new**

[40] - 68:  
1, 82:3,  
83:3,  
96:5,  
115:5,  
115:13,  
120:10,  
121:14,  
156:14,  
179:5,  
179:6,  
184:4,  
184:6,  
196:9,  
203:17,  
208:5,  
215:1,  
233:2,  
233:3,  
233:4,  
244:12,  
244:13,  
251:8,  
256:12,  
257:1,  
257:16,  
259:7,  
260:2,  
261:7,

## BOARD OF ZONING APPEAL - 6/26/2014

261:9,  
 261:13,  
 261:14,  
 261:16,  
 262:12,  
 274:2,  
 276:18,  
 278:11,  
 287:11,  
 289:16,  
 292:1

**New**

[1] - 285:5

**next**

[17] - 39:  
 15, 77:1,  
 80:18,  
 81:1,  
 87:8,  
 87:9,  
 121:15,  
 139:18,  
 139:19,  
 215:14,  
 218:4,  
 224:15,  
 229:6,  
 230:11,  
 255:3,  
 261:14,  
 275:14

**nice**

[11] - 13:  
 10, 62:1,  
 80:9,  
 81:15,  
 83:9,  
 122:8,  
 166:18,  
 227:3,  
 298:11,  
 301:2

**night**

[3] - 171:  
 5, 209:11,  
 306:6

**nights**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 99:18

**nine**

[3] - 113:

18, 130:2,

143:9

**noise**

[1] - 238:

15

**nonconform**

**ance**

[1] - 214:3

**nonconform**

**ing**

[10] - 24:

12, 42:15,

115:16,

116:1,

172:2,

184:18,

211:8,

214:2,

215:11,

235:7

**none**

[2] - 32:1

7, 61:19

**noodle**

[1] - 101:

11

**nook**

[1] - 227:2

**normal**

[1] - 136:9

**norms**

[1] - 109:2

**North**

[1] - 213:

15

**north**

[5] - 107:

13, 125:2,

249:19,

282:16,

282:19

**notch**

[6] - 11:1

1, 11:12,

## BOARD OF ZONING APPEAL - 6/26/2014

23:1,  
23:5,  
24:14,  
25:10

**note**

[9] - 25:3,  
175:10,  
177:7,  
187:12,  
196:14,  
211:15,  
248:2,  
250:17,  
280:18

**notes**

[5] - 6:9,  
17:10,  
185:9,  
205:18,  
241:15

**nothing**

[9] - 99:1  
8, 111:19,  
120:14,  
129:17,  
144:9,  
150:12,  
150:14,  
152:10,  
153:6

**notice**

[1] - 222:4

**noticed**

[2] - 80:1  
7, 220:18

**notion**

[1] - 268:1

**notwithsta  
nding**

[2] - 63:1  
6, 116:14

**novel**

[1] - 140:8

**nuisance**

[3] - 187:  
4, 250:8,  
307:2

## BOARD OF ZONING APPEAL - 6/26/2014

**nullify**

[1] - 304:  
13

**nullifying**

[5] - 24:1  
9, 172:7,  
211:13,  
247:19,  
280:1

**number**

[14] - 39:  
12, 40:1,  
41:2,  
41:10,  
46:10,  
46:12,  
51:14,  
51:15,  
53:10,  
53:15,  
58:8,  
83:12,  
88:11,  
91:5

**Number**

[1] - 40:13

**numbered**

[1] - 172:  
15

**numbers**

[4] - 9:9,  
13:16,  
128:2,  
203:3

**O****O'Donnell**

[2] - 243:  
13, 245:7

**O'Grady**

[3] - 1:15,  
63:12,  
178:3

**O'GRADY**

[5] - 103:  
7, 178:13,  
230:16,

## BOARD OF ZONING APPEAL - 6/26/2014

230:19,  
283:10

**O'Neil**

[1] - 18:2

**O'Shea**

[2] - 181:  
7, 213:12

**O'SHEA**

[32] - 181

:11,  
181:15,  
182:1,  
182:7,  
213:11,  
215:13,  
216:2,  
216:6,  
216:11,  
217:8,  
217:12,  
217:15,  
218:3,  
218:9,  
218:13,  
219:9,  
219:17,  
220:8,  
220:14,  
221:3,  
221:6,  
221:19,  
222:3,  
222:11,  
224:12,  
225:2,  
226:8,  
226:19,  
228:13,  
229:3,  
230:9,  
231:6

**O-'-N-E-I-****L**

[1] - 18:2

**O-'-S-H-E-****A**

[1] - 213:

## BOARD OF ZONING APPEAL - 6/26/2014

12

**object**

[4] - 165:  
16,  
165:18,  
169:14,  
208:19

**objected**

[1] - 59:10

**objecting**

[2] - 136:  
19, 220:17

**objection**

[11] - 17:  
17, 61:8,  
67:7,  
103:15,  
143:16,  
157:14,  
185:18,  
211:16,  
244:19,  
245:8,  
276:8

**objections**

[2] - 109:  
18, 244:10

**objectives**

[1] - 63:17

**obstructed**

[1] - 124:  
15

**obstructio****n**

[1] - 124:  
13

**obtain**

[1] - 64:11

**obvious**

[2] - 31:1,  
165:11

**obviously**

[6] - 12:5,  
58:6,  
163:12,  
195:14,  
197:7,

## BOARD OF ZONING APPEAL - 6/26/2014

223:3

**occupant**

[2] - 173:

18, 307:4

**occupants**

[5] - 50:1

2, 56:13,

187:7,

187:15,

250:11

**occupied**

[1] - 29:7

**occupy**

[1] - 65:17

**October**

[3] - 136:

10, 274:4,

274:6

**odd**

[2] - 259:

11, 295:12

**OF**

[2] - 1:2,

1:4

**office**

[1] - 65:13

**OFFICIAL**

[1] - 1:18

**offset**

[1] - 222:

16

**often**

[2] - 96:8,

160:8

**old**

[7] - 93:7,

138:13,

200:9,

237:2,

240:11,

298:17,

298:18

**older**

[5] - 8:2,

139:7,

285:15,

299:5,

## BOARD OF ZONING APPEAL - 6/26/2014

304:2

**once**

[5] - 21:1

8, 44:17,

77:13,

104:7,

246:1

**one**

[130] - 7:

10, 11:4,

15:1,

15:2,

15:9,

17:10,

17:13,

20:9,

20:16,

21:14,

26:4,

29:11,

31:12,

31:14,

31:17,

38:12,

39:13,

43:7,

43:11,

49:11,

50:9,

51:15,

52:12,

53:12,

53:15,

54:7,

60:19,

67:8,

67:9,

67:19,

68:13,

73:7,

75:14,

76:7,

76:16,

76:17,

77:13,

80:17,

82:1,

## BOARD OF ZONING APPEAL - 6/26/2014

82:3,  
82:14,  
83:1,  
83:13,  
83:15,  
84:16,  
85:6,  
85:17,  
86:3,  
87:4,  
87:10,  
88:1,  
88:9,  
88:16,  
88:18,  
92:17,  
98:10,  
101:12,  
114:15,  
118:6,  
131:18,  
131:19,  
132:1,  
132:9,  
138:15,  
139:3,  
144:18,  
147:13,  
153:8,  
153:9,  
155:19,  
162:16,  
164:15,  
166:16,  
173:10,  
173:17,  
185:9,  
185:15,  
192:7,  
194:2,  
195:2,  
196:1,  
198:7,  
200:16,  
204:2,  
205:18,  
206:14,

## BOARD OF ZONING APPEAL - 6/26/2014

207:5,  
211:18,  
222:5,  
227:19,  
229:14,  
235:4,  
235:7,  
237:11,  
238:6,  
241:15,  
248:4,  
256:13,  
261:9,  
261:15,  
262:5,  
262:7,  
262:8,  
262:11,  
262:13,  
264:18,  
267:4,  
268:18,  
268:19,  
269:6,  
272:8,  
272:11,  
272:15,  
272:16,  
273:13,  
275:14,  
277:1,  
277:5,  
278:14,  
280:18,  
284:14,  
285:17,  
287:4,  
287:15,  
293:14,  
296:10,  
302:14

**one-on-one**

[1] - 101:  
12

**one-story**

[2] - 118:  
6, 196:1

## BOARD OF ZONING APPEAL - 6/26/2014

**one-way**

[1] - 38:12

**ones**

[4] - 216:

10,

229:14,

271:16,

272:17

**open**

[35] - 7:2,

17:4,

41:3,

41:4,

46:15,

46:16,

61:19,

68:18,

121:5,

122:7,

122:8,

127:2,

127:5,

130:8,

136:17,

137:4,

138:18,

139:10,

139:11,

140:2,

141:10,

142:12,

146:12,

149:7,

149:9,

149:13,

154:2,

160:4,

163:12,

164:11,

205:13,

224:18,

236:18,

241:10,

275:17

**openable**

[1] - 166:

18

## BOARD OF ZONING APPEAL - 6/26/2014

**opened**

[2] - 149:  
11, 152:16

**opening**

[1] - 184:6

**openings**

[1] - 184:7

**opens**

[1] - 153:4

**operated**

[1] - 51:10

**operation**

[3] - 187:  
1, 250:6,  
306:18

**opinion**

[1] - 149:5

**opportunit**

**y**  
[6] - 4:16,  
13:10,  
63:4,  
100:3,  
126:19,  
159:5

**oppose**

[1] - 175:  
15

**opposed**

[10] - 49:  
10, 54:11,  
54:12,  
145:14,  
163:16,  
173:4,  
173:6,  
228:16,  
248:5

**opposing**

[1] - 45:5

**opposite**

[2] - 198:  
5, 207:6

**opposition**

[3] - 94:6,  
188:5,  
283:18

## BOARD OF ZONING APPEAL - 6/26/2014

**opposition****s**

[1] - 276:  
16

**ops**

[1] - 151:  
19

**option**

[3] - 34:7,  
232:11,  
280:7

**or..**

[2] - 10:1  
3, 268:10

**oral**

[2] - 209:  
8, 209:17

**orally**

[3] - 89:4,  
159:3,  
209:19

**order**

[7] - 3:5,  
40:6,  
61:11,  
108:6,  
270:1,  
278:2,  
299:16

**Ordinance**

[1] - 64:8

**ordinance**

[35] - 19:  
4, 24:2,  
25:2,  
36:9,  
39:5,  
39:14,  
49:19,  
50:1,  
51:8,  
52:5,  
54:13,  
64:18,  
67:10,  
69:3,  
137:2,

## BOARD OF ZONING APPEAL - 6/26/2014

159:17,  
 160:8,  
 163:14,  
 163:15,  
 171:15,  
 172:8,  
 177:16,  
 179:8,  
 187:11,  
 210:17,  
 211:14,  
 245:4,  
 247:9,  
 248:1,  
 250:16,  
 279:7,  
 280:2,  
 303:19,  
 304:14,  
 307:9

**ordinances**

[1] - 160:3

**Oregon**

[1] - 285:5

**Orhun**

[1] - 234:

11

**orientatio**

**n**

[1] - 14:4

**original**

[8] - 31:4,

31:7,

32:14,

41:16,

41:17,

179:9,

272:7,

280:5

**originally**

[5] - 42:1

1, 196:13,

237:6,

263:2,

272:16

**otherwise**

[5] - 167:

## BOARD OF ZONING APPEAL - 6/26/2014

4, 167:5,  
187:10,  
250:14,  
307:8

**outdoor**

[2] - 236:  
19, 246:6

**outdoors**

[1] - 24:7

**outset**

[1] - 64:18

**outside**

[6] - 19:7,  
217:18,  
219:13,  
270:6,  
296:11,  
304:4

**overall**

[2] - 49:1  
2, 289:3

**overdone**

[1] - 259:  
15

**overhang**

[1] - 216:8

**overlook**

[1] - 75:6

**overlookin****g**

[2] - 243:  
14, 244:4

**overly**

[1] - 9:5

**overnight**

[1] - 67:14

**overview**

[2] - 284:  
18, 286:16

**overworked**

[2] - 107:  
4, 107:9

**owe**

[1] - 36:10

**owing**

[6] - 24:1  
1, 171:19,

## BOARD OF ZONING APPEAL - 6/26/2014

174:1,  
247:14,  
279:15,  
304:7

**own**

[14] - 10:  
16, 18:3,  
22:9,  
23:9,  
65:16,  
68:3,  
73:8,  
81:6,  
81:16,  
82:19,  
100:14,  
147:1,  
151:6,  
213:18

**owned**

[7] - 29:5,  
47:11,  
74:13,  
79:1,  
83:9,  
152:9,  
158:12

**owner**

[10] - 73:  
19, 79:10,  
82:3,  
159:12,  
234:12,  
241:19,  
252:14,  
271:11,  
274:11,  
301:5

**owners**

[9] - 82:2,  
157:11,  
158:6,  
183:12,  
236:13,  
237:10,  
256:12,  
263:19,

## BOARD OF ZONING APPEAL - 6/26/2014

276:10

**ownership**

[2] - 47:8,  
47:10

**owns**

[6] - 47:5,  
47:18,  
48:4,  
78:12,  
148:3,  
151:7

**P****p.m**

[10] - 1:8,  
104:4,  
104:10,  
104:16,  
178:17,  
179:6,  
179:16,  
233:3,  
233:5,  
308:7

**packages**

[1] - 224:  
14

**packing**

[1] - 223:  
11

**page**

[5] - 188:  
12, 212:8,  
225:2,  
249:2,  
305:3

**PAGE**

[1] - 2:2

**pages**

[4] - 172:  
16, 249:1,  
305:2,  
305:3

**paint**

[2] - 271:  
2, 271:4

**panel**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 267:  
15, 275:13

**paneling**

[3] - 267:  
4, 267:7,  
270:7

**parallel**

[2] - 43:1  
2, 131:12

**parcel**

[3] - 47:1  
9, 48:4,  
236:13

**parents**

[1] - 91:6

**parents'**

[1] - 72:14

**Park**

[5] - 28:1  
5, 75:3,  
75:8,  
81:13,  
81:18

**park**

[9] - 44:5,  
52:8,  
52:10,  
52:11,  
77:3,  
77:4,  
77:8,  
77:11,  
94:10

**parking**

[96] - 32:  
10, 34:14,  
34:16,  
35:2,  
35:7,  
35:10,  
35:12,  
36:5,  
36:7,  
36:11,  
36:12,  
36:18,  
37:7,

## BOARD OF ZONING APPEAL - 6/26/2014

38:4,  
38:11,  
39:2,  
40:14,  
40:15,  
42:7,  
46:8,  
47:3,  
47:4,  
49:7,  
49:17,  
50:4,  
50:8,  
50:16,  
51:6,  
51:12,  
51:17,  
52:3,  
53:18,  
54:5,  
56:7,  
56:10,  
58:5,  
58:7,  
58:9,  
58:18,  
59:13,  
60:15,  
60:16,  
61:3,  
61:10,  
62:12,  
64:12,  
66:12,  
66:16,  
66:18,  
69:14,  
69:17,  
70:5,  
70:7,  
72:4,  
72:8,  
74:4,  
74:7,  
74:11,  
75:1,  
75:11,

## BOARD OF ZONING APPEAL - 6/26/2014

76:3,  
77:17,  
77:19,  
78:4,  
78:7,  
78:13,  
79:6,  
82:3,  
82:6,  
82:10,  
82:11,  
83:4,  
83:5,  
83:19,  
84:2,  
84:7,  
84:10,  
84:16,  
84:19,  
85:7,  
85:19,  
86:1,  
86:6,  
86:15,  
86:19,  
87:1,  
87:3,  
87:9,  
87:18,  
94:4,  
96:7,  
98:12,  
101:9,  
102:15,  
260:3

**parks**

[1] - 81:15

**parlor**

[1] - 285:7

**part**

[28] - 12:

4, 42:11,  
52:7,  
74:16,  
74:19,  
119:17,  
124:5,

## BOARD OF ZONING APPEAL - 6/26/2014

125:5,  
 149:13,  
 187:12,  
 198:9,  
 214:3,  
 222:12,  
 230:1,  
 238:6,  
 239:14,  
 259:18,  
 269:15,  
 281:2,  
 287:18,  
 289:5,  
 289:13,  
 293:6,  
 293:13,  
 293:15,  
 297:17,  
 298:4,  
 300:4

**particular**

[1] - 80:13

**particular****ly**

[6] - 39:2,  
 69:7,  
 70:11,  
 160:17,  
 211:4,  
 224:1

**parties**

[1] - 100:9

**parts**

[1] - 84:8

**party**

[1] - 47:16

**passed**

[3] - 83:1  
 0, 91:10,  
 93:8

**past**

[1] - 156:  
 12

**PATEL**

[29] - 190  
 :10,

## BOARD OF ZONING APPEAL - 6/26/2014

191:12,  
193:13,  
194:8,  
194:15,  
195:10,  
198:1,  
198:12,  
198:16,  
199:5,  
199:8,  
199:19,  
200:4,  
200:7,  
200:11,  
200:15,  
201:17,  
202:6,  
202:9,  
202:17,  
204:1,  
204:18,  
206:6,  
206:8,  
206:13,  
206:18,  
207:4,  
209:2,  
246:12

**path**

[2] - 224:  
7, 227:17

**patio**

[1] - 239:  
19

**PATRICK**

[3] - 183:  
10,  
184:17,  
188:18

**Patrick**

[1] - 183:  
10

**Patty's**

[1] - 73:7

**Paul**

[2] - 141:  
8, 154:5

## BOARD OF ZONING APPEAL - 6/26/2014

**PAUL**

[5] - 154:  
5, 154:8,  
155:4,  
155:15,  
165:6

**pave**

[2] - 82:6,  
88:1

**paved**

[2] - 84:6,  
84:9

**paving**

[1] - 44:16

**pay**

[1] - 125:1

**peace**

[1] - 163:2

**Pearl**

[15] - 112  
:8, 112:9,  
112:13,  
112:18,  
145:18,  
146:2,  
147:2,  
147:8,  
147:9,  
148:1,  
151:6,  
151:8,  
152:19,  
158:7,  
158:11

**people**

[48] - 11:  
16, 23:3,  
30:6,  
34:19,  
39:3,  
51:17,  
52:7,  
54:19,  
57:7,  
62:3,  
62:18,  
69:18,

BOARD OF ZONING APPEAL - 6/26/2014

71:19,  
72:3,  
77:8,  
77:19,  
79:14,  
85:15,  
85:18,  
87:3,  
87:17,  
92:14,  
99:13,  
99:15,  
103:5,  
106:10,  
138:7,  
144:19,  
145:18,  
149:6,  
149:19,  
150:8,  
150:13,  
152:1,  
160:6,  
163:8,  
164:4,  
169:14,  
173:12,  
182:6,  
187:18,  
200:2,  
207:3,  
207:6,  
209:4,  
296:8,  
296:11,  
296:12

**people's**

[2] - 148:  
19, 222:14

**per**

[1] - 49:19

**percent**

[10] - 40:  
16, 109:6,  
109:7,  
182:2,  
193:18,

## BOARD OF ZONING APPEAL - 6/26/2014

193:19,  
195:16,  
202:18

**percentage**

[1] - 203:5

**perfect**

[1] - 75:5

**perfectly**

[2] - 59:2,  
265:4

**pergola**

[19] - 119

:8,

119:10,

123:1,

123:3,

124:16,

126:16,

128:1,

128:3,

128:7,

128:19,

129:2,

129:9,

134:1,

134:7,

153:18,

154:12,

165:11,

165:14,

165:17

**perhaps**

[4] - 49:1

3, 132:15,

137:12,

266:10

**perimeter**

[3] - 32:1

0, 32:12,

38:10

**period**

[2] - 179:

8, 205:8

**permission**

[3] - 82:5,

264:10,

288:9

## BOARD OF ZONING APPEAL - 6/26/2014

**Permit**

[34] - 35:  
 17, 42:17,  
 64:9,  
 92:10,  
 94:13,  
 96:18,  
 184:16,  
 184:17,  
 186:12,  
 186:16,  
 188:8,  
 189:1,  
 235:3,  
 235:12,  
 242:6,  
 249:4,  
 249:13,  
 249:14,  
 250:3,  
 251:5,  
 251:11,  
 282:15,  
 286:6,  
 287:18,  
 288:1,  
 302:11,  
 302:12,  
 306:11,  
 306:14,  
 306:15,  
 307:2,  
 307:12,  
 307:18,  
 307:19

**permit**

[3] - 129:  
 6, 165:12,  
 247:3

**permitted**

[1] - 37:17

**persevere**

[1] - 108:7

**person**

[9] - 45:4,  
 45:5,  
 54:8,

## BOARD OF ZONING APPEAL - 6/26/2014

93:5,  
94:17,  
98:4,  
100:7,  
130:17,  
207:5

**person's**

[1] - 124:7

**personal**

[3] - 144:  
9, 173:18,  
298:14

**personally**

[2] - 145:  
9, 244:6

**perspectiv****e**

[2] - 80:5,  
152:6

**persuade**

[2] - 101:  
7, 253:17

**persuasive**

[1] - 223:  
17

**pertaining**

[1] - 90:19

**PETER**

[45] - 8:6,  
8:9, 10:6,  
11:8,  
12:12,  
12:16,  
14:16,  
15:2,  
15:16,  
16:6,  
22:2,  
22:16,  
27:2,  
31:11,  
33:2,  
38:19,  
40:3,  
41:5,  
42:14,  
43:10,

## BOARD OF ZONING APPEAL - 6/26/2014

44:4,  
44:15,  
45:1,  
45:6,  
46:14,  
46:19,  
55:18,  
58:15,  
63:7,  
65:3,  
102:4,  
102:10,  
102:19,  
125:10,  
130:13,  
131:1,  
133:4,  
133:9,  
134:6,  
134:11,  
134:15,  
134:18,  
135:15,  
135:19,  
136:4

**Peter**

[22] - 4:1  
0, 14:13,  
25:18,  
28:17,  
38:7,  
46:13,  
46:17,  
119:5,  
126:12,  
130:13,  
138:12,  
143:8,  
143:9,  
143:17,  
144:11,  
145:5,  
147:3,  
149:9,  
152:8,  
153:15,  
154:18,

## BOARD OF ZONING APPEAL - 6/26/2014

154:19

**Peter's**

[6] - 75:3,  
81:14,  
132:6,  
148:14,  
149:9,  
154:12

**petition**

[20] - 67:  
7, 68:1,  
68:19,  
163:17,  
169:3,  
169:6,  
169:18,  
175:12,  
179:9,  
206:9,  
206:19,  
207:8,  
207:11,  
207:17,  
208:15,  
209:17,  
215:7,  
242:2,  
276:5,  
276:9

**petitioner**

[29] - 24:  
4, 24:5,  
25:17,  
66:6,  
68:8,  
70:4,  
160:15,  
163:5,  
171:16,  
172:13,  
173:15,  
175:11,  
177:8,  
177:11,  
178:19,  
179:11,  
179:12,

## BOARD OF ZONING APPEAL - 6/26/2014

188:10,  
 210:18,  
 210:19,  
 211:5,  
 212:7,  
 232:19,  
 241:18,  
 247:10,  
 279:5,  
 279:8,  
 304:1,  
 304:19

**petitioner****'s**

[1] - 68:5

**petitioner****s**

[1] - 276:4

**philanthro****pic**[2] - 92:3,  
 92:5**photo**

[4] - 110:

17,  
 123:11,  
 125:16,  
 291:15**photograph**

[5] - 133:

13,  
 133:14,  
 133:16,  
 134:3,  
 269:11**photograph****er**

[1] - 144:

15

**photograph****s**

[8] - 110:

12,  
 110:13,  
 112:14,  
 130:19,  
 133:13,

## BOARD OF ZONING APPEAL - 6/26/2014

145:1,  
224:13,  
258:8

**physically**

[1] - 67:13

**Piccadeli**

[1] - 234:  
19

**pick**

[1] - 283:7

**picture**

[3] - 45:1  
7, 119:2,  
225:9

**pictures**

[4] - 31:1  
7, 67:2,  
133:11,  
164:2

**piece**

[11] - 13:  
19, 22:4,  
22:11,  
29:15,  
77:5,  
84:17,  
164:19,  
235:10,  
236:6,  
236:13,  
271:3

**pieces**

[2] - 84:1  
7, 271:12

**pink**

[1] - 134:3

**pitch**

[5] - 217:  
11,  
217:13,  
218:8,  
218:11,  
218:18

**place**

[14] - 47:  
9, 51:13,  
57:12,

## BOARD OF ZONING APPEAL - 6/26/2014

58:10,  
62:3,  
77:10,  
77:12,  
130:3,  
203:18,  
238:2,  
243:16,  
256:19,  
279:11,  
279:12

**Plan**

[1] - 26:1

**plan**

[25] - 8:2,  
41:16,  
53:15,  
57:12,  
61:8,  
61:9,  
62:10,  
66:4,  
90:19,  
94:4,  
94:7,  
94:9,  
100:8,  
102:17,  
102:18,  
149:14,  
166:3,  
182:7,  
188:13,  
190:14,  
197:19,  
198:1,  
243:6,  
244:9

**plane**

[2] - 219:  
13, 228:2

**planned**

[3] - 243:  
1, 243:18,  
244:5

**planning**

[1] - 63:17

## BOARD OF ZONING APPEAL - 6/26/2014

**plans**

[37] - 11:  
13, 25:16,  
32:16,  
97:13,  
104:12,  
104:13,  
172:13,  
179:11,  
179:13,  
188:10,  
188:15,  
208:13,  
212:6,  
233:4,  
242:11,  
243:8,  
243:11,  
245:8,  
248:11,  
248:12,  
248:18,  
251:7,  
251:9,  
274:3,  
275:5,  
276:5,  
280:13,  
280:19,  
281:3,  
283:3,  
283:7,  
283:11,  
304:18,  
305:5,  
306:4,  
306:5,  
307:14

**planters**

[1] - 240:8

**plants**

[1] - 129:  
19

**plaster**

[1] - 272:  
18

**play**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 81:8,  
81:12

**playground**

[1] - 65:11

**playing**

[1] - 83:16

**pleasant**

[1] - 306:8

**pleased**

[3] - 18:4,  
34:3, 62:9

**pleasing**

[2] - 60:2,  
280:6

**pleasure**

[2] - 246:  
16, 282:8

**pleasures**

[1] - 107:  
16

**plenty**

[2] - 20:1  
3, 223:2

**plot**

[1] - 188:  
13

**Plot**

[1] - 26:1

**plow**

[1] - 71:15

**plus**

[6] - 70:1  
0, 109:12,  
126:3,  
126:4,  
168:6,  
237:16

**pluses**

[1] - 67:19

**plywood**

[1] - 271:4

**point**

[31] - 7:1  
8, 9:9,  
10:18,  
11:4,  
29:12,

## BOARD OF ZONING APPEAL - 6/26/2014

32:19,  
 33:19,  
 43:8,  
 46:18,  
 68:4,  
 69:14,  
 122:16,  
 125:19,  
 127:2,  
 143:5,  
 143:14,  
 143:18,  
 161:9,  
 169:10,  
 169:11,  
 170:18,  
 188:2,  
 219:1,  
 221:3,  
 225:6,  
 229:18,  
 272:5,  
 274:1,  
 289:19,  
 291:4

**pointed**

[4] - 67:9,  
 96:3,  
 138:12,  
 258:17

**points**

[1] - 89:4

**policy**

[3] - 51:1  
 5, 70:8,  
 71:9

**policy-wis****e**

[1] - 70:8

**pollution**

[2] - 54:1  
 5, 69:4

**poor**

[1] - 18:7

**pop**

[1] - 266:  
 15

## BOARD OF ZONING APPEAL - 6/26/2014

**popped**

[1] - 296:2

**porch**

[15] - 5:9,

5:10, 7:7,

18:10,

18:13,

114:19,

115:2,

141:2,

156:15,

156:16,

157:17,

240:16,

243:14,

244:3,

244:7

**porches**

[8] - 4:14,

5:3, 5:5,

5:13, 7:6,

7:9, 215:2

**portion**

[6] - 23:1

2, 23:14,

30:13,

119:13,

124:15,

203:4

**Portland**

[1] - 285:5

**portrayal**

[1] - 123:

19

**position**

[3] - 30:1

2, 64:3,

294:1

**possibilit****y**

[1] - 254:4

**possible**

[3] - 50:1

1, 59:8,

86:17

**possibly**

[1] - 57:7

## BOARD OF ZONING APPEAL - 6/26/2014

**postage**

[2] - 41:8,  
84:5

**posted**

[1] - 104:8

**potential**

[2] - 61:1  
9, 173:19

**precarious**

[1] - 190:  
19

**precedence**

[1] - 83:5

**precious**

[1] - 142:5

**prefer**

[3] - 30:1  
5, 196:12,  
239:11

**preference**

[1] - 53:4

**preferred**

[2] - 38:1,  
192:1

**premises**

[1] - 78:1

**premium**

[1] - 138:  
19

**prepared**

[10] - 25:  
17, 36:18,  
47:8,  
172:14,  
188:11,  
212:7,  
223:17,  
248:18,  
276:6,  
304:19

**presence**

[1] - 225:  
14

**present**

[6] - 66:1  
2, 67:13,  
103:5,

## BOARD OF ZONING APPEAL - 6/26/2014

160:15,  
193:3,  
242:8

**presentati  
on**

[2] - 29:1  
3, 125:14

**presented**

[3] - 208:  
14,  
240:17,  
268:3

**presently**

[2] - 5:1,  
263:9

**presents**

[2] - 160:  
16, 291:10

**preserves**

[1] - 137:4

**preserving**

[1] - 146:  
12

**presides**

[2] - 243:  
4, 243:5

**pressed**

[3] - 133:  
16, 149:2,  
149:17

**pretty**

[8] - 9:3,  
50:15,  
114:1,  
142:8,  
142:9,  
203:1,  
217:16,  
269:9

**previous**

[3] - 18:6,  
66:3,  
158:10

**previously**

[3] - 65:1  
9, 66:9,  
128:8

## BOARD OF ZONING APPEAL - 6/26/2014

**primarily**

[1] - 46:5

**principal**

[1] - 234:

16

**privacy**

[7] - 135:

12,

145:15,

145:16,

164:18,

223:1,

238:14,

239:16

**pro**

[3] - 54:3,

98:8, 98:9

**problem**

[22] - 8:1

0, 12:15,

40:7,

44:11,

56:3,

57:16,

58:19,

68:9,

78:11,

87:5,

106:16,

127:12,

143:15,

165:10,

166:1,

166:2,

173:19,

178:9,

193:10,

228:4,

228:5,

304:10

**problemati****cal**

[1] - 253:

14

**problems**

[4] - 5:17,

49:15,

## BOARD OF ZONING APPEAL - 6/26/2014

49:16,  
238:8

**procedural**

[1] - 225:1

**proceed**

[12] - 25:

16,  
108:12,  
172:12,  
188:9,  
212:6,  
248:10,  
248:18,  
251:6,  
253:16,  
280:12,  
282:14,  
304:18

**proceeds**

[2] - 160:

10, 307:13

**process**

[5] - 169:

7, 170:19,  
190:12,  
196:18,  
286:12

**profession****ally**

[1] - 110:

16

**progress**

[2] - 107:

17, 214:13

**project**

[21] - 4:1

0, 25:12,  
60:5,  
76:13,  
76:14,  
78:2,  
91:16,  
92:7,  
93:16,  
93:18,  
96:16,  
97:3,

## BOARD OF ZONING APPEAL - 6/26/2014

98:12,  
153:19,  
207:10,  
235:1,  
246:1,  
248:4,  
252:12,  
289:4,  
293:15

**projects**

[2] - 162:  
13

**prolong**

[1] - 34:11

**prominent**

[1] - 269:  
15

**pronounced**

[1] - 259:  
13

**proper**

[2] - 108:  
8, 259:10

**properly**

[1] - 224:5

**properties**

[12] - 67:  
6, 68:3,  
122:19,  
145:4,  
162:10,  
163:10,  
187:2,  
214:9,  
215:10,  
215:14,  
238:16,  
306:19

**property**

[59] - 4:1  
8, 6:19,  
10:7,  
18:3,  
28:19,  
29:4,  
29:5,  
29:9,

## BOARD OF ZONING APPEAL - 6/26/2014

36:19,  
43:16,  
54:16,  
55:15,  
55:19,  
56:13,  
62:3,  
66:16,  
67:4,  
68:2,  
68:15,  
80:4,  
80:18,  
81:1,  
101:4,  
104:9,  
108:17,  
117:7,  
124:4,  
131:10,  
131:11,  
131:14,  
137:10,  
146:7,  
147:1,  
158:12,  
160:11,  
160:18,  
166:6,  
177:15,  
179:4,  
190:15,  
191:2,  
191:6,  
197:15,  
207:10,  
214:1,  
214:2,  
214:16,  
218:4,  
234:12,  
236:11,  
236:14,  
241:19,  
243:12,  
245:15,  
245:18,

## BOARD OF ZONING APPEAL - 6/26/2014

284:19,  
288:8,  
304:8

**proportion**

[1] - 225:  
16

**proportion**

**ate**

[1] - 225:  
15

**proposal**

[9] - 67:1  
1, 69:16,  
90:5,  
113:14,  
134:8,  
195:17,  
215:19,  
293:7,  
293:13

**propose**

[5] - 25:4,  
187:4,  
191:4,  
253:8,  
262:9

**proposed**

[35] - 17:  
17, 25:8,  
25:11,  
51:2,  
89:8,  
89:14,  
94:4,  
94:9,  
127:7,  
137:9,  
158:15,  
187:8,  
195:1,  
208:1,  
218:16,  
222:18,  
227:1,  
227:11,  
242:11,  
243:7,

## BOARD OF ZONING APPEAL - 6/26/2014

244:9,  
 244:12,  
 245:13,  
 245:14,  
 245:16,  
 250:8,  
 250:12,  
 257:6,  
 261:14,  
 264:6,  
 280:3,  
 285:11,  
 294:10,  
 307:1,  
 307:6

**proposes**

[1] - 121:2

**proposing**

[10] - 32:  
 3, 145:6,  
 218:6,  
 221:13,  
 229:16,  
 238:11,  
 271:13,  
 278:7,  
 285:19,  
 286:14

**propositio**

**n**

[1] - 191:4

**protection**

[2] - 163:  
 14, 260:17

**protects**

[1] - 97:12

**protesting**

[1] - 136:  
 15

**prove**

[1] - 290:9

**provide**

[7] - 36:1  
 2, 46:19,  
 70:6,  
 77:17,  
 79:15,

## BOARD OF ZONING APPEAL - 6/26/2014

92:13,  
196:11

**provided**

[4] - 66:1  
5, 66:18,  
74:11,  
243:6

**provides**

[2] - 19:5,  
108:9

**providing**

[3] - 37:4,  
47:3, 53:9

**provisions**

[5] - 171:  
14,  
210:16,  
247:8,  
279:6,  
303:18

**proximity**

[2] - 46:7,  
55:5

**public**

[33] - 17:  
4, 19:9,  
24:19,  
98:8,  
127:3,  
130:8,  
137:13,  
156:2,  
156:7,  
159:2,  
159:7,  
161:4,  
161:5,  
172:6,  
174:5,  
175:15,  
186:1,  
193:2,  
197:3,  
197:15,  
205:14,  
206:5,  
211:12,

## BOARD OF ZONING APPEAL - 6/26/2014

224:19,  
226:11,  
241:11,  
246:14,  
247:18,  
275:17,  
279:19,  
292:3,  
304:12

**Public**

[1] - 308:5

**pull**

[1] - 72:4

**pulled**

[2] - 166:  
4, 166:5

**purchased**

[3] - 156:  
19, 201:1,  
201:2

**purpose**

[12] - 25:  
2, 69:4,  
108:10,  
172:8,  
187:11,  
191:10,  
211:14,  
248:1,  
250:15,  
280:2,  
304:14,  
307:9

**purposes**

[2] - 67:9,  
67:10

**pursuing**

[1] - 50:5

**push**

[1] - 54:4

**pushed**

[3] - 209:  
10,  
237:11,  
277:12

**pushing**

[2] - 49:5,

## BOARD OF ZONING APPEAL - 6/26/2014

119:16

**put**

[37] - 10:

10, 16:16,

16:18,

38:8,

38:11,

42:6,

52:15,

57:12,

64:5,

74:15,

120:11,

137:6,

156:2,

160:18,

165:11,

167:11,

192:1,

196:17,

197:4,

197:9,

198:19,

201:19,

214:11,

230:5,

267:17,

270:16,

271:3,

271:13,

272:14,

277:16,

287:5,

288:6,

289:15,

289:16,

293:5,

299:1,

300:12

**putting**

[3] - 191:

5, 196:15,

268:3

**puzzled**

[2] - 265:

6, 265:12

## BOARD OF ZONING APPEAL - 6/26/2014

**Q****qualify**

[1] - 5:12

**quality**

[5] - 24:8,

112:1,

113:16,

163:10,

163:11

**questions**

[14] - 9:2,

10:17,

17:1,

17:6,

29:18,

70:16,

120:9,

185:3,

205:11,

223:5,

223:14,

241:7,

275:16,

292:16

**quick**

[2] - 118:

17, 214:1

**quickly**

[1] - 277:

15

**quiet**

[2] - 136:

9, 296:10

**Quinn**

[7] - 4:11,

6:15,

6:17, 9:3,

25:18,

28:17,

65:1

**QUINN**

[33] - 8:6,

8:9, 10:6,

11:8,

12:12,

12:16,

14:16,

BOARD OF ZONING APPEAL - 6/26/2014

- 15:2,
- 15:16,
- 16:6,
- 22:2,
- 22:16,
- 27:2,
- 31:11,
- 33:2,
- 38:19,
- 40:3,
- 41:5,
- 42:14,
- 43:10,
- 44:4,
- 44:15,
- 45:1,
- 45:6,
- 46:14,
- 46:19,
- 55:18,
- 58:15,
- 63:7,
- 65:3,
- 102:4,
- 102:10,
- 102:19

**quite**

- [14] - 12:
- 8, 29:19,
- 42:5,
- 50:8,
- 58:1,
- 63:10,
- 68:19,
- 113:19,
- 126:5,
- 152:11,
- 160:7,
- 203:4,
- 222:7,
- 259:4

**R**

**Rachel**

- [1] - 244:6

**radically**

- [1] - 143:

## BOARD OF ZONING APPEAL - 6/26/2014

19

**radius**

[1] - 109:3

**RAFFERTY**

[21] - 3:1

9, 5:18,

6:3, 6:12,

6:15, 8:1,

8:16, 9:1,

9:18,

10:3,

13:4,

14:11,

14:18,

15:4,

18:17,

20:3,

20:8,

20:16,

21:17,

26:6,

26:19

**Rafferty**

[4] - 4:2,

4:5,

18:15,

26:12

**railing**

[2] - 205:

5, 240:9

**raise**

[4] - 106:

15, 218:5,

244:10,

259:3

**raised**

[3] - 219:

1, 221:8,

223:15

**ramificati****ons**

[1] - 71:15

**ramp**

[2] - 298:

19, 299:1

**ran**

[1] - 91:4

## BOARD OF ZONING APPEAL - 6/26/2014

**Ranjit**

[3] - 63:9,  
64:8,  
203:5

**rarely**

[2] - 112:  
16, 265:10

**rather**

[11] - 11:  
1, 30:16,  
188:1,  
204:10,  
211:17,  
223:9,  
250:19,  
273:5,  
283:9,  
301:15,  
304:6

**ratio**

[1] - 109:1

**Raymond**

[2] - 75:8,  
81:13

**reaching**

[1] - 163:9

**read**

[19] - 14:  
12, 33:18,  
54:2,  
88:12,  
88:13,  
89:2,  
90:10,  
94:1,  
98:7,  
156:4,  
158:4,  
158:19,  
177:10,  
206:16,  
207:17,  
239:3,  
244:16,  
295:5,  
303:5

**reading**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 163:6

**ready**

[10] - 23:

17, 186:2,  
186:3,  
186:5,  
186:7,  
210:5,  
246:16,  
278:19,  
302:6,  
302:7

**real**

[6] - 34:1

1, 49:12,  
118:17,  
143:13,  
143:15,  
143:16

**realized**

[2] - 63:1

1, 64:17

**really**

[36] - 5:1

5, 11:6,  
21:19,  
22:11,  
30:8,  
37:6,  
67:5,  
84:11,  
102:16,  
124:8,  
138:19,  
139:4,  
142:7,  
149:18,  
163:4,  
164:2,  
164:13,  
192:15,  
204:6,  
205:7,  
217:4,  
224:2,  
224:9,  
228:7,

## BOARD OF ZONING APPEAL - 6/26/2014

230:6,  
253:18,  
259:15,  
273:1,  
273:11,  
285:1,  
290:15,  
291:12,  
295:13,  
298:11,  
299:2,  
301:16

**Rear**

[1] - 95:2

**rear**

[36] - 4:1  
4, 5:2,  
7:17, 8:5,  
14:5,  
15:17,  
95:2,  
114:17,  
115:6,  
115:12,  
118:13,  
118:14,  
118:16,  
122:14,  
127:8,  
127:11,  
127:13,  
127:17,  
156:16,  
171:19,  
184:19,  
190:14,  
193:15,  
194:17,  
196:8,  
196:9,  
197:14,  
199:1,  
204:4,  
208:2,  
208:12,  
210:12,  
215:1,

## BOARD OF ZONING APPEAL - 6/26/2014

229:15,  
 235:6,  
 236:7

**reason**

[16] - 49:  
 5, 54:12,  
 74:8,  
 112:2,  
 121:9,  
 131:2,  
 131:10,  
 136:19,  
 197:10,  
 200:16,  
 217:4,  
 230:5,  
 252:18,  
 254:3,  
 269:2,  
 272:14

**reasons**

[6] - 53:1  
 3, 66:8,  
 107:14,  
 114:4,  
 200:15,  
 227:19

**Rebecca**

[1] - 245:  
 12

**rebuilding**

[2] - 191:  
 14, 277:18

**rebuilt**

[1] - 272:  
 14

**receipt**

[2] - 17:1  
 3, 241:18

**received**

[3] - 109:  
 19,  
 223:16,  
 238:19

**recent**

[1] - 51:15

**recently**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 201:  
2, 236:11

**recite**

[2] - 207:  
19, 303:6

**recited**

[1] - 210:  
15

**recognize**

[1] - 65:7

**recognized**

[1] - 91:9

**recommend**

[2] - 93:1  
7, 220:12

**recommenda  
tion**

[1] - 222:6

**reconfigur  
e**

[1] - 178:7

**reconstruc  
tion**

[1] - 93:2

**RECORD**

[1] - 1:18

**record**

[15] - 4:2,  
17:16,  
33:19,  
67:2,  
88:12,  
97:10,  
98:7,  
114:12,  
156:2,  
194:14,  
206:17,  
239:3,  
302:15,  
303:5,  
303:8

**recoup**

[1] - 289:  
19

**recourse**

[1] - 196:

## BOARD OF ZONING APPEAL - 6/26/2014

15

**recreating**

[1] - 226:

18

**rectangula****r**

[1] - 13:8

**rectified**

[1] - 201:6

**rectify**

[2] - 24:1

5, 201:7

**red**

[1] - 198:

10

**redesign**

[3] - 169:

13,

223:12,

226:2

**redesignin****g**

[1] - 168:

18

**redevelope****d**

[1] - 90:2

**redo**

[4] - 192:

9, 201:6,

202:4,

259:19

**redoing**

[1] - 264:7

**reduce**

[6] - 20:1,

20:14,

69:17,

70:9,

101:8,

227:5

**reduced**

[2] - 76:2,

124:18

**reducing**

[2] - 69:4,

116:2

## BOARD OF ZONING APPEAL - 6/26/2014

**reduction**

[2] - 69:1  
4, 70:2

**redundant**

[2] - 71:6,  
72:13

**refer**

[1] - 220:  
11

**reference**

[1] - 219:1

**referred**

[5] - 65:1  
9, 88:19,  
114:6,  
158:2,  
307:15

**referring**

[1] - 115:3

**reflect**

[4] - 179:  
5, 233:2,  
281:1,  
305:5

**reflection**

[2] - 84:1  
4, 136:6

**reflective**

[1] - 144:  
13

**reflects**

[1] - 144:  
14

**regard**

[13] - 25:  
3, 44:12,  
112:5,  
166:12,  
177:10,  
248:2,  
249:13,  
250:17,  
250:18,  
279:4,  
302:2,  
306:11,  
307:15

## BOARD OF ZONING APPEAL - 6/26/2014

**regarding**

[1] - 93:1

**regards**

[2] - 299:

6, 299:7

**regret**

[1] - 143:

17

**regular**

[2] - 271:

14, 272:17

**regulation****s**

[1] - 109:4

**reheard**

[1] - 103:4

**reinstall**

[1] - 282:

16

**reiterate**

[1] - 140:9

**relate**

[2] - 101:

3, 230:3

**related**

[1] - 5:15

**relating**

[2] - 172:

1, 211:7

**relative**

[6] - 38:4,

46:11,

133:7,

195:17,

197:12,

215:11

**relay**

[1] - 264:

10

**relevant**

[1] - 157:

18

**relief**

[80] - 5:1

5, 19:18,

24:17,

25:5,

## BOARD OF ZONING APPEAL - 6/26/2014

25:11,  
29:15,  
35:16,  
37:5,  
37:10,  
37:16,  
38:2,  
39:7,  
40:18,  
42:9,  
42:10,  
42:13,  
44:10,  
45:2,  
46:6,  
49:7,  
49:17,  
110:6,  
111:14,  
115:9,  
116:4,  
116:15,  
120:11,  
129:7,  
129:10,  
129:12,  
160:7,  
161:19,  
162:17,  
163:2,  
171:13,  
172:5,  
173:13,  
174:3,  
174:4,  
177:11,  
177:19,  
178:1,  
178:10,  
181:18,  
182:5,  
184:14,  
186:17,  
188:1,  
193:16,  
195:19,  
208:9,

## BOARD OF ZONING APPEAL - 6/26/2014

208:19,  
 211:10,  
 211:16,  
 211:17,  
 212:12,  
 214:11,  
 247:16,  
 250:18,  
 253:15,  
 254:2,  
 258:12,  
 259:18,  
 261:8,  
 264:14,  
 264:15,  
 278:6,  
 279:17,  
 286:8,  
 288:12,  
 288:13,  
 289:5,  
 290:10,  
 293:15,  
 293:19,  
 303:13,  
 304:9,  
 304:11,  
 306:14

**relieve**

[1] - 94:11

**relocate**

[4] - 198:  
 19, 199:3,  
 199:5,  
 277:9

**relocation**

[2] - 184:  
 14, 188:3

**remain**

[3] - 38:1  
 8, 187:19,  
 305:10

**remarks**

[3] - 127:  
 1, 158:3,  
 206:4

**remember**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 303:1

**remove**

[1] - 115:8

**removed**

[1] - 293:6

**removing**

[3] - 71:7,

96:4,

170:10

**rendering**

[2] - 191:

17, 218:15

**renderings**

[1] - 245:

16

**renovate**

[7] - 152:

14, 184:3,

190:11,

201:18,

204:14,

256:12,

256:18

**renovated**

[4] - 18:7,

195:5,

200:19,

201:2

**renovation**

[8] - 4:18,

6:19,

202:4,

202:16,

203:2,

203:5,

214:14,

214:16

**renovation**

**s**

[2] - 18:5,

276:6

**rent**

[2] - 35:1,

51:14

**rental**

[1] - 10:15

**rented**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 51:13

**reorient**

[1] - 8:13

**repairs**

[1] - 114:3

**repeat**

[1] - 141:

16

**repeats**

[1] - 269:7

**repetitiou**

**s**

[1] - 98:1

**replace**

[3] - 114:

18, 208:7,

235:17

**replaced**

[1] - 68:17

**replacemen**

**t**

[1] - 235:8

**replacing**

[3] - 68:1

0, 240:5,

260:12

**replaying**

[1] - 68:10

**report**

[3] - 17:1

2, 241:17,

276:3

**REPORTERS,**

**INC**

[1] - 1:18

**represent**

[1] - 65:15

**representa**

**tion**

[3] - 207:

16, 209:8,

209:17

**represente**

**d**

[1] - 244:

14

**representi**

## BOARD OF ZONING APPEAL - 6/26/2014

**ng**

[1] - 234:  
11

**represents**

[1] - 124:5

**request**

[15] - 18:  
18, 46:4,  
90:8,  
100:1,  
157:3,  
175:11,  
175:13,  
175:19,  
177:8,  
242:5,  
245:1,  
282:11,  
282:15,  
282:18,  
283:15

**requested**

[12] - 18:  
10, 32:17,  
94:15,  
114:7,  
157:16,  
172:11,  
186:13,  
186:16,  
251:5,  
258:12,  
259:19,  
261:8

**requesting**

[5] - 96:1  
7, 144:5,  
193:17,  
195:19,  
284:5

**require**

[6] - 37:1  
5, 50:18,  
53:2,  
86:15,  
184:13,  
222:2

## BOARD OF ZONING APPEAL - 6/26/2014

**required**

[9] - 15:1  
 8, 35:11,  
 47:1,  
 96:6,  
 101:8,  
 108:15,  
 179:8,  
 179:15,  
 224:10

**requiremen  
t**

[6] - 6:5,  
 35:19,  
 36:7,  
 54:13,  
 177:16,  
 194:5

**requiremen  
ts**

[3] - 95:1  
 5, 170:4,  
 193:14

**requires**

[3] - 196:  
 19, 211:9,  
 293:15

**requiring**

[1] - 203:6

**researched**

[1] - 157:8

**reservatio  
ns**

[1] - 95:11

**reside**

[1] - 78:1

**residence**

[5] - 39:1  
 6, 73:16,  
 157:9,  
 213:12,  
 237:5

**resident**

[3] - 79:1  
 0, 87:7,  
 94:19

**residentialia**

## BOARD OF ZONING APPEAL - 6/26/2014

1

[15] - 30:  
 17, 33:12,  
 33:16,  
 34:4,  
 37:11,  
 37:13,  
 37:17,  
 53:16,  
 66:14,  
 73:13,  
 77:4,  
 86:18,  
 91:2,  
 92:12

residents

[10] - 89:  
 11, 90:7,  
 91:19,  
 94:10,  
 97:2,  
 109:12,  
 113:17,  
 156:3,  
 157:11,  
 276:10

resides

[5] - 92:1  
 8, 94:18,  
 243:4,  
 303:9,  
 303:11

resolution

[1] - 91:10

resolve

[4] - 59:1  
 1, 85:9,  
 85:12,  
 85:14

respect

[12] - 20:  
 17,  
 126:11,  
 136:13,  
 160:10,  
 171:12,  
 184:19,

## BOARD OF ZONING APPEAL - 6/26/2014

186:15,  
 210:14,  
 219:8,  
 221:17,  
 247:5,  
 303:15

**respond**

[2] - 55:8,  
 57:1

**response**

[7] - 88:8,  
 103:17,  
 155:18,  
 185:8,  
 205:17,  
 241:14,  
 276:2

**responsibl**

**e**  
 [1] - 159:  
 13

**responsive**

[1] - 97:11

**rest**

[3] - 195:  
 3, 228:17,  
 288:11

**restoratio**

**n**  
 [1] - 157:7

**restored**

[1] - 9:19

**result**

[3] - 110:  
 19,  
 179:15,  
 235:18

**resume**

[1] - 282:6

**resuming**

[1] - 103:  
 15

**retail**

[5] - 30:1  
 3, 30:16,  
 37:12,  
 53:17,

## BOARD OF ZONING APPEAL - 6/26/2014

95:16

**retain**

[1] - 140:1

**rethink**

[1] - 61:2

**rethinking**

[1] - 254:5

**retired**

[1] - 107:

15

**RETTIG**

[3] - 183:

10,

184:17,

188:18

**Rettig**

[1] - 183:

11

**revenue**

[1] - 92:13

**review**

[2] - 91:1

7, 242:5

**reviewed**

[4] - 242:

10, 243:5,

243:10,

276:5

**revise**

[1] - 283:7

**revised**

[3] - 104:

12,

104:13,

283:3

**Revised**

[1] - 249:3

**revival**

[1] - 237:

13

**rewrite**

[1] - 230:7

**rheumatoid**

[1] - 108:2

**ride**

[3] - 85:1

5, 85:18,

## BOARD OF ZONING APPEAL - 6/26/2014

86:2

**ridge**

[8] - 216:  
15, 217:3,  
217:7,  
218:2,  
218:5,  
221:9,  
221:12,  
284:10

**right-hand**

[2] - 214:  
6, 262:2

**RILEY**

[32] - 252  
:9,  
252:13,  
252:17,  
254:18,  
255:4,  
255:6,  
282:9,  
283:15,  
284:4,  
284:16,  
286:10,  
287:3,  
287:9,  
287:14,  
288:1,  
288:14,  
289:3,  
291:14,  
293:8,  
294:6,  
294:9,  
294:14,  
295:1,  
296:17,  
300:10,  
300:16,  
301:10,  
301:16,  
302:14,  
302:18,  
303:2,  
305:14

## BOARD OF ZONING APPEAL - 6/26/2014

**Riley**

[2] - 252:  
10, 252:11

**rise**

[3] - 135:  
4, 201:9,  
204:19

**river**

[1] - 258:2

**Road**

[5] - 2:17,  
177:7,  
252:6,  
303:10,  
303:11

**road**

[1] - 297:  
11

**Roan**

[2] - 208:  
17, 212:8

**Roger**

[1] - 42:19

**Rola**

[1] - 234:  
18

**roof**

[47] - 5:5,  
10:1,  
16:16,  
16:18,  
111:16,  
122:16,  
126:14,  
152:12,  
153:7,  
191:18,  
216:4,  
216:7,  
222:19,  
225:12,  
228:16,  
235:6,  
235:9,  
237:1,  
238:7,  
238:10,

## BOARD OF ZONING APPEAL - 6/26/2014

238:12,  
238:15,  
239:12,  
239:13,  
240:6,  
259:5,  
259:8,  
259:9,  
259:10,  
260:1,  
260:12,  
261:2,  
261:6,  
261:7,  
264:5,  
266:3,  
266:11,  
269:3,  
270:12,  
291:8,  
291:11,  
291:12,  
294:2,  
294:4,  
294:5,  
294:8

**roofed**

[1] - 5:11

**roofs**

[2] - 263:  
7, 263:15

**room**

[54] - 13:  
11, 13:12,  
108:6,  
108:8,  
111:10,  
112:4,  
112:7,  
115:2,  
115:13,  
119:18,  
120:12,  
120:17,  
122:8,  
127:7,  
129:1,

BOARD OF ZONING APPEAL - 6/26/2014

- 132:7,
- 133:15,
- 136:12,
- 137:14,
- 165:18,
- 166:13,
- 166:14,
- 167:1,
- 167:4,
- 167:6,
- 167:8,
- 171:18,
- 193:4,
- 193:7,
- 195:3,
- 196:16,
- 227:4,
- 227:5,
- 235:5,
- 257:17,
- 260:5,
- 260:9,
- 285:7,
- 285:8,
- 285:9,
- 285:12,
- 285:14,
- 293:10,
- 293:11,
- 294:12,
- 294:13,
- 294:17,
- 295:2,
- 295:18,
- 296:7

**rooms**

- [7] - 132:
- 5, 137:13,
- 184:9,
- 193:2,
- 193:3,
- 295:13,
- 295:19

**rooted**

- [1] - 130:1

**ROSALIE**

- [1] - 138:1

## BOARD OF ZONING APPEAL - 6/26/2014

**Rosalie**

[3] - 138:  
1, 141:8,  
145:12

**round**

[2] - 107:  
19, 168:3

**row**

[2] - 257:  
5, 257:7

**rules**

[1] - 104:  
19

**run**

[2] - 201:  
9, 205:1

**running**

[2] - 55:4,  
57:9

**runs**

[2] - 177:  
15, 301:9

**rush**

[2] - 89:1  
8, 186:9

**RUTH**

[13] - 73:  
2, 73:4,  
73:14,  
75:17,  
76:6,  
76:15,  
78:3,  
78:9,  
78:16,  
78:19,  
79:4,  
79:9,  
98:10

**Ruth**

[2] - 73:2,  
95:6

**S****sacrifice**

[1] - 109:  
16

## BOARD OF ZONING APPEAL - 6/26/2014

**safe**

[2] - 204:  
17, 205:2

**safety**

[4] - 51:2,  
187:6,  
250:10,  
307:4

**Saint**

[2] - 75:3,  
81:13

**salvage**

[1] - 271:  
12

**SARKIS**

[10] - 234  
:10,  
236:2,  
236:9,  
237:3,  
237:7,  
238:17,  
239:4,  
240:4,  
241:5,  
248:13

**Sarkis**

[3] - 234:  
16, 242:8,  
248:19

**sash**

[1] - 271:1

**sat**

[1] - 209:3

**satellite**

[1] - 31:13

**satisfied**

[3] - 169:  
15,  
274:12,  
291:17

**Saturday**

[1] - 245:2

**Saturdays**

[1] - 245:5

**save**

[1] - 20:19

BOARD OF ZONING APPEAL - 6/26/2014

**saved**

[1] - 274:  
15

**saw**

[1] - 300:  
11

**scale**

[3] - 9:6,  
196:10,  
225:17

**Scanlon**

[1] - 81:5

**scape**

[1] - 291:  
12

**scarcely**

[1] - 109:  
10

**schedule**

[2] - 98:1  
7, 234:14

**scheduled**

[1] - 97:6

**scope**

[1] - 195:  
18

**score**

[1] - 68:8

**Scott**

[28] - 1:1  
4, 3:13,  
26:16,  
28:4,  
101:5,  
105:4,  
106:4,  
173:6,  
175:3,  
176:4,  
177:3,  
180:4,  
181:3,  
183:3,  
189:4,  
190:4,  
212:14,  
213:4,

## BOARD OF ZONING APPEAL - 6/26/2014

233:8,  
234:4,  
249:9,  
251:14,  
252:4,  
256:4,  
281:11,  
282:4,  
306:1,  
308:3

**SCOTT**

[31] - 14:  
7, 19:15,  
23:12,  
23:18,  
41:8,  
43:8,  
43:14,  
43:19,  
61:17,  
166:12,  
167:16,  
168:1,  
173:2,  
186:8,  
203:15,  
215:9,  
215:19,  
218:1,  
224:1,  
225:9,  
228:14,  
270:8,  
270:18,  
272:7,  
272:12,  
277:5,  
277:8,  
277:12,  
283:13,  
293:1,  
293:9

**SEAN**

[5] - 103:  
7, 178:13,  
230:16,  
230:19,

## BOARD OF ZONING APPEAL - 6/26/2014

283:10

**Sean**

[3] - 1:15,  
63:11,  
103:6

**seasonal**

[2] - 289:  
10, 298:6

**seat**

[4] - 167:  
14,  
282:18,  
287:6,  
289:8

**seated**

[1] - 4:8

**second**

[25] - 5:6,  
9:11,  
24:6,  
24:9,  
68:4,  
74:19,  
108:1,  
108:14,  
111:13,  
137:11,  
150:15,  
191:16,  
191:18,  
192:10,  
192:16,  
204:4,  
215:6,  
232:15,  
256:17,  
258:14,  
282:12,  
282:19,  
287:11,  
305:7,  
305:9

**section**

[3] - 12:2,  
41:13,  
174:7

**sections**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 95:16

**see**

[74] - 4:1

6, 22:12,

26:8,

45:18,

84:4,

84:5,

87:16,

87:17,

89:1,

91:17,

112:13,

113:5,

121:4,

123:4,

124:10,

124:12,

132:19,

133:18,

134:18,

135:4,

137:13,

138:10,

140:17,

145:7,

145:19,

146:8,

149:1,

149:2,

149:18,

153:7,

154:10,

154:11,

154:12,

164:3,

164:10,

164:19,

181:11,

207:2,

208:18,

209:1,

216:14,

220:14,

221:3,

222:18,

228:12,

## BOARD OF ZONING APPEAL - 6/26/2014

238:13,  
 239:8,  
 243:2,  
 243:8,  
 243:17,  
 253:7,  
 257:15,  
 258:4,  
 259:6,  
 259:12,  
 262:1,  
 262:14,  
 263:10,  
 263:13,  
 263:14,  
 268:4,  
 269:9,  
 269:11,  
 269:13,  
 269:16,  
 270:1,  
 270:2,  
 276:16,  
 283:3,  
 287:10,  
 292:7

**seeing**

[5] - 126:  
 14, 135:3,  
 145:17,  
 150:17,  
 303:1

**seek**

[3] - 7:13,  
 177:19,  
 178:1

**seeking**

[8] - 29:1  
 5, 30:2,  
 39:8,  
 44:10,  
 49:16,  
 116:5,  
 214:11,  
 254:2

**seeks**

[1] - 4:13

## BOARD OF ZONING APPEAL - 6/26/2014

**seem**

[8] - 110:  
2, 110:8,  
164:9,  
220:11,  
223:16,  
248:3,  
266:4,  
283:17

**seemingly**

[1] - 57:3

**self**

[1] - 123:  
11

**self-creat****ed**

[1] - 123:  
11

**sell**

[2] - 47:1  
5, 170:16

**Semmes**

[1] - 305:1

**SEMMEs**

[15] - 284  
:8,  
284:12,  
286:7,  
287:7,  
287:13,  
288:3,  
288:17,  
290:11,  
291:6,  
292:1,  
292:11,  
293:4,  
293:12,  
301:14,  
305:1

**Senior**

[1] - 1:9

**sense**

[11] - 16:  
10, 23:6,  
108:7,  
139:11,

## BOARD OF ZONING APPEAL - 6/26/2014

148:5,  
 148:17,  
 160:1,  
 161:18,  
 164:12,  
 167:1,  
 270:14

**sent**

[2] - 223:  
 11, 229:10

**sentiment**

[1] - 110:2

**separate**

[1] - 247:3

**separation**

[1] - 177:  
 17

**September**

[12] - 230  
 :15,  
 230:16,  
 231:5,  
 232:7,  
 232:13,  
 232:15,  
 232:16,  
 232:18,  
 233:3,  
 254:13,  
 254:14,  
 284:19

**series**

[2] - 92:1  
 6, 225:3

**serious**

[1] - 178:8

**seriously**

[3] - 178:  
 6, 178:9,  
 253:6

**served**

[1] - 232:1

**serves**

[1] - 261:5

**services**

[2] - 91:1  
 0, 91:14

## BOARD OF ZONING APPEAL - 6/26/2014

**set**

[4] - 14:9,  
15:14,  
256:18,  
284:14

**setback**

[32] - 5:1  
4, 6:10,  
13:14,  
13:15,  
54:13,  
116:2,  
116:12,  
117:17,  
117:18,  
118:1,  
127:8,  
127:14,  
127:18,  
159:19,  
166:2,  
166:5,  
184:19,  
194:4,  
194:5,  
194:11,  
194:17,  
219:4,  
220:13,  
220:19,  
221:13,  
236:3,  
236:4,  
247:16,  
266:17,  
284:9,  
284:10,  
288:4

**setbacks**

[9] - 95:1  
9, 96:7,  
117:2,  
160:5,  
170:4,  
193:14,  
208:13,  
293:17

## BOARD OF ZONING APPEAL - 6/26/2014

**sets**

[1] - 14:8

**settle**

[1] - 223:8

**seven**

[1] - 74:10

**several**

[8] - 89:1

1, 113:11,

133:5,

133:12,

157:1,

224:9,

237:10,

239:5

**severely**

[1] - 89:17

**shabby**

[1] - 114:1

**shaded**

[1] - 198:

10

**shades**

[1] - 112:

14

**shading**

[1] - 134:4

**shadow**

[4] - 125:

4, 125:8,

126:15

**shaft**

[3] - 261:

10, 267:5,

273:14

**shall**

[1] - 32:1

**shape**

[6] - 20:6,

24:13,

174:2,

230:4,

247:14,

279:15

**shaped**

[1] - 237:

14

## BOARD OF ZONING APPEAL - 6/26/2014

**share**

[2] - 23:1  
0, 285:4

**shared**

[1] - 43:15

**shed**

[6] - 216:  
7, 217:11,  
218:12,  
266:2,  
292:1,  
292:11

**sheds**

[1] - 144:  
18

**sheet**

[1] - 275:6

**Sherman**

[26] - 29:  
1, 38:14,  
38:17,  
44:14,  
54:7,  
55:6,  
55:13,  
57:8,  
57:15,  
58:4,  
59:1,  
62:6,  
65:17,  
69:6,  
69:10,  
71:2,  
72:2,  
80:18,  
81:11,  
89:16,  
91:11,  
92:18,  
93:11,  
94:18,  
95:5,  
102:7

**shocking**

[1] - 146:8

**shoehorn**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 60:16

**shoehorned**

[1] - 142:

11

**shoehornin**

**g**

[1] - 52:3

**shoot**

[1] - 142:

10

**short**

[2] - 62:1

9, 185:1

**shortcut**

[1] - 72:1

**show**

[17] - 11:

13, 31:11,

38:8,

67:2,

110:15,

111:8,

111:10,

112:14,

113:3,

132:13,

144:2,

147:8,

224:12,

224:15,

237:8,

260:19,

261:2

**showed**

[2] - 8:3,

119:6

**showing**

[2] - 110:

18, 123:11

**shown**

[7] - 133:

11,

157:18,

158:15,

184:4,

190:13,

251:9,

## BOARD OF ZONING APPEAL - 6/26/2014

257:11

**shows**

[2] - 134:

4, 134:6

**shrink**

[1] - 271:7

**shrinking**

[1] - 273:5

**shrubbery**

[2] - 112:

16, 113:6

**side**

[91] - 5:1

6, 6:4,

8:3, 8:4,

8:7, 8:10,

14:4,

31:5,

38:5,

44:2,

45:12,

46:9,

54:7,

68:16,

87:10,

89:9,

101:3,

102:7,

106:13,

113:7,

115:7,

115:11,

115:12,

116:2,

116:8,

117:2,

117:5,

117:6,

117:19,

118:5,

118:11,

118:18,

119:13,

124:9,

125:1,

125:2,

131:18,

## BOARD OF ZONING APPEAL - 6/26/2014

132:1,  
132:2,  
132:9,  
135:5,  
136:3,  
136:5,  
138:15,  
142:2,  
146:2,  
147:10,  
151:8,  
152:3,  
154:14,  
164:11,  
170:3,  
170:7,  
185:16,  
191:6,  
192:2,  
193:15,  
194:11,  
197:4,  
207:9,  
208:12,  
214:4,  
214:6,  
214:7,  
216:1,  
219:9,  
219:10,  
220:6,  
220:7,  
220:8,  
221:11,  
223:1,  
223:2,  
228:3,  
236:9,  
238:14,  
244:13,  
257:9,  
258:11,  
259:19,  
262:11,  
268:6,  
278:15,  
282:17,

## BOARD OF ZONING APPEAL - 6/26/2014

282:19,  
284:12,  
284:14,  
284:15,  
288:3,  
288:8

**side-view**

[1] - 284:  
12

**sidelines**

[1] - 122:  
18

**sides**

[9] - 31:8,  
117:18,  
122:13,  
206:14,  
215:15,  
215:16,  
215:18,  
228:19

**Siegel**

[2] - 242:  
16, 245:12

**SIEGEL**

[1] - 245:  
12

**sign**

[8] - 91:1  
1, 104:8,  
179:3,  
179:7,  
207:11,  
209:13,  
232:19,  
233:2

**signature**

[1] - 207:  
14

**signed**

[10] - 74:  
16, 94:2,  
94:17,  
98:6,  
104:6,  
206:15,  
207:3,

## BOARD OF ZONING APPEAL - 6/26/2014

207:5,  
207:7,  
276:9

**significan**  
**t**

[1] - 161:  
19

**significan**  
**tly**

[1] - 60:7

**signs**

[1] - 178:  
19

**silent**

[1] - 206:3

**silly**

[1] - 56:5

**similar**

[3] - 122:  
11,  
295:10,  
296:5

**similarly**

[1] - 244:1

**simple**

[3] - 49:1  
1, 112:2,  
121:6

**simpler**

[1] - 259:  
17

**simply**

[1] - 239:  
18

**simulation**

**s**

[1] - 110:  
15

**sin**

[1] - 60:8

**single**

[15] - 7:7,  
14:14,  
15:7,  
15:8,  
15:9,  
16:1,

## BOARD OF ZONING APPEAL - 6/26/2014

16:11,  
 107:13,  
 108:17,  
 208:2,  
 210:12,  
 229:16,  
 242:3,  
 242:15,  
 256:16

**single-sto****ry**

[1] - 7:7

**singular**

[1] - 163:4

**sister**

[1] - 80:3

**sit**

[2] - 56:5,  
 295:5

**site**

[16] - 4:1  
 7, 23:14,  
 48:14,  
 48:15,  
 48:16,  
 48:19,  
 50:8,  
 50:17,  
 51:17,  
 53:9,  
 53:10,  
 87:2,  
 90:2,  
 94:5,  
 94:8,  
 102:16

**sits**

[2] - 31:4,  
 300:18

**sitting**

[1] - 55:4

**Sitting**

[13] - 3:1  
 0, 28:1,  
 106:1,  
 175:1,  
 177:1,

BOARD OF ZONING APPEAL - 6/26/2014

181:1,  
183:1,  
190:1,  
213:1,  
234:1,  
252:1,  
256:1,  
282:1

**situation**

[4] - 56:9,  
83:18,  
164:14,  
213:17

**six**

[26] - 30:  
19, 35:7,  
36:15,  
37:1,  
38:10,  
40:19,  
43:9,  
43:12,  
49:19,  
50:2,  
58:7,  
60:14,  
61:3,  
61:9,  
62:12,  
63:13,  
64:12,  
74:10,  
77:7,  
78:3,  
78:5,  
79:6,  
79:15,  
139:2,  
167:18,  
194:10

**size**

[11] - 9:6,  
11:3,  
11:5,  
13:2,  
13:19,  
19:16,

## BOARD OF ZONING APPEAL - 6/26/2014

20:1,  
20:14,  
21:4,  
146:7,  
294:11

**sketch**

[2] - 119:  
6, 275:11

**skipped**

[1] - 26:10

**sky**

[1] - 153:5

**skylights**

[3] - 222:  
17,  
222:19,  
286:13

**Slater**

[1] - 233:8

**SLATER**

[6] - 225:  
18,  
226:16,  
227:1,  
231:8,  
232:3,  
232:12

**slider**

[1] - 14:9

**slight**

[1] - 199:  
13

**slightly**

[6] - 9:14,  
19:1,  
33:2,  
41:6,  
119:11

**sliver**

[3] - 150:  
12, 154:9,  
154:11

**slivers**

[2] - 149:  
4, 149:6

**sloped**

[2] - 122:

## BOARD OF ZONING APPEAL - 6/26/2014

16, 235:9

**sloping**

[1] - 240:6

**small**

[17] - 31:

5, 58:15,

75:10,

112:11,

131:4,

142:5,

150:14,

152:2,

152:3,

162:11,

191:5,

191:9,

211:5,

235:15,

282:18,

285:8

**smaller**

[5] - 58:8,

129:1,

211:4,

222:16,

278:8

**smoothly**

[1] - 245:

10

**snow**

[2] - 71:1

1, 71:14

**snowing**

[1] - 71:7

**so-called**

[1] - 294:

13

**so..**

[1] - 23:15

**soil**

[4] - 174:

1, 230:3,

300:19,

304:8

**sold**

[6] - 66:1

7, 74:14,

## BOARD OF ZONING APPEAL - 6/26/2014

75:19,  
 76:1,  
 86:12,  
 153:2

**solid**

[2] - 124:  
 17, 151:14

**solution**

[3] - 49:1  
 1, 77:18,  
 268:5

**solve**

[4] - 47:2,  
 49:14,  
 49:16,  
 106:15

**solving**

[1] - 86:3

**someone**

[4] - 124:  
 10,  
 141:14,  
 161:10,  
 161:11

**someplace**

[1] - 81:12

**sometime**

[1] - 140:  
 16

**sometimes**

[4] - 238:  
 8, 293:19,  
 295:6,  
 296:7

**somewhat**

[3] - 67:1  
 7, 192:3,  
 266:12

**somewhere**

[1] - 100:9

**son**

[1] - 142:5

**sons**

[2] - 285:  
 3, 294:18

**sooner**

[2] - 254:

## BOARD OF ZONING APPEAL - 6/26/2014

9, 283:9

**sorry**

[9] - 8:16,  
102:8,  
133:3,  
165:8,  
206:8,  
206:13,  
214:6,  
257:18,  
261:18

**sort**

[2] - 12:4,  
297:1

**sort've**

[19] - 13:  
2, 21:6,  
46:3,  
63:19,  
83:18,  
86:7,  
145:1,  
192:4,  
258:16,  
259:12,  
260:5,  
266:11,  
286:11,  
295:12,  
297:15,  
298:2,  
300:8,  
301:6

**sought**

[23] - 25:  
5, 25:15,  
171:13,  
177:12,  
186:17,  
188:1,  
188:8,  
210:11,  
211:16,  
211:17,  
212:5,  
247:6,  
248:8,

## BOARD OF ZONING APPEAL - 6/26/2014

249:14,  
250:18,  
279:4,  
280:11,  
303:13,  
303:15,  
304:17,  
306:12,  
306:14,  
307:12

**sounds**

[1] - 115:1

**south**

[10] - 125

:1,  
235:15,  
238:3,  
239:6,  
244:13,  
249:16,  
249:17,  
257:9,  
258:1,  
258:10

**space**

[78] - 7:2,

11:18,  
16:14,  
19:7,  
20:13,  
35:10,  
35:12,  
41:3,  
41:4,  
44:6,  
46:15,  
46:16,  
50:16,  
51:7,  
51:12,  
61:19,  
68:18,  
70:7,  
71:12,  
75:2,  
75:5,  
75:9,

## BOARD OF ZONING APPEAL - 6/26/2014

75:14,  
76:16,  
76:17,  
76:19,  
81:16,  
82:8,  
82:13,  
86:1,  
102:15,  
108:10,  
112:11,  
136:18,  
137:4,  
138:19,  
139:11,  
140:2,  
141:4,  
141:11,  
142:12,  
146:12,  
149:7,  
149:9,  
149:12,  
149:13,  
160:4,  
163:12,  
166:16,  
166:19,  
169:16,  
169:19,  
183:18,  
187:16,  
192:12,  
193:5,  
193:7,  
194:19,  
195:1,  
195:2,  
195:14,  
204:15,  
205:9,  
221:9,  
221:17,  
222:8,  
245:19,  
246:7,  
257:15,

## BOARD OF ZONING APPEAL - 6/26/2014

290:16,  
295:8,  
296:3,  
296:4,  
296:10,  
300:1,  
300:3,  
301:15

**spaces**

[38] - 32:  
11, 35:8,  
37:1,  
37:7,  
38:4,  
38:9,  
38:11,  
40:15,  
41:1,  
43:9,  
46:8,  
46:11,  
46:12,  
47:1,  
53:2,  
53:5,  
53:9,  
53:18,  
58:7,  
58:18,  
60:15,  
60:16,  
61:4,  
61:10,  
62:12,  
63:13,  
64:13,  
68:13,  
78:4,  
78:7,  
84:10,  
84:16,  
84:19,  
87:18,  
195:6,  
227:4,  
236:19

**spacing**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 128:2

**speaking**

[2] - 99:1

5, 178:4

**special**

[3] - 247:

3, 290:7,

307:19

**Special**

[33] - 35:

16, 42:17,

64:9,

92:10,

94:13,

96:18,

184:16,

184:17,

186:12,

186:15,

188:7,

189:1,

235:3,

235:12,

242:6,

249:3,

249:13,

249:14,

250:2,

251:4,

251:11,

282:15,

286:6,

287:18,

288:1,

302:11,

302:12,

306:11,

306:13,

306:15,

307:1,

307:11,

307:18

**Specialist**

[1] - 1:15

**specific**

[6] - 9:9,

56:19,

## BOARD OF ZONING APPEAL - 6/26/2014

160:11,  
 218:19,  
 224:8,  
 266:2

**specifically****ly**

[5] - 64:9,  
 209:3,  
 242:13,  
 264:9,  
 283:13

**speculate**

[1] - 86:17

**spend**

[3] - 142:  
 4, 202:14,  
 306:6

**spending**

[2] - 140:  
 16, 300:6

**spirit**

[2] - 91:1  
 8, 140:1

**spoken**

[4] - 89:1  
 1, 99:6,  
 185:12,  
 185:14

**spot**

[3] - 77:1  
 3, 78:12,  
 78:15

**spots**

[3] - 43:1  
 2, 77:5,  
 79:16

**spring**

[1] - 301:6

**Square**

[2] - 85:3,  
 234:17

**square**

[11] - 11:  
 9, 115:8,  
 115:10,  
 115:11,  
 144:19,

## BOARD OF ZONING APPEAL - 6/26/2014

215:5,  
 221:18,  
 236:15,  
 236:17,  
 258:13,  
 290:19

**squeeze**

[2] - 20:1  
 2, 23:7

**squeezed**

[1] - 149:  
 19

**squeezing**

[1] - 21:10

**squirrels**

[1] - 152:  
 11

**stack**

[1] - 88:16

**stacked**

[1] - 57:7

**stacking**

[1] - 5:4

**staff**

[1] - 266:8

**stager**

[1] - 7:8

**stagnant**

[2] - 142:9

**stair**

[9] - 199:  
 6, 203:15,  
 203:17,  
 208:10,  
 257:9,  
 258:10,  
 258:15,  
 264:7,  
 277:18

**staircase**

[34] - 190  
 :13,  
 190:17,  
 190:19,  
 191:1,  
 191:5,  
 191:9,

## BOARD OF ZONING APPEAL - 6/26/2014

191:11,  
 191:14,  
 192:7,  
 192:9,  
 192:14,  
 196:1,  
 196:16,  
 197:11,  
 198:3,  
 199:9,  
 199:13,  
 200:17,  
 201:5,  
 201:8,  
 201:11,  
 201:16,  
 201:19,  
 202:5,  
 202:13,  
 203:7,  
 204:4,  
 205:1,  
 208:6,  
 208:7,  
 211:1,  
 211:19,  
 228:4

**stairs**

[6] - 15:1  
 4, 16:2,  
 199:7,  
 200:3,  
 205:7

**stairway**

[4] - 15:1  
 7, 42:10,  
 95:18,  
 203:19

**stairwell**

[2] - 16:5,  
 257:12

**stamp**

[2] - 41:9,  
 84:6

**standard**

[2] - 40:1  
 9, 230:2

## BOARD OF ZONING APPEAL - 6/26/2014

**standards**

[3] - 96:1,  
108:16,  
109:15

**standing**

[1] - 150:2

**standpoint**

[2] - 200:  
19, 201:10

**start**

[7] - 3:6,  
103:9,  
119:1,  
138:6,  
245:1,  
254:10,  
303:14

**started**

[4] - 84:1  
2, 144:6,  
203:9,  
252:19

**starting**

[2] - 245:  
4, 280:14

**stating**

[1] - 201:8

**statute**

[1] - 160:  
14

**stay**

[2] - 262:  
8, 279:12

**steep**

[4] - 190:  
17,  
199:10,  
200:18,  
204:7

**stenograph****er**

[3] - 73:1,  
130:12,  
213:10

**step**

[2] - 133:  
5, 284:17

## BOARD OF ZONING APPEAL - 6/26/2014

**stepped**

[1] - 286:4

**steps**

[5] - 119:

11,

119:19,

120:6,

133:5,

198:18

**stick**

[2] - 120:

3, 229:8

**still**

[11] - 66:

7, 74:13,

78:19,

115:10,

122:10,

164:6,

182:5,

208:18,

216:7,

223:2,

265:4

**stimulatio****n**

[2] - 110:

17, 123:11

**stop**

[1] - 248:9

**stops**

[1] - 164:8

**storage**

[2] - 29:8,

195:4

**store**

[5] - 73:9,

77:11,

91:2,

91:4, 93:6

**stories**

[1] - 291:

10

**story**

[18] - 7:7,

31:12,

31:14,

BOARD OF ZONING APPEAL - 6/26/2014

39:16,  
81:2,  
107:13,  
118:6,  
153:8,  
153:9,  
192:2,  
194:2,  
196:1,  
208:2,  
210:12,  
235:4,  
238:6,  
257:8,  
269:9

**straightfo**  
**rward**

[1] - 9:4

**stream**

[1] - 301:8

**Street**

[144] - 2:  
3, 2:5,  
2:6, 2:8,  
2:9, 2:11,  
2:12,  
2:14,  
2:15,  
2:18,  
3:16,  
4:15,  
17:14,  
17:18,  
18:4,  
28:8,  
31:6,  
31:10,  
38:13,  
38:15,  
38:16,  
38:17,  
44:14,  
52:11,  
54:7,  
55:6,  
55:14,  
57:9,

## BOARD OF ZONING APPEAL - 6/26/2014

57:15,  
58:4,  
58:6,  
58:12,  
59:1,  
62:7,  
65:14,  
65:18,  
69:6,  
69:10,  
71:2,  
73:9,  
73:10,  
73:15,  
80:19,  
83:8,  
83:12,  
89:9,  
90:16,  
90:19,  
91:12,  
92:19,  
94:5,  
94:18,  
95:1,  
95:2,  
95:3,  
95:4,  
95:5,  
95:6,  
95:7,  
95:12,  
96:6,  
96:17,  
98:5,  
101:3,  
102:7,  
106:8,  
109:10,  
109:11,  
112:8,  
112:9,  
112:13,  
112:18,  
130:14,  
132:4,  
138:3,

## BOARD OF ZONING APPEAL - 6/26/2014

138:8,  
143:2,  
145:18,  
146:2,  
147:2,  
147:8,  
148:1,  
148:2,  
148:8,  
148:9,  
150:4,  
150:9,  
151:7,  
151:9,  
151:10,  
151:19,  
152:19,  
156:4,  
156:11,  
156:17,  
157:1,  
157:5,  
157:10,  
157:12,  
158:7,  
158:11,  
175:6,  
181:7,  
183:7,  
183:13,  
190:7,  
208:1,  
213:7,  
213:13,  
213:14,  
214:10,  
218:8,  
219:3,  
220:19,  
234:7,  
234:13,  
236:14,  
236:18,  
239:4,  
239:5,  
242:1,  
242:13,

BOARD OF ZONING APPEAL - 6/26/2014

242:14,  
242:15,  
242:17,  
243:5,  
243:9,  
243:12,  
256:6,  
258:3,  
276:6,  
276:11,  
276:12,  
276:13,  
276:14

**street**

[26] - 35:  
4, 47:4,  
47:9,  
48:19,  
50:19,  
51:3,  
52:14,  
53:18,  
66:16,  
71:10,  
75:4,  
75:8,  
77:17,  
78:18,  
83:3,  
94:11,  
206:19,  
214:10,  
220:10,  
225:3,  
225:4,  
227:8,  
237:9,  
262:11,  
264:1,  
270:1

**Street/Wal  
den**

[1] - 91:12

**streets**

[2] - 52:1  
2, 73:15

**Streets**

## BOARD OF ZONING APPEAL - 6/26/2014

[3] - 29:1,  
89:16,  
93:11

**stress**

[1] - 154:  
17

**stressful**

[1] - 143:3

**stretched**

[1] - 199:  
11

**strictly**

[1] - 166:  
13

**strong**

[1] - 103:  
14

**strongly**

[6] - 94:1  
2, 97:8,  
113:14,  
147:3,  
147:6,  
150:19

**structural****ly**

[1] - 217:1

**structure**

[25] - 7:1  
5, 10:13,  
18:6,  
18:8,  
24:12,  
24:16,  
66:13,  
110:19,  
115:17,  
126:13,  
144:12,  
172:3,  
183:19,  
194:17,  
211:8,  
235:14,  
251:1,  
269:13,  
269:14,

## BOARD OF ZONING APPEAL - 6/26/2014

269:17,  
279:10,  
279:16,  
280:4,  
291:18,  
304:2

**structures**

[2] - 7:16,  
230:5

**stuck**

[1] - 191:  
19

**studio**

[1] - 192:  
18

**Studios**

[1] - 248:  
19

**stuff**

[5] - 113:  
2, 145:2,  
225:1,  
274:13,  
301:3

**style**

[3] - 7:4,  
11:6,  
120:5

**subject**

[2] - 158:  
10, 281:8

**submit**

[5] - 67:1,  
104:12,  
206:9,  
274:19,  
302:15

**submitted**

[16] - 25:  
17, 33:18,  
41:17,  
66:2,  
66:5,  
110:11,  
172:13,  
179:12,  
188:10,

## BOARD OF ZONING APPEAL - 6/26/2014

208:14,  
 212:7,  
 241:6,  
 242:11,  
 276:4,  
 280:13,  
 304:19

**substance**

[1] - 110:3

**substantia****l**

[21] - 24:  
 3, 24:18,  
 25:1,  
 163:8,  
 171:15,  
 172:5,  
 173:16,  
 174:5,  
 186:18,  
 210:17,  
 211:11,  
 247:9,  
 247:17,  
 250:4,  
 276:15,  
 279:7,  
 279:18,  
 280:1,  
 303:19,  
 304:12,  
 306:16

**substantia****lly**

[7] - 169:  
 5, 169:8,  
 172:7,  
 211:13,  
 247:19,  
 253:10,  
 304:13

**successful**

[1] - 59:8

**suffer**

[1] - 298:6

**suffers**

[1] - 289:

## BOARD OF ZONING APPEAL - 6/26/2014

10

**suggest**

[4] - 57:1  
0, 100:16,  
101:10,  
191:14

**suggestion**

[4] - 52:7,  
59:12,  
100:13,  
101:5

**suggestion****s**

[1] - 56:6

**SULLIVAN**

[34] - 10:  
19, 12:1,  
12:14,  
22:8,  
23:8,  
36:9,  
129:5,  
129:11,  
163:3,  
175:17,  
197:17,  
198:6,  
198:14,  
199:2,  
199:7,  
199:16,  
200:2,  
200:5,  
200:8,  
200:12,  
201:11,  
202:7,  
203:12,  
204:12,  
267:17,  
270:16,  
271:3,  
274:7,  
274:11,  
295:9,  
296:15,  
299:11,

## BOARD OF ZONING APPEAL - 6/26/2014

300:12,  
301:8

**Sullivan**

[28] - 1:1  
3, 3:12,  
26:16,  
28:3,  
105:4,  
106:3,  
173:7,  
174:14,  
175:3,  
176:3,  
177:3,  
180:3,  
181:3,  
183:3,  
189:5,  
190:3,  
212:14,  
213:4,  
234:4,  
249:10,  
251:15,  
252:4,  
256:4,  
263:11,  
281:12,  
282:4,  
306:2,  
308:4

**summary**

[1] - 214:1

**summer**

[1] - 107:  
18

**summertime**

[1] - 289:  
14

**sun**

[17] - 111  
:10,  
112:3,  
112:7,  
115:2,  
119:18,  
120:11,

## BOARD OF ZONING APPEAL - 6/26/2014

120:17,  
 125:7,  
 127:7,  
 129:1,  
 135:3,  
 136:12,  
 165:18,  
 166:14,  
 167:1,  
 167:8,  
 171:18

**sunroom**

[2] - 107:  
 13, 108:11

**super**

[1] - 162:  
 19

**supersede**

[1] - 158:9

**superseded**

[1] - 96:2

**supersedin**

**g**  
 [1] - 159:  
 18

**support**

[30] - 18:  
 12, 53:14,  
 70:2,  
 78:2,  
 78:4,  
 78:9,  
 92:7,  
 114:6,  
 153:19,  
 154:3,  
 162:9,  
 205:6,  
 206:10,  
 206:12,  
 206:14,  
 207:10,  
 207:17,  
 207:18,  
 209:3,  
 209:18,  
 210:2,

## BOARD OF ZONING APPEAL - 6/26/2014

229:12,  
 243:1,  
 243:7,  
 246:8,  
 248:3,  
 264:5,  
 276:15,  
 280:9,  
 303:12

**supported**

[1] - 244:4

**supporting**

[2] - 34:1,  
 68:19

**supportive**

[1] - 10:7

**supports**

[1] - 243:  
 18

**suppose**

[7] - 20:1  
 0, 56:14,  
 79:3,  
 87:6,  
 87:19,  
 171:2,  
 269:4

**supposed**

[6] - 40:1  
 5, 60:10,  
 116:3,  
 116:10,  
 166:19,  
 181:9

**supposedly**

[1] - 154:  
 10

**surface**

[2] - 276:  
 18, 278:11

**surprised**

[1] - 63:11

**surrounded**

[5] - 31:8,  
 33:16,  
 87:11,  
 167:9,

## BOARD OF ZONING APPEAL - 6/26/2014

263:18

**surroundin****g**

[6] - 46:2,  
 52:12,  
 96:13,  
 96:19,  
 138:11,  
 149:8

**suspect**

[1] - 100:8

**sustained**

[1] - 271:  
 10

**sweat**

[1] - 299:  
 19

**sweet**

[1] - 185:2

**symmetrica****l**

[1] - 265:4

**sympatheti****c**

[2] - 148:  
 12, 164:5

**system**

[1] - 202:  
 19

**T****T1**

[1] - 25:19

**T2**

[1] - 25:19

**table**

[2] - 20:2,  
 167:15

**talks**

[1] - 96:4

**tall**

[3] - 133:  
 8, 133:10,  
 285:13

**Tank**

[1] - 208:  
 15

## BOARD OF ZONING APPEAL - 6/26/2014

**tasteful**

[1] - 245:  
17

**tear**

[1] - 32:7

**tearing**

[1] - 272:  
17

**tears**

[1] - 300:1

**technicall****y**

[3] - 121:  
9, 202:6,  
202:9

**ten**

[1] - 143:6

**tenant**

[3] - 10:1  
5, 11:19,  
66:18

**tenants**

[6] - 50:1  
2, 51:3,  
74:12,  
77:3,  
82:7,  
243:11

**tends**

[1] - 300:3

**terms**

[17] - 9:4,  
16:10,  
25:6,  
42:13,  
43:13,  
134:5,  
138:6,  
146:4,  
160:4,  
192:4,  
253:15,  
268:9,  
270:6,  
298:15,  
301:17,  
304:3,

## BOARD OF ZONING APPEAL - 6/26/2014

304:5

**testify**

[1] - 209:5

**testimony**

[19] - 17:

4, 19:9,

98:8,

127:3,

130:8,

156:7,

159:2,

159:3,

159:7,

161:4,

161:5,

175:15,

186:1,

205:14,

206:5,

224:19,

226:11,

241:11,

246:14

**text**

[1] - 256:

11

**than..**

[1] - 301:

15

**THE**

[2] - 1:3,

1:18

**theirs**

[2] - 44:1

7, 296:1

**themselves**

[1] - 5:3

**therefore**

[5] - 77:1

8, 172:3,

247:16,

258:17,

281:2

**they've**

[1] - 127:

19

**thinking**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 226:  
5, 289:12

**third**

[22] - 5:9,  
24:6,  
64:6,  
140:14,  
150:15,  
214:12,  
215:8,  
226:18,  
243:13,  
244:3,  
249:16,  
256:14,  
257:10,  
257:14,  
258:14,  
261:5,  
261:9,  
285:13,  
285:19,  
293:10,  
295:15,  
300:2

**third-floo****r**

[2] - 257:  
10, 257:14

**thirds**

[1] - 191:  
19

**THOMAS**

[31] - 14:  
7, 19:15,  
23:12,  
23:18,  
41:8,  
43:8,  
43:14,  
43:19,  
61:17,  
166:12,  
167:16,  
168:1,  
173:2,  
186:8,

## BOARD OF ZONING APPEAL - 6/26/2014

203:15,  
215:9,  
215:19,  
218:1,  
224:1,  
225:9,  
228:14,  
270:8,  
270:18,  
272:7,  
272:12,  
277:5,  
277:8,  
277:12,  
283:13,  
293:1,  
293:9

**Thomas**

[27] - 1:1  
4, 3:12,  
26:16,  
28:3,  
105:4,  
106:3,  
173:5,  
175:3,  
176:3,  
177:3,  
180:3,  
181:3,  
183:3,  
189:4,  
190:4,  
212:14,  
213:4,  
233:8,  
234:4,  
249:9,  
251:14,  
252:4,  
256:4,  
281:11,  
282:4,  
306:1,  
308:3

**Thornton**

[1] - 244:

BOARD OF ZONING APPEAL - 6/26/2014

15

**thoughts**

[1] - 301:

18

**three**

[38] - 4:1

4, 4:15,

7:9, 8:8,

19:6,

21:10,

40:13,

41:3,

43:11,

56:9,

62:14,

62:15,

75:13,

79:11,

79:13,

81:2,

83:16,

87:4,

123:4,

140:18,

145:4,

145:14,

163:1,

173:4,

174:11,

177:14,

178:8,

193:2,

194:16,

195:6,

198:18,

207:3,

207:7,

209:4,

216:13,

219:19,

260:15,

268:12

**three-bedr**

**oom**

[2] - 75:1

3, 79:11

**three-fami**

## BOARD OF ZONING APPEAL - 6/26/2014

**ly**

[2] - 4:15,  
19:6

**three-stor****Y**

[1] - 81:2

**throw**

[2] - 71:9,  
162:7

**thrown**

[1] - 101:6

**Thursday**

[2] - 1:7,  
99:18

**Tia**

[1] - 148:  
14

**Tibbs**

[1] - 158:6

**tie**

[1] - 259:7

**ties**

[1] - 260:2

**tight**

[4] - 52:1  
7, 69:6,  
146:13,  
197:7

**Tim**

[1] - 243:  
13

**TIME**

[1] - 1:8

**timely**

[1] - 143:8

**Timothy**

[28] - 1:1  
3, 3:12,  
26:15,  
28:3,  
105:3,  
106:3,  
173:6,  
174:14,  
175:2,  
176:3,  
177:2,

## BOARD OF ZONING APPEAL - 6/26/2014

180:3,  
183:2,  
189:5,  
190:3,  
212:13,  
213:3,  
233:10,  
234:3,  
245:7,  
249:9,  
251:14,  
252:3,  
256:3,  
281:11,  
282:3,  
306:1,  
308:3

**TIMOTHY**

[82] - 15:  
8, 15:13,  
16:1,  
16:8,  
17:2,  
19:13,  
55:9,  
55:12,  
55:17,  
56:1,  
56:18,  
76:12,  
102:13,  
127:6,  
127:10,  
127:13,  
128:1,  
128:5,  
128:10,  
128:13,  
128:18,  
129:8,  
129:13,  
134:9,  
134:13,  
134:16,  
136:2,  
161:12,  
165:9,

## BOARD OF ZONING APPEAL - 6/26/2014

168:17,  
169:11,  
170:11,  
170:14,  
185:5,  
186:3,  
186:9,  
205:12,  
213:9,  
216:9,  
216:12,  
217:10,  
217:14,  
217:19,  
219:11,  
220:3,  
223:6,  
223:19,  
224:17,  
225:5,  
226:1,  
226:9,  
227:18,  
229:18,  
230:10,  
230:14,  
231:2,  
231:14,  
231:18,  
232:5,  
232:10,  
232:14,  
241:9,  
245:3,  
265:14,  
265:19,  
266:15,  
267:13,  
267:19,  
268:6,  
268:17,  
272:1,  
273:3,  
275:13,  
278:16,  
279:1,  
288:11,

## BOARD OF ZONING APPEAL - 6/26/2014

288:15,  
292:7,  
292:18,  
296:12,  
302:7,  
306:8

**Tina**

[5] - 54:1  
0, 65:16,  
66:1,  
89:1, 90:9

**tinkering**

[1] - 274:  
13

**tiny**

[1] - 258:  
13

**today**

[5] - 33:1  
1, 52:2,  
119:3,  
153:3,  
218:2

**together**

[6] - 10:1  
0, 104:13,  
143:6,  
146:9,  
179:13,  
254:12

**Tom**

[5] - 166:  
10, 186:6,  
186:10,  
223:19,  
225:5

**tonight**

[18] - 28:  
16, 29:15,  
43:3,  
44:11,  
45:5,  
54:9,  
61:1,  
62:18,  
66:2,  
100:17,

## BOARD OF ZONING APPEAL - 6/26/2014

113:11,  
 116:18,  
 131:3,  
 158:18,  
 169:18,  
 178:2,  
 213:19,  
 283:5

**tonight's**

[1] - 97:4

**took**

[9] - 10:4,  
 133:12,  
 133:13,  
 133:14,  
 133:15,  
 149:10,  
 152:15,  
 153:3,  
 295:15

**tools**

[1] - 301:2

**top**

[12] - 7:1  
 0, 16:2,  
 16:16,  
 16:18,  
 19:1,  
 119:10,  
 128:2,  
 150:17,  
 203:3,  
 253:12,  
 287:8,  
 293:5

**topography**

[3] - 172:  
 4, 174:2,  
 230:4

**total**

[7] - 30:1  
 9, 46:11,  
 109:7,  
 146:9,  
 236:17,  
 288:17,  
 292:9

## BOARD OF ZONING APPEAL - 6/26/2014

**totally**

[2] - 22:9,  
153:4

**touch**

[1] - 23:5

**tough**

[1] - 298:7

**towards**

[8] - 14:5,  
15:15,  
23:13,  
134:13,  
135:7,  
195:13,  
223:7,  
258:2

**tower**

[7] - 258:  
10,  
258:15,  
259:2,  
264:7,  
264:14,  
277:9,  
277:19

**town**

[1] - 209:  
14

**toy**

[1] - 193:4

**track**

[1] - 97:10

**tracks**

[1] - 120:5

**traditiona**

**l**  
[1] - 11:6

**traffic**

[6] - 43:1  
8, 50:13,  
55:3,  
85:2,  
89:13,  
89:19

**transcript**

**s**  
[1] - 163:7

## BOARD OF ZONING APPEAL - 6/26/2014

**transparen****cy**

[1] - 122:  
11

**transporta****tion**

[2] - 51:1  
9, 53:6

**transverse**

[1] - 228:  
15

**trapped**

[1] - 132:9

**traveling**

[1] - 234:  
15

**treatment**

[1] - 304:5

**tree**

[10] - 126  
:1,  
132:10,  
133:1,  
133:19,  
144:18,  
145:4,  
145:7,  
153:4,  
153:11,  
166:7

**tremendous**

[1] - 122:  
10

**triangles**

[1] - 278:  
10

**tried**

[5] - 56:9,  
59:5,  
124:2,  
125:3,  
270:10

**tries**

[1] - 159:  
18

**tripped**

[1] - 204:8

## BOARD OF ZONING APPEAL - 6/26/2014

**trouble**

[2] - 106:  
12, 166:9

**troublesome****e**

[2] - 161:  
14, 254:1

**troubling**

[2] - 143:  
3, 144:7

**true**

[12] - 117  
:13,  
126:10,  
132:10,  
132:14,  
135:2,  
135:10,  
136:14,  
137:11,  
145:5,  
214:9,  
215:9,  
286:3

**truly**

[1] - 246:7

**trust**

[1] - 97:15

**truth**

[1] - 117:4

**try**

[24] - 14:  
5, 36:18,  
56:5,  
59:3,  
59:10,  
61:6,  
63:14,  
64:1,  
70:17,  
102:15,  
106:15,  
111:8,  
142:10,  
148:19,  
159:14,  
178:6,

## BOARD OF ZONING APPEAL - 6/26/2014

227:14,  
253:16,  
256:9,  
295:7,  
297:2,  
297:6,  
297:8,  
298:3

**trying**

[23] - 13:  
1, 20:6,  
48:14,  
52:18,  
53:3,  
55:2,  
56:8,  
60:14,  
70:9,  
88:14,  
88:16,  
101:7,  
121:3,  
121:4,  
122:4,  
126:12,  
139:4,  
148:17,  
273:19,  
284:16,  
289:14,  
297:2,  
301:13

**turn**

[6] - 57:1  
3, 58:16,  
82:5,  
198:11,  
198:12,  
257:14

**turned**

[3] - 59:6,  
84:18,  
86:13

**tweaking**

[1] - 299:  
13

**twice**

BOARD OF ZONING APPEAL - 6/26/2014

[1] - 219:  
18

**two**

[71] - 12:  
4, 16:8,  
16:12,  
30:18,  
31:3,  
31:8,  
35:6,  
38:11,  
40:2,  
40:19,  
43:11,  
44:1,  
46:19,  
50:6,  
51:15,  
56:9,  
73:15,  
74:3,  
83:14,  
91:2,  
91:18,  
95:17,  
98:13,  
107:14,  
108:15,  
119:16,  
132:3,  
134:10,  
134:11,  
151:15,  
162:19,  
169:3,  
169:6,  
170:1,  
173:3,  
185:16,  
191:19,  
192:2,  
196:6,  
200:15,  
200:18,  
206:18,  
207:6,  
215:6,

BOARD OF ZONING APPEAL - 6/26/2014

- 215:10,
- 215:13,
- 247:3,
- 253:9,
- 256:13,
- 256:14,
- 261:8,
- 262:2,
- 262:6,
- 264:14,
- 267:1,
- 269:9,
- 271:8,
- 271:14,
- 278:13,
- 282:12,
- 283:16,
- 285:3,
- 286:19,
- 287:14,
- 287:16,
- 291:10,
- 295:16,
- 296:10,
- 302:10,
- 305:6,
- 305:10

**two-part**

- [1] - 12:4

**two-story**

- [1] - 192:2

**two-thirds**

- [1] - 191:
- 19

**type**

- [1] - 229:1

**typical**

- [5] - 7:3,
- 71:16,
- 190:18,
- 238:12,
- 269:6

**typically**

- [1] - 7:16

**ugly** **U**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 153:  
10

**unable**

[1] - 247:  
11

**unanimous**

[1] - 280:9

**unappealin****g**

[1] - 68:6

**under**

[14] - 17:  
18, 36:10,  
39:5,  
47:13,  
67:17,  
74:13,  
86:11,  
91:16,  
163:14,  
179:8,  
201:15,  
221:15,  
223:15,  
230:1

**undergroun****d**

[1] - 86:19

**underneath**

[3] - 134:  
3, 272:19,  
301:9

**underpaid**

[2] - 107:  
5, 107:10

**understood**

[1] - 45:6

**undertakin****g**

[1] - 114:2

**unfortunat****ely**

[1] - 234:  
13

**unique**

[3] - 96:1  
2, 279:16,

## BOARD OF ZONING APPEAL - 6/26/2014

291:7

**Unit**

[1] - 157:

11

**unit**

[5] - 8:11,

12:6,

70:7,

102:16,

243:13

**units**

[17] - 8:8,

24:6,

24:9,

35:7,

36:3,

36:11,

51:10,

53:10,

66:14,

66:15,

86:18,

91:3,

91:19,

92:12,

95:18,

240:1,

243:10

**unless**

[6] - 9:2,

17:5,

87:3,

175:15,

217:4,

275:15

**unorthodox**

[1] - 13:18

**unrelated**

[3] - 47:1

6, 47:18,

48:1

**unroofed**

[1] - 5:10

**unsuccessf****ul**

[1] - 59:7

**unusual**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 76:11

**up**

[71] - 7:1

0, 16:14,

17:4,

30:4,

33:7,

38:16,

44:16,

45:14,

50:11,

55:3,

68:13,

69:10,

75:8,

76:8,

80:9,

81:3,

81:4,

83:2,

83:4,

83:7,

100:4,

111:15,

112:15,

127:3,

127:5,

129:19,

130:8,

132:14,

133:5,

133:16,

135:8,

137:19,

145:6,

149:11,

152:16,

153:4,

154:17,

160:19,

162:7,

164:11,

165:11,

197:17,

198:2,

198:11,

198:12,

## BOARD OF ZONING APPEAL - 6/26/2014

200:3,  
204:4,  
205:2,  
205:14,  
224:18,  
231:4,  
240:1,  
241:11,  
254:16,  
256:19,  
257:10,  
259:3,  
259:6,  
259:16,  
260:13,  
261:7,  
261:11,  
266:17,  
270:17,  
275:17,  
282:12,  
286:8,  
286:13,  
292:4,  
295:15,  
296:1

**update**

[1] - 203:7

**updated**

[1] - 203:1

**upper**

[1] - 257:7

**upstairs**

[5] - 152:

1, 198:4,

203:19,

204:3,

296:10

**urge**

[4] - 90:6,

94:12,

97:8,

157:2

**usable**

[2] - 183:

18, 221:9

**useful**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 11:19

**uses**

[3] - 33:1

6, 193:6,

250:6

**V**

**vac**

[1] - 301:5

**vacation**

[1] - 207:

13

**vagaries**

[1] - 63:9

**vague**

[1] - 110:9

**value**

[8] - 12:4,

12:6,

49:12,

49:14,

70:6,

70:10,

135:11,

202:18

**value-wise**

[1] - 70:10

**vantage**

[1] - 125:

18

**variance**

[51] - 25:

14, 26:13,

26:18,

39:8,

40:10,

40:12,

64:10,

95:14,

96:17,

107:12,

109:5,

109:13,

114:8,

143:11,

143:12,

157:16,

BOARD OF ZONING APPEAL - 6/26/2014

- 158:15,
- 160:6,
- 160:12,
- 162:9,
- 165:13,
- 172:10,
- 172:19,
- 173:8,
- 184:16,
- 208:9,
- 210:11,
- 210:15,
- 212:4,
- 235:3,
- 235:4,
- 236:1,
- 236:2,
- 242:6,
- 247:2,
- 247:5,
- 248:7,
- 249:6,
- 277:15,
- 277:18,
- 278:5,
- 279:4,
- 280:11,
- 281:8,
- 281:14,
- 286:6,
- 286:8,
- 287:18,
- 303:14,
- 305:16,
- 307:16

**Variance**

[1] - 249:3

**variances**

[3] - 92:1  
 0, 303:15,  
 304:16

**various**

[1] - 99:4

**vary**

[1] - 11:10

**vast**

[1] - 246:3

## BOARD OF ZONING APPEAL - 6/26/2014

**venture**

[1] - 9:16

**verbally**

[1] - 244:8

**verified**

[1] - 108:

19

**Vice**

[1] - 1:13

**vicinity**

[1] - 108:

16

**Videos**

[1] - 234:

17

**view**

[30] - 31:

13, 31:14,

32:19,

33:1,

108:12,

111:11,

112:3,

112:8,

112:9,

112:17,

124:7,

132:8,

132:15,

140:15,

150:11,

151:13,

152:1,

154:13,

159:13,

159:18,

162:8,

162:16,

164:19,

197:3,

197:16,

239:19,

244:7,

274:2,

284:12,

284:13

**views**

## BOARD OF ZONING APPEAL - 6/26/2014

[7] - 98:3,  
149:5,  
150:1,  
160:18,  
166:11,  
243:12,  
244:12

**violating**

[1] - 127:8

**violation**

[2] - 95:1  
9, 166:5

**VIRGINIA**

[2] - 141:  
18, 142:17

**Virginia**

[1] - 141:  
19

**virtually**

[5] - 33:1  
1, 99:5,  
116:9,  
218:11,  
218:12

**visible**

[4] - 245:  
15,  
269:19,  
292:3,  
292:5

**visit**

[1] - 294:  
19

**visitors**

[1] - 79:14

**visual**

[6] - 24:1  
6, 107:16,  
110:6,  
111:14,  
120:16,  
149:13

**visualize**

[1] - 148:  
19

**visually**

[1] - 46:3

## BOARD OF ZONING APPEAL - 6/26/2014

**voice**

[1] - 65:12

**void**

[2] - 12:1

7, 12:18

**volume**

[1] - 259:

17

**voluntarily****Y**

[2] - 139:

1, 139:5

**vote**

[24] - 19:

12, 23:17,

104:1,

162:19,

166:8,

168:12,

168:15,

171:7,

171:9,

173:11,

175:13,

186:2,

186:4,

186:5,

186:7,

210:8,

223:18,

246:16,

246:18,

247:1,

247:2,

302:6,

302:8

**voted**

[5] - 169:

1, 173:11,

173:12,

173:14,

174:9

**votes**

[7] - 20:4,

162:18,

162:19,

181:18,

## BOARD OF ZONING APPEAL - 6/26/2014

181:19,  
 247:4,  
 302:10

**voting**

[1] - 30:2

**vouch**

[1] - 113:  
 14

**W****wain**

[1] - 165:1

**wait**

[3] - 55:1,  
 254:12,  
 274:5

**waiting**

[6] - 57:8,  
 57:14,  
 69:11,  
 86:9,  
 208:18,  
 210:9

**waiver**

[3] - 104:  
 6, 178:19,  
 233:1

**Walden**

[42] - 2:5,  
 3:16,  
 4:15,  
 17:14,  
 17:18,  
 18:4,  
 28:7,  
 29:1,  
 31:5,  
 31:10,  
 38:13,  
 38:16,  
 52:11,  
 58:6,  
 58:12,  
 69:10,  
 72:2,  
 73:9,  
 73:10,

## BOARD OF ZONING APPEAL - 6/26/2014

80:19,  
89:9,  
89:16,  
90:16,  
90:18,  
93:10,  
94:4,  
95:1,  
95:2,  
95:3,  
95:4,  
95:5,  
95:6,  
95:7,  
95:12,  
96:6,  
96:17,  
98:5,  
101:3,  
102:6,  
213:13

**walk**

[8] - 75:6,  
83:7,  
86:2,  
101:12,  
118:17,  
120:17,  
146:5,  
167:13

**walked**

[1] - 99:3

**walks**

[1] - 184:1

**wall**

[31] - 44:  
5, 44:7,  
134:19,  
150:5,  
150:7,  
216:4,  
216:17,  
216:19,  
219:5,  
219:10,  
219:13,  
219:15,

## BOARD OF ZONING APPEAL - 6/26/2014

219:17,  
 220:1,  
 220:6,  
 220:12,  
 221:1,  
 221:18,  
 228:1,  
 228:3,  
 258:18,  
 258:19,  
 261:12,  
 266:12,  
 266:13,  
 292:12,  
 295:17

**walls**

[1] - 184:  
 18

**walnut**

[1] - 153:4

**wants**

[4] - 48:1  
 8, 70:14,  
 83:19,  
 161:10

**warehouse**

[1] - 78:18

**warehouse/****office**

[3] - 31:9,  
 31:19,  
 32:8

**warm**

[1] - 107:  
 18

**watch**

[2] - 295:  
 3, 296:13

**water**

[1] - 301:1

**waterproof**

[1] - 301:  
 13

**weak**

[1] - 110:3

**weather**

[4] - 122:

## BOARD OF ZONING APPEAL - 6/26/2014

7, 122:9,  
166:18,  
260:17

**Weaver**

[1] - 172:  
14

**wedded**

[1] - 62:12

**weigh**

[1] - 226:  
13

**welfare**

[3] - 187:  
6, 250:10,  
307:4

**well-being**

[1] - 93:16

**well-found****ed**

[1] - 57:3

**well-known**

[1] - 91:8

**west**

[3] - 112:  
10, 135:6,  
138:4

**wet**

[1] - 301:5

**whatsoever**

[1] - 144:9

**whereabout****s**

[1] - 197:  
19

**white**

[3] - 218:  
17, 219:3,  
220:18

**whole**

[4] - 21:3,  
24:17,  
263:11,  
286:12

**wholeheart****edly**

[1] - 92:7

**wide**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 204:  
19, 260:16

**width**

[6] - 9:7,  
11:10,  
12:12,  
22:3,  
121:19,  
122:2

**wife**

[8] - 18:3,  
113:15,  
148:14,  
157:13,  
285:2,  
289:7,  
295:5,  
298:5

**William**

[8] - 2:3,  
2:6,  
17:13,  
106:7,  
109:10,  
112:6,  
130:14,  
132:4

**Williams**

[12] - 138  
:8, 143:2,  
148:2,  
148:8,  
150:4,  
151:9,  
156:11,  
156:17,  
157:1,  
157:5,  
157:9,  
157:12

**willing**

[2] - 59:3,  
170:16

**Willy**

[2] - 158:  
5, 158:8

**win**

## BOARD OF ZONING APPEAL - 6/26/2014

[2] - 197:  
12

**wind**

[1] - 50:11

**window**

[43] - 15:

13, 113:8,

132:1,

133:17,

145:8,

184:8,

196:8,

196:19,

197:9,

221:17,

222:6,

222:8,

235:14,

235:16,

244:12,

249:18,

261:16,

262:15,

267:4,

267:18,

270:6,

270:14,

270:15,

270:16,

271:10,

273:18,

278:12,

282:16,

282:18,

283:16,

287:5,

287:12,

287:16,

288:2,

288:5,

288:12,

289:8,

296:4,

298:10,

302:13,

304:5

**windows**

## BOARD OF ZONING APPEAL - 6/26/2014

[46] - 21:

7, 39:16,  
39:18,  
40:4,  
40:6,  
67:17,  
68:12,  
112:10,  
124:8,  
132:2,  
132:3,  
132:18,  
138:18,  
139:15,  
146:1,  
184:15,  
188:3,  
196:6,  
215:3,  
222:16,  
225:19,  
227:10,  
227:12,  
235:16,  
235:17,  
249:15,  
249:17,  
250:19,  
251:8,  
266:13,  
267:2,  
271:14,  
278:3,  
286:3,  
286:9,  
286:10,  
287:15,  
287:19,  
289:15,  
297:13,  
297:18,  
298:5,  
298:8,  
299:7

**WINIFRED**

[1] - 274:

19

## BOARD OF ZONING APPEAL - 6/26/2014

**winter**

[1] - 71:16

**winters**

[1] - 70:12

**wintertime**

[4] - 126:

8, 136:9,

145:19,

289:9

**wise**

[4] - 70:8,

70:10,

226:14,

302:3

**wish**

[3] - 28:9,

161:8,

163:19

**wishes**

[10] - 3:1

7, 17:11,

72:18,

79:18,

88:6,

88:10,

109:17,

141:14,

146:18,

155:19

**wishing**

[19] - 17:

8, 65:6,

106:8,

137:18,

140:6,

155:17,

175:8,

183:8,

185:7,

185:9,

190:8,

205:15,

205:19,

234:8,

241:12,

241:16,

252:7,

## BOARD OF ZONING APPEAL - 6/26/2014

256:7,

275:19

**withdraw**

[1] - 175:

11

**withdrawal**

[3] - 175:

14,

175:16,

176:1

**withdrawn**

[1] - 176:5

**wonder**

[2] - 222:

9, 272:2

**wondered**

[1] - 219:6

**wonderful**

[2] - 56:6,

157:2

**wondering**

[2] - 11:2,

50:5

**wooden**

[1] - 240:4

**word**

[1] - 304:3

**words**

[5] - 52:3,

118:5,

256:19,

278:15,

300:13

**work-in-pr**

**ogress**

[1] - 107:

17

**workers**

[1] - 245:1

**works**

[4] - 200:

8, 234:18,

296:16,

299:3

**worried**

[1] - 51:2

**worse**

## BOARD OF ZONING APPEAL - 6/26/2014

[1] - 128:  
16

**worth**

[3] - 272:  
2, 300:2,  
300:3

**worthwhile**

[1] - 170:7

**Wow**

[1] - 143:  
18

**wrap**

[3] - 68:7,  
71:13,  
71:18

**wrap-around****d**

[3] - 68:7,  
71:13,  
71:18

**wrapping**

[1] - 11:12

**wraps**

[1] - 31:14

**write**

[2] - 10:5,  
96:8

**writing**

[7] - 89:7,  
93:1,  
95:10,  
156:12,  
158:9,  
158:13,  
159:4

**written**

[2] - 54:3,  
113:12

**wrote**

[3] - 26:3,  
130:17,  
246:10

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[1] - 1:19

**X**

## BOARD OF ZONING APPEAL - 6/26/2014

**XIAN**

[7] - 200:  
 10, 204:2,  
 204:17,  
 205:4,  
 207:12,  
 209:10,  
 210:3

**Xian**

[1] - 193:5

**Y****yard**

[18] - 5:1  
 6, 46:9,  
 62:4,  
 83:15,  
 114:17,  
 115:14,  
 127:8,  
 127:13,  
 127:17,  
 142:4,  
 142:5,  
 150:2,  
 150:11,  
 171:19,  
 208:12,  
 236:8,  
 236:9,  
 291:9

**yards**

[6] - 84:6,  
 84:9,  
 87:17,  
 138:10,  
 152:4,  
 237:12

**year**

[6] - 107:  
 19, 126:6,  
 167:18,  
 168:3,  
 201:3,  
 285:1

**year-round**

[2] - 107:

## BOARD OF ZONING APPEAL - 6/26/2014

19, 168:3

**years**

[20] - 29:  
 7, 51:11,  
 80:8,  
 80:16,  
 82:1,  
 91:5,  
 93:4,  
 93:7,  
 113:18,  
 130:2,  
 139:19,  
 143:6,  
 156:12,  
 157:1,  
 157:12,  
 169:3,  
 169:6,  
 170:1,  
 202:13

**York**

[1] - 285:5

**young**

[2] - 139:  
 7, 139:8

**yourself**

[4] - 116:  
 17, 213:9,  
 298:1,  
 299:18

**YUN**

[7] - 200:  
 10, 204:2,  
 204:17,  
 205:4,  
 207:12,  
 209:10,  
 210:3

**Z****Z1**

[1] - 26:1

**Z2**

[1] - 26:1

**ZBA**

[8] - 94:1

## BOARD OF ZONING APPEAL - 6/26/2014

3, 157:19,  
190:1,  
213:1,  
234:1,  
252:1,  
256:1,  
282:1

**ZBA-002934**  
**-2014**

[2] - 2:9,  
177:1

**ZBA-003670**  
**-2014**

[1] - 28:2

**ZBA-003696**  
**-2014**

[3] - 2:6,  
3:11,  
106:2

**ZBA-003938**  
**-2014**

[1] - 2:15

**ZBA-003979**  
**-2014**

[2] - 2:12,  
183:1

**ZBA-00400-**  
**2014**

[1] - 2:13

**ZBA-004043**  
**-2014**

[1] - 2:18

**ZBA-004059**  
**-2014**

[1] - 2:16

**ZBA-004073**  
**-2014**

[2] - 2:10,  
181:2

**ZBA-10448**

[1] - 175:1

**ZBA-10448-**  
**2014**

[1] - 2:7

**Zelloe**

[3] - 111:  
9, 116:19,

## BOARD OF ZONING APPEAL - 6/26/2014

172:14

**ZELLOE**

[28] - 117

:1,

117:12,

117:18,

118:2,

118:8,

118:13,

118:16,

119:3,

120:6,

121:1,

121:7,

121:12,

121:15,

121:18,

122:2,

123:12,

123:15,

124:1,

125:15,

126:4,

127:9,

127:11,

128:4,

128:7,

128:12,

167:10,

170:2,

172:15

**zero**

[2] - 41:5,

64:14

**zone**

[1] - 77:13

**zoned**

[1] - 37:11

**ZONING**

[1] - 1:2

**zoning**

[14] - 40:

9, 63:10,

63:15,

64:2,

67:10,

137:2,

BOARD OF ZONING APPEAL - 6/26/2014

155:2,  
155:12,  
159:17,  
160:2,  
184:13,  
193:9,  
211:10,  
292:15

**Zoning**

[8] - 1:15,  
3:4, 92:8,  
95:13,  
96:8,  
97:10,  
242:5,  
308:6