



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 266282

General Information

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

Special Permit: X Variance: Appeal:

2024 APR 26 11:10:23
CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL

PETITIONER: Diana Yousef-Martinek and Sebastian Martinek C/O Bill Harper, AIA

PETITIONER'S ADDRESS: 413 Broadway, Cambridge, MA 02138

LOCATION OF PROPERTY: 413 Broadway, Cambridge, MA

TYPE OF OCCUPANCY: Residential single family **ZONING DISTRICT:** Residence C-1 Zone

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

Adding four basement-level windows to exterior wall on the property line abutting a ~9'-6" wide passageway

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 8.000 Section: 8.22.2.c (Alteration to Non-Conforming Structure).
- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):



(Petitioner (s) / Owner)

WILLIAM HARPER, AIA

(Print Name)

Address: 413 BROADWAY, CAMBRIDGE, MA 02138
Tel. No. 6174625181
E-Mail Address: bill@byggmeister.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 Sebastian Martinek
(OWNER)

Address: 413 Broadway, Cambridge MA 02138

State that I/We own the property located at 413 Broadway, which is the subject of this zoning application.

The record title of this property is in the name of Diana O. Yousef-Martinek and Sebastian Martinek

*Pursuant to a deed of duly recorded in the date 12/14/2010 ~~9/27/2002~~, Middlesex South County Registry of Deeds at Book 56061 ~~36574~~, Page 228 ~~45~~; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Sebastian Martinek
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 Suffolk

The above-name Sebastian Martinek personally appeared before me, this 11th of October, 2023, and made oath that the above statement is true.

My commission expires July 28, 2028 (Notary Seal Benadette MacChesney)



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

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 413 Broadway, 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:

The windows we are proposing to add are in 413 Broadway's exterior wall on the property line, which is non-conforming with no side setback. But the wall and property line is adjacent to a 9'-6" wide passageway that provides ample separation from the neighboring building at 411 Broadway.

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:

The added windows would not alter the access to the passageway or egress through it, and in demonstration of these windows aligning with established neighborhood character we have already obtained a Certificate of Appropriateness from the Mid-Cambridge Historic Commission approving our proposal to add two windows (the scope has since expanded to add four 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:

The added windows will not impede the use of this adjacent passageway. The neighboring property at 411 Broadway already has a basement window similar to the one we are proposing, and to our knowledge that has not resulted in any adverse impact on the passageway's use.

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 these windows will not result in a nuisance or hazard for the owners or citizens of Cambridge; they are no more at risk than other existing basement windows on the property of 413 Broadway or in the neighborhood.

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:

Basement level windows such as these are common throughout the district and will not impair its integrity or otherwise derogate the ordinance's intent and purpose.

Date: _____

BZA Application Form**DIMENSIONAL INFORMATION**

Applicant: Diana Yousef-Martinek and Sebastian Martinek
Location: 413 Broadway, Cambridge, MA
Phone: 6174625181

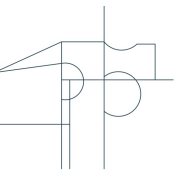
Present Use/Occupancy: Residential single family
Zone: Residence C-1 Zone
Requested Use/Occupancy: Residential single family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2385	2385	1989	(max.)
<u>LOT AREA:</u>		2652	2652	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.89	0.89	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2652	2652	1800	
<u>SIZE OF LOT:</u>	WIDTH	19.08	19.08	50	
	DEPTH	140	140	100	
<u>SETBACKS IN FEET:</u>	FRONT	47.6	47.6	14	
	REAR	54.5	54.5	30	
	LEFT SIDE	0	0	7.5	
	RIGHT SIDE	0	0	7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	38	38	35	
	WIDTH	64.1	64.1	70	
	LENGTH	19.08	19.08	35	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		54.6	54.6	30	
<u>NO. OF DWELLING UNITS:</u>		1	1	Multifamily	
<u>NO. OF PARKING SPACES:</u>		1	1	1 per dwelling unit	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	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')



**BYGG
MEISTER**
DESIGN | BUILD

www.byggmeister.com
677A Sawmill Brook Parkway
Newton, MA 02459



EXHIBIT F

**Yousef-Martinek
Residence**
413 Broadway | Cambridge, MA

3/01 FRAMING LAYOUT
3/06 ROUGH ELEC WALKTHRU
3/08 REVISED ELECTRICAL
3/12 ALLEY WINDOWS

DATE:
3/12/24

DRAWN BY: BH

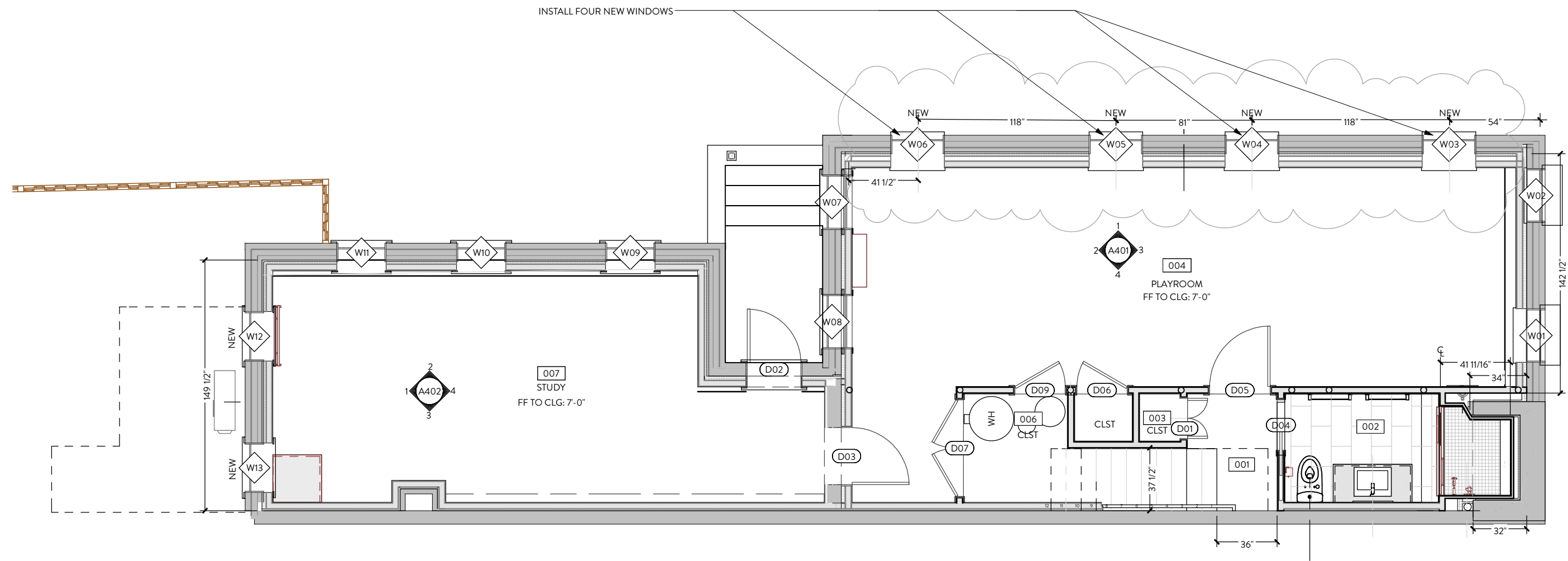
SCALE:
3/16" = 1'-0"

DRAWING:
BASEMENT
PROPOSED

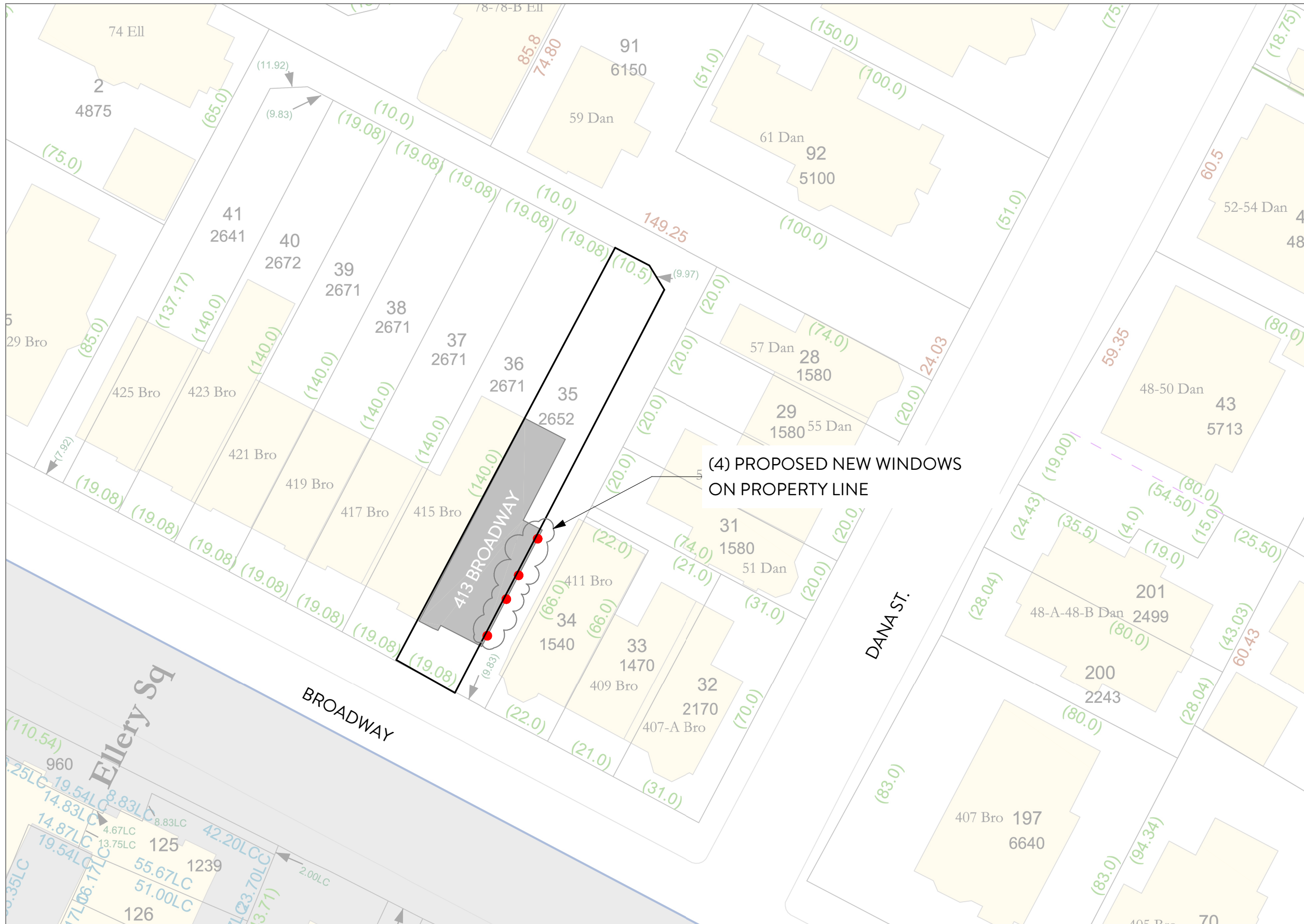
SHEET NUMBER:

A-100

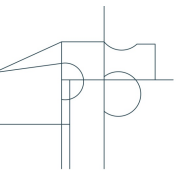
INSTALL FOUR NEW WINDOWS



○ Foundation
3/16 in = 1 ft



① CITY OF CAMBRIDGE ASSESSOR'S MAP DETAIL - BLOCK 139



BYGG MEISTER
DESIGN | BUILD

www.byggmeister.com
677A Sawmill Brook Parkway
Newton, MA 02459



EXHIBIT F

**Yousef-Martinek
Residence**
413 Broadway | Cambridge, MA

- 2/28 FRAMING LAYOUT
- 3/01 FRAMING LAYOUT
- 3/06 ROUGH ELEC WALKTHRU
- 3/08 REVISED ELECTRICAL
- 3/12 ALLEY WINDOWS

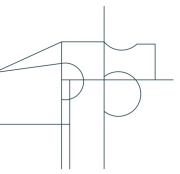
DATE:
3/12/24

DRAWN BY: BH
SCALE:

DRAWING:
**ASSESSOR'S
MAP**

SHEET NUMBER:

A-001



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Newton, MA 02459



EXHIBIT F

**Yousef-Martinek
Residence**
413 Broadway | Cambridge, MA

2/28 FRAMING LAYOUT
3/01 FRAMING LAYOUT
3/06 ROUGH ELEC WALKTHRU
3/08 REVISED ELECTRICAL
3/12 ALLEY WINDOWS

DATE:
3/12/24

DRAWN BY: BH

SCALE:
3/4" = 1'-0"

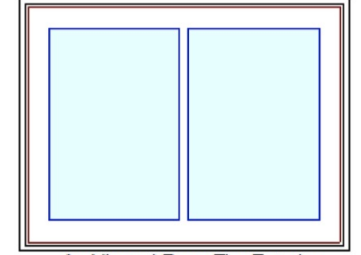
DRAWING:

**ELEVATION &
PROPOSED
WINDOWS**

SHEET NUMBER:

A-301

Line #1	Mark Unit: FIXED WINDOW W03,W04,W05,W06
Qty: 4	

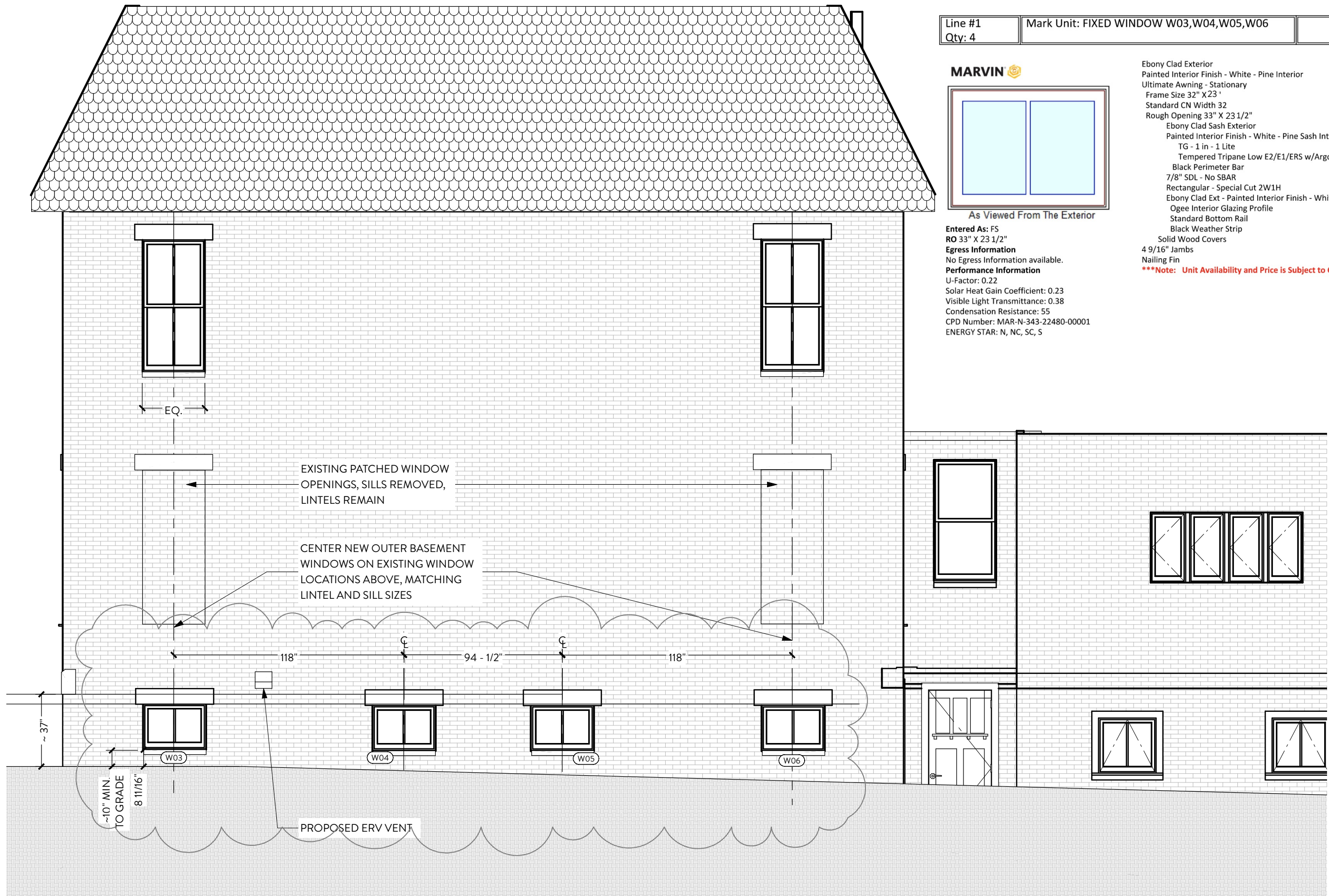


As Viewed From The Exterior

Entered As: FS
RO 33" X 23 1/2"
Egress Information
No Egress Information available.
Performance Information
U-Factor: 0.22
Solar Heat Gain Coefficient: 0.23
Visible Light Transmittance: 0.38
Condensation Resistance: 55
CPD Number: MAR-N-343-22480-00001
ENERGY STAR: N, NC, SC, S

Ebony Clad Exterior
Painted Interior Finish - White - Pine Interior
Ultimate Awning - Stationary
Frame Size 32" X 23"
Standard CN Width 32
Rough Opening 33" X 23 1/2"
Ebony Clad Sash Exterior
Painted Interior Finish - White - Pine Sash Interior
TG - 1 in - 1 Lite
Tempered Tripane Low E2/E1/ERS w/Argon
Black Perimeter Bar
7/8" SDL - No SBAR
Rectangular - Special Cut 2W1H
Ebony Clad Ext - Painted Interior Finish - White - Pine Int
Ogee Interior Glazing Profile
Standard Bottom Rail
Black Weather Strip
Solid Wood Covers
4 9/16" Jamb
Nailing Fin

***Note: Unit Availability and Price is Subject to Change



E3 EXTERIOR ELEVATION - ALLEY
1/4 in = 1 ft



413 BROADWAY

9'-8" WIDE ALLEY

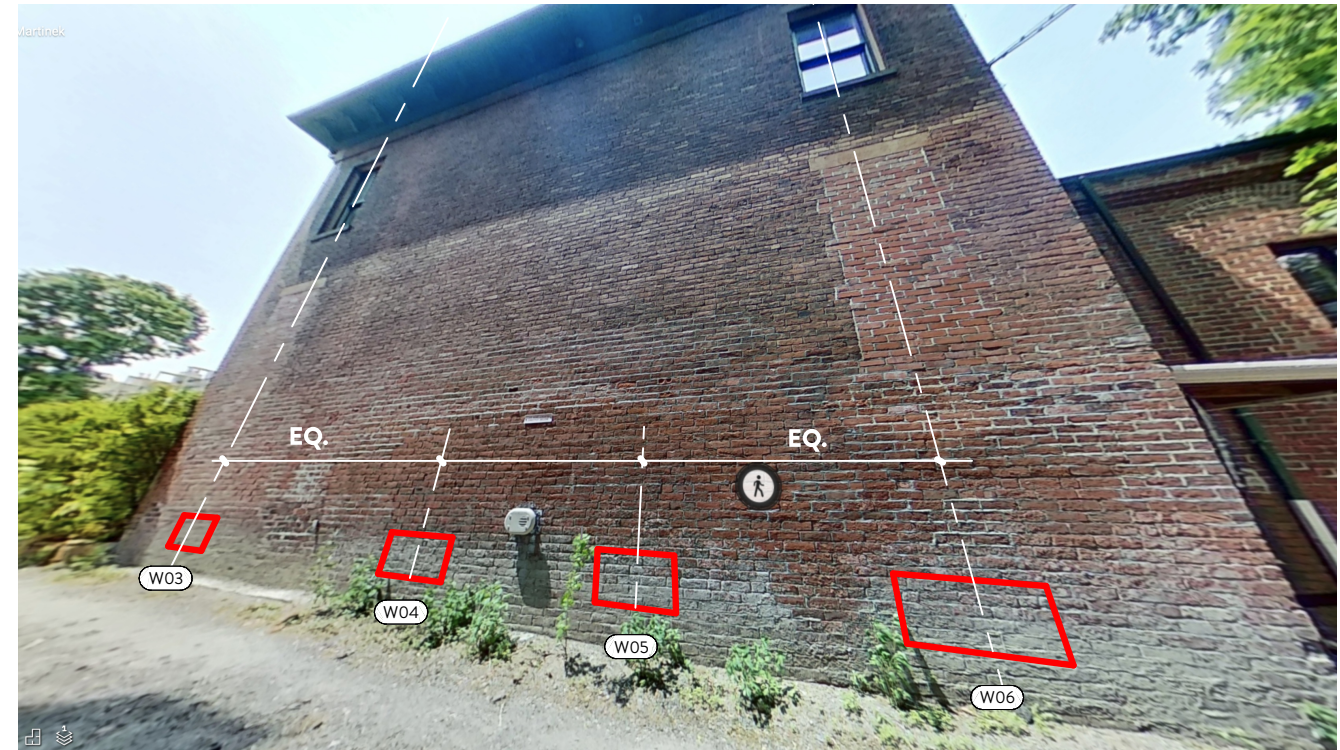
① 413 BROADWAY - FRONT FACADE



(4) PROPOSED NEW WINDOWS

③ VIEW OF PUBLIC ALLEY BETWEEN 413 & 411 BROADWAY

NEW WINDOWS W03 & W06 TO BE CENTERED ON OPENINGS ABOVE



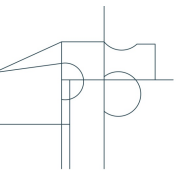
② VIEW OF 413 BROADWAY FROM PUBLIC ALLEY

PROPOSAL SCOPE ON THIS FACADE: INSTALL NEW WINDOWS W03, W04, W05, W06

NEW WINDOW W03 & W06 LOCATIONS TO BE CENTERED ON WINDOWS ABOVE

ALL NEW WINDOWS TO HAVE BROWNSTONE LINTELS AND SILLS TO RESEMBLE
DETAILING ON WINDOWS ABOVE

NEW WINDOWS TO BE MARVIN ULTIMATE TRIPLE GLAZED FIXED DOUBLE HUNG
WINDOWS WITH BLACK ALUMINUM CLAD EXTERIOR AND 2-WIDE SIMULATED
DIVIDED LITES



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EXHIBIT F

**Yousef-Martinek
Residence**
413 Broadway | Cambridge, MA

2/28 FRAMING LAYOUT
3/01 FRAMING LAYOUT
3/06 ROUGH ELEC WALKTHRU
3/08 REVISED ELECTRICAL
3/12 ALLEY WINDOWS

DATE:
3/12/24

DRAWN BY: BH
SCALE:

DRAWING:
ALLEY
FACADE

SHEET NUMBER:

A-002

Letter of Support for 413 Broadway BZA application for a Special Permit

The below text was submitted as an email of support from the neighboring homeowner at 411 Broadway for our successful Historical Commission submission in Fall 2023. At that time the proposed scope was the addition of two windows on the alley wall, and the scope has since expanded to four windows on the same wall. The neighbor is currently traveling but will update his letter of support to encompass that change when he returns, prior to our hearing date.

From: jeff peters <gmacpeters@gmail.com>

Date: September 29, 2023 at 2:02:07 PM EDT

To: histcomm@cambridgema.gov, acrosbie@cambridgema.gov

Cc: Sebastian Martinek <sebmartinek@gmail.com>

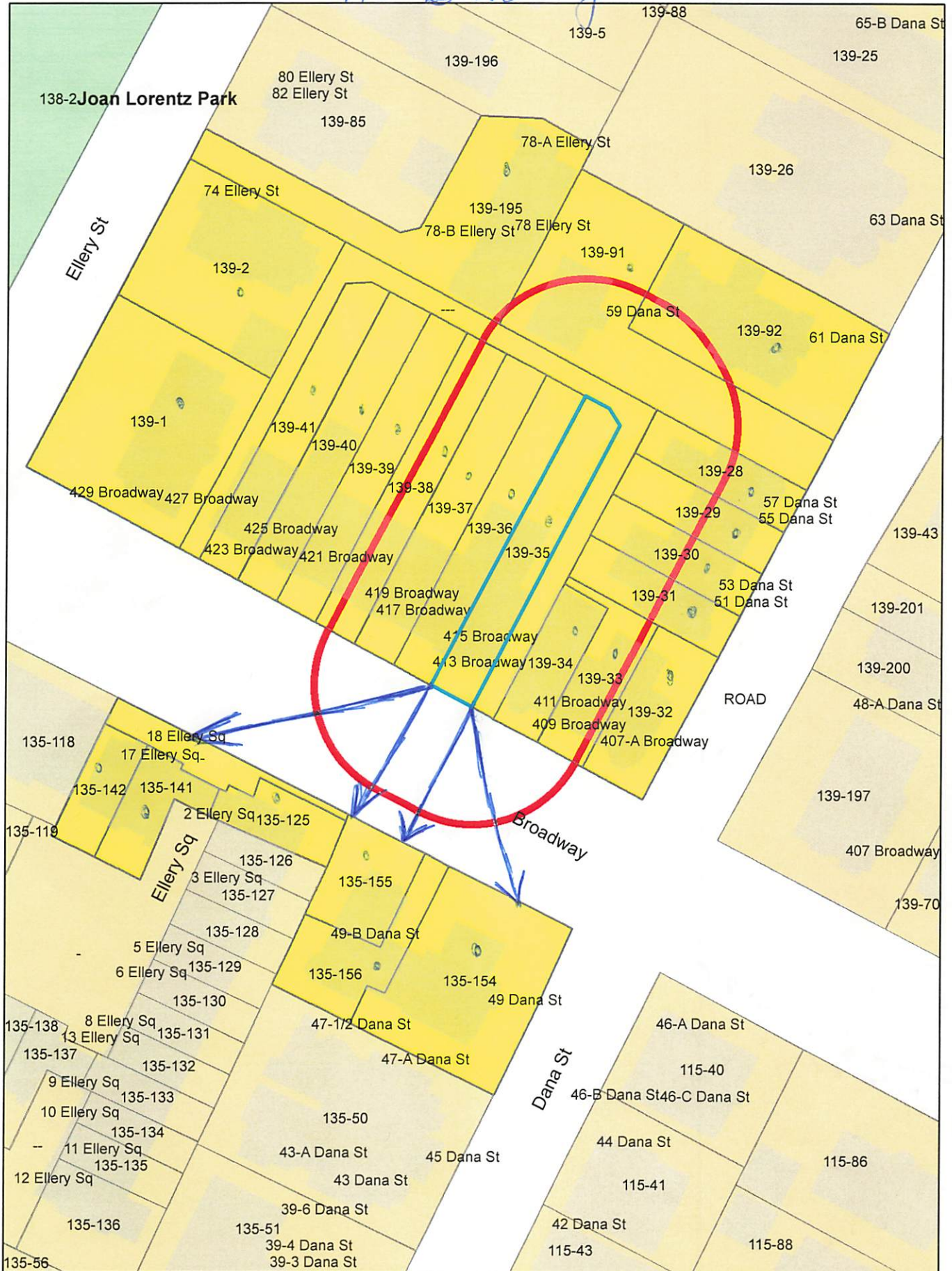
Subject: Case MC-6832: 413 Broadway, by Sebastian Martinek. Alter fenestration.

Dear Historical Commission,

I live immediately east of 413 Broadway in a building I own. Sebastian Martinek and his contractor have fully explained their intention to change the fenestration of the wall facing my building. I have no objection to their plans and would support their moving forward with their renovations.

Geoffrey Peters
411 Broadway
617.835.7494

413 Broadway



413 Broadway

Petitioner

139-32
PATEL, IIA & ANILA PATEL,
TRUSTEES THE 407A BROADWAY NOM TRUST
199 COOLIDGE AVE UNIT 515
WATERTOWN, MA 02472

139-28
HOLLAND, PHILIP G. &
SIOBHAN C. MCMAHON
57 DANA ST
CAMBRIDGE, MA 02138-4310

WILLIAM HARPER, AIA
667A SAWMILL BROOK PARKWAY
NEWTON, MA 02459

139-39
DEVANEY, JOHN G.
10 POND VIEW DRIVE
NANTUCKET, MA 02554

139-41
MAGNUSSON, JOAN R. &
JAMES T. MERCHANT,
TRS. OF THE MERCHANT FAMILY TRUST
167 GLENWOOD STREET
MALDEN, MA 02148

139-35
YOUSEF-MARTINEK, DIANA O. &
SEBASTIAN MARTINEK
413 BROADWAY
CAMBRIDGE, MA 02138

139-34
PETERS, GEOFFREY
411 BROADWAY
CAMBRIDGE, MA 02138

139-92
GUARDINO, GERALDINE A.
TRUSTEE OF THE GURADINO REVOC TRUST
61 DANA ST 2
CAMBRIDGE, MA 02138

135-155
HUANG, CHUN YUAN & YI HUA WANG
49A DANA ST
CAMBRIDGE, MA 02138

139-37
CRAWFORD, CUBIED & ZELTE CRAWFORD
PO BOX 1277
SAN MATEO, CA 94401

139-38
KARNIK RAHUL & SHALINI UNNIKISHNAN
419 BROADWAY
CAMBRIDGE, MA 02139

139-40
MELLGARD, BJORN & YING JIN
423 BROADWAY
CAMBRIDGE, MA 02138

139-33
CONNOR, RUIKO K.
409 BROADWAY
CAMBRIDGE, MA 02139

139-30
ROTHSTEIN, NATHAN CAROLINE G. GAMMILL
53 DANA ST
CAMBRIDGE, MA 02138

135-125
KHAJENHNOORI, NASSER MARYAM SHAMS
1 ELLERY SQ
CAMBRIDGE, MA 02138

139-92
GOLD, HANNAH &
MERAV GOLD NURIT LISSOVSKY
7 SHADY HILL SQ
CAMBRIDGE, MA 02138

139-92
KIM NAM WOOK IM HYEJIN
61 DANA ST - UNIT 3
CAMBRIDGE, MA 02138

139-92
RICHMAN ANDREW WHEATLEY THALIA
36 HUBBARD AVE
CAMBRIDGE, MA 02140

139-2
CULLEN ZOE B FLYNN JAMES P
74 ELLERY ST
CAMBRIDGE, MA 02138

139-91
RUBIN, DIANE & ANDREW MARK STRASSMAN
59 DANA ST
CAMBRIDGE, MA 02139

139-36
VENKATACHALAM VIVEK &
JENNIFER BALAKRIS
415 BROADWAY
CAMBRIDGE, MA 02138

139-195
LARSON, JENNA & JACOB SMIGIEL
78A ELLERY STREET
CAMBRIDGE, MA 02138

139-1
PETRELLA, BARBARA A ALBERT T TAHHAN
27 STEARNS AVE
MEDFORD, MA 02155

135-142
LE, LOAN
18 ELLERY SQ
CAMBRIDGE, MA 02138

135-154
SIDENBLADH, ISAK KATHRYN C. NASSBERG
49 DANA ST
CAMBRIDGE, MA 02138

135-156
LIU, XIAOLING
49B DANA ST
CAMBRIDGE, MA 02138

139-29
AVANT, DEBORAH J.,
CHARLOTTE M., ROSLYN, RAYMOND
CITY OF CAMBRIDGE TAX TITLE
55 DANA STREET
CAMBRIDGE, MA 02138

135-141
LIU, CHANG YUAN XUE
17 ELLERY SQ
CAMBRIDGE, MA 02138

139-31
GILMORE, MARVIN E. & MARVIN D. GILMORE
TRUSTEE OF THE GILMORE REALTY TRUST
26 MOUNT VERNON ST
CAMBRIDGE, MA 02140



Mid Cambridge Neighborhood Conservation District Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov
URL: <http://www.cambridgema.gov/Historic/midcambridgehome.html>

Tony Hsiao, *Chair*; Lestra Litchfield, *Vice Chair*
Monika Pauli, Charles Redmon, Katinka Hakuta, *Members*
Catherine Tice, Nan Laird, *Alternates*

CERTIFICATE OF APPROPRIATENESS

PROPERTY: **413 Broadway**

OWNER: **Sebastian Martinek**
413 Broadway
Cambridge, MA 02138

The Mid Cambridge Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the proposal described below is not incongruous to the historic aspects or architectural character of the building or district:

Replace basement windows; on the right facade construct two new windows and install ventilation hood.

The work has been approved as depicted in the plans titled “Yousef-Martinek Residence,” by Bygg Meister Design/Build, and dated September 13, 2023.

The plans and specifications that were submitted with the application are incorporated into this certificate, which is non-binding on the applicant.

This certificate is granted upon the condition that the work authorized is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance, or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions not exceeding ninety days each may be allowed in writing by the Chairman.

Case Number: **MC 6832**

Date of Certificate: **October 2, 2023**

Attest: A true and correct copy of the decision was filed with the City Clerk’s office and the Mid Cambridge Neighborhood Conservation District Commission on October 3, 2023.

By Tony Hsiao/aac, Chair

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____ . Appeal has been filed _____ .

Date _____, City Clerk

Pacheco, Maria

From: jeff peters <gmacpeters@gmail.com>
Sent: Tuesday, May 7, 2024 5:01 PM
To: Pacheco, Maria
Cc: Sebastian Martinek
Subject: Case No. BZA-266282, 413 Broadway

Dear Ms. Pacheco,

I live at 411 Broadway, Cambridge, in a building that I own. It lies immediately to the east of 413 Broadway, whose owners seek permission to install four windows along the alley that lies between our buildings. I have seen their architectural plans and have had the project fully explained to me by them and by their contractor, Byggmeister.

I support their project without reservation and their request for permission to install the windows that are the subject of this petition.

Thanks,

Geoffrey Peters
411 Broadway
617.835.7494



Mid Cambridge Neighborhood Conservation District Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov
www.cambridgema.gov/historic/districtsHistoricProperties/midcambridgencd

Tony Hsiao, *Chair*, Lestra Litchfield, *Vice Chair*
Monika Pauli, Charles Redmon, Katinka Hakuta, *Members*
Nan Laird, Catherine Tice, *Alternates*

CERTIFICATE OF NON-APPLICABILITY

Property: 413 Broadway

Applicant: Sebastian Martinek

The Mid Cambridge Neighborhood Conservation District Commission hereby certifies, pursuant to Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the order establishing said district that the work described below does not involve any activity requiring issuance of a Certificate of Appropriateness or Hardship:

Two additional windows on side of building, minimally visible from public way. Commission previously approved previous windows on October 2, 2023.

Permit #266282

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. Approved plans and specifications are incorporated by reference into this certificate.

This certificate is granted upon the condition that the work authorized herein is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding six months each may be allowed in writing by the Chair.

Case Number: MC 7008

Date of Certificate: May 3, 2024

Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on May 3, 2024.

By Tony Hsiao/aac, Chair

Twenty days have elapsed since the filing of this decision. No appeal has been filed ____ .
Appeal has been filed ____ . 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: FRANCIS PRUNIER Date: 5/6/24
(Print)

Address: 413 Broadway

Case No. BZA-266282

Hearing Date: 5/23/24

Thank you,
Bza Members