CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 JAN 16 PM 3:56

BZA Application Form

BZA Number: 253747

General Information

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

Special Permit: ___ ___ Variance: ___X___ Appeal: _____

PETITIONER: Lan Zhang

PETITIONER'S ADDRESS: 16 James Way, MA, Cambridge 02141

LOCATION OF PROPERTY: **16 James Way , Cambridge, MA**

TYPE OF OCCUPANCY: Shed for Storage **ZONING DISTRICT:** Residence C-1 Zone

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

1. Apply a special permit to allow me keep a 10 inches small concrete pad at the left side of my shed

According to Zoning regulation section 4.21.h, min. 5 feet side setback is required for a shed. The replaced new shed in my back yard is on a concrete pad. Currently the concrete pad is 10inches larger than the shed at the left side. The set back of the shed meets 4.21.h, but 10 inches of the concrete pad is in the left side set back of the shed. The left side set back is 5.1 feet to 7 feet (Actually 6feet to 8feet from the fence). The inspector required me to remove/cut the 10 inches concrete pad. I apply for a special permit to allow me keep the 10 inches small concrete pad. The 10 inches small concrete pad is on ground, and it does not impact anything. The Tuff Shed does not require a concrete pad. The concrete pad was built to prevent rodents. Cutting the 10inches concrete pad may impact the integrity of the entire concrete pad and cause rodent issue.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000 Section: 4.21 (Acessory Structure).
Article: 10.000 Section: 10.30 (Variance).

Original Signature(s): Lan Zhang

(Petitioner (s) / Owner)

Lan Zhang

(Print Name)

Address: _____
Tel. No. 6174709986
E-Mail Address: 16jamesway@gmail.com

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Lan Zhang
(OWNER)

Address: 16 James Way, Cambridge

State that I/We own the property located at MA,

which is the subject of this zoning application.

The record title of this property is in the name of Lan Zhang

*Pursuant to a deed of duly recorded in the date 15 Jul 2021, Middlesex South County Registry of Deeds at Book 78248, Page 165; or Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.

Lan Zhang
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Lan Zhang personally appeared before me, this 11th of January, 2024, and made oath that the above statement is true.

Notary

My commission expires 03/22/2030 (Notary Seal).

TREMAINE V. PETERSON
Notary Public
Massachusetts
My Commission Expires
Mar 22, 2030

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

TREVANIE V. PETERSON
Notary Public
Massachusetts
My Commission Expires
Mar 22, 2030

BZA APPLICATION FORM

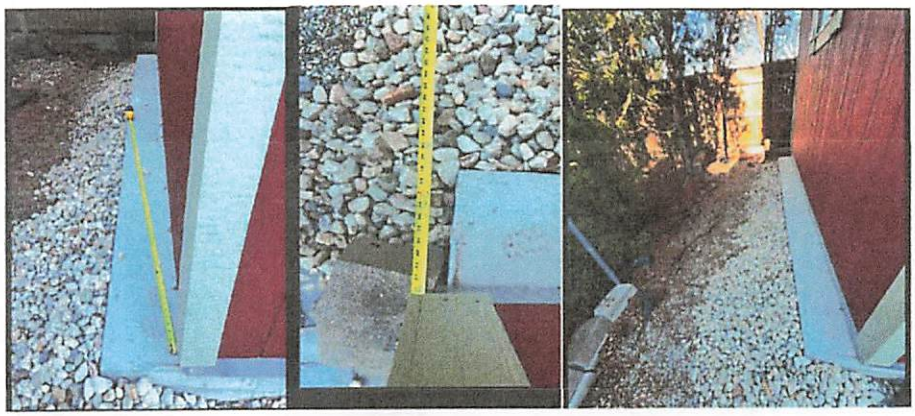
SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10: 16 James Way BZA-253747

A)

A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner appellant for the following reasons:

9 inches to 0 inch wide and 6 feet long triangle corner of a concrete pad (refer to the figure below) of a shed is in the left side setback of the shed. The height of the concrete pad is < 8 inches. The location of the concrete pad was determined based on the location of the fence, but the location of the fence was not accurate, which caused the concrete pad has minor variance. The location of the shed on the concrete pad fully meets zoning requirements because the shed was moved toward right-hand side for 10 inches in Dec, 2023 after discussion with inspectors.

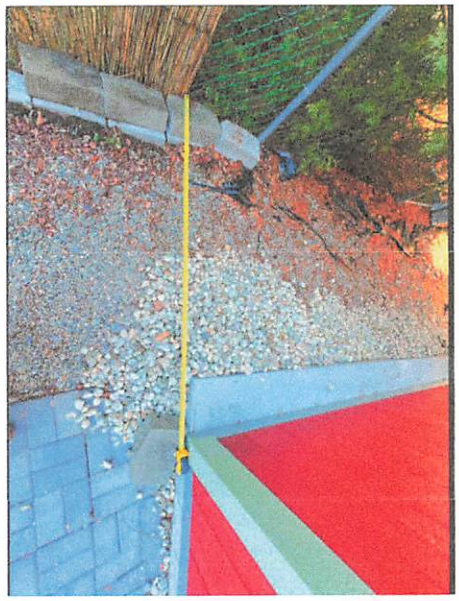


Based on the justifications below, I apply for variance approval for not removing the 9 inches to 0 inch wide and 6 feet long triangle corner of the concrete in the left side setback of the shed in my fenced back yard.

A.1)
According to the shed company (Tuff Shed), the concrete pad was not required for the shed. I replaced the shed because of rodents issue. Significant number of rodents lived under and in the previous shed. The church's garbage collection station is at the back of my backyard. The concrete pad under the new shed and the gravel surrounding the shed are to prevent rodents.

A.2)
The concrete pad is deeper/thicker at side than inside. If cutting/removing the 9 inches to 0 inch wide and 6 feet long corner of the concrete pad, it would impact the integrity and stability of the concrete pad, and it might cause the concrete pad crack and rodents get in from the cutting location.

A.3)
The actual distance from the concrete pad to the fence is 6 to 7 feet now (refer to the photo below), which is > the setback requirement 5 feet. The variance was caused by the inaccurate location of the fence. The fence was built 40 years ago. The small concrete bad on ground has no impact on environment.



A.4)
This variance has no impact on the open space calculator for the shed because it was not included in the open space calculation.

A.5)
This variance is in my fenced back yard. The 9 inches to 0 inch wide and 6 feet long triangle corner of a concrete pad is small and low (lower than 8 inches). It has no impact on any neighbor. It also does no have any negative impact on environment. The concrete pad prevented rodents grow under the shed.

A.6) The concrete pad corner removal needs several thousand dollars. I have spent additional $4000 for the as built survey in Sep, 2023 and the shed moving 10inches toward the right-hand side. Another several thousand dollars for the concrete pad corner removal is not affordable.

B)

The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following rearsons:

Refer to section A.2 in this document.

C)

DESTRABLE RELIEF MAY BE *GRANTED WITHOUT EITHER*:

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

Refer to A.3, A.4 and A.5 in this document.

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

- The actual distance from the concrete pad to the fence is 6 to 7 feet now, which is > the setback requirement 5 feet. The variance was caused by the inaccurate location of the fence. The fence was built 40 years ago. The small concrete bad on ground has no impact on environment.
- This variance is in my fenced back yard. The 9 inches to 0 inch wide and 6 feet long triangle corner of a concrete pad is small and low (lower than 8 inches). It has no impact on any neighbor, and it also has no impact on environment.
- The concrete pad prevented rodents grow under the shed.

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

(ATTACHMENT B PAGE 5)

Sincerely,

Lan Zhang Lan Zhang

Lan Zhang

Date:11Jan24

Email: 16jamesway@gmail.com

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Lan Zhang
Location: 16 James Way , Cambridge, MA
Phone: 6174709986

Present Use/Occupancy: Shed for Storage
Zone: Residence C-1 Zone
Requested Use/Occupancy: Shed for Storage

		Existing Conditions		Requested Conditions		Ordinance Requirements	
TOTAL GROSS FLOOR AREA:		2596		2596		3415	(max.)
LOT AREA:		4879		4879		4879	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		53%		53%		70%	
LOT AREA OF EACH DWELLING UNIT		4879		4879		1500	
SIZE OF LOT:	WIDTH	38 to 57.42		38 to 57.42		50	
	DEPTH	99 to 107		99 to 107		None	
SETBACKS IN FEET:	FRONT	18.4		18.4		10	
	REAR	5.5 to 5.6		5.5 to 5.6		5	
	LEFT SIDE	5.1 to 7.0		5.1 to 7.0		5	
	RIGHT SIDE	16.2		16.2		5	
SIZE OF BUILDING:	HEIGHT	14.6		14.6		15	
	WIDTH	32		32		47	
	LENGTH	12		12		20	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		33%		33%		30%	
NO. OF DWELLING UNITS:		1		1		1	
NO. OF PARKING SPACES:		1		1		1	
NO. OF LOADING AREAS:		0		0		0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		18.4		18.4		10	

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

The distance of the shed to the residence building is 18.4 feet

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

Pacheco, Maria

From: James Way <16jamesway@gmail.com>
Sent: Thursday, February 15, 2024 4:14 PM
To: Pacheco, Maria
Subject: Re: 16 James Way

Dear Maria,
I am on travel returning 19Feb24 night. I will pickup the posting boards on 20Feb24. Apologize I cannot pickup it today. Please change the hearing to the earliest possible time 14 Mar24. I will send you a letter for the change at a later time today.
Sincerely.
Lan

Sent from my iPhone

On Feb 16, 2024, at 3:40 AM, Pacheco, Maria <mpacheco@cambridgema.gov> wrote:

Hi,

Please, come by our office today by 5:00 p.m. or no later than tomorrow morning. Posting boards need to be posted by tomorrow morning failure to do so will result on your case being continued to a further hearing.

Thanks,

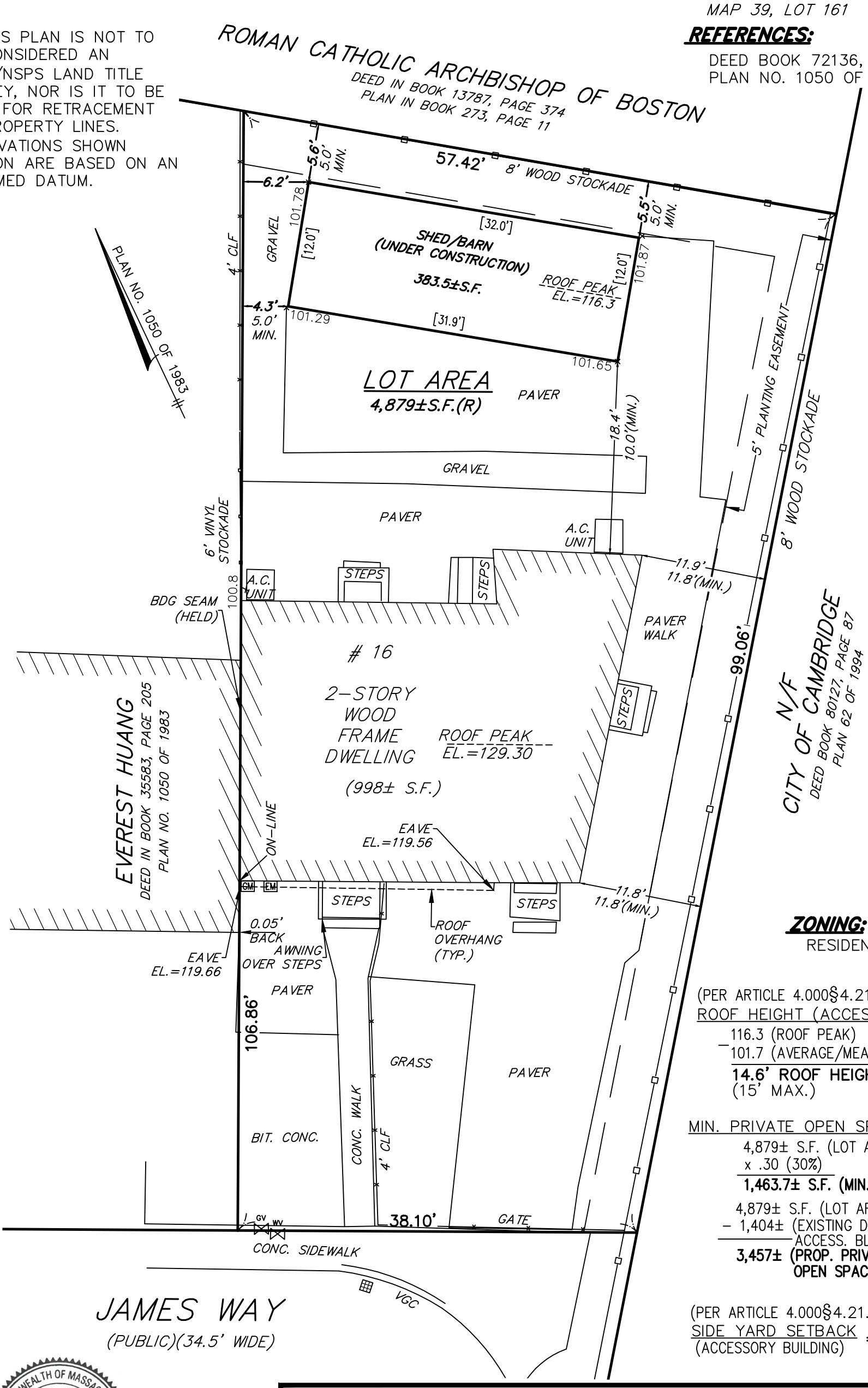
Maria Pacheco | Zoning Administrative Assistant
City of Cambridge
Inspectional Services Department
617.349.6131

NOTE:

1) THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/NSPS LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2)ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM.

ASSESSORS:
MAP 39, LOT 161

REFERENCES:
DEED BOOK 72136, PAGE 278
PLAN NO. 1050 OF 1983



ZONING:
RESIDENTIAL C-1

(PER ARTICLE 4.000§4.21.k)
ROOF HEIGHT (ACCESS. BLDG.)
116.3 (ROOF PEAK)
– 101.7 (AVERAGE/MEAN GRADE)
14.6' ROOF HEIGHT
(15' MAX.)

MIN. PRIVATE OPEN SPACE
4,879± S.F. (LOT AREA)
x .30 (30%)
1,463.7± S.F. (MIN.)

4,879± S.F. (LOT AREA)
– 1,404± (EXISTING DWELLING & ACCESS. BLDG.)
3,457± (PROP. PRIVATE OPEN SPACE)

(PER ARTICLE 4.000§4.21.h)
SIDE YARD SETBACK (ACCESSORY BUILDING) = 5.0'

COMMONWEALTH OF MASSACHUSETTS
JASON A. ELLIS
No. 49052
PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR

PROPOSED PLOT PLAN
OF LAND
16 JAMES WAY, CAMBRIDGE, MA 02141
PREPARED FOR: LAN ZHANG

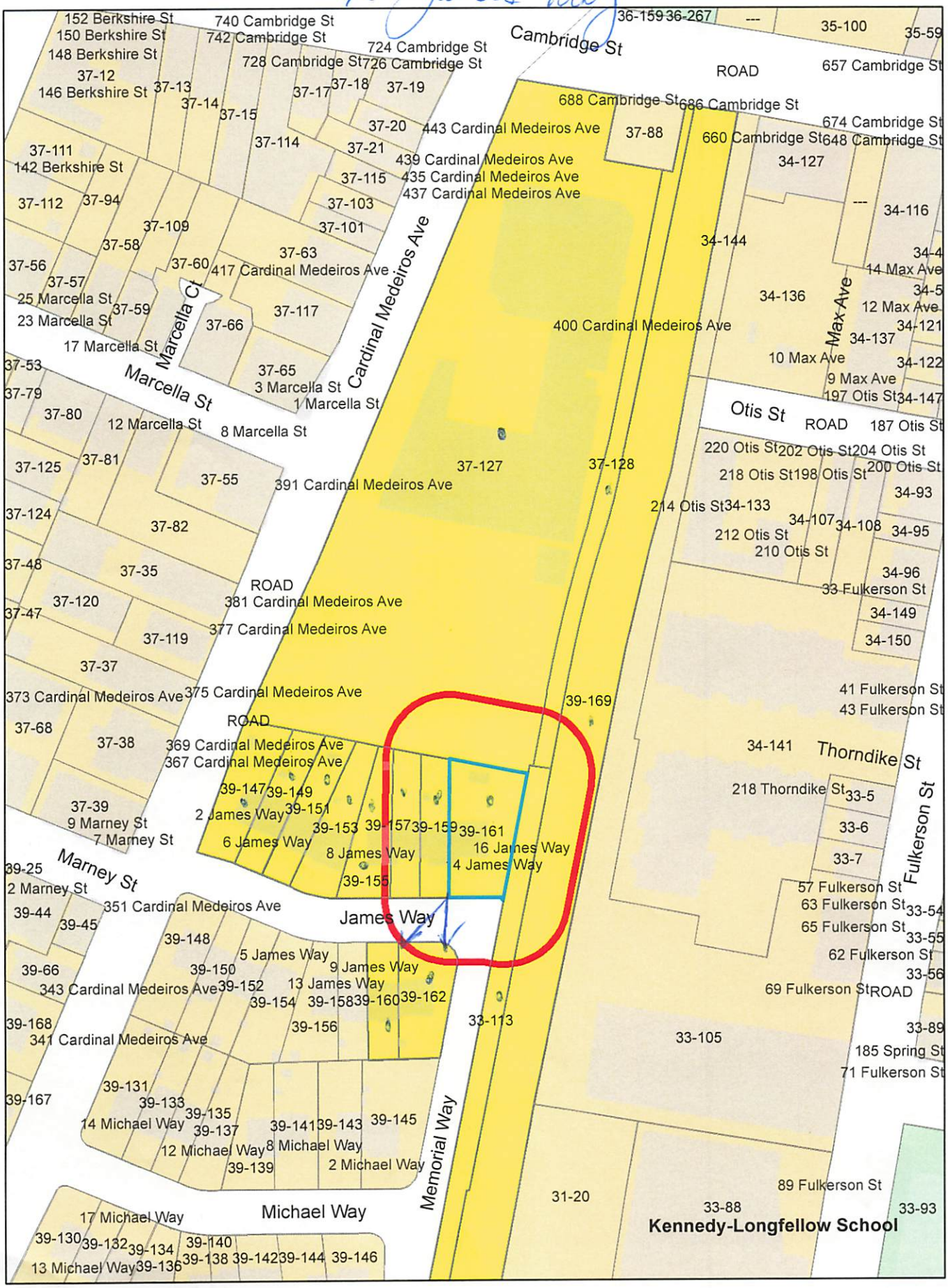
HANCOCK
Survey Associates, Inc.
121 EAST BERKELEY ST., BOSTON, MA 02118
VOICE (617) 357-8145, FAX (617) 357-9495

SCALE: 1" = 10'
0 10 20 40

O:\Civil 3D Projects\27301 - Zhang - Cambridge\Surv\DWG\ 27301pp.dwg Sep 13, 2023 - 2:20 pm

CHK. BY: JAE
DATE: 9/13/23
JOB NO. 27301

16 James Way


Cambridge St
Cardinal Medeiros Ave
Marcella St
Marcella Ct
Max Ave
Otis St
Thorndike St
Fulkerson St
Marney St
James Way
Memorial Way
Michael Way
Kennedy-Longfellow School
152 Berkshire St
150 Berkshire St
148 Berkshire St
146 Berkshire St
142 Berkshire St
740 Cambridge St
742 Cambridge St
724 Cambridge St
726 Cambridge St
728 Cambridge St
688 Cambridge St
686 Cambridge St
674 Cambridge St
660 Cambridge St
648 Cambridge St
657 Cambridge St
443 Cardinal Medeiros Ave
439 Cardinal Medeiros Ave
435 Cardinal Medeiros Ave
437 Cardinal Medeiros Ave
417 Cardinal Medeiros Ave
400 Cardinal Medeiros Ave
391 Cardinal Medeiros Ave
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351 Cardinal Medeiros Ave
343 Cardinal Medeiros Ave
341 Cardinal Medeiros Ave
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1 Marcella St
9 Marney St
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12 Michael Way
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17 Michael Way
13 Michael Way
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218 Otis St
214 Otis St
212 Otis St
210 Otis St
202 Otis St
204 Otis St
200 Otis St
198 Otis St
187 Otis St
14 Max Ave
12 Max Ave
10 Max Ave
9 Max Ave
197 Otis St
33 Fulkerson St
41 Fulkerson St
43 Fulkerson St
218 Thorndike St
57 Fulkerson St
63 Fulkerson St
65 Fulkerson St
62 Fulkerson St
69 Fulkerson St
185 Spring St
71 Fulkerson St
89 Fulkerson St
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34-149
34-150
34-141
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33-56
33-89
127
128

Petitioner

37-127
ROMAN CATHOLIC ARCHBISHOP OF
BOSTON CORPORATION SOLE
66 BROOKS DRIVE
BRAINTREE, MA 02184

39-151
KAMENEV, VLADIMIR
6 JAMES WAY
CAMBRIDGE, MA 02141

39-161
ZHANG LAN
16 JAMES WAY
CAMBRIDGE, MA 02141

39-155
POLLOCK, GREGORY S. &
EMILY BRAUNSTEIN POLLOCK
10 JAMES WAY
CAMBRIDGE, MA 02141

39-169
CONSOLIDATED RAILROAD PROPERTY
TAX DEPT.
P.O. BOX 8499
PHILADELPHIA , PA 19101

39-147
RASKAR, RAMESH H.
2 JAMES WAY
CAMBRIDGE, MA 02141

39-162
CURBY, ANN W. & MARK L. CURBY, TRUSTEE
11 CORNELIUS WAY
CAMBRIDGE, MA 02141

39-153
MORK, CHRISTINA & PAUL BLAINEY
8 JAMES WAY
CAMBRIDGE, MA 02141

39-159
HUANG, EVEREST & REGINA CHEUNG
14 JAMES WAY.
CAMBRIDGE, MA 02141

39-149
PELLETRINO ELSIE S
A LIFE EST LIU CHASE TRS
4 JAMES WAY
CAMBRIDGE, MA 02141

39-157
UNNI, UPASANA
TRS BENJAMIN RHYS DAVIES TRS
12 JAMES WAY
CAMBRIDGE, MA 02141

39-160
KAO, CHARLTON & THERESA KAO
13 JAMES WAY
CAMBRIDGE, MA 02141

33-113 – 37-128
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER

33-113 /37-128
CITY OF CAMBRIDGE
C/O MEGAN BAYER
CITY SOLICITOR

Pacheco, Maria

From: Emily Braunstein Pollock <emily_braunstein@comcast.net>
Sent: Saturday, February 10, 2024 11:28 AM
To: Pacheco, Maria
Subject: CASE NO. BZA-253747 (16 James Way)

Dear Board of Zoning Appeal,

I am writing in regards to CASE NO. BZA-253747, which is on the February 29th agenda at 6:45pm, for 16 James Way.

As a near-abutter to the property, I am firmly opposed to allowing any zoning variance in this case. Having spoken with Inspectional Services on this issue numerous times, it is clear to me that this structure was willfully built with an illegal set-back (the submitted plans attached to the hearing notice in fact show the front corner only 4.3 ft from the neighboring property). Making a mistake that costs you money is not a good reason to allow for a zoning variance. "It will cost me money to fix" is in fact true of all errors that are in violation of our zoning ordinances.

Furthermore, the presence of the concrete pad is not benign. Because these are townhouse style properties, each of the "interior" lots has an easement for egress from the backyard. In this case the concrete pad is right where the occupants of 14 James Way have a gate for exterior access to and from their back yard.

I also seriously question the claim that correcting this error would cause serious financial hardship. The occupant of 16 James Way does not in fact appear to actually ever live on the property. Instead she has **two** AirBnb listings running out of the property, that are nearly always occupied:

- https://www.airbnb.com/rooms/50631125 -- the original property
- https://www.airbnb.com/rooms/693373920101401063 -- the addition that was built "for family to live in", shortly before the entire property appeared on AirBnb

Emily & Greg Pollock

10 James Way, Cambridge MA

Pacheco, Maria

From: Regina Cheung <reginacheung@yahoo.com>
Sent: Saturday, February 24, 2024 10:27 AM
To: Pacheco, Maria
Subject: CASE NO. BZA-253747 16 JAMES WAY LAN ZHANG
Attachments: GatePicture.jpg; PlotPlan.jpg

Dear Board of Zoning Appeal,

My name is Regina Cheung, and I live and am one of the owners of the property at 14 James Way. I am the direct next door neighbor of 16 James Way. I are writing to strongly oppose the variance requested by Lan Zhang, the owner of 16 James Way (on the Board of Zoning Appeal agenda for the meeting on Thursday, February 29 at 6:45pm CASE NO. BZA-253747).

The owner of 16 James Way should not be granted the variance for the following reasons:

(1) The petition is incorrect when it says "It has no impact on any neighbor" in section C) because the concrete pad impacts me, the direct next door neighbor, my family and anyone who needs to access my backyard. Our townhouses are attached and our backyards are completely fenced and adjacent. The only exit from my backyard is through a fence gate next to the concrete pad. At the gate, the width of the path between the shed and the fence is about 6 feet, but then the path narrows to nearly 4 feet since the shed sits at an angle to the fence. This is the part of the concrete pad that is in violation of the 5 foot setback requirement from my yard. **The concrete pad is raised and is a hazard to me, my family including my children and my elderly parents, and anyone who needs access to our backyard. This gate is the only exit from my backyard to the street and the path between the shed and the fence is narrowed by this concrete pad.** The concrete pad is also about 8 inches tall and the owner of 16 James Way has piled gravel and rocks next to the concrete pad to hide the height of the concrete pad so getting from my backyard gate to the street has become quite treacherous. Please see the attached picture from the petition with our gate circled and arrows showing both the raised concrete pad and her attempt to hide the height of the concrete pad with gravel and rocks.

(2) The owner of 16 James Way constructed the "shed/barn" intending a setback of 4.3 feet in violation of the 5 foot setback requirement and does not want to fix her mistake. Cambridge Inspectional Services Department (ISD) has notified her many times to correct her error and this petition for a variance is her attempt to avoid completing the correction to her mistake. **As shown on the 9/13/23 Proposed Plot Plan of Land by Hancock Survey Associates from her own petition for a variance, the distance is clearly labeled as "4.3'" between the southwest edge of the "shed/barn" and the fence between our yards and underneath the measurement is clearly written "5' MIN". Her contractors completed construction according to the plot plan and ISD came out and measured the distance between the shed and the fence and found it to be 4.3 feet.** ISD has come out a number of times requesting her to move the shed 9 inches to comply with the 5 foot setback requirement. She knows she is not in compliance with the setback requirement. She knows she is 9 inches too close. She moved the wooden part of the shed 10 inches to the right to have the rest of the shed in compliance. Now she does not want to complete the job by moving the concrete pad part of the shed. Please see the attached 9/13/23 Proposed Plot Plan of Land by Hancock Survey Associates from her petition with our red circle showing which measurement is the subject of this petition for a variance.

(3) The petition is misleading when it states in Section A.3) "The actual distance from the concrete pad to the fence is 6 to 7 feet". While at the gate the distance between the fence and the shed is 6.2 feet, ISD has independently measured the closest distance between the shed/concrete pad and the fence to be 4.3 feet. ISD has confirmed the shed as built over the summer was constructed 4.3 feet from the fence just as shown in the plot plan. Now she is

refusing to complete the move and is requesting the variance to leave this concrete pad at 4.3 feet from the lot line, less than the required 5 foot setback. This petition for a variance is her attempt to avoid removing the 9 inches of concrete pad as requested by ISD to comply with the 5 foot setback requirement.

(4) The petition is also misleading in the pictures showing the distance between the fence and the shed with her ruler measurements because the ruler placements do not show how the distances measured are the shortest distances between the fence and her shed/concrete pad location. The placement of one end of her ruler along the fence is arbitrary and random. She claims that the fence was incorrectly located 40 years ago, but her own plot plan shows she intended only 4.3 feet between the shed and the fence. The fence is located where it has been located for 35 years before she purchased the property. The fence is correctly located on the lot line indicated on her own plot plan. Her contractors correctly constructed her shed/barn according to the plot plan. The fence is located correctly and exactly where it has sat for decades before she bought this property. See attached 9/13/23 Proposed Plot Plan of Land by Hancock Survey Associates from her petition with our annotations.

(5). The claim in the petition about the rodents is misleading because the owner of 16 James Way states the cause of the rodents is the church next door, but the reality is that she runs 2 AirBnB short term rentals in her single family home at 16 James Way and the rodents around our homes have increased due to her short term renters and the garbage and construction debris around her property.

(6) The removal of the concrete pad is not a substantial hardship because the owner of 16 James Way does not live at 16 James Way and she operates 2 short term rental units in the single family home at 16 James Way. Her claim of the concrete pad removal costing several thousand dollars for her is small compared to the large revenues she generates from both units being booked nearly every night all year long. She has earned a "super host" label for each of the listings and the booking calendar shows each unit is nearly always booked. Here are the two listings:

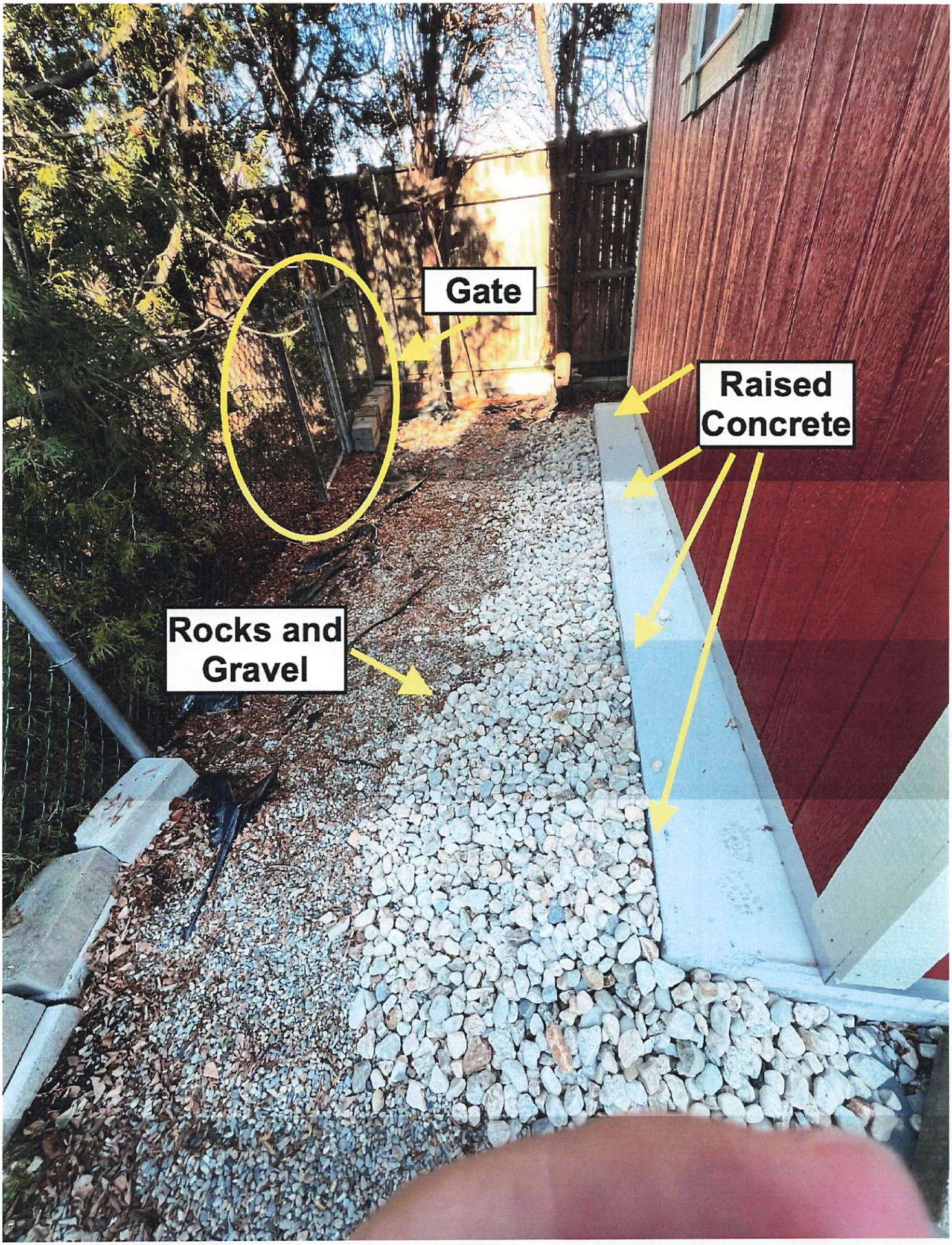
1. https://www.airbnb.com/rooms/50631125 -- This is the original 3-bedroom single family home, which is identical to the others in this neighborhood, with AirBnb reviews going back to July 2021
2. https://www.airbnb.com/rooms/693373920101401063 -- This is the "mother-in-law" addition, with reviews going back to August 2022

I strongly oppose the variance requested by my next door neighbor, Lan Zhang at 16 James Way and urge you to deny her petition for a variance from the 5 foot setback requirement to our shared lot line.

Please deny her petition so that she will be required to complete the move of the concrete pad so that she complies with the 5 foot setback requirement.

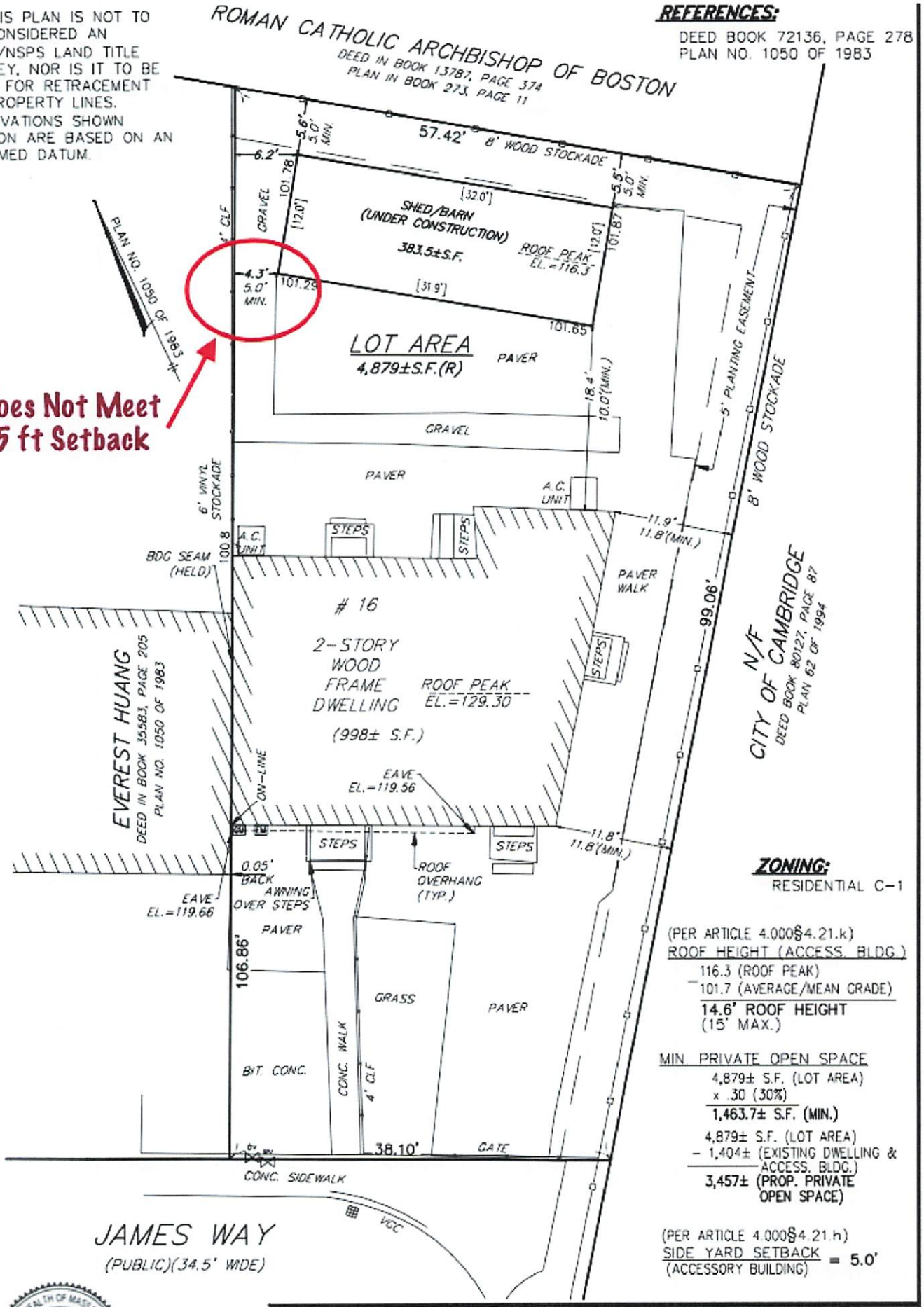
Sincerely yours,

Regina Cheung
14 James Way


Gate
Raised Concrete
Rocks and Gravel

1) THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/NSPS LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
2)ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM.

REFERENCES:
DEED BOOK 72136, PAGE 278
PLAN NO. 1050 OF 1983



ZONING:
RESIDENTIAL C-1

(PER ARTICLE 4.000§4.21.k)
ROOF HEIGHT (ACCESS. BLDG.)
116.3 (ROOF PEAK)
− 101.7 (AVERAGE/MEAN GRADE)
14.6' ROOF HEIGHT
(15' MAX.)

MIN. PRIVATE OPEN SPACE
4,879± S.F. (LOT AREA)
x .30 (30%)
1,463.7± S.F. (MIN.)
4,879± S.F. (LOT AREA)
− 1,404± (EXISTING DWELLING & ACCESS. BLDG.)
3,457± (PROP. PRIVATE OPEN SPACE)

(PER ARTICLE 4.000§4.21.h)
SIDE YARD SETBACK (ACCESSORY BUILDING) = **5.0'**

COMMONWEALTH OF MASSACHUSETTS
JASON A. ELLIS
No. 49052
PROFESSIONAL LAND SURVEYOR

PROPOSED PLOT PLAN
OF LAND
16 JAMES WAY, CAMBRIDGE, MA 02141
PREPARED FOR: LAN ZHANG

HANCOCK Survey Associates, Inc.

CHK. BY: JAE
DATE: 9/13/23
JOB

Pacheco, Maria

From: Everest W. Huang <everest@mit.edu>
Sent: Monday, February 26, 2024 12:46 AM
To: Pacheco, Maria
Subject: Comment on petition BZA-253747

Dear Zoning Board Members,

I am writing this statement in strong opposition of the petition for a zoning variance for 16 James Way, BZA-253747. My name is Everest Huang and I live at 14 James Way, a direct abutter to the property in question. The concrete pad, and the barn structure as a whole are a significant impediment to my only point of egress from my backyard. There is a gate in the chain link fence that separates our properties, which allows me to move bicycles, yard waste, lawn mower, or other materials between my front and back yards. As stated in the application for variance, this gate has stood for over 40 years.

The shed was not replaced just because of the claimed rodent issue, the current barn is massively larger than the original shed that was replaced. It looks suspiciously set up to be a two bedroom dwelling, with sashed windows and normal-sized doors. Its use as a tool or utility shed is questionable as the doors are not even large enough to move any heavy equipment into it. If it was designed to resemble a barn, should it not have barn doors instead of a regular house door? As there are at least 15 feet of space to the right of the barn, it was clearly intended to extend as closely as possible to my property line, leaving only the minimum amount of traversable space required by regulation. The fence location is not "inaccurate", it has not moved in 40 years. The concrete pad and barn were constructed too close to my property line, either intentionally or negligently.

Although the "height of the concrete pad is < 8 inches" (which means it is almost 8 inches high), it is a trip hazard and has sharp corners and edges. The pad significantly impedes my ability to bring anything heavy or bulky into my yard because there is little space to fit a wheelbarrow or even a yard waste bin. Simply wheeling a bicycle out from my backyard is difficult in daylight, and downright hazardous when dusk or at night. As shown in the pictures in the application for variance, a large amount of loose stone has been piled next to the concrete pad to disguise its height and is an attempt to ease the sharp corners and edges. As a result, half of the already too small setback is occupied by additional impediments.

The concrete pad is much closer than the "6 or 7 feet" from the fence. The pictures in the application are misleading and do not measure to the closest point to the fence, but diagonally away to intentionally misrepresent the actual distance. The included plot plan with measurements clearly shows the distance is 4.3 feet, which is much less than the required 5 feet.

The pad is solid concrete. The removal of 10 inches is not going to affect structural integrity. Sidewalks are reguarly ground down or cut

to prevent trip hazards or obstruction of travel. There is no reason to expect that even if the almost 400 inch by 150 inch concrete slab has a crack that it would be a better rodent haven than the piles of loose stone, large stone blocks, or any other features in the yard.

The "cost hardship" does not bear even casual scrutiny. The petitioner does not even live in this house, and has been renting both sides of 16 James Way as short term rental nearly every day for years now. An amount of "several thousand dollars" could easily be made up for in just a week or two at her current operational use.

I urge the board to reject this petition for a zoning variance, the existing structures have a significant negative impact on my only path from my backyard to the street.

Thank you for your consideration,
Everest Huang
14 James Way

Pacheco, Maria

From: Jim Gray <james.h.gray@gmail.com>
Sent: Monday, February 26, 2024 2:47 PM
To: Pacheco, Maria
Cc: Jim Gray
Subject: CASE NO. BZA-253747 16 James Way

Dear Board of Zoning Appeal,
A zoning variance is not appropriate in CASE NO. BZA-253747, which is on the February 29th agenda. Zoning regulations should help residential neighborhoods meet the needs of families and individuals who live there. I have seen no evidence (directly observed or heard from others) that the owner of 16 James Way actually resides at this address. She lives elsewhere, and uses 16 James Way as a commercial property, with both sides of the house listed separately and simultaneously on AirBnB (and perhaps other services):

- https://www.airbnb.com/rooms/50631125 -- the original property
- https://www.airbnb.com/rooms/693373920101401063 -- the addition that was built "for family to live in" shortly before the second property appeared on AirBnb

This practice is in violation of the Cambridge regulations on Short Term Rentals, which the City has not (yet) enforced in this case (STR properties require the owner to live there, or next door, as their primary residence). In addition to violation of City STR regulations, CASE NO. BZA-253747 documents violation of other zoning requirements, and seeks relief from those requirements in the form of a variance. I see no substantial hardship in any of the petitioner's statements: the cost of correcting improper construction (or repairing a damaged concrete pad) is simply a business expense in this case.

Additionally, approving this variance would be a substantial detriment to the public good by further promoting illicit business use of residential property.

For the reasons detailed above, I strongly oppose this zoning variance, and urge the Board to reject it.

Regards,
Jim Gray
2 Michael Way

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Lan Zhang **Date:** 20Feb24
(Print)

Address: 16 James Way

Case No. BZA-253747

Hearing Date: 2/29/24

Thank you,
Bza Members

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2024 FEB 20 PM 2:33
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-253747.

Address: 16 James Way.

□ *Owner,* □ *Petitioner, or* □ *Representative:* Lan Zhang,
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The □ *Owner,* □ *Petitioner, or* □ *Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.*

Date: 20Feb24

Lan Zhang
Signature