



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 MAR -3 AM 10:18
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 212734

General Information

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

Special Permit: X Variance: X Appeal:

PETITIONER: Susan Kale C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 5 Foch St., Cambridge, MA

TYPE OF OCCUPANCY: single family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:


Petitioner seeks to expand existing single family dwelling by constructing second and third floor additions that will increase the roof height and provide code compliant access to third floor living space.

Add windows within the setback.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 Table of Dimensional Requirements
- Article: 8.000 Section: 8.22.3 (Non-Conforming Structure).
- Article: 8.000 Section: 8.22.2.c (Non-Conforming Structure).
- Article: 10.000 Section: 10.30 (Variance). & Sec. 10.40 (Special Permit).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

Address: 907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139
 Tel. No. 617.492.4100
 E-Mail Address: jrafferty@adamsrafferty.com

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Susan Kale
(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 5 Foch Street

the record title standing in the name of Susan and Carol Kale

whose address is 5 Foch Street, Cambridge MA
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 26683 Page 444 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____


(Owner)

=====

On this 8th day of December 2022, before me, the undersigned notary public, personally appeared Susan Kale proved to me through satisfactory evidence of identification, which were MA Lic 500414421, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.




Notary Public

My commission expires: **ALICE M. TRIFONE**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
June 1, 2023



BZA Application Form

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

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

A literal enforcement of the Ordinance would prevent the Petitioner from expanding the attic and creating building code compliant access and egress.

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

The hardship is directly related to the shape and size of the lot and the slope of the existing roof.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The home will continue to conform to the height, lot area per dwelling unit and open space requirements of the Residence B zoning district. Furthermore, the provided setbacks will not be altered as a result of this application.

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

The proposed addition will result in a home that is consistent with the size and use of surrounding structures in the neighborhood.

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

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 5 Foch St., Cambridge, MA (location) would not be a detriment to the public interest because:

- A) Requirements of the Ordinance can or will be met for the following reasons:**
Article 8.22.2(c) permits the creation of windows on non-conforming walls when, as in this case, there are no further violations of the dimensional requirements of Article 5.000.
- B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:**
There will not be any change in traffic patterns as a result of adding windows.
- C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:**
Adjacent uses will not be affected since the use of the property as a single family dwelling will not be changed.
- D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:**
Adding windows will benefit the health, safety, and welfare of the occupants of this dwelling.
- E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:**
The proposed windows will not change the use of the property and are consistent with the residential uses in the district.

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

Date: 3/1/23

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Susan Kale
Location: 5 Foch St., Cambridge, MA
Phone: 617.492.4100

Present Use/Occupancy: single family
Zone: Residence B Zone
Requested Use/Occupancy: single family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1,757 sf	2,302 sf	2,040 sf	(max.)
<u>LOT AREA:</u>		4,080 sf	no change	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		.43	.564	.50	
<u>LOT AREA OF EACH DWELLING UNIT</u>		4,080	no change	2,500	
<u>SIZE OF LOT:</u>	WIDTH	45'	no change	50'	
	DEPTH	88.87'	no change	N/A	
<u>SETBACKS IN FEET:</u>	FRONT	15'	no change	15'	
	REAR	29'	no change	25'	
	LEFT SIDE	4.1'	no change	7'6" (sum of 20)	
	RIGHT SIDE	16.6'	no change	7'7" (sum of 20)	
<u>SIZE OF BUILDING:</u>	HEIGHT	32'	35'	35'	
	WIDTH	44.8'	no change	N/A	
	LENGTH	24.5'	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		46%	no change	40%	
<u>NO. OF DWELLING UNITS:</u>		1	no change	1	
<u>NO. OF PARKING SPACES:</u>		2	no change	0	
<u>NO. OF LOADING AREAS:</u>		N/A	no change	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	N/A	N/A	

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.:

N/A

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'.

CONSTRUCTION NOTES

- DO NOT SCALE DRAWINGS. ALL DIMENSIONS ARE TAKEN FROM FACE OF MASONRY OR ROUGH FRAMING. CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- CONTRACTOR SHALL INSURE ALL WORK IS IN CONFORMANCE WITH ALL APPLICABLE BUILDING CODES. WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH THE LATEST EDITIONS OF THE MASS. UNIFORM FIRE PREVENTION AND BUILDING CODE, MASS. ENERGY CONSERVATION CODE, MASS. PLUMBING CODE, NATIONAL ELECTRIC CODE, AND ALL OTHER FEDERAL, STATE AND LOCAL AGENCY REGULATIONS HAVING JURISDICTION OVER THIS PROJECT. IN THE EVENT OF ANY DISCREPANCIES BETWEEN AGENCY REQUIREMENTS, THE CONTRACTOR SHALL OBSERVE THE MORE STRINGENT OF REQUIREMENTS.
- ALL WORK SHALL COMPLY WITH THE STANDARDS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS (NBFI), INDUSTRIAL RISK INSURANCE UNDERWRITERS (IRI), FACTORY MUTUAL (FM), OR THE APPLICABLE RATING BUREAU, THE NATIONAL ELECTRIC CODE (NEC), THE AMERICAN GAS ASSOCIATION (AGA), AND THE AMERICAN SOCIETY OF HEATING AND AIR CONDITIONING ENGINEERS (ASHRAE), OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), APPLICABLE STATE AND CITY BUILDING CODES AND THE REQUIREMENTS OF ALL PUBLIC UTILITY COMPANIES SERVING THE PROJECT SITE.
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- ALL WORK IS TO BE COORDINATED WITH THE OWNER. THE CONTRACTOR IS TO MEET WITH THE OWNER PRIOR TO STARTING CONSTRUCTION. THE CONTRACTOR WILL PRESENT THE BUILDING PERMIT AND INSURANCE CERTIFICATES TO THE OWNER PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE ANY NECESSARY MEASURES TO PROTECT THE WORKERS AND OTHER PERSONS DURING CONSTRUCTION.
- CHECK WITH THE OWNER FOR COORDINATION OF THE WORK UNDER THIS CONTRACT WITH WORK OF OTHER TRADES. OWNER'S REGULATIONS GOVERN ALL ASPECTS OF OUTSIDE CONTRACTORS WORKING ON THE PROPERTY.
- CONTRACTOR SHALL KEEP THE JOB FREE OF DEBRIS AND MAKE FINAL CLEANUP TO THE SATISFACTION OF THE OWNER. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL CONSTRUCTION DEBRIS FROM PROJECT SITE AND SHALL PROVIDE DUMPSTERS ETC. AS REQUIRED. REMOVE ALL DEBRIS ON A DAILY BASIS.
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- CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS IN FIELD PRIOR CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCIES ON DRAWINGS.
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- ALL GYPSUM BOARD WORK SHALL BE DONE IN ACCORDANCE WITH THE DRYWALL CONSTRUCTION HANDBOOK, LATEST EDITION, PREPARED BY UNITED STATES GYPSUM. ALL JOINTS AND SEAMS SHALL BE TAPED AND FINISHED IN ACCORDANCE WITH MANUFACTURER'S INSTALLATION RECOMMENDATIONS.
- PAINTING FOR GYPSUM BOARD AND WOOD CONSTRUCTION PROVIDE TWO (2) FINISH COATS OF PREMIUM GRADE PAINT OVER SINGLE COAT OF COMPATIBLE PRIMER, PROMAR 200 SERIES BY SHERWIN WILLIAMS, CLEVELAND, OHIO OR APPROVED EQUAL. ALL PAINT BY SINGLE MANUFACTURER.
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WALL LEGEND

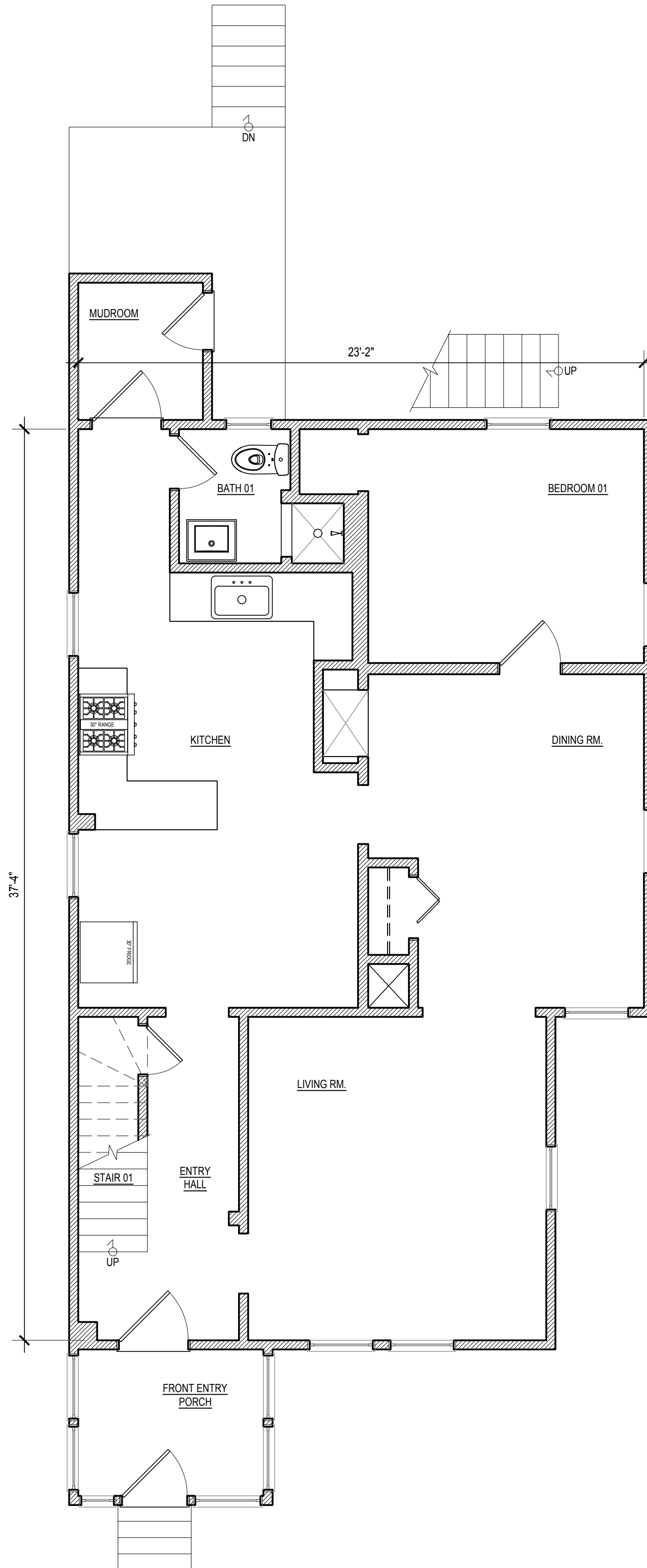
	WALL TO BE DEMOLISHED
	EXISTING WALL TO REMAIN
	NEW WALL

ENERGY CODE INFO.

THE FOLLOWING ARE ENERGY CODE REQUIREMENTS BASED ON THE 2015 IECC. REFER DIRECTLY TO THE LOCAL GOVERNING AGENCY TO ENSURE THE R-VALUES BELOW ARE SUFFICIENT PRIOR TO INITIATING ANY WORK.

U-FACTORS:	R-VALUES:
FENESTRATION: 0.32	CEILING/ROOF - R49
SKYLIGHTS: 0.32	WALLS - R20
WINDOW GLAZING: 0.27	FLOORS - R30
DOORS: 0.30	BASEMENT WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	CRAWLSPACE WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	SLAB: R10 TO 24" DEPTH

REFER TO 2015 IECC TABLE R402.1.2 FOR FURTHER INFORMATION IF NECESSARY.



PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

General Notes:

ZONING
REVIEW
SET

Drawing Information:

PROJECT NUMBER: 2020-01
DRAWN BY: J R K
CHECKED BY: J R K
DATE: 02/15/2023
SCALE:
SHEET REFERENCE:

TITLE:
FIRST
FLOOR:
EXISTING

SHEET NUMBER:
A110

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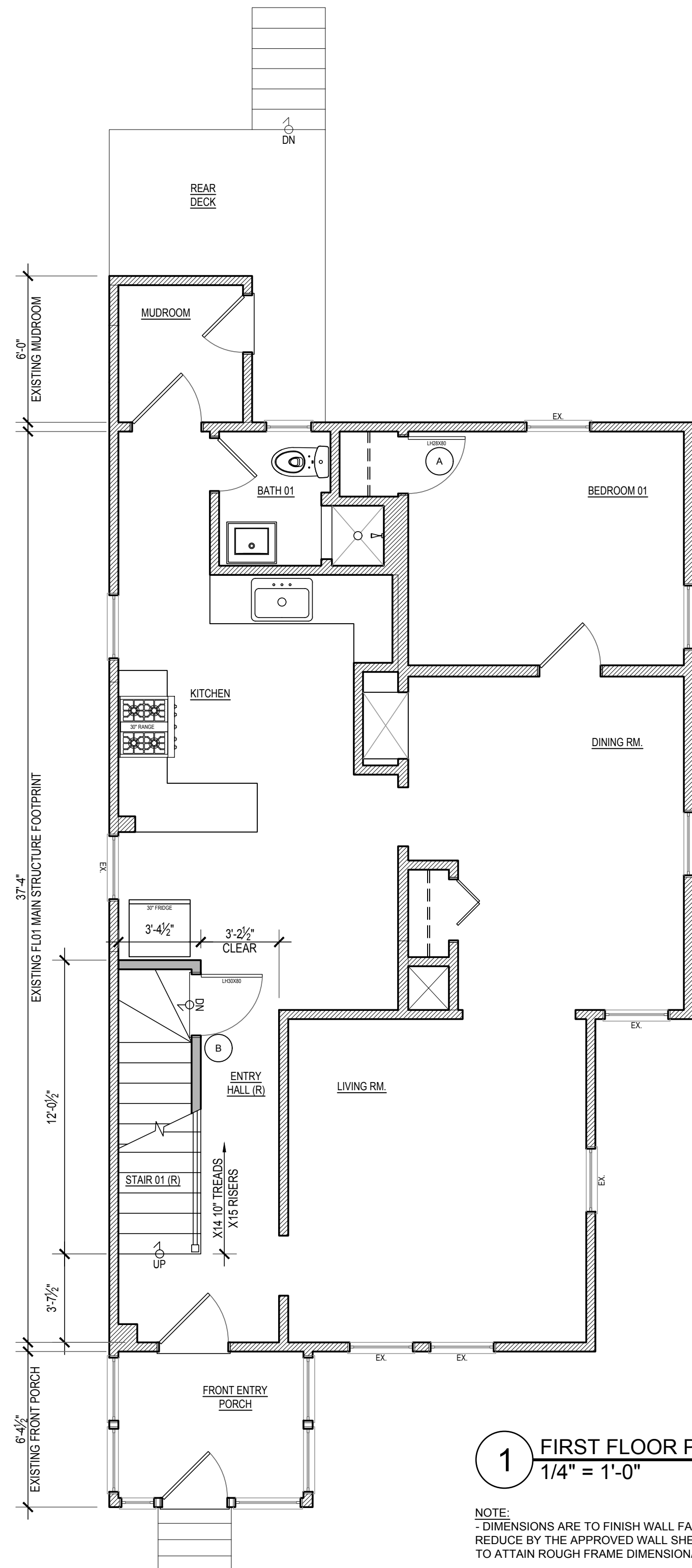
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REFER TO 2015 IECC TABLE R402.1.2 FOR FURTHER INFORMATION IF NECESSARY.



WINDOW SCHED. (ANDERSEN 400 SERIES OR EQ.)
UNIT: _____ QTY: _____

(A) NONE THIS FLOOR

DOOR SCHED. (REFER TO PLAN FOR HANDING)

LEAF SIZE:	QTY:	MANU.:	MODEL:	HW TYPE:
(A) 28X80	1	BROSCO	PR44 OVOLO	PASSAGE
(B) 30X80	1	BROSCO	PR44 OVOLO	PASSAGE

GFA AREA BREAKDOWN

FLOOR:	EXISTING	PROPOSED ADD	TOTAL BY FLOOR
FL00	EXCLUDED	0 SF	EXCLUDED
FL01	945 SF	0 SF	945 SF
FL02	616 SF	200 SF	816 SF
FL03	196 SF	345 SF	541 SF
TOTALS	1757 SF	545 SF	2302 SF

1 FIRST FLOOR PLAN: NEW
1/4" = 1'-0"

NOTE:
- DIMENSIONS ARE TO FINISH WALL FACE/SURFACES U.O.N.;
REDUCE BY THE APPROVED WALL SHEATHING THICKNESS
TO ATTAIN ROUGH FRAME DIMENSION/LOCATION.

PRIVATE RESIDENCE
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DRAWN BY: J R K
CHECKED BY: J R K
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SCALE:
SHEET REFERENCE:

TITLE:
**FIRST FLOOR:
NEW**

SHEET NUMBER:

A112

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WALL LEGEND

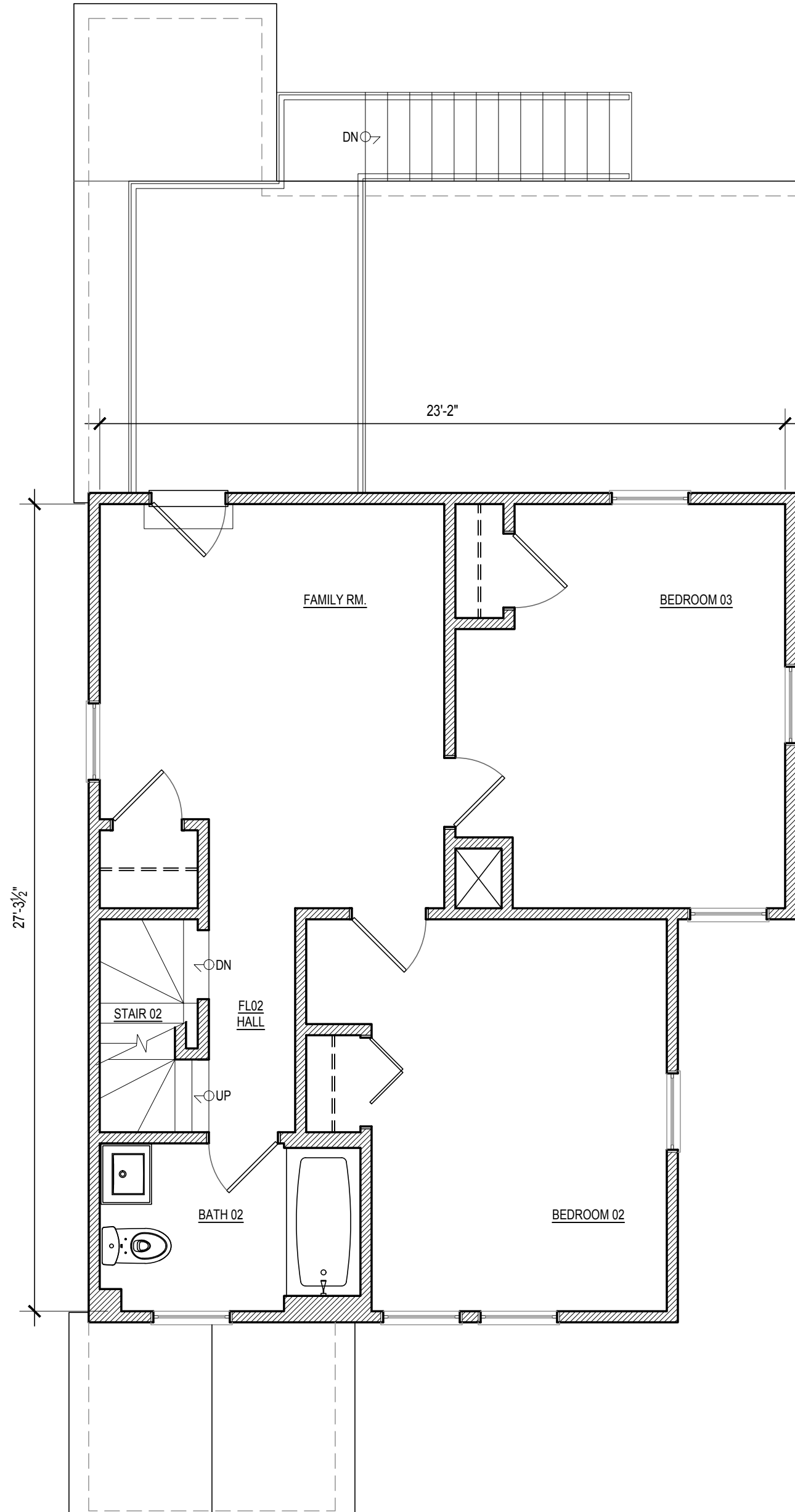
-  WALL TO BE DEMOLISHED
-  EXISTING WALL TO REMAIN
-  NEW WALL

ENERGY CODE INFO.

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DOORS: 0.30	BASEMENT WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	CRAWLSPACE WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	SLAB: R10 TO 24" DEPTH

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PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

General Notes:

ZONING
REVIEW
SET

Drawing Information:

PROJECT NUMBER: 2020-01
DRAWN BY: J R K
CHECKED BY: J R K
DATE: 02/15/2023
SCALE:
SHEET REFERENCE:

TITLE:

SECOND
FLOOR:
EXISTING

SHEET NUMBER:

A120

CONSTRUCTION NOTES

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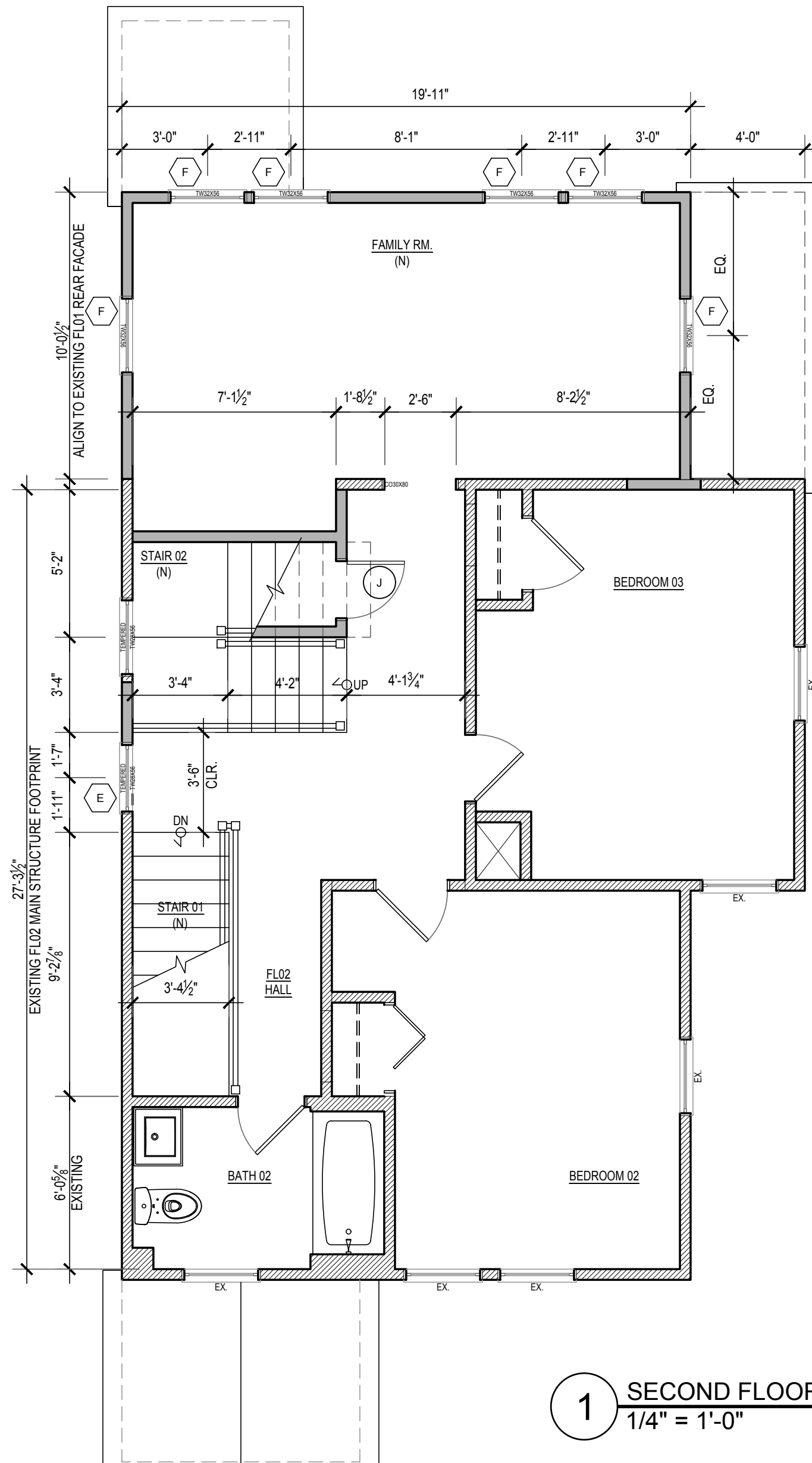
WALL LEGEND	
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	EXISTING WALL TO REMAIN
	NEW WALL

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WINDOW SCHED. (ANDERSEN 400 SERIES OR EQ.)
UNIT: QTY:

E	TW2442	1
F	TW2642	6

DOOR SCHED. (REFER TO PLAN FOR HANDING)

LEAF SIZE:	QTY:	MANU.:	MODEL:	HW TYPE:
J	LH24X80	1	BROSCO PR44 OVOLO	PASSAGE

GFA AREA BREAKDOWN

FLOOR:	EXISTING	PROPOSED ADD	TOTAL BY FLOOR
FL00	EXCLUDED	0 SF	EXCLUDED
FL01	945 SF	0 SF	945 SF
FL02	616 SF	200 SF	816 SF
FL03	196 SF	345 SF	541 SF
TOTALS	1757 SF	545 SF	2302 SF

1 SECOND FLOOR PLAN: NEW

1/4" = 1'-0"

NOTE:
- DIMENSIONS ARE TO FINISH WALL FACE/SURFACES U.O.N.;
REDUCE BY THE APPROVED WALL SHEATHING THICKNESS
TO ATTAIN ROUGH FRAME DIMENSION/LOCATION.

PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

General Notes:
**ZONING
REVIEW
SET**

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	JRK
CHECKED BY:	JRK
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

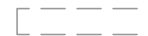


TITLE:
**SECOND
FLOOR:
NEW**

SHEET NUMBER:
A122

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WALL LEGEND

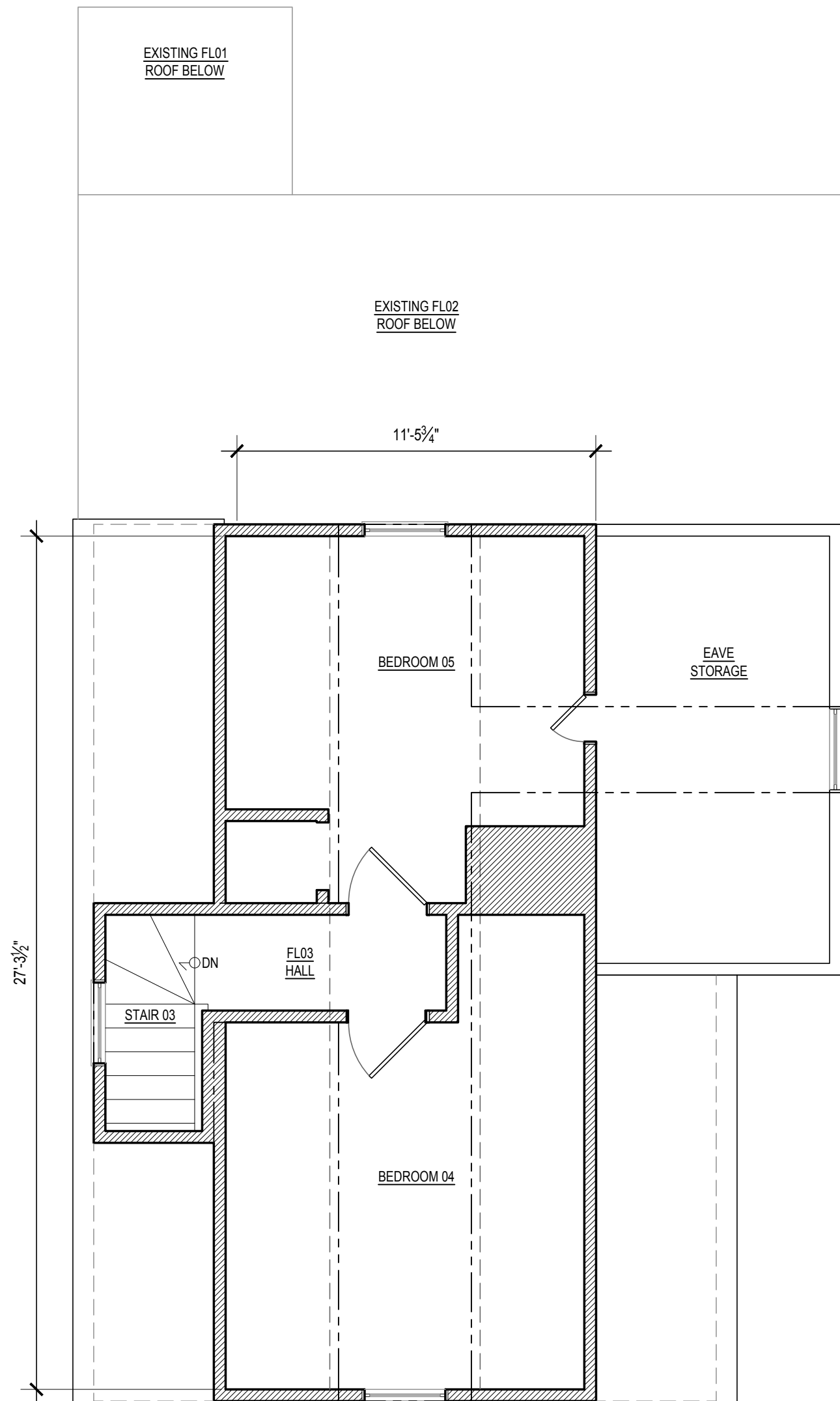
	WALL TO BE DEMOLISHED
	EXISTING WALL TO REMAIN
	NEW WALL

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PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

General Notes:
**ZONING
REVIEW
SET**

Drawing Information:
PROJECT NUMBER: 2020-01
DRAWN BY: J R K
CHECKED BY: J R K
DATE: 02/15/2023
SCALE:
SHEET REFERENCE:

TITLE:
**THIRD
FLOOR:
EXISTING**

SHEET NUMBER:
A130

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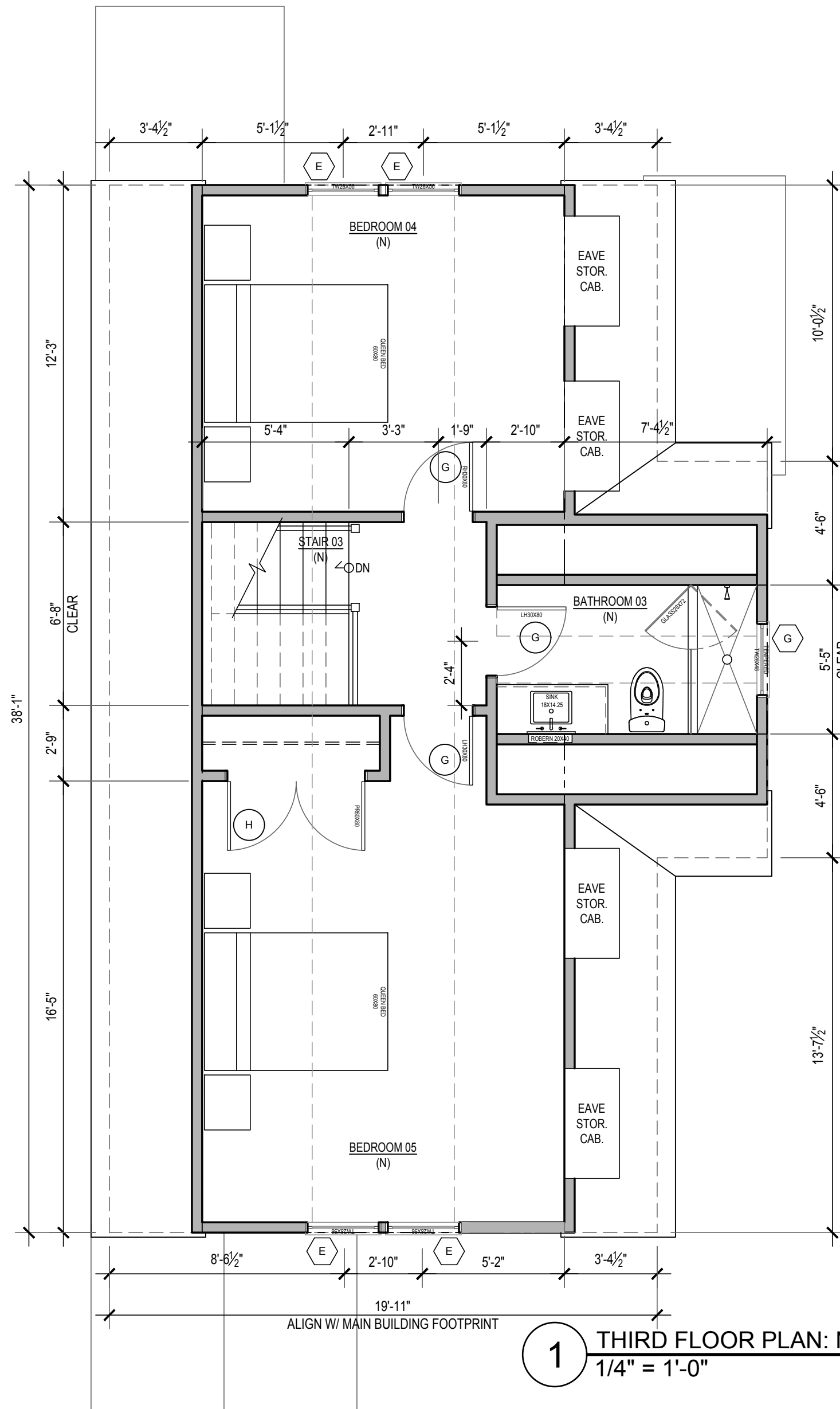
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WINDOW GLAZING: 0.27	FLOORS - R30
DOORS: 0.30	BASEMENT WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	CRAWLSPACE WALLS - R15 (CONT.) OR R19 (IN STUD CAVITIES)
	SLAB: R10 TO 24" DEPTH

REFER TO 2015 IECC TABLE R402.1.2 FOR FURTHER INFORMATION IF NECESSARY.



WINDOW SCHED. (ANDERSEN 400 SERIES OR EQ.)
UNIT: QTY:

E	TW2442	9
G	TW24310	1

DOOR SCHED. (REFER TO PLAN FOR HANDING)
LEAF SIZE: QTY: MANU.: MODEL: HW TYPE:

G	30X80	3	BROSCO	PR44 OVOLO	PRIVACY
H	PR48X80	1	BROSCO	PR44 OVOLO	PASSAGE/DUMMY

GFA AREA BREAKDOWN

FLOOR:	EXISTING	PROPOSED ADD	TOTAL BY FLOOR
FL00	EXCLUDED	0 SF	EXCLUDED
FL01	945 SF	0 SF	945 SF
FL02	616 SF	200 SF	816 SF
FL03	196 SF	345 SF	541 SF
TOTALS	1757 SF	545 SF	2302 SF

1 THIRD FLOOR PLAN: NEW
1/4" = 1'-0"

NOTE:
- DIMENSIONS ARE TO FINISH WALL FACE/SURFACES U.O.N.;
REDUCE BY THE APPROVED WALL SHEATHING THICKNESS
TO ATTAIN ROUGH FRAME DIMENSION/LOCATION.

PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

General Notes:
ZONING REVIEW SET

Drawing Information:
PROJECT NUMBER: 2020-01
DRAWN BY: J R K
CHECKED BY: J R K
DATE: 02/15/2023
SCALE:
SHEET REFERENCE:

TITLE:
THIRD FLOOR: NEW

SHEET NUMBER:
A132



1 EXISTING EXTERIOR ELEVATION: FRONT
 1/4" = 1'-0" SOUTH FACING

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

ZONING
 REVIEW
 SET

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

EXTERIOR
 ELEVATIONS

SHEET NUMBER:

A201



TYPICAL GABLE ROOF ASSEMBLY:
 - FINISH ROOF CLADDING: 30YR ARCH. ASPHALT SHINGLE
 ENSURE MIN. HEADLAP PER MANU. REQ.
 COLOR: TBD PER CLIENT SELECTION
 - ROOF UNDERLAYMENT:
 GRACE ICE & WATERSHIELD - FULL ROOF AREA
 CLAD FULL CHEEK WALL AREAS IN ICE & WATERSHIELD
 - ROOF SHEATHING: 5/8" ZIP SYSTEM SHEATHING
 - ROOF FRAME: 2X10 RAFTERS @ 16" O.C.
 REFER TO STRUCTURAL FRAME DWGS.
 - CLOSE CELL SPRAY FOAM INSULATION W/IN ALL RAFTER CAVITIES TO R-49 MIN.
 APPLY INTUMESCENT COATING TO EXPOSED FOAM FACES
 - REFER STRUCTURAL FRAME DWGS FOR ALL BRACKETS, TIE DOWNS
 AND OTHER NECESSARY CONNECTION DETAILS

TYPICAL EXTERIOR WALL ASSEMBLY
 - FINISH WALL CLADDING: CEDAR CLAPBOARD
 MATCH EXISTING EXPOSURE
 PTD. FIN. COLOR: TBD PER CLIENT SELECTION
 - WALL SHEATHING: 1/2" ZIP WALL SYSTEM
 - WALL FRAME: 2X6 WOOD STUDS @ 16" O.C.
 - CAVITY INSULATION: CLOSE CELL SPRAY FOAM
 INSULATION TO R-21 MIN.
 - FINISH INTERIOR WALL SHEATHING: 1/2" BLUEBOARD
 W/ 1/8" PLASTER COAT PTD.
 FIN. COLOR: REFER TO FINISH SCHEDULE
 - REFER STRUCTURAL FRAME DWGS FOR ALL BRACKETS,
 TIE DOWNS AND OTHER NECESSARY CONNECTION
 DETAILS

TYPICAL WINDOW ASSEMBLY:
 CLAD WOOD UNITS,
 REFER TO WINDOW SCHEDULE
 FINISH COLORS PER CLIENT
 SELECTION

PVC FASCIA TRIM TO
 MATCH EXISTING
 PROFILE/DIMENSIONS

1 NEW EXTERIOR ELEVATION: FRONT
 1/4" = 1'-0" SOUTH FACING

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

**ZONING
 REVIEW
 SET**

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

**EXTERIOR
 ELEVATIONS**

SHEET NUMBER:

A202

NOTE:

- ALL FRAMING MEMBER SIZING PROVIDED HEREIN IS FOR DESIGN INTENT PURPOSES ONLY. SIZE SHALL NOT BE ASSUMED SUFFICIENT FOR CONSTRUCTION. ALL FRAMING AND ASSOCIATED CONNECTIONS AND/OR DETAILS ARE TO BE PROVIDED SEPARATELY BY A LICENSED PROFESSIONAL STRUCTURAL ENGINEER VIA A STAMPED DRAWING SET ISSUED BY SAID ENGINEER
 - DUE TO INTRICACIES OF CONSTRUCTION DETAILS, FIELD REQUIRED MODIFICATIONS AND COMPATIBILITY OF BUILDING COMPONENTRY; IT IS THE GC'S SOLE RESPONSIBILITY TO CONSTRUCT AND MAINTAIN A WATER-TIGHT BUILDING ENVELOP UTILIZING INDUSTRY APPROVED MATERIALS, MEANS AND METHODS.
 - CURRENT IECC PRESCRIBED INSULATION LEVELS MAY BE ATTAINED UTILIZING VARIED MATERIALS AND METHODS. CLOSED CELL SPRAY FOAM INSULATION HAS BEEN SPECIFIED W/IN FOR THE SAKE OF SIMPLICITY. IN THE EVENT THAT ALTERNATE METHODS ARE ENACTED FOR ANY REASON IT IS THE GC'S RESPONSIBILITY TO MODIFY ASSEMBLIES ACCORDINGLY (I.E. INSTALLING VAPOR BARRIERS/RETARDERS IN APPROPRIATE WALL ASSEMBLY PLANES) FAILURE TO DO SO MAY CAUSE MOISTURE INDUCED DAMAGES TO BUILDING COMPONENTS AND/OR OCCUPANT RELATED HEALTH ISSUES (I.E. ALLERGEN PROPAGATING CONDITIONS)

PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

ZONING
REVIEW
SET

General Notes:
Drawing Information:
PROJECT NUMBER: 2020-01
DRAWN BY: J R K
CHECKED BY: J R K
DATE: 02/15/2023
SCALE:
SHEET REFERENCE:

TITLE:
EXTERIOR
ELEVATIONS

SHEET NUMBER:
A203



1 EXISTING EXTERIOR ELEVATION: RIGHT
1/4" = 1'-0" EAST FACING

PRIVATE RESIDENCE
5 FOCH ST.,
CAMBRIDGE, MA 02140

ZONING
REVIEW
SET

General Notes:

Drawing Information:	
PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:
EXTERIOR
ELEVATIONS

SHEET NUMBER:
A204



1 NEW EXTERIOR ELEVATION: RIGHT
1/4" = 1'-0" EAST FACING

NOTE:
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- CURRENT IECC PRESCRIBED INSULATION LEVELS MAY BE ATTAINED UTILIZING VARIED MATERIALS AND METHODS. CLOSED CELL SPRAY FOAM INSULATION HAS BEEN SPECIFIED W/IN FOR THE SAKE OF SIMPLICITY. IN THE EVENT THAT ALTERNATE METHODS ARE ENACTED FOR ANY REASON IT IS THE GC'S RESPONSIBILITY TO MODIFY ASSEMBLIES ACCORDINGLY (I.E. INSTALLING VAPOR BARRIERS/RETARDERS IN APPROPRIATE WALL ASSEMBLY PLANES) FAILURE TO DO SO MAY CAUSE MOISTURE INDUCED DAMAGES TO BUILDING COMPONENTS AND/OR OCCUPANT RELATED HEALTH ISSUES (I.E. ALLERGEN PROPAGATING CONDITIONS)



1 EXISTING EXTERIOR ELEVATION: REAR
 1/4" = 1'-0" NORTH FACING

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

ZONING
 REVIEW
 SET

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

EXTERIOR
 ELEVATIONS

SHEET NUMBER:

A205



1 NEW EXTERIOR ELEVATION: REAR
 1/4" = 1'-0" NORTH FACING

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

ZONING
 REVIEW
 SET

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

EXTERIOR
 ELEVATIONS

SHEET NUMBER:

A206

/Users/jknappert/Work/2020_2020-01-5F-con/DWG/2020-01-A206rev02.dwg 2/15/2023 12:10:46 PM

NOTE:

- ALL FRAMING MEMBER SIZING PROVIDED HEREIN IS FOR DESIGN INTENT PURPOSES ONLY. SIZE SHALL NOT BE ASSUMED SUFFICIENT FOR CONSTRUCTION. ALL FRAMING AND ASSOCIATED CONNECTIONS AND/OR DETAILS ARE TO BE PROVIDED SEPARATELY BY A LICENSED PROFESSIONAL STRUCTURAL ENGINEER VIA A STAMPED DRAWING SET ISSUED BY SAID ENGINEER
 - DUE TO INTRICACIES OF CONSTRUCTION DETAILS, FIELD REQUIRED MODIFICATIONS AND COMPATIBILITY OF BUILDING COMPONENTRY; IT IS THE GC'S SOLE RESPONSIBILITY TO CONSTRUCT AND MAINTAIN A WATER-TIGHT BUILDING ENVELOP UTILIZING INDUSTRY APPROVED MATERIALS, MEANS AND METHODS.
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1 EXISTING EXTERIOR ELEVATION: LEFT
 1/4" = 1'-0" WEST FACING

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

ZONING
 REVIEW
 SET

Drawing Information:

PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

EXTERIOR
 ELEVATIONS

SHEET NUMBER:

A207



1 NEW EXTERIOR ELEVATION: LEFT
 1/4" = 1'-0" WEST FACING

NOTE:
 - ALL FRAMING MEMBER SIZING PROVIDED HEREIN IS FOR DESIGN INTENT PURPOSES ONLY. SIZE SHALL NOT BE ASSUMED SUFFICIENT FOR CONSTRUCTION. ALL FRAMING AND ASSOCIATED CONNECTIONS AND/OR DETAILS ARE TO BE PROVIDED SEPARATELY BY A LICENSED PROFESSIONAL STRUCTURAL ENGINEER VIA A STAMPED DRAWING SET ISSUED BY SAID ENGINEER
 - DUE TO INTRICACIES OF CONSTRUCTION DETAILS, FIELD REQUIRED MODIFICATIONS AND COMPATIBILITY OF BUILDING COMPONENTRY; IT IS THE GC'S SOLE RESPONSIBILITY TO CONSTRUCT AND MAINTAIN A WATER-TIGHT BUILDING ENVELOP UTILIZING INDUSTRY APPROVED MATERIALS, MEANS AND METHODS.
 - CURRENT IECC PRESCRIBED INSULATION LEVELS MAY BE ATTAINED UTILIZING VARIED MATERIALS AND METHODS. CLOSED CELL SPRAY FOAM INSULATION HAS BEEN SPECIFIED W/IN FOR THE SAKE OF SIMPLICITY. IN THE EVENT THAT ALTERNATE METHODS ARE ENACTED FOR ANY REASON IT IS THE GC'S RESPONSIBILITY TO MODIFY ASSEMBLIES ACCORDINGLY (I.E. INSTALLING VAPOR BARRIERS/RETARDERS IN APPROPRIATE WALL ASSEMBLY PLANES) FAILURE TO DO SO MAY CAUSE MOISTURE INDUCED DAMAGES TO BUILDING COMPONENTS AND/OR OCCUPANT RELATED HEALTH ISSUES (I.E. ALLERGEN PROPAGATING CONDITIONS)

PRIVATE RESIDENCE
 5 FOCH ST.,
 CAMBRIDGE, MA 02140

General Notes:

ZONING
 REVIEW
 SET

Drawing Information:

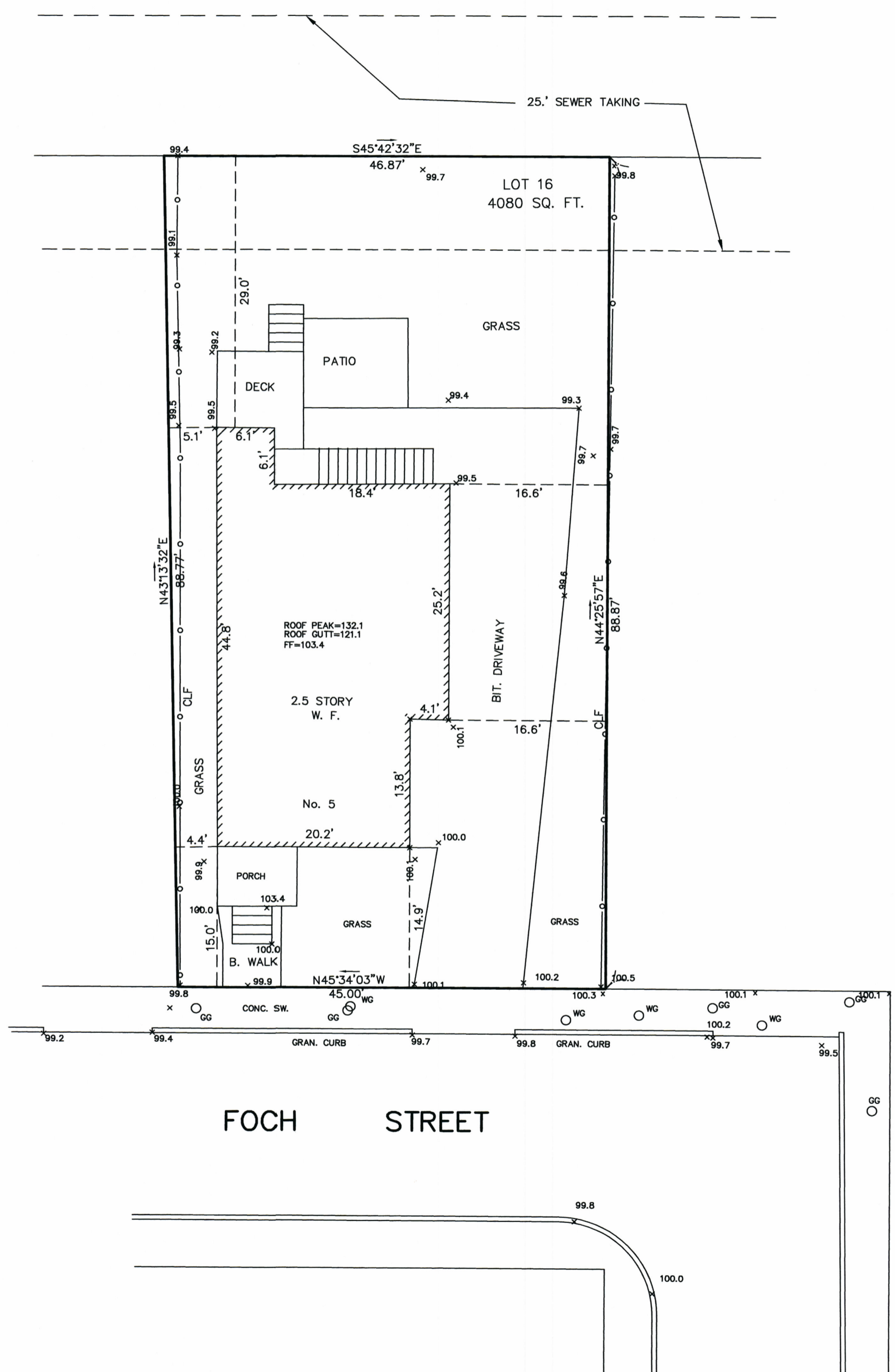
PROJECT NUMBER:	2020-01
DRAWN BY:	J R K
CHECKED BY:	J R K
DATE:	02/15/2023
SCALE:	
SHEET REFERENCE:	

TITLE:

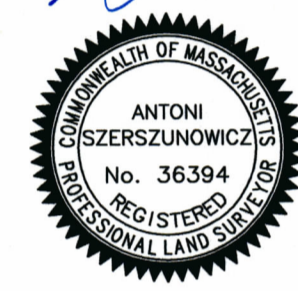
EXTERIOR
 ELEVATIONS

SHEET NUMBER:

A208



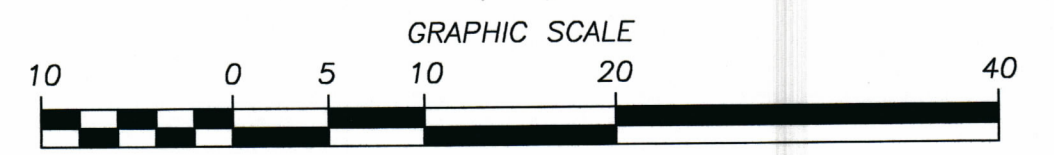
Antoni Szerszunowicz



PLOT PLAN
5 FOCH STREET
CAMBRIDGE, MASS.

SCALE : 1" = 10' JANUARY 4, 2023

AGH ENGINEERING
166 WATER STREET STOUGHTON, MA 02072
PHONE: (781)344-2386



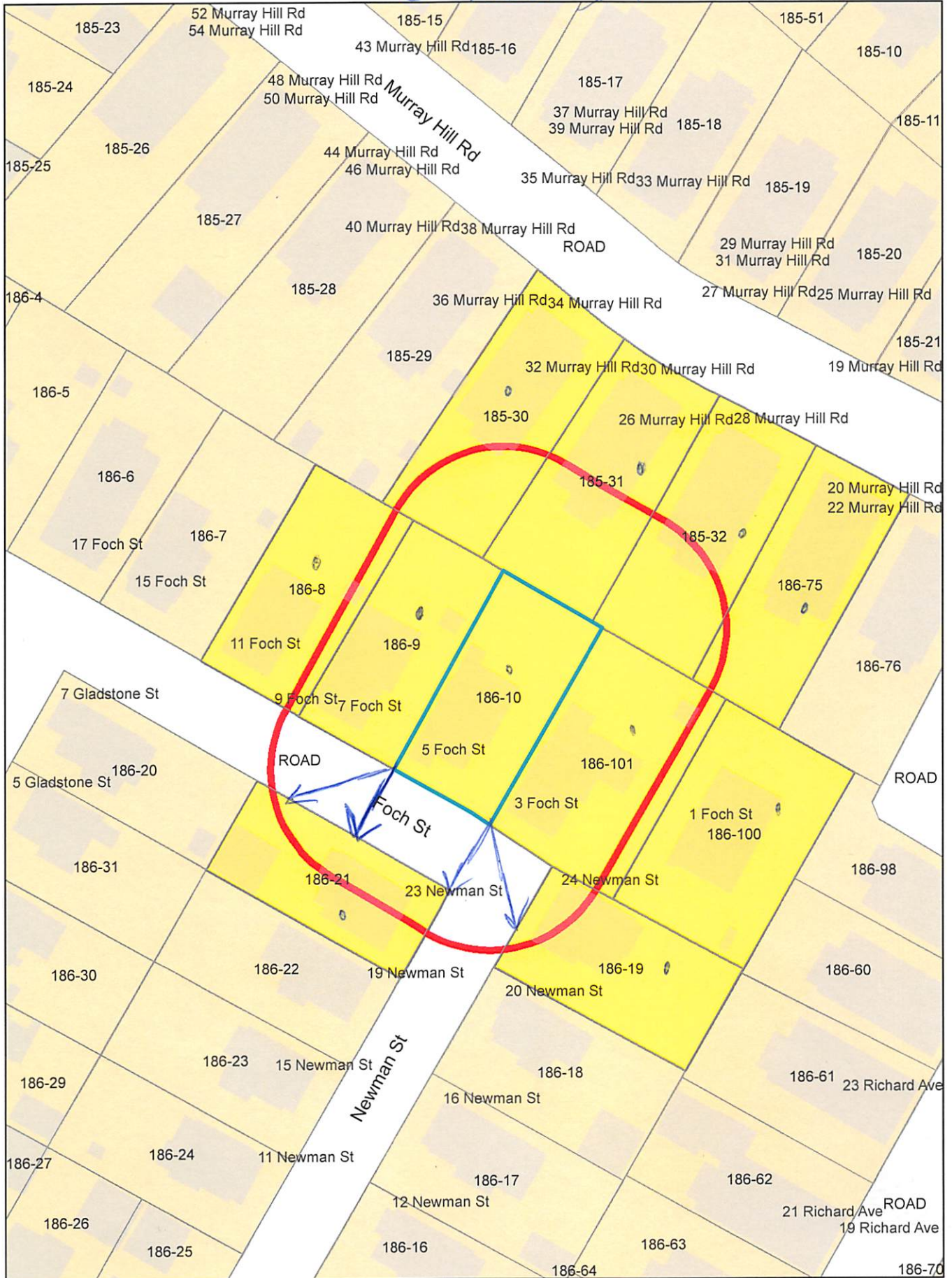








5 Foch St.



5 Foch St.

Petitioner

186-9
KALE, SUSAN & CAROL KALE
7 FOCH ST
CAMBRIDGE, MA 02138

186-75
BREDIN, MARGARET ELIZABETH &
SIOBHAN P. BREDIN
20 MURRAY HILL RD
CAMBRIDGE, MA 02140-1011

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE – SUITE 300
CAMBRIDGE, MA 02139

186-19
CONNELLY, SUSAN TYLER &
PAUL FRANCIS TONER
24 NEWMAN STREET
CAMBRIDGE, MA 02140-1013

185-30
WOODS, ERIC C. & BONNIE T. LE
36 MURRAY HILL RD
CAMBRIDGE, MA 02140

186-10
KALE, CAROL A. & SUSAN M. KALE
5 FOCH ST
CAMBRIDGE, MA 02140-1002

186-8
CARSON, W. JAMES & JEANIE COOPER CARSON
11 FOCH ST
CAMBRIDGE, MA 02140

186-21
CAMPBELL, CATARINA D. & JASON D. ARROYO
23 NEWMAN ST
CAMBRIDGE, MA 02140

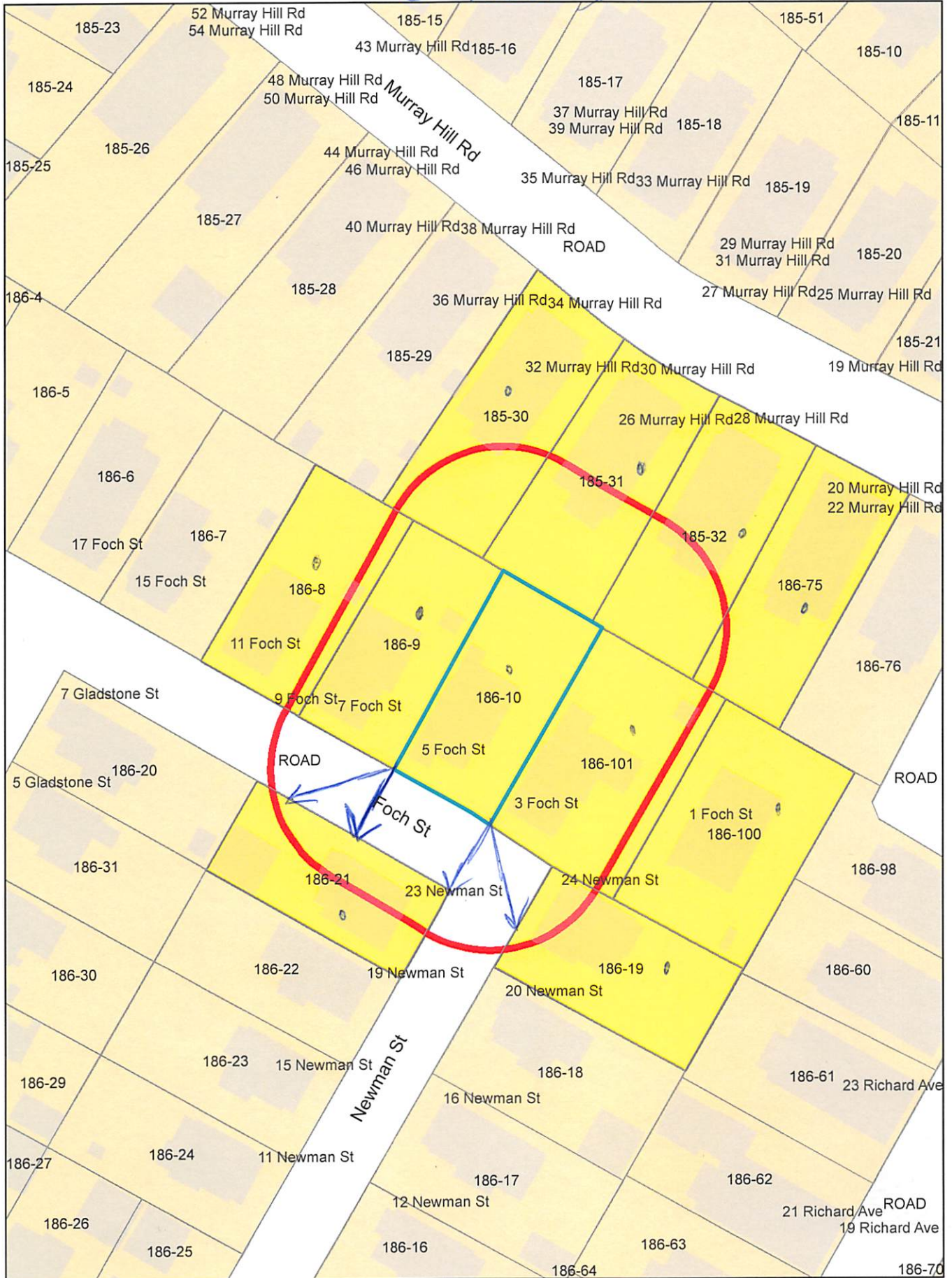
185-32
BARKER, IAIN W. & KATHLEEN FITZGERALD
26-28 MURRAY HILL RD
CAMBRIDGE, MA 02139

186-100
EDWARDS, WILLIAM S. & DOROTHEA E. REES
1 FOCH ST
CAMBRIDGE, MA 02140

186-101
DUNBAR, ANNIE B. & THOMAS R. DUNBAR
3 FOCH ST
CAMBRIDGE, MA 02140

185-31
COLUCI ALBERT W. SANDRA A. COLUCI
32 MURRAY HILL RD
CAMBRIDGE, MA 02140

5 Foch St.



5 Foch St.

Petitioner

186-9
KALE, SUSAN & CAROL KALE
7 FOCH ST
CAMBRIDGE, MA 02138

186-75
BREDIN, MARGARET ELIZABETH &
SIOBHAN P. BREDIN
20 MURRAY HILL RD
CAMBRIDGE, MA 02140-1011

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE – SUITE 300
CAMBRIDGE, MA 02139

186-19
CONNELLY, SUSAN TYLER &
PAUL FRANCIS TONER
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CAMBRIDGE, MA 02140-1013

185-30
WOODS, ERIC C. & BONNIE T. LE
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186-10
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186-21
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185-32
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CAMBRIDGE, MA 02139

186-100
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CAMBRIDGE, MA 02140

185-31
COLUCI ALBERT W. SANDRA A. COLUCI
32 MURRAY HILL RD
CAMBRIDGE, MA 02140

To: Board of Zoning Appeal
831 Mass Ave
Cambridge, MA

Case No: BZA-212734 Location: 5 Foch St, Cambridge, MA

Petitioner: Susan Kale

We are in support of the petition submitted by our neighbor, Susan Kale, to the Board of Zoning Appeal

Name	Address	Signature
Annie Dunbar	3 Foch Street # 1	
Thomas Dunbar	3 Foch Street # 2	
Dorothea Rees	1 Foch St.	
Sandy & Wanda Calcutt	30 Murray Hill ROAD	
Juan Conely PAUL Toner	24 Newman St.	
Eric Coffey Woods	36 Murray Hill Rd	
Carol Kale	7-9 FOCH ST	



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: David Kale Date: 3-23-2023
(Print)

Address: 5 Foch St

Case No. BZA-212734

Hearing Date: 4/13/23

Thank you,
Bza Members



CITY OF CAMBRIDGE

Massachusetts

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA

617) 349-6100

2023 MAY 26 AM 10:25
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 212734

LOCATION: 5 Foch Street
Cambridge, MA

Residence B Zone

PETITIONER: Susan Kale – C/o James J. Rafferty, Esq.

PETITION: Variance: To expand existing single-family dwelling by constructing second and third floor additions that will increase the roof height and provide code compliant access to third floor living space.

Special Permit: Todd windows within the setback.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.3 & Sec. 8.22.2.c (Non-Conforming Structure).
Art. 10.000, Sec. 10.30 (Variance). & Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: March 30, 2023 & April 6, 2023

DATE OF PUBLIC HEARING: April 13, 2023

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR
JIM MONTEVERDE – VICE-CHAIR
ANDREA A. HICKEY
LAURA WERNICK

✓
✓
✓

ASSOCIATE MEMBERS:

SLATER W. ANDERSON
JASON MARSHALL
MATINA WILLIAMS
WENDY LEISERSON

✓
✓

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner’s property, the layout, and other characteristics as well as the surrounding district.

Case No. BZA-212734
Location: 5 Foch Street, Cambridge, MA
Petitioner: Susan Kale – c/o James J. Rafferty, Esq.

On April 13, 2023, Petitioner Susan Kale appeared before the Board of Zoning Appeal with her attorney James Rafferty requesting a variance in order to expand an existing single-family dwelling by constructing second and third floor additions that will increase the roof height and provide code compliant access to third floor living space and a special permit in order to add windows within the setback. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Sections 8.22.2.c and 8.22.3, and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Mr. Rafferty stated that the third story attic of the home suffered from undersized rooms and was served by a non-code compliant stair, which limited its usability. He stated that the proposal was to replace the roof with a form that would allow for a code compliant stair and additional GFA. He stated that the additional GFA created an overage, which required a variance. He stated that the narrow lot and the house itself constituted the hardship. He stated that there were also windows proposed in the setback to improve the fenestration.

The Chair asked if anyone wished to be heard on the matter, no one indicated such. The Chair read a petition of support from the neighbors.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner’s submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner because it would preclude the Petitioner from adding some much-needed additional floor space, a realignment, a redesign, and repurposing of the interior to accommodate some additional space, which would make the house far more livable, more up-to-date, and would provide a safer entry and egress from the units; that the Board find that the addition would be aesthetically pleasing; that the Board find that the hardship owed to the existing structure on the lot, which predated the existing Ordinance and was not encumbered by the Ordinance when built, and as such, any addition of this particular nature would require relief; that the Board find that the request was minimal; that the Board find that relief could be granted without substantial detriment to the public good; that the Board find that the setbacks would not be altered; that the Board note the petition of support signed by a number of abutting properties; that the Board find that desirable relief could be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance to allow homeowners to improve their properties and potentially expand the properties to bring certain areas up to code to allow for a safer and more livable house; that the Board find that entry and egress out of the third floor would be safer than what existed and would add to the health and safety of any occupant of the building.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner’s submitted materials and the evidence before the Board on the condition that the work conform to the drawings, as initialed by the Chair, the supporting statements, and the dimensional form.

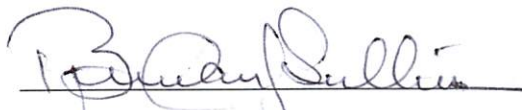
The five-member Board voted unanimously in favor of granting the variance with the above condition (Sullivan, Monteverde, Hickey, Leiserson, and Williams). Therefore, the variance is granted as conditioned.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that traffic generated, or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character; that the Board find that continued operation of or development of adjacent uses, as permitted in the Zoning Ordinance, would not be adversely affected by the nature of the proposed use; that the Board note the petition of support from the neighbors; that the Board find that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, in fact it would be enhanced with the addition of windows, which would add to the fenestration, light and air coming into the structure, which was a great health benefit; that the Board find that the proposed windows would not change the use of the property and were consistent with the residential uses in the district.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board.

The five-member Board voted unanimously in favor of granting the special permit (Sullivan, Monteverde, Hickey, Leiserson, and Williams). Therefore, the special permit is granted.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.


Brendan Sullivan, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 5-26-23 by Maria Pacheco, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: _____ City Clerk.



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: David Kale Date: 3-23-2023
(Print)

Address: 5 Foch St

Case No. BZA-212734

Hearing Date: 4/13/23

Thank you,
Bza Members

1 * * * * *

2 (8:04 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Matina
4 Williams, Wendy Leiserson, and Andrea
5 Hickey

6 BRENDAN SULLIVAN: Next case we will hear is BZA
7 212734 -- 5 Foch Street. Mr. Rafferty?

8 JAMES RAFFERTY: Good evening, Madam Chair,
9 members of the Board. For the record, my name is James
10 Rafferty. I'm appearing on behalf of the applicant, Susan
11 Kale, K-a-l-e. With Ms. Kale and myself this evening is the
12 Project Architect, Joshua Knapper, K-n-a-p-p-e-r.

13 This is an application for a variance to allow for
14 an enlargement, an addition to a single-family house in
15 North Cambridge. Ms. Kale?

16 SUSAN KALE: Yes, sir.

17 JAMES RAFFERTY: Thank you. Ms. Kale is present.
18 She has lived -- in fact she's lived in North Cambridge, I
19 believe, her whole life. She is a resident of the city,
20 serves the city as a police officer, and is looking to
21 expand this house to take advantage of the third floor.

22 The third floor currently is very much an attic

1 floor. It has a stairway to access it, but the rooms up
2 there are very small, and the stairway is not at all code-
3 compliant.

4 The request would allow for a variance for an
5 additional 268 square feet over the allowed FAR. The lot
6 itself is 4000 square feet. It's a narrow lot. The shape
7 of the lot is a portion of the hardship.

8 The design essentially, I think, is best viewed
9 through a plan that I might suggest Ms. Ratay could put up
10 Sheet 204, if that's possible. And Sheet 204 will show you
11 the house has a funny orientation now. It's a one-, two-,
12 three-level house. The portion is one level, then there's a
13 second floor, and then there's a third.

14 What's happening here is -- and the architect can
15 go into detail -- the roof is being removed and reframed to
16 within the 35-foot height level. But a new roof at the
17 third floor will offer a full third floor, and there's an
18 infill on the second floor.

19 So as I noted, the additional amount of square
20 footage totals 268 square feet, beyond what the far
21 permitted in the B district allows.

22 Ms. Kale was somewhat inspired with this design by

1 the house next door, which happened to be owned by her
2 sister, very similarly sized, and she was able to take
3 advantage of the third floor about six or eight years ago,
4 and it's proved to be a very effective living space.

5 So that's the case. Happy to have Mr. Knapper
6 walk you through the design or Ms. Kale or I could answer
7 any questions, if the Board have them.

8 BRENDAN SULLIVAN: Mr. Rafferty, there are two
9 forms of relief that you're requesting. If you could just
10 touch on the variance, and then the special permit aspect of
11 that?

12 JAMES RAFFERTY: Thank you, yes. The variance is
13 related to the GFA, the 268 square feet over the allowed
14 FAR. The special permit involves windows on a nonconforming
15 lot.

16 BRENDAN SULLIVAN: Okay. Okay. If you would like
17 to walk us through it and very briefly?

18 JAMES RAFFERTY: All right, Mr. Knapper, can you
19 walk the Board through this?

20 JOSHUA KNAPPER: I certainly can. So the primary
21 issue, like Mr. Rafferty had mentioned, is that that attic
22 level of the home has some very aggressive roof lines just

1 care of the pitch of the roof itself.

2 And so, in order to make that third floor more
3 habitable, what we've really just done is kind of extend the
4 -- what I would call the cheek walls, or the side façade
5 walls, so that the gable roofline is just a little less
6 aggressive pitch wise.

7 And by doing so, by basically increasing that --
8 those cheek walls about 3.5 feet, we are able then to occupy
9 so much more of the space underneath, because of that line
10 and its height change.

11 So if you -- I'm sorry, but if the moderator would
12 flip to the front façade, that would be A201, you can see
13 this is the existing front façade.

14 And you can see that roofline at the third floor
15 with a little -- the shed dormer on the left, which is the
16 - which was placed there to accommodate that nonconforming
17 or nonfunctional -- really functional egress stair up to the
18 third floor.

19 And then Moderator, if you don't mind flipping to
20 the next page, you'll see what we've done is simply take
21 those roof lines up and decrease their pitch lines slightly.
22 This accommodates a new staircase within the plan itself,

1 but also gives us a much more gracious width along the gable
2 line itself.

3 And then yeah, back to that original 202, you can
4 see this is the side elevation, the driveway elevation, and
5 how the first floor here on the rear side projects out from
6 the second and third floor.

7 And so what we propose here is then to the next
8 page -- is to basically build up off of that projection and
9 create that as habitable space for the family.

10 And as to the special permit and the nonconforming
11 element with the windows, I believe the best -- the left
12 façade of the home is within the setback or, well, the
13 zoning bylaw setbacks, but is obviously an existing
14 nonconforming condition. And we're simply looking to
15 incorporate some fenestration on that façade.

16 BRENDAN SULLIVAN: Okay. And the length of that
17 dormer is 6'8"?

18 JOSHUA KNAPPER: So we don't -- the existing
19 dormer?

20 BRENDAN SULLIVAN: Yeah.

21 JOSHUA KNAPPER: The existing dormer, this that
22 you're looking at right now, that's the small shed dormer.

1 I would say that that is probably about 6' ish itself.

2 But we are -- understanding the Dormer
3 Regulations, in lieu of doing a dormer, we chose just to
4 take the roof off of the structure and go up moderately but
5 go up instead of incorporating dormers into the rooflines,
6 which would be longer than those Regulations would afford.

7 BRENDAN SULLIVAN: Okay, so it's basically an
8 addition up rather than -- yeah, okay.

9 JOSHUA KNAPPER: That's correct.

10 JAMES RAFFERTY: We reviewed that with the
11 Building Commissioner as to whether or not it constituted a
12 dormer, and his conclusion was that it did not.

13 BRENDAN SULLIVAN: Right. Okay. All right.
14 Anything else to add? Anything else to add at this time?

15 JOSHUA KNAPPER: No, sir. Not from me.

16 BRENDAN SULLIVAN: Nope? All right. Let me send
17 it to the Board. Jim Monteverde, any questions?

18 JIM MONTEVERDE: Two questions. Can you speak
19 about bit about the hardship, what it is that inspires the
20 expansion?

21 JAMES RAFFERTY: [Sneeze]

22 JIM MONTEVERDE: God bless you.

1 JAMES RAFFERTY: I apologize; I'm suffering with
2 some bronchial conditions -- I can say more annoying than
3 usual.

4 But the hardship really is related to the shape of
5 the lot and the condition of the existing structure. The
6 existing structure is quite old. It's a nonconforming
7 structure, as noted by Mr. Knapper. It's 4', about 4' off
8 the left side.

9 The lot is deep and narrow, and those are the
10 elements of the hardship that limit areas where the
11 expansion can go. It's a very obvious place to expand the
12 house, because we can do it all within the height limit and
13 not change the footprint of the house.

14 JIM MONTEVERDE: Thank you. Second question: In --
15 somewhere in the description -- I don't have the full file
16 in front of me -- is a statement that the addition, the
17 renovation was consistent with the neighborhood. And I
18 can't recall if this file provided some photos of some
19 adjacent houses that were likewise three stories tall.

20 But if I went on Google Earth and went further
21 down the street on both sides, it didn't look like it was
22 consistent with the neighborhood into the massing and the

1 scale of the other houses. Can you speak to that please?

2 JAMES RAFFERTY: Sure. I can direct you to the
3 property at 79 Foch Street, which I think is here, which has
4 this very same condition, which has a built-out third floor.
5 And that was done pursuant to a variance issue by the Board
6 in April of 2011.

7 JIM MONTEVERDE: Thank you. But I think my
8 question was really the one neighborhood doesn't make a
9 neighborhood.

10 And if I went and looked at the character of the
11 neighborhood more, it's more houses up and down the street,
12 the proposal -- again what the neighbor did adjacent to it --
13 - doesn't really seem to be consistent with the neighborhood
14 -- again, scale and character, et cetera.

15 SUSAN KALE: Sir, if I may speak, the house
16 directly across from me -- I think we submitted a picture --
17 is the same parameters as the rest. If we can go across the
18 street, there's a house that's directly across and that's --

19 JIM MONTEVERDE: Yep.

20 SUSAN KALE: -- I submitted a picture.

21 JIM MONTEVERDE: I saw -- again, I saw the two
22 properties that were directly adjacent to them close by,

1 that seemed to have the same effect type of renovation. But
2 when I looked further down the street, both directions,
3 neither one of those really seemed to be consistent with the
4 rest of the character of the majority of the houses.

5 I think I've made my comment. I'll just stop
6 there. Thank you.

7 JOSHUA KNAPPER: If I may, what we really tried to
8 do with this modification to the existing home was to really
9 not increase its mass from the front façade specifically.
10 You know, the roofline isn't -- you know, but more than 12"
11 taller than the current roof line ridge wise, and so the
12 real -- the only significant change is the flair, or the
13 pitch of that gable end.

14 And so, the remainder of the homes along Foch
15 Street all are three-story, but they all have just that more
16 aggressive gable-end pitch, whereas ours is just trying to
17 ease that a little bit in order to accommodate better space
18 with it.

19 JIM MONTEVERDE: Thank you.

20 BRENDAN SULLIVAN: Andrea Hickey, any question,
21 comments?

22 ANDREA HICKEY: No. Not at the moment. Thank

1 you, Mr. Chair.

2 BRENDAN SULLIVAN: Wendy Leiserson, any questions
3 or comments?

4 WENDY LEISERSON: No. Jim asked the hardship
5 question that I was curious about. So thank you.

6 BRENDAN SULLIVAN: Matina Williams, any questions,
7 comments?

8 [Pause]

9 Matina?

10 MATINA WILLIAMS: Hi, sorry. No questions or
11 comments at this time.

12 BRENDAN SULLIVAN: All right. And I don't have
13 any questions or comments at this time either. I'll open it
14 to public comment. Any members of the public who wishes to
15 speak should now click the button that says, "Participants,"
16 and then click the button that says, "Raise hand."

17 If you're calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6, and
19 you will have up to three minutes in which to comment.

20 [Pause]

21 There's nobody calling in. We are in receipt of
22 the petition that Susan has submitted.

1 "We are in support of the petition submitted by
2 our new neighbor, Susan Kale, to the Board of Zoning
3 Appeal."

4 And it's signed by seven people: 3 Foch Street, 3
5 Foch Street #1, 3 Foch Street #2, 1 Foch Street, 30 Murray
6 Hill Road, 34 Newman, 36 Murray Hill and 79 Foch Street.

7 And that is the sum and substance of any
8 correspondence to the Board. I will close the public
9 comment portion. Mr. Rafferty, any comments to add, or
10 Architect?

11 JAMES RAFFERTY: No, thank you. We -- Mr. Knapper
12 has done a good job explaining the design. We were very
13 conscious of the fact of trying to have this addition remain
14 as close to the allowed FAR. So it does represent an
15 additional 268 square feet.

16 But we hope the Board will find that the impact on
17 the surrounding properties is negligible and it will allow
18 for an expansion of family living within the city.

19 BRENDAN SULLIVAN: Thank you.

20 WENDY LEISERSON: I believe, Mr. Rafferty, you
21 meant an additional 268 square feet above the ordinance
22 requirements, but it's a more expensive extension than --

1 JAMES RAFFERTY: Oh, correct -- thank you.

2 WENDY LEISERSON: -- that --

3 JAMES RAFFERTY: Yeah. So the zoning relief
4 relates to the 268 square feet additional. That's with the
5 variance. The granting of the variance will allow for an
6 additional 268 square feet.

7 BRENDAN SULLIVAN: Anything else, Wendy?

8 WENDY LEISERSON: No, that's all. Thank you.

9 BRENDAN SULLIVAN: Okay. I think my view on this
10 is that looking at the existing structure, it needs
11 something. And I think that the third floor can use,
12 obviously, some updating. It can use some expansion to make
13 it more livable, make better egress -- entry and egress out
14 of the unit; safer entry and exit out of the unit.

15 And that the entire area around there of Cambridge
16 off Mass. Avenue with new ownership coming in and expansion
17 the Board has had a number of properties in the past that
18 have had similar requests of really updating and
19 repurposing, reoutfitting a lot of these old housing stocks,
20 which were probably built back in the '20s and '30s.

21 And I think that what is before us is a fair and
22 reasonable request. It'll allow for a much greater upgrade

1 to the property, which is a boon to the surrounding
2 properties, and I think it's a fair and reasonable request.
3 That's sort of my thought on it.

4 Members of the Board, are we ready for a vote?
5 Any other additional comments at all or --

6 JIM MONTEVERDE: Ready for a vote.

7 BRENDAN SULLIVAN: Okay. Any other concerns by
8 members of the Board that you wish to have addressed, or
9 ready for a vote? Okay.

10 Make a motion, then, that the variance portion of
11 this, which is the additional square footage, the Board
12 finds that a literal enforcement of the provisions of the
13 ordinance would involve a substantial hardship to the
14 petitioner because it would preclude the petitioner from
15 adding some much-needed additional floor space, a
16 realignment, a redesign, repurposing of the additional -- of
17 the interior space to accommodate some additional space,
18 which would make the unit, the house far more livable and
19 more up-to-date and have safer entry and egress out of the
20 units, and that the addition -- space as designed -- will be
21 aesthetically pleasing.

22 The Board finds that the hardship is owing to the

1 fact of the existing structure on the block, which predates
2 the existing ordinance, and as such is encumbered by a more
3 restrictive ordinance than when the house was built -- it
4 was probably built prior to the existence of the zoning
5 ordinance -- and as such that any addition would require
6 this particular nature, which the Board finds is somewhat
7 minimal, would require some relief from this Board.

8 The Board finds that relief may be granted without
9 substantial detriment to the public good. The Board finds
10 that the setbacks will not be altered.

11 The Board finds that and incorporates by reference
12 a petition signed by a number of abutting properties.

13 The desirable relief may be granted without
14 substantial detriment to the public good or nullifying or
15 substantially derogating from the intent and purpose of the
16 ordinance to allow homeowners to improve their properties
17 and potentially expand the properties to bring certain areas
18 up to code to allow for safer livability of the house, and
19 also entry and egress out of sections of the property,
20 especially as noted in the petition in the third floor,
21 which will add to the health and safety of any occupant of
22 the building.

1 On the variance portion, Jim Monteverde?

2 JIM MONTEVERDE: In favor.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Yes, in favor.

5 BRENDAN SULLIVAN: Wendy Leiserson?

6 WENDY LEISERSON: Yes, in favor.

7 BRENDAN SULLIVAN: Matina Williams?

8 MATINA WILLIAMS: Yes, in favor.

9 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

10 [All vote YES]

11 BRENDAN SULLIVAN: Five affirmative votes, the
12 variance is granted on the condition that the work conform
13 to the drawings, and initialed by the Chair, supporting
14 statements, and the dimensional form.

15 Now on the variance -- sorry, on the special
16 permit portion of it, let me make a motion, then, to grant
17 the special permit under Article 8.222c.

18 The article permits the creation of windows on a
19 nonconforming wall, as long as there are no further
20 violations of the dimensional requirements of Article 5.

21 The Board finds that traffic generated, or
22 patterns of access or egress would not cause congestion,

1 hazard, or substantial change in the established
2 neighborhood character.

3 The Board finds that continued operation of or
4 development of adjacent uses, as permitted in the Zoning
5 Ordinance, would not be adversely affected by the nature of
6 the proposed use. The Board notes and incorporates by
7 reference the petition signed by the abutting properties.

8 The Board finds that there would not be any
9 nuisance or hazard created to the detriment of the health,
10 safety and/or welfare of the occupant of the proposed use,
11 in fact it would be enhanced with the addition of windows,
12 which adds to the fenestration, light and air coming into
13 the structure, which is a great health benefit.

14 The Board finds that the proposed windows will not
15 change the use of the property and are consistent with the
16 residential uses in the district.

17 On the motion, then, to grant the special permit
18 portion of the petition, Jim Monteverde?

19 JIM MONTEVERDE: In favor.

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: Yes, in favor.

22 BRENDAN SULLIVAN: Wendy Leiserson?

1 WENDY LEISERSON: Yes, in favor.

2 BRENDAN SULLIVAN: Matina Williams?

3 MATINA WILLIAMS: Yes, in favor.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes.

5 [All vote YES]

6 BRENDAN SULLIVAN: Five affirmative votes; the
7 special permit is also granted.

8 JAMES RAFFERTY: Thank you very much and good
9 evening.

10 SUSAN KALE: Thank you. Thank you, Matina, for
11 staying. We appreciate you. Thank you so much.

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April 08, 2024

Inspectional Services
831 Massachusetts Ave
Cambridge, Ma 02139

2024 APR -9 AM 11: 56
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Ms. Pacheco:

I am requesting an extension for a variance I obtained in 2023 for my residence located at 5 Foch Street, Cambridge Ma 02140. CASE # 212-734.

Due to unforeseen circumstances with my contractor, not being licensed property, I have had to start the process again to obtain bids for the work to be done at this property. As you can imagine this has been a tedious and time-consuming task.

I sincerely appreciate the consideration from Inspectional Services and the Board to grant this request.

Please let me know if I need to submit any additional paperwork.

I appreciate your time regarding this matter.

Respectfully Submitted,

Susan Kale