



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 SEP -3 AM 11:29

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 285359

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Janet E McKee C/O Michael McKee

PETITIONER'S ADDRESS: 100 Otis Street, Cambridge, MA 02141

LOCATION OF PROPERTY: 100 OTIS ST , Unit 1 , Cambridge, MA

TYPE OF OCCUPANCY: Residential

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Conversion to Additional Dwelling Units/

DESCRIPTION OF PETITIONER'S PROPOSAL:

In a 2-unit condominium building, conversion of Unit 1 - a single 3 bedroom condominium unit - into 3 apartments - a 2BR, a 1BR and a studio apartment in the basement. The only impact on the exterior of the building will be converting one of the existing window openings in the street-facing facade to a doorway and adding a small on-grade stair to provide independent access to the new basement studio apartment. Independent access for the 2BD and 1BD apartments will be through existing door openings.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 5.000 Section: 5.26 (Conversion).
Article: Art. 8.000, Section: 8.22.3 (Non-Conforming Structure).
Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):

Michael McKee

(Petitioner (s) / Owner)

MICHAEL MCKEE

(Print Name)

Address:

100 OTIS STREET CAMBRIDGE

Tel. No.

617.407.0728

E-Mail Address:

mtmckee@comcast.net

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 Janet and Michael McKee
(OWNER)

Address: 100 Otis Street, Unit 1, Cambridge MA 02141

State that I/We own the property located at 100 Otis Street, Unit 1, Cambridge MA, which is the subject of this zoning application.

The record title of this property is in the name of Janet McKee

*Pursuant to a deed of duly recorded in the date March 29, 1999, Middlesex South County Registry of Deeds at Book 29975, Page 129; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

Janet McKee

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

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

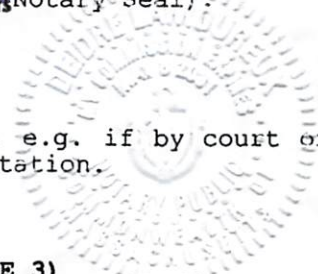
Commonwealth of Massachusetts, County of SUFFOLK

The above-name JANET MCKEE personally appeared before me, this 15th of August, 2024, and made oath that the above statement is true.

[Signature] Notary

DEIDRE LAMOUREUX
Notary Public
My Commission Expires
May 8, 2031

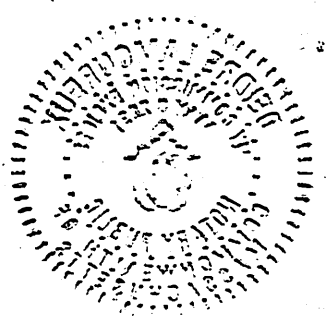
My commission expires _____ (Commonwealth of Massachusetts Notary Seal).



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

[Faint, illegible handwriting]

EDDRE LAMOREUX
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 8, 2031



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:

Having lived the past 27 years and raising our family of three children in our home at 100 Otis Street, we are now entering the inevitable next phase of our lives, as retirees and empty nesters. We love East Cambridge and want to stay in our home, in our neighborhood, but, financially, the only way we can make this work is for our home to be allowed to evolve and adapt to suit the new realities of our lives.

- 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 structure of 100 Otis Street has a place in the history of East Cambridge and from our initial efforts, the 1997 renovation of the building, and all of our subsequent work upkeeping the building and gardens, have been in the spirit of us trying to be good stewards of this historic building. We feel that this proposed next phase of the buildings life is in sync with the C-1, Multi-Family zoning district in which we sit, by providing additional dwelling units while maintaining the mass or character of our building.

- 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:

We feel that the proposed modification to our front garden and the respectful addition of a new stair and entry door on the street façade will not cause any detriment to the public good, in fact, we feel that the *Public Good* is positively served by these sorts of relatively minor modifications that allow long-time residents to *age in-place*, while also providing additional quality rental units in this wonderful neighborhood.

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

The zoning ordinance has evolved substantially from what it was when we first undertook the effort to convert our building from a church rectory into our home in 1997. But the purpose and intent of the ordinance, particularly with regards to existing residential neighborhoods and structures, has stayed consistent, by providing a mechanism for allowing buildings to evolve with the times, while safeguarding the character of Cambridge residential neighborhoods. We feel that our proposed renovation fits well with the City of Cambridge larger objective of increasing the available housing stock in Cambridge and our more-personal objective of remaining in our home as we age, while maintaining both the character of our building and our neighborhood.

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

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Janet E McKee
Location: 100 OTIS ST., Unit 1., Cambridge, MA
Phone: 617.407.0728

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

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		5,610	No change	3,232 (4,309 * 0.75)	(max.)
<u>LOT AREA:</u>		4,309	No Change	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		1.30 (5,610/4,309)	No Change	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2,155 (4,309/2)	1,077 (4,309/4)	1,500	
<u>SIZE OF LOT:</u>	WIDTH	41'	No Change	50'	
	DEPTH	100	No Change	100	
<u>SETBACKS IN FEET:</u>	FRONT	8'-8"	No Change	10	
	REAR	0	No Change	20	
	LEFT SIDE	17'-6" (5'-0" @ garage)	No Change	7'-6"	
	RIGHT SIDE	0	No Change	7'-6"	
<u>SIZE OF BUILDING:</u>	HEIGHT	51	No Change	35	
	WIDTH	76'-8"	No Change	70 (100-20-10)	
	LENGTH	23'-9"	No Change	26 (41-7.5-7.5)	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		29% (1,247/4,309)	No Change	30%	
<u>NO. OF DWELLING UNITS:</u>		2	4	3 (4,309/1,500)	
<u>NO. OF PARKING SPACES:</u>		4	No Change	No Maximum	
<u>NO. OF LOADING AREAS:</u>		0	No Change	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		3	No Change	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.:

Accessory building, a garage, masonry (brick and concrete block) Construction

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'.



Sheet Number	Sheet Name	Sheet Issue Date
A-1	Title Sheet	08/22/24
A-2	Site Plans	08/22/24
A-3	Area Plans	08/22/24
A-4	Basement Level Plans	08/22/24
A-5	Level 1 Floor Plans	08/22/24
A-6	Level 2 Floor Plans	08/22/24
A-7	Unit 1 - Updated Plans	08/22/24
A-8	Building Elevations	08/22/24
A-9	Building Elevations North	08/22/24
A-10	Building Longitudinal Section	08/22/24
A-11	Detail Sections @ Unit 1b Entry	08/22/24
A-12	Axonometric Views @ Unit 1b Entry	08/22/24

Submitted to City of Cambridge Zoning
22 August 2024 - Revision 1

Michael McKee
architect
Cambridge, Massachusetts
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Condominium Association

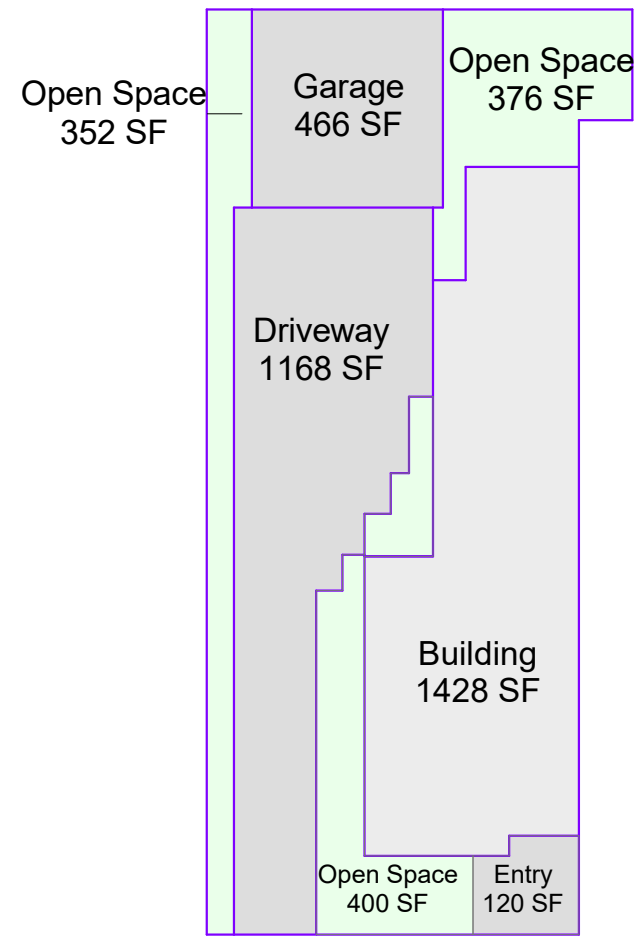
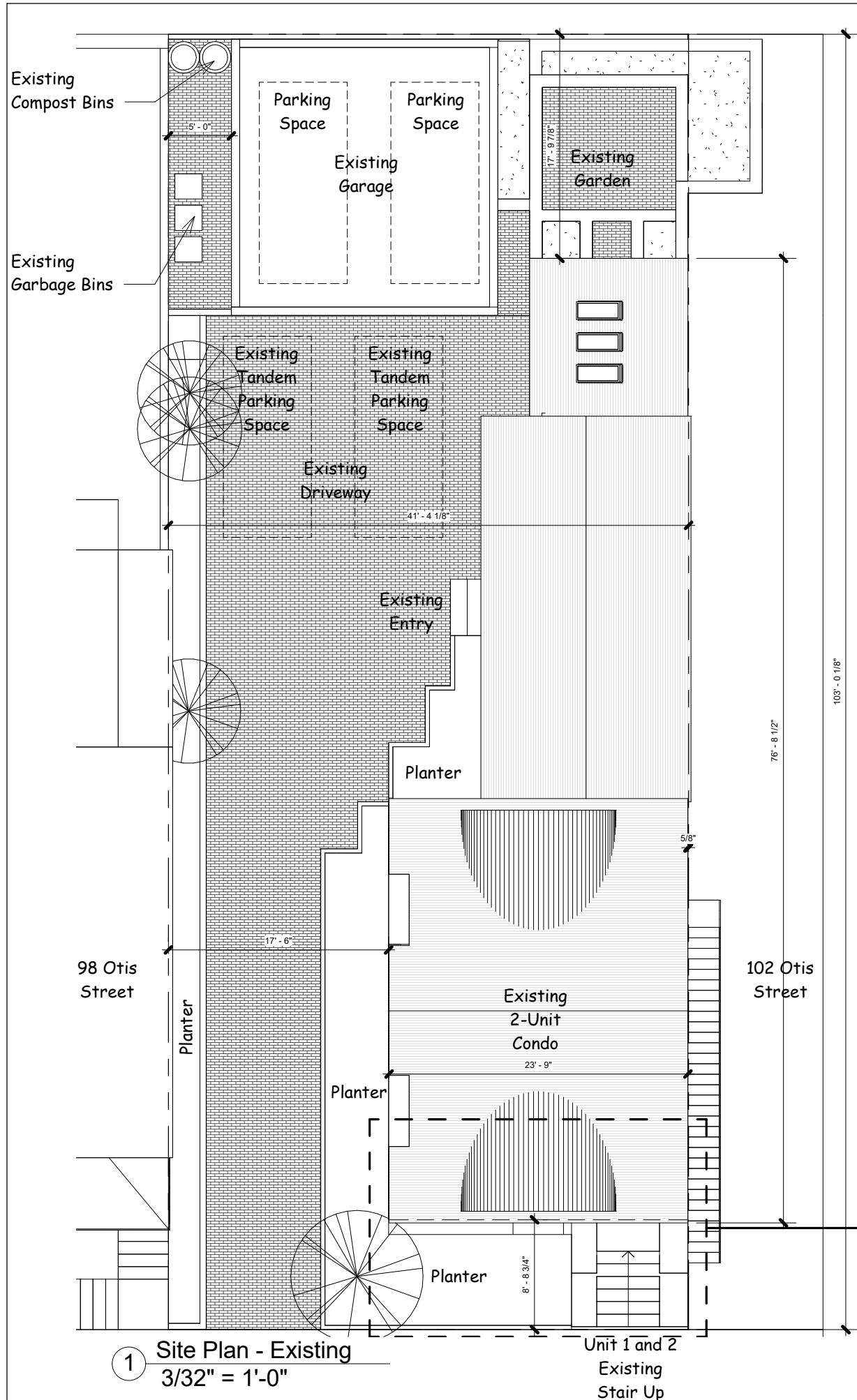
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Title Sheet

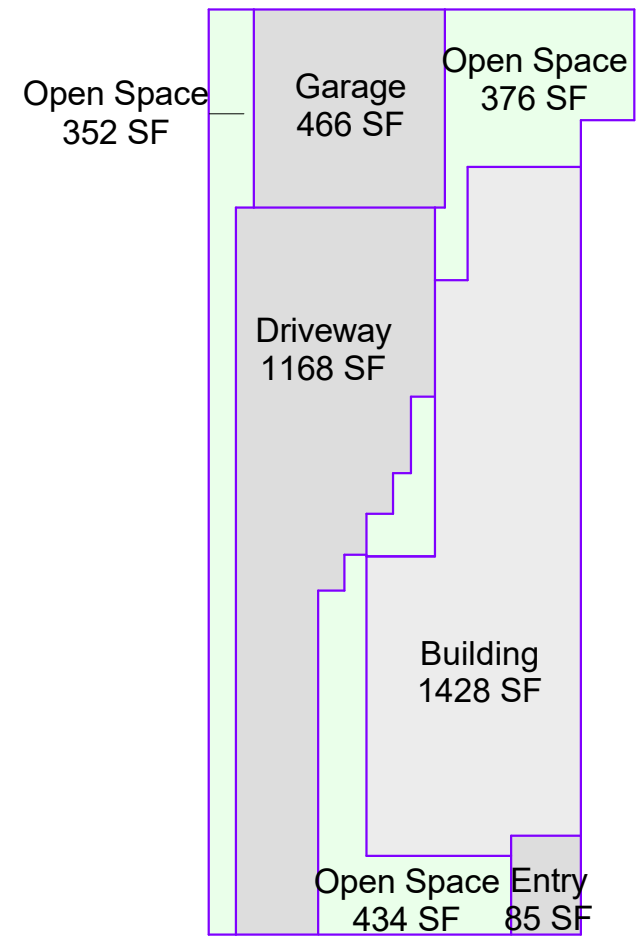
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Date 22 August 2024
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A-1

Scale



LOT AREAS - PROPOSED



LOT AREAS - EXISTING

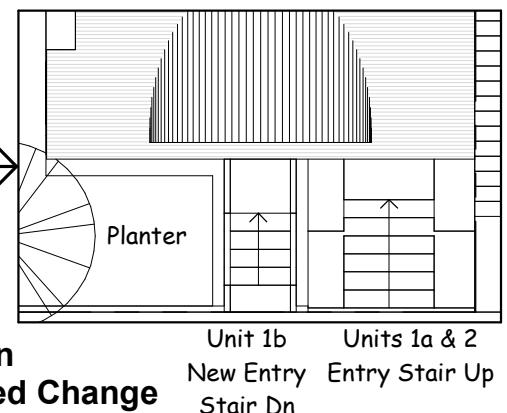
LOT AREAS SUMMARY			
	EXISTING	PROPOSED	CHANGE
Open Space	1,162 SF	1,128 SF	-34
Building	1,428 SF	1,428 SF	0
Garage	466 SF	466 SF	0
Driveway	1,168 SF	1,168 SF	0
Entry Way	85 SF	119 SF	+34
Total		4,309 SF	

UNIT COUNT SUMMARY		
ALLOWED	4,309/1,500 =	3
PROPOSED		4

LOT AREA / UNIT SUMMARY		
Allowed		1,500 SF
Existing	4,309 / 2	2,155 SF
Proposed	4309 / 4	1,077 SF

OPEN SPACE SUMMARY		
Required	1,293 SF	30%
Existing	1,162 SF	27%
Proposed	1,128 SF	26%

BUILDING HEIGHT SUMMARY			
	Mean Grade	Bldg Peak	Height
Allowed			35'
Existing	-2'-5"	+46'-2"	48'-7"
Proposed	-2'-5"	+46'-2"	No Change



Site Plan Proposed Change

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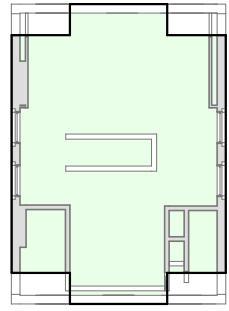
A-2

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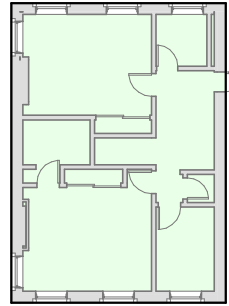
Site Plans

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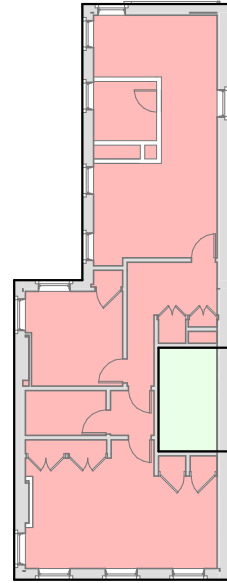
1 Site Plan - Existing
3/32" = 1'-0"



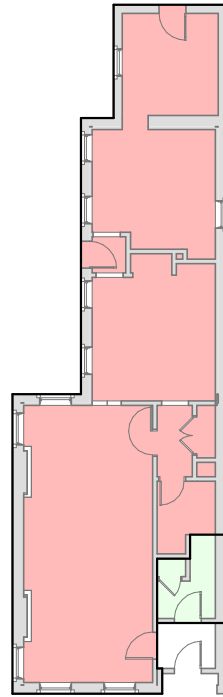
E5 Current L4
3/64" = 1'-0"



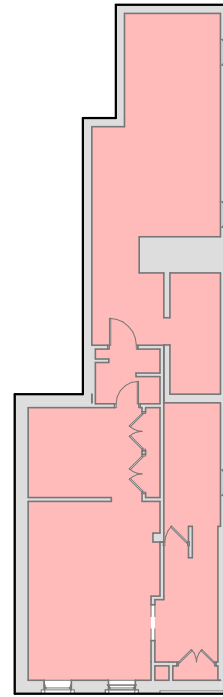
E4 Current L3
3/64" = 1'-0"



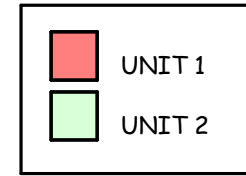
E3 Current L2
3/64" = 1'-0"



E2 Current L1
3/64" = 1'-0"



E1 Current Basement
3/64" = 1'-0"

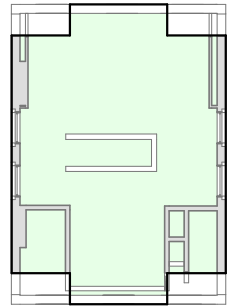


EXISTING UNIT AREAS

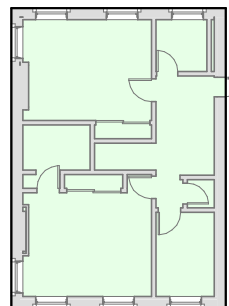
Current Area Summary		
Name	Level	Area
Unit 1	Basement	1446 SF
Unit 1	Level 1	1320 SF
Unit 2	Level 1	66 SF
Unit 1	Level 2	1198 SF
Unit 2	Level 2	89 SF
Unit 2	Level 3	791 SF
Unit 2	Level 4	700 SF
		5611 SF

Current Unit 1	
Level	Area
Basement	1446 SF
Level 1	1320 SF
Level 2	1198 SF
3965 SF	

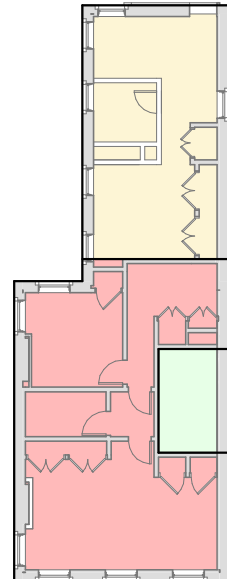
Current Unit 2	
Level	Area
Level 1	66 SF
Level 2	89 SF
Level 3	791 SF
Level 4	700 SF
1647 SF	



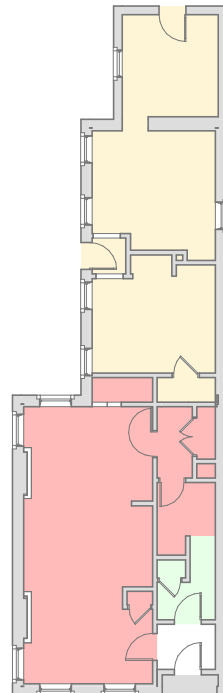
5 Proposed L4
3/64" = 1'-0"



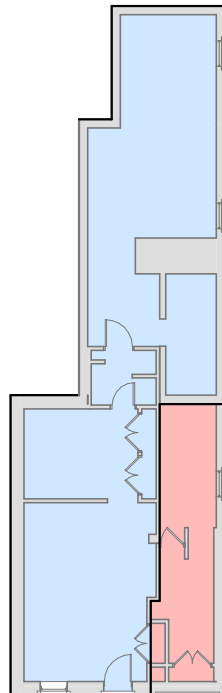
4 Proposed L3
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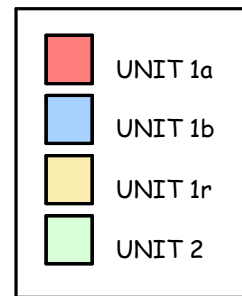
3 Proposed L2
3/64" = 1'-0"



2 Proposed L1
3/64" = 1'-0"



1 Proposed Basement
3/64" = 1'-0"



PROPOSED UNIT AREAS

Proposed Area Summary		
Unit	Level	Area
Unit 1	Basement	244 SF
Unit 1	Level 1	679 SF
Unit 1	Level 2	742 SF
Unit 2	Level 1	66 SF
Unit 2	Level 2	89 SF
Unit 2	Level 3	791 SF
Unit 2	Level 4	700 SF
Unit 3	Level 1	640 SF
Unit 3	Level 2	457 SF
Unit 4	Basement	1201 SF
		5610 SF

Unit 1a	
Level	Area
Basement	244 SF
Level 1	679 SF
Level 2	742 SF
1665 SF	

Unit 2	
Level	Area
Level 1	66 SF
Level 2	89 SF
Level 3	791 SF
Level 4	700 SF
1647 SF	

Unit 1r	
Level	Area
Level 1	640 SF
Level 2	457 SF
1096 SF	

Unit 1b	
Level	Area
Basement	1201 SF
1201 SF	

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Area Plans

Project number 2020_01

Date 22 August 2024

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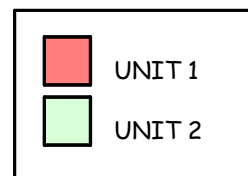
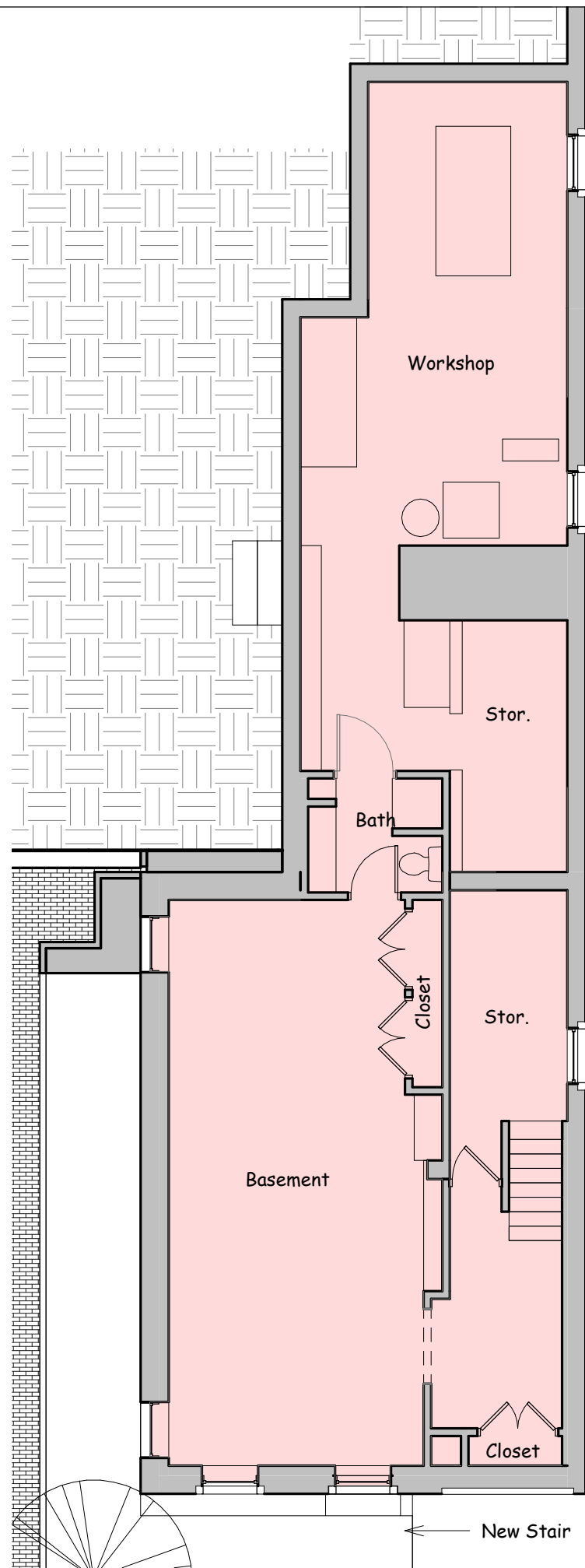
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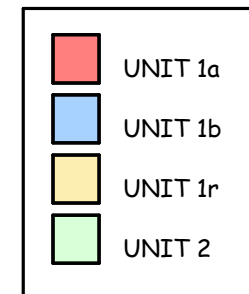
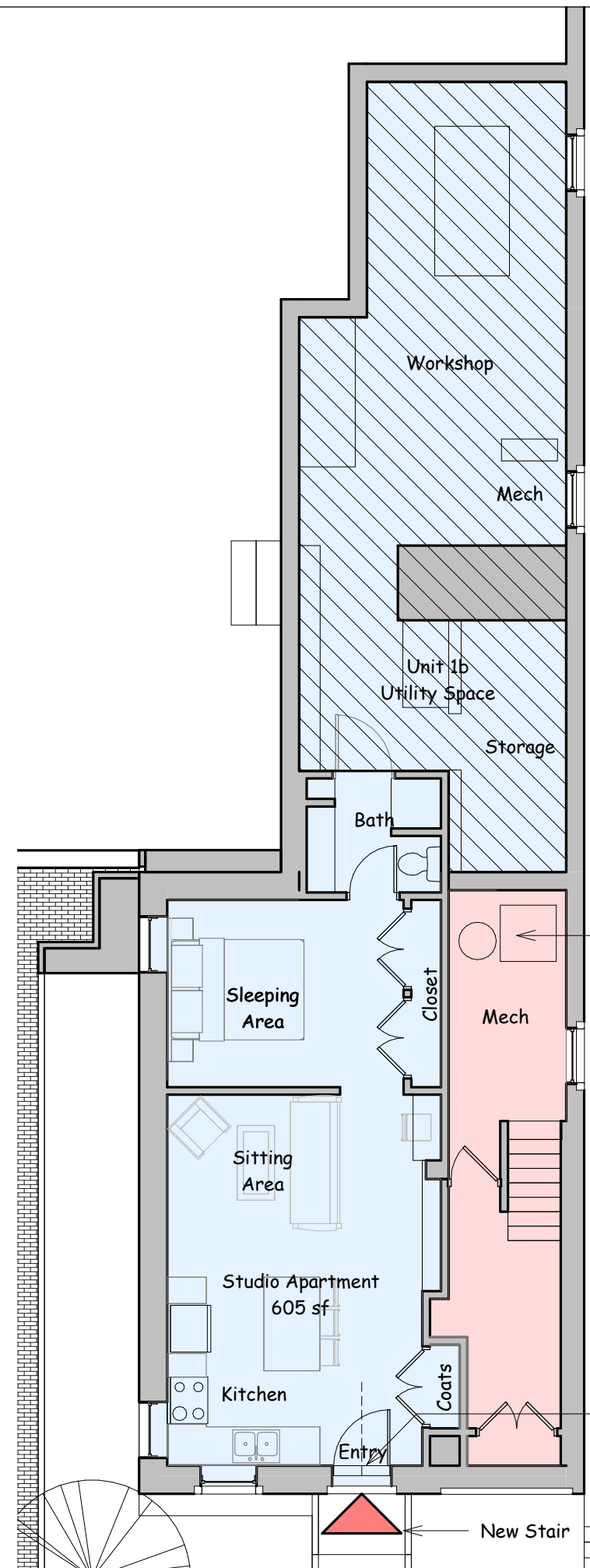
Scale As indicated

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1 Basement Plan Existing
 1/8" = 1'-0"



2 LB Proposed
 1/8" = 1'-0"

Basement Level Plans

Project number 2020_01
 Date 22 August 2024
 Drawn by
 Checked by

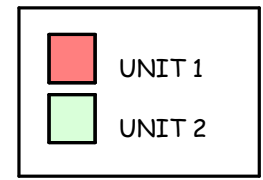
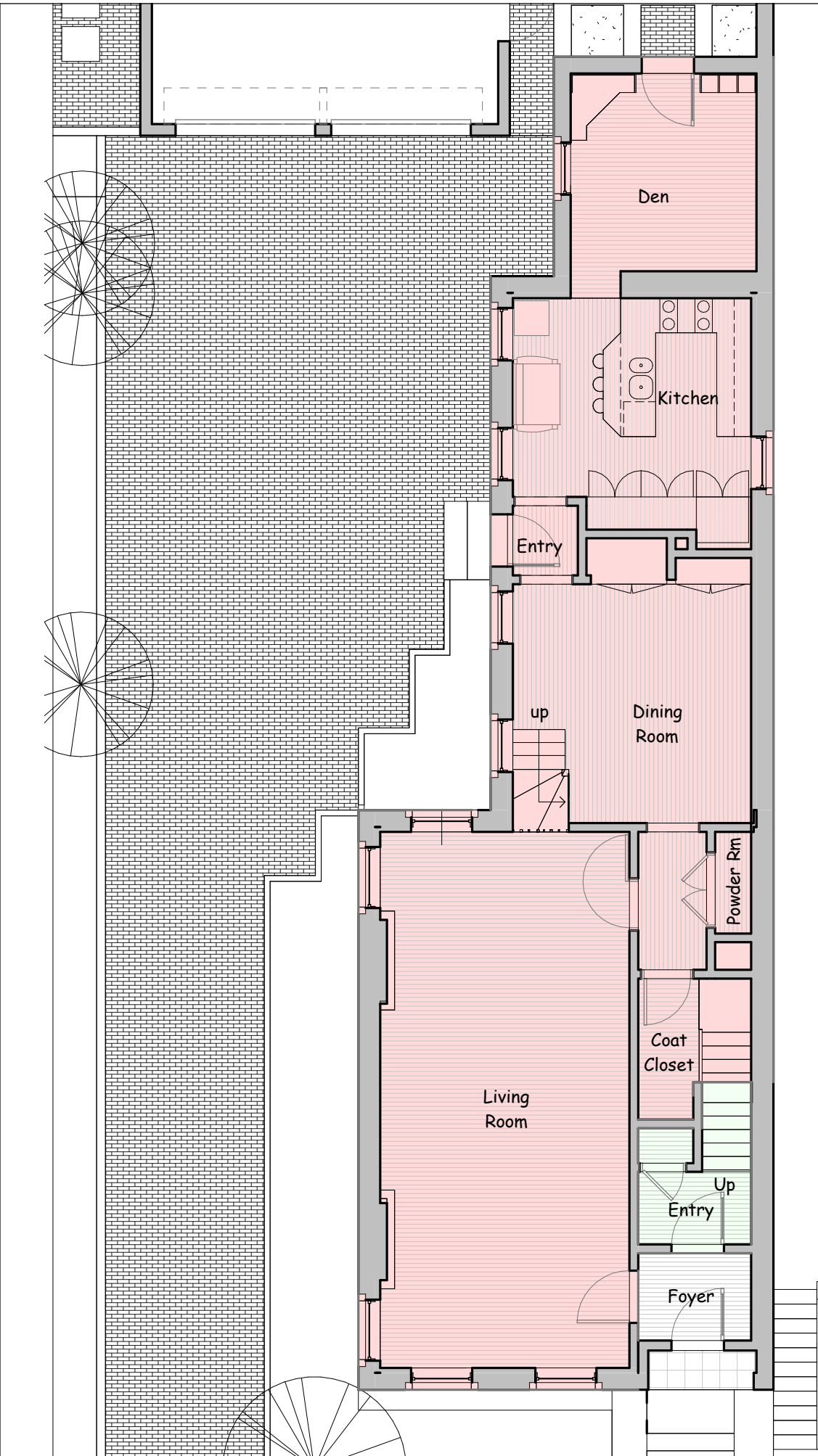
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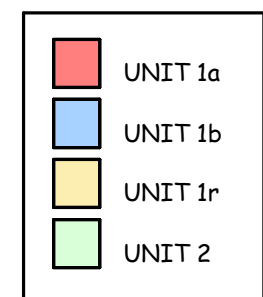
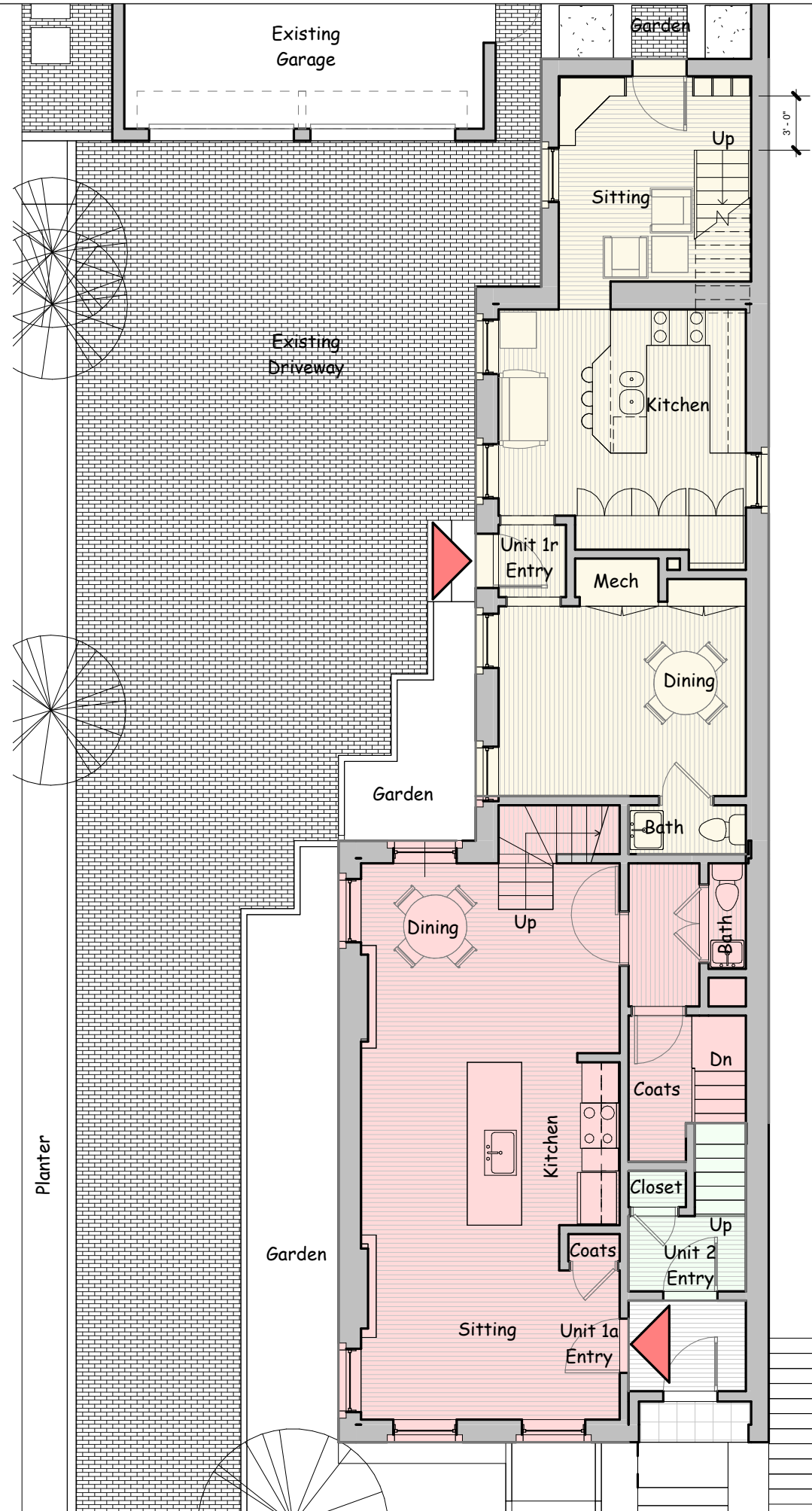
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① Level 1 Existing
1/8" = 1'-0"



② L1 Proposed
1/8" = 1'-0"

Level 1 Floor Plans

Project number	2020_01
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A-5

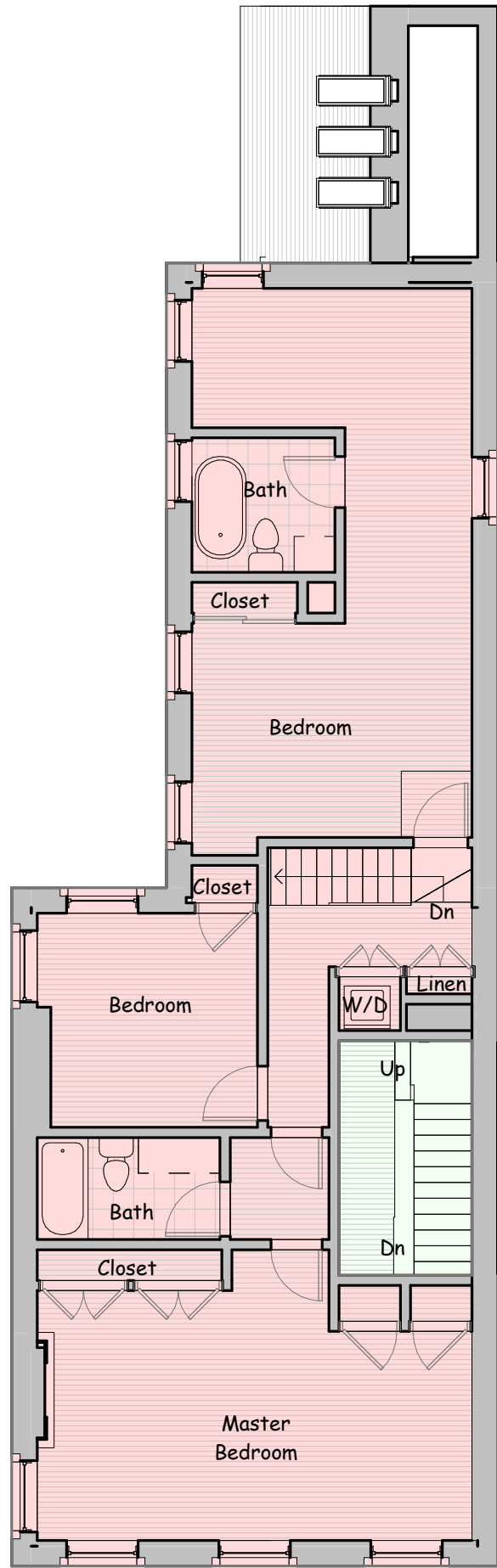
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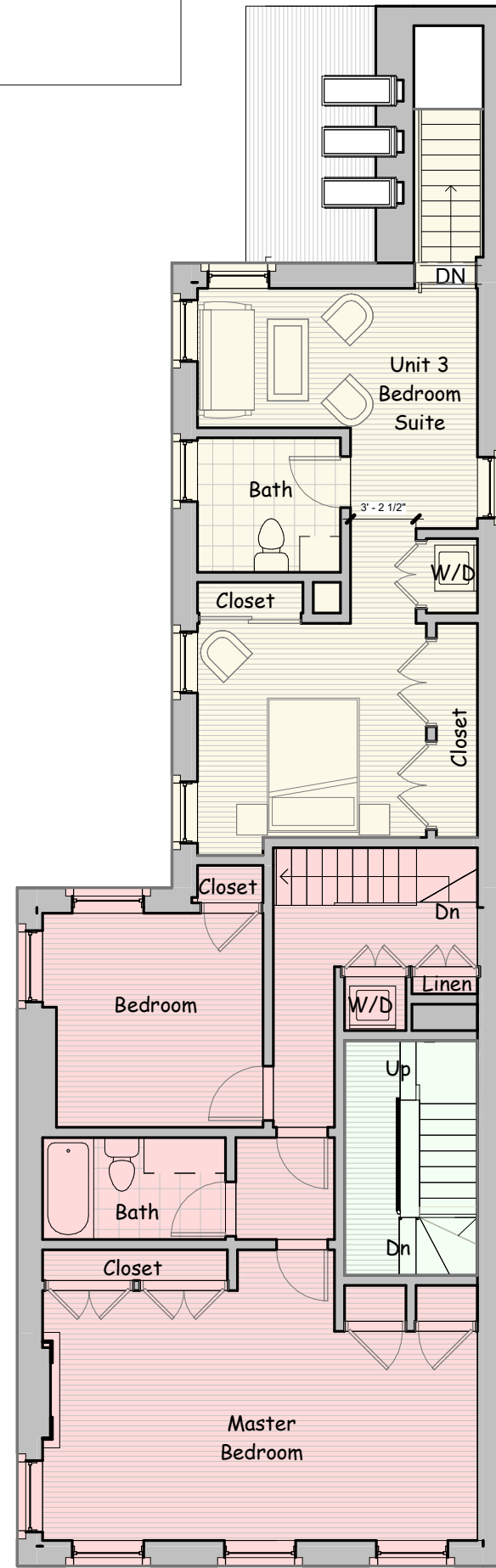
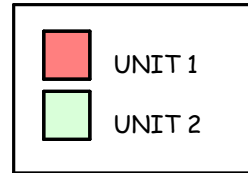
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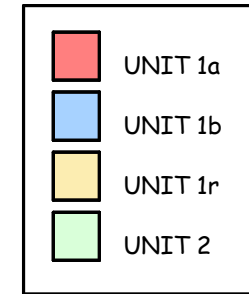
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② Level 2 Existing
1/8" = 1'-0"



① L2 Proposed
1/8" = 1'-0"



Level 2 Floor Plans

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A-6

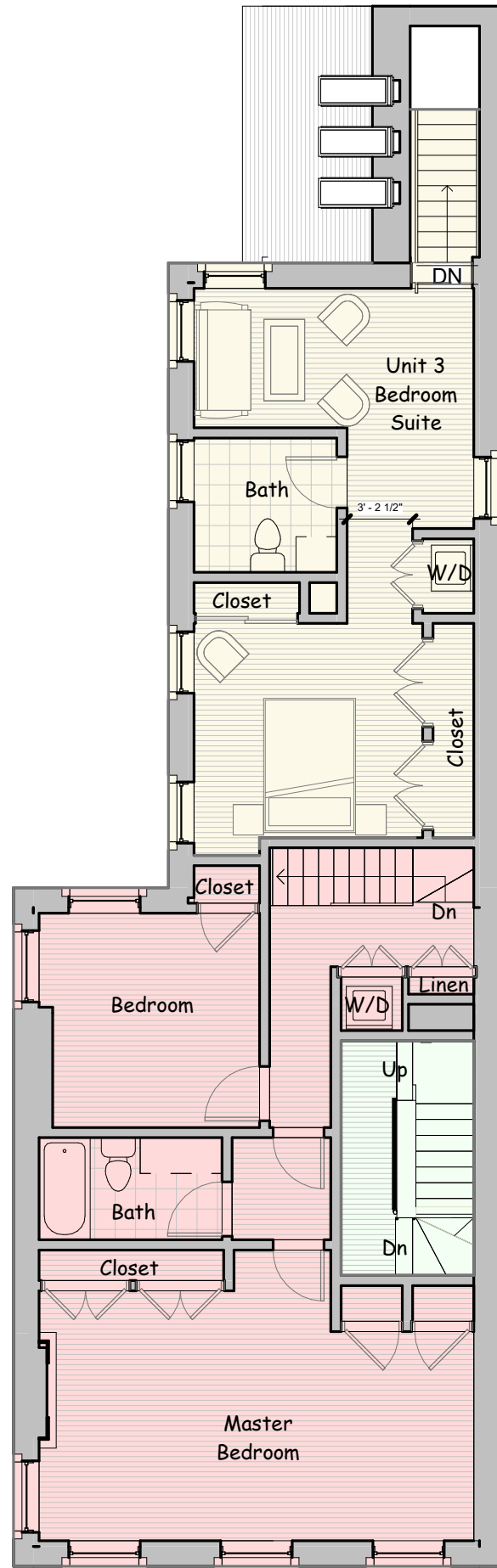
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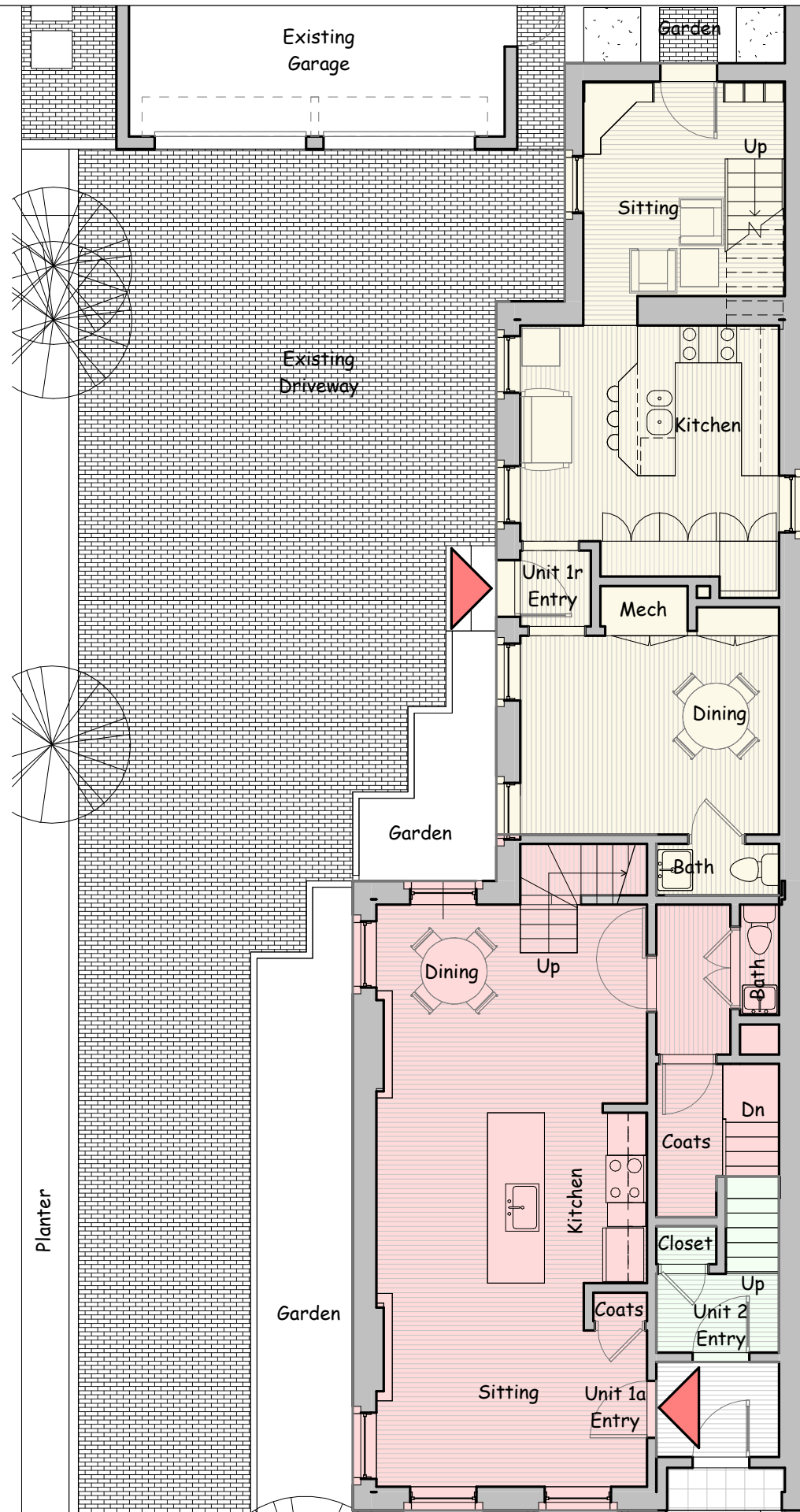
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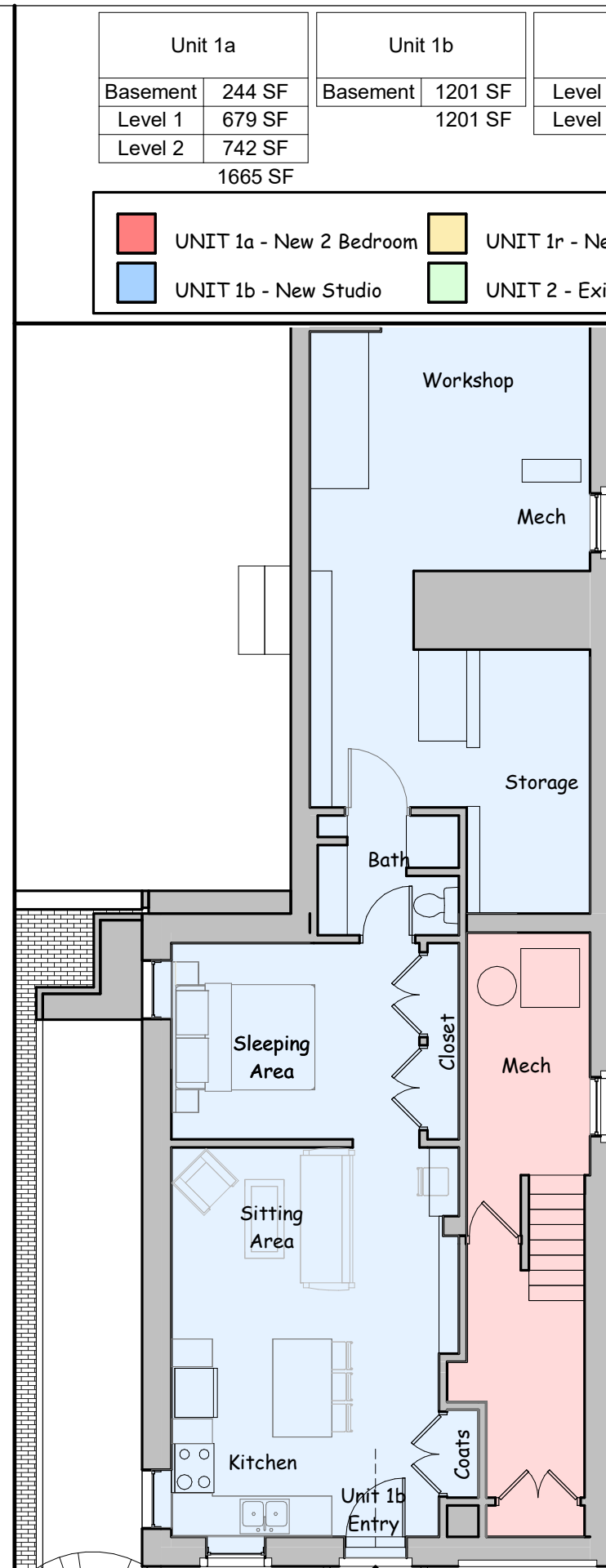
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3 Level 2 Plan
1/8" = 1'-0"



2 Level 1 Plan
1/8" = 1'-0"



1 Basement Plan
1/8" = 1'-0"

Unit 1a		Unit 1b		Unit 1r	
Basement	244 SF	Basement	1201 SF	Level 1	640 SF
Level 1	679 SF		1201 SF	Level 2	457 SF
Level 2	742 SF				1096 SF
1665 SF					

■	UNIT 1a - New 2 Bedroom	■	UNIT 1r - New 1 Bedroom
■	UNIT 1b - New Studio	■	UNIT 2 - Existing 2 BD

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Unit 1 - Updated Plans

Project number 2020_01

Date 22 August 2024

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A-7

Scale 1/8" = 1'-0"



① Elevation East
1/8" = 1'-0"

Michael McKee
architecture planning
Cambridge, Massachusetts

Concord Square
Planning and Development
294 Washington Street
Boston, Massachusetts

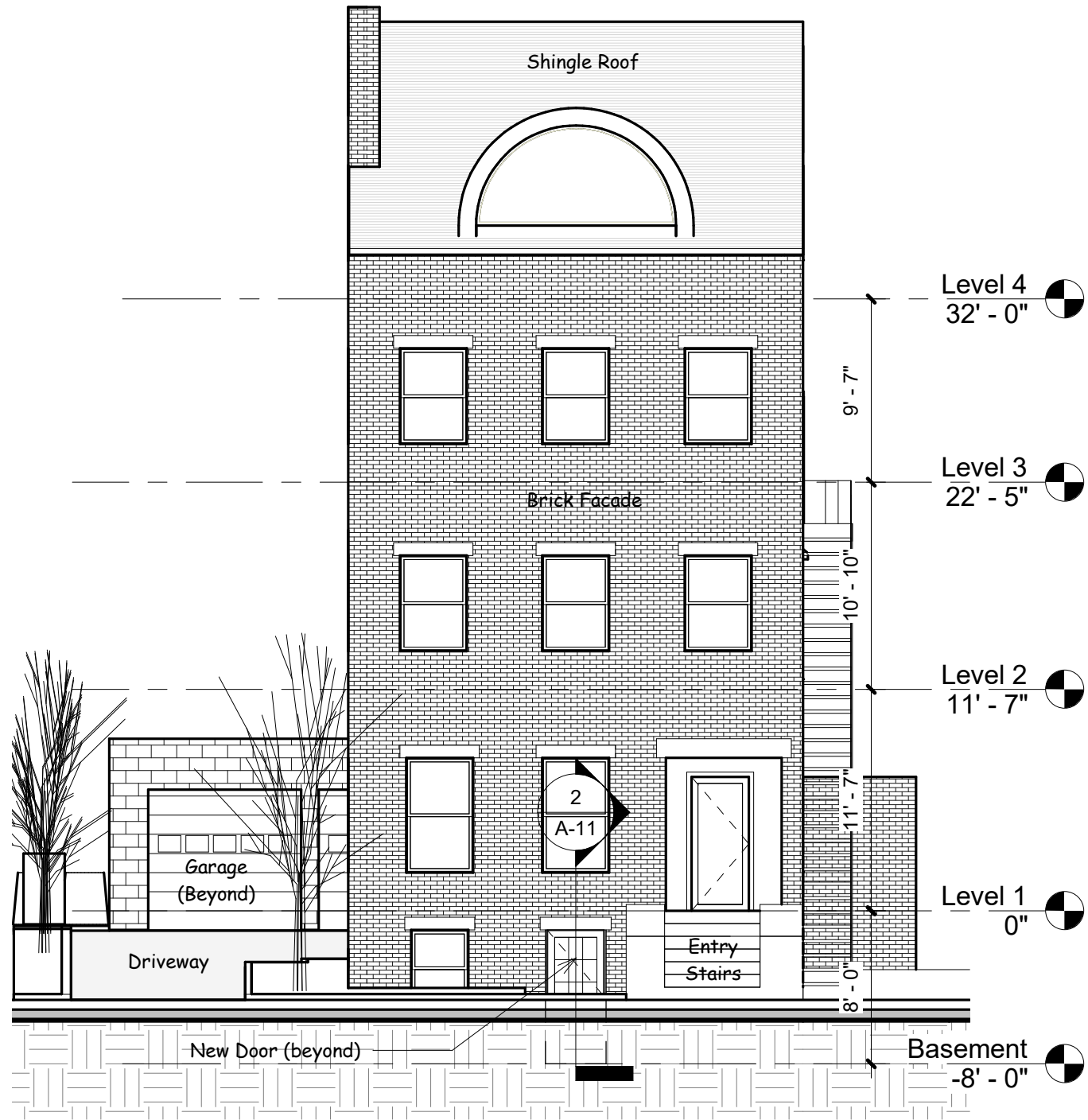
FITCHBURG
COMMON
North and Main Fitchburg, MA

Building Elevations

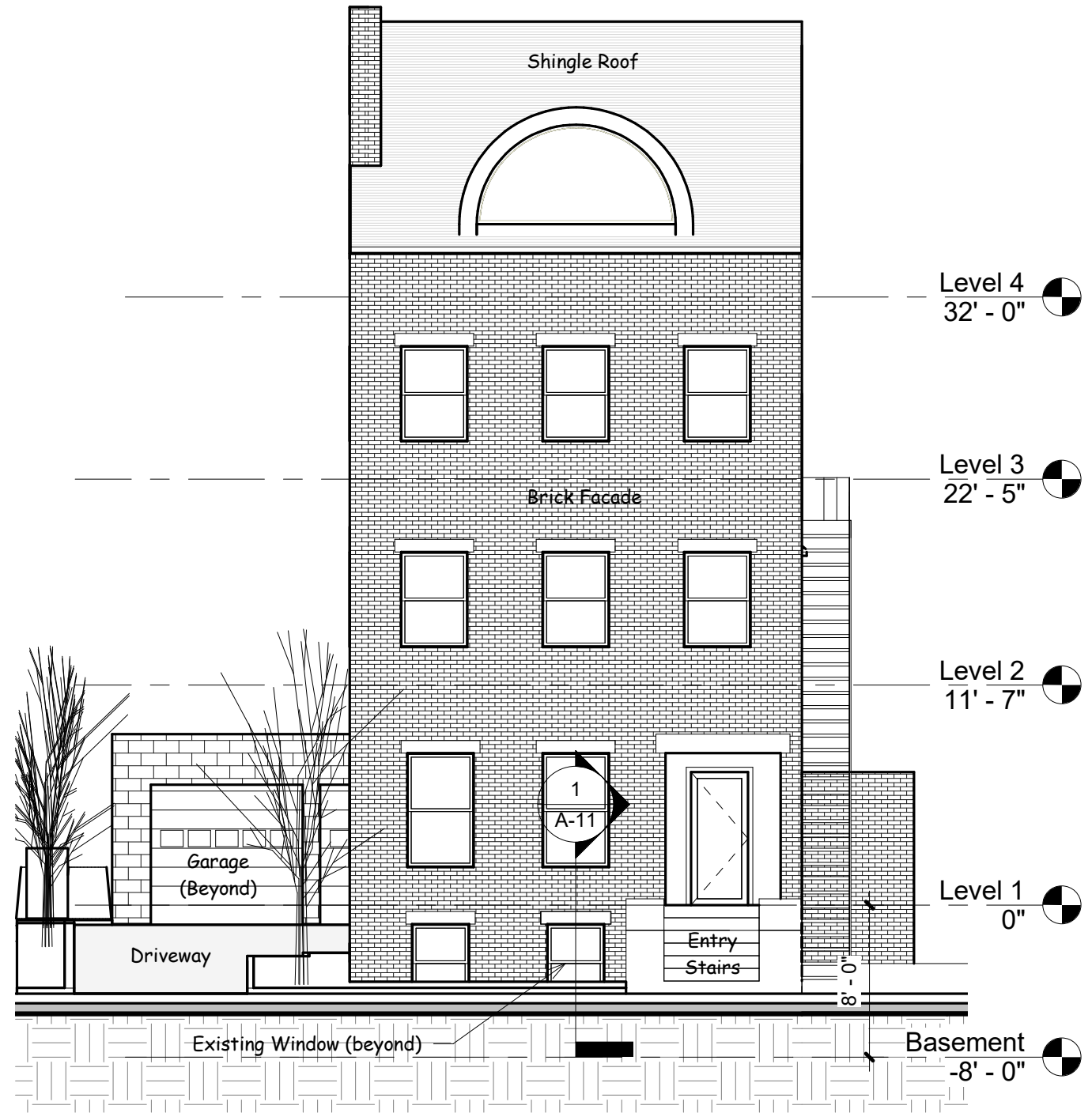
Project number	2020_01
Date	22 August 2024
Drawn by	Author
Checked by	Checker

A-8

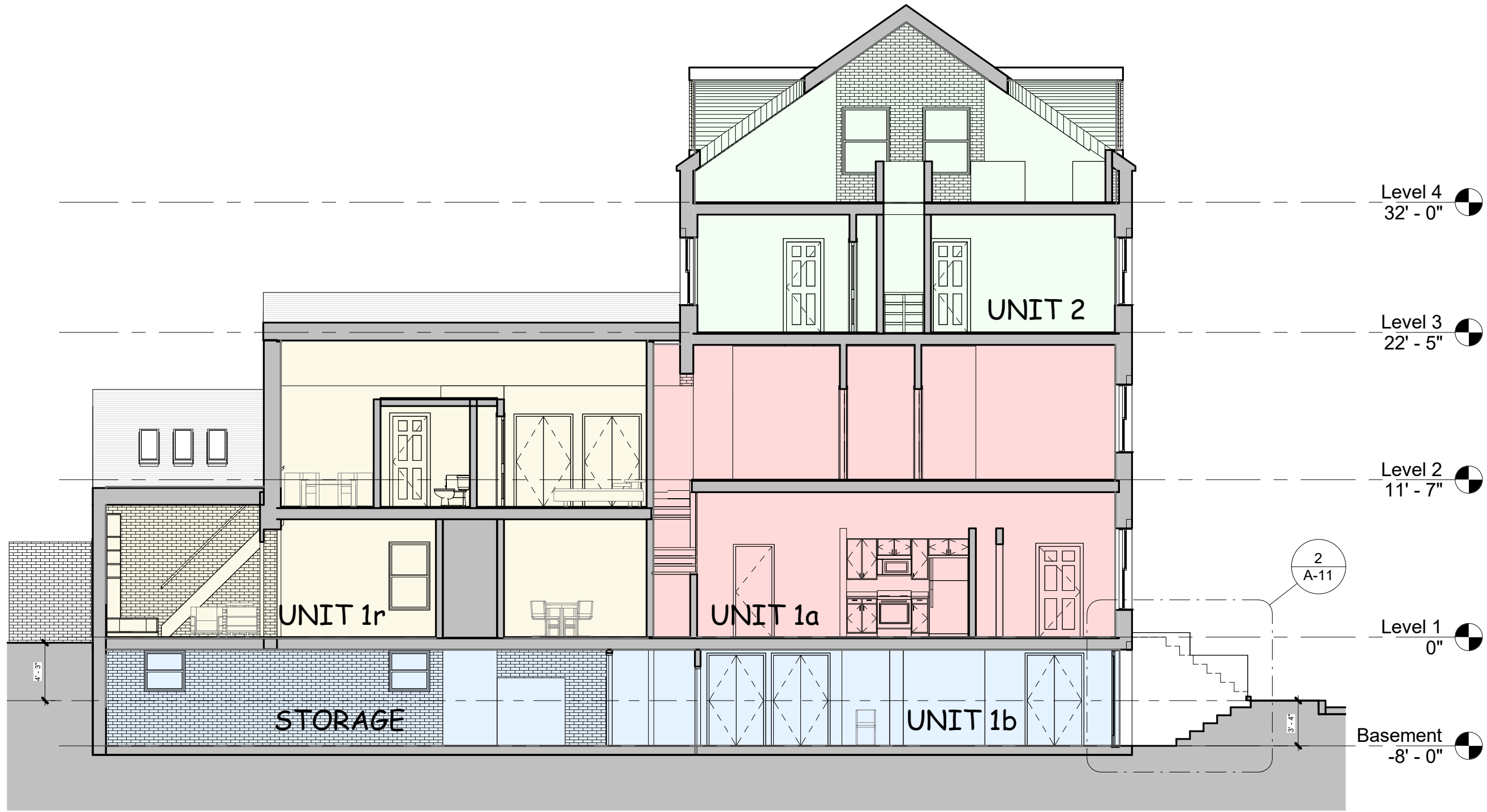
Scale 1/8" = 1'-0"



② Elevation North - Proposed
1/8" = 1'-0"



① Elevation North - Existing
1/8" = 1'-0"



Building Longitudinal Section

Project number	2020_01
Date	22 August 2024
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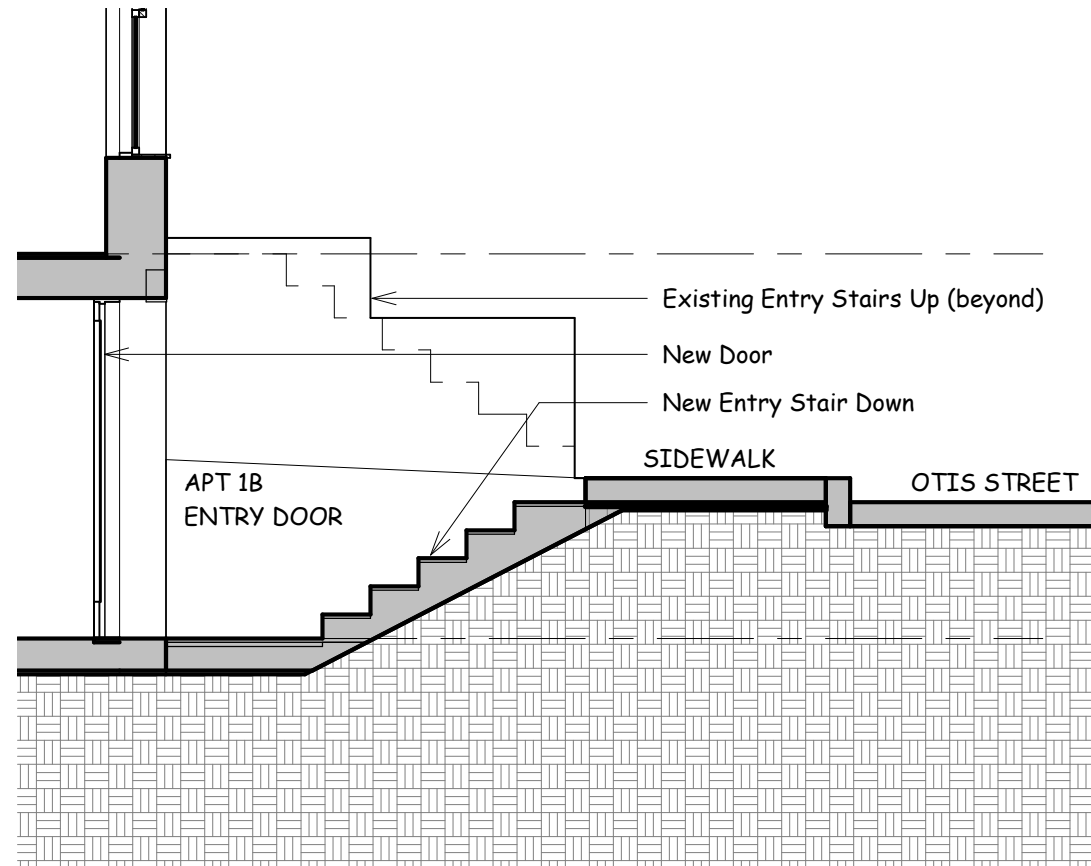
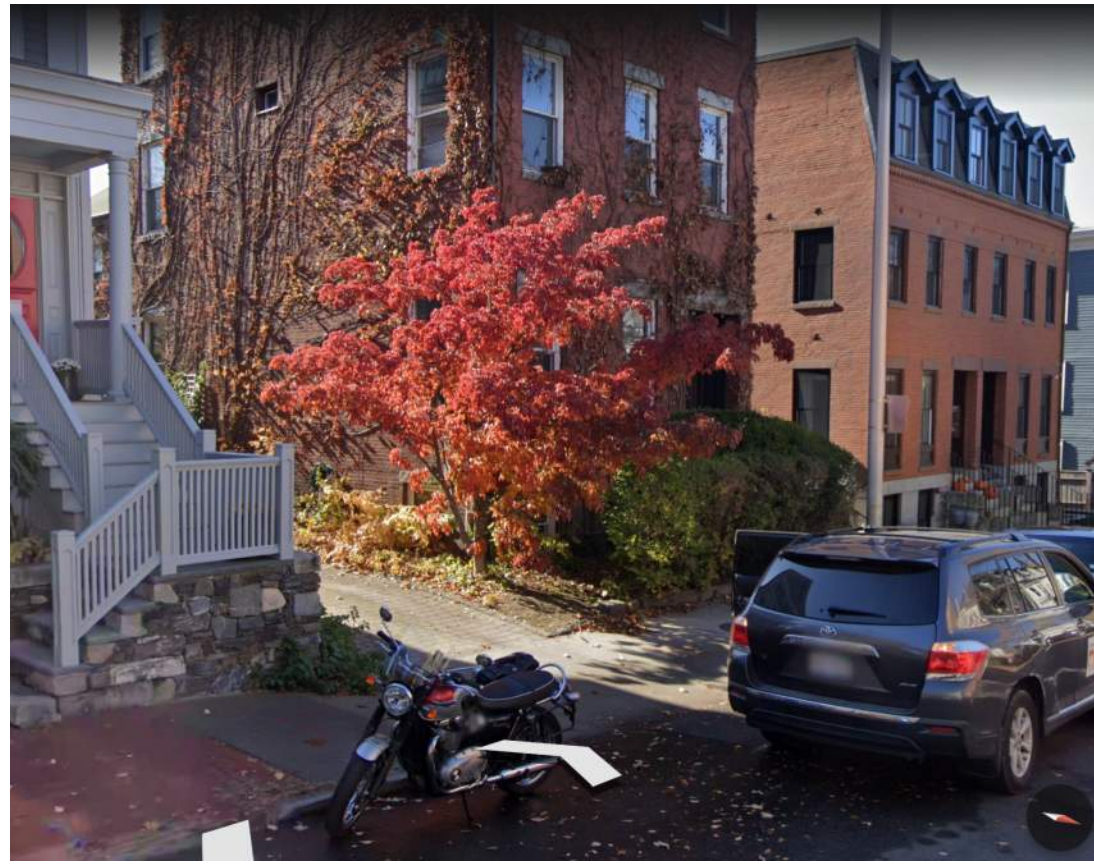
A-10

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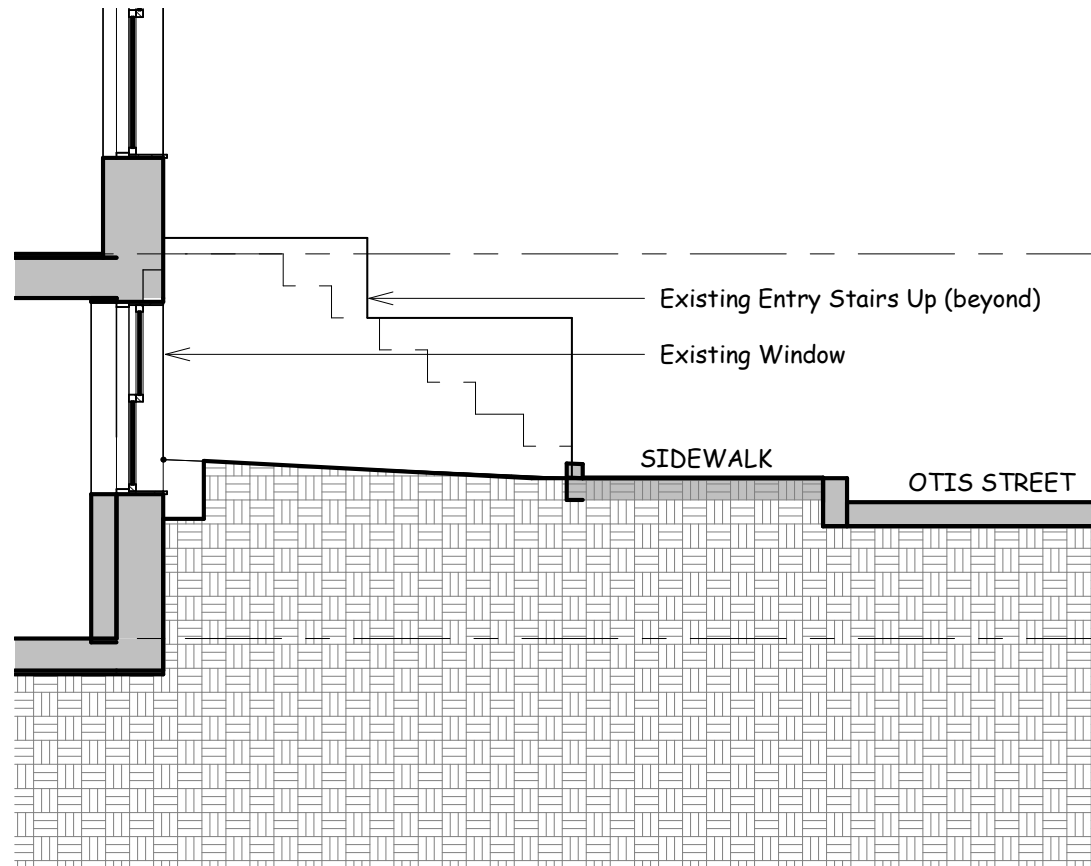
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architect**
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② Apt 1b Entry Section - Proposed
1/4" = 1'-0"



① Entry Section - Existing
1/4" = 1'-0"

Detail Sections @ Unit 1b Entry

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Date 22 August 2024
Drawn by Author
Checked by Checker

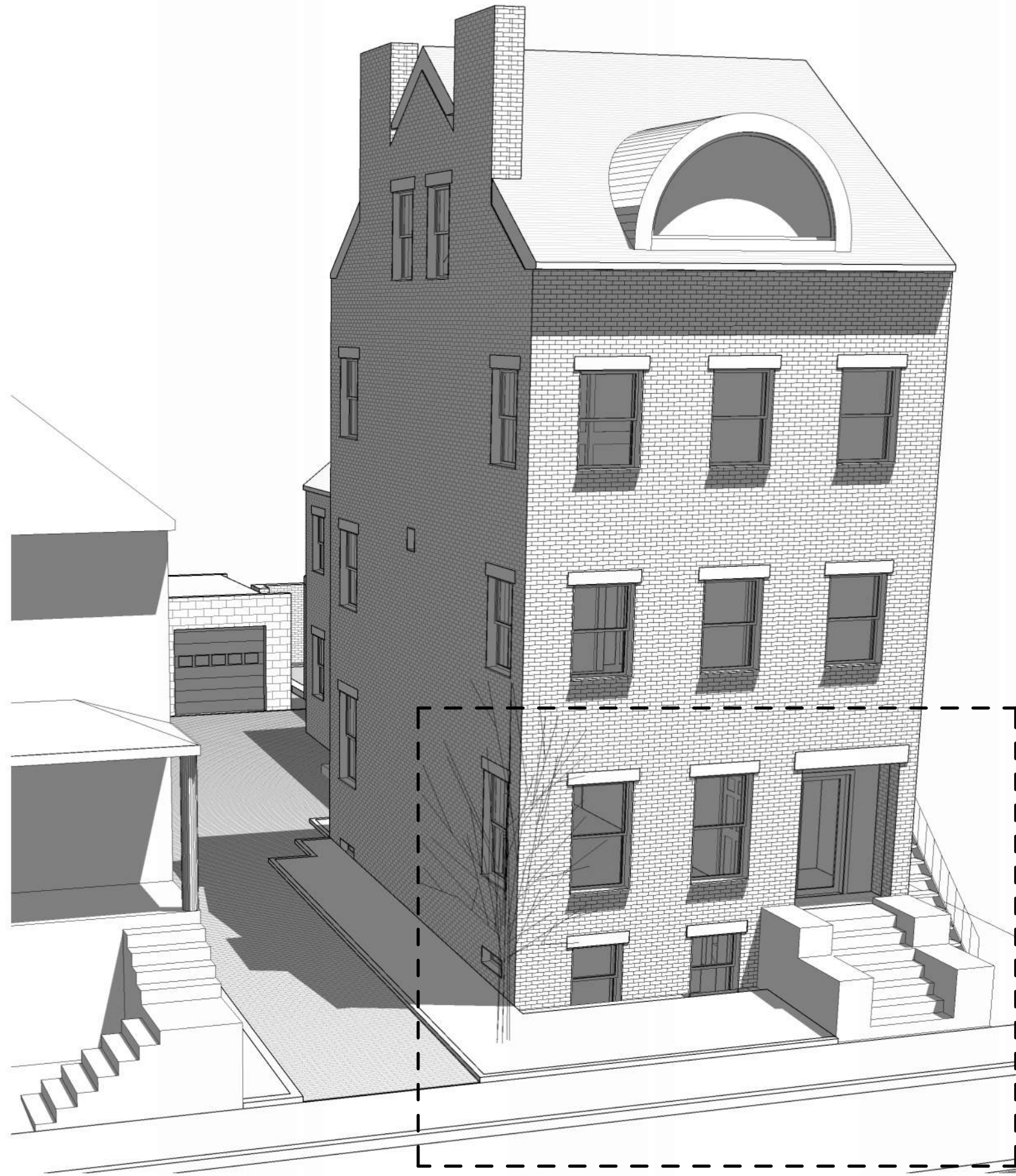
A-11

Scale 1/4" = 1'-0"

**100 Otis Street
2024 Edition**
Cambridge, MA

100 Otis Street
Condominium Association

**Michael McKee
architect**
Cambridge, Massachusetts
© COPYRIGHT 2024



① Current Front View



② Proposed New Entry

Axonometric Views @ Unit 1b

Entry^{number} 2020_01
 Date 22 August 2024
 Drawn by Author
 Checked by Checker

A-12

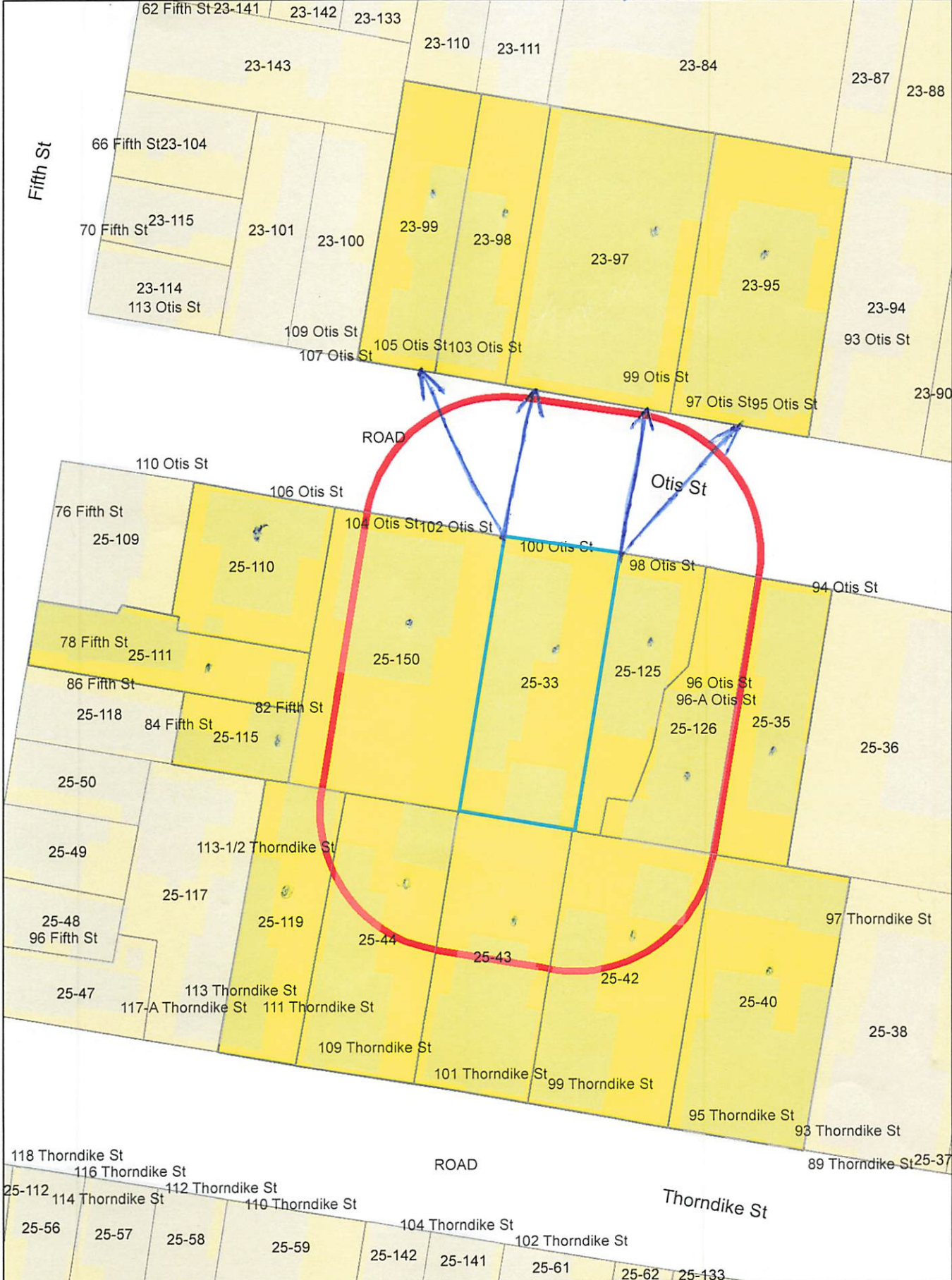
Scale

100 Otis Street
2024 Edition
 Cambridge, MA

100 Otis Street
 Condominium Association

Michael McKee
architect
 Cambridge, Massachusetts
 © COPYRIGHT 2024

100 Otis St.



100 Otis St.

Pettinover

25-110
BLEIK, SAID
6804 NC HIGHWAY 86
CHAPEL HILL, NC 27514

25-119
YOUNKER, WILLIAM E. AND
DIANE M. YOUNKER
111 THORNDIKE ST
CAMBRIDGE, MA 02141-1743

25-33
MCKEE, JANET ELIZABETH & MICHAEL
100 OTIS ST UNIT 1
CAMBRIDGE, MA 02141

25-43
JOHN & PATRICIA, LLC
62 PUTNAM STREET
SOMERVILLE, MA 02143

25-110
CRUMMETT, COURTNEY
106 OTIS ST UNIT 3
CAMBRIDGE, MA 02141

25-125
FIORE, PAUL & DAVID FOLEY
98 OTIS ST
CAMBRIDGE, MA 02139

23-95
SZULEWSKI, JOSEPH P., JR.
TR. THE JOSEPH P. SZULEWSKI, JR TRUST
95 OTIS STREET
CAMBRIDGE, MA 02141-1720

23-97
LECLERC, BRIAN & DONNA LECLERC
99-101 OTIS ST UNIT 2
CAMBRIDGE, MA 02141

23-99
MCKIM, RITA M.,
TRUSTEE THE RITA M. MCKIM REV TRUST
105 OTIS ST
CAMBRIDGE, MA 02141

23-97
BOECKMANN, CAROLINE
99 OTIS ST UNIT 3
CAMBRIDGE, MA 02141

23-97
DELLAFERA, CIARAN ANTHONY
99 OTIS ST UNIT 4
CAMBRIDGE, MA 02141

23-98
PRETORIUS, JOHANNES F.
103 OTIS ST
CAMBRIDGE, MA 02139

25-42
CLEMENTE, SALVATORE, APRIL CLEMENTE,
ROBERT CLEMENTE & ROBERT GREEN
99 THORNDIKE ST
CAMBRIDGE, MA 02141

25-35
94 OTIS ST. LLC C/O PERISTYLE
PROPERTIES OF BOSTON
ATTN: MELINA GEORGANTAS
29 CHESTER ST
WATERTOWN, MA 02472

25-44
KEPPLEMAN, CHRISTOPHER M. &
JAMES H. MULROY
109 THORNDIKE ST
CAMBRIDGE, MA 02141

25-150
DOYLE, JAMES & DANIELLE S. ALLEN
46 RIDGEVIEW CIRCLE
PRINCETON, NJ 08540

25-150
REECE, DUNCAN & VALERIE REECE
102-104 OTIS ST. UNIT 102/1
CAMBRIDGE, MA 02139

23-97
GAMON, CATHERINE A. TRSTEE &
DANIEL J. DIETTERICH TRSTEE
99 OTIS ST UNIT 1
CAMBRIDGE, MA 02141

25-110
LARUE JUSTIN KASPER KIRA
106 OTIS ST - UNIT 1
CAMBRIDGE, MA 02141

25-111
MASSIE, ROBERT ROBERTA GURNEY
78 FIFTH ST
CAMBRIDGE, MA 02141

25-150
O'KEEFE, JOHN T. & MARK D. SMITH
104 OTIS ST - UNIT 104-1
CAMBRIDGE, MA 02141

25-115
BEERY, SARA CARY WILTON
82 FIFTH ST
CAMBRIDGE, MA 02141

25-40
93-97 THORNDIKE CAMBRIDGE LLC
275 MAIN ST
CAMBRIDGE, MA 02129

25-150
 TSAI, JERRY WANG & HELEN YVETTE TSAI TRS
102-104 OTIS ST UNIT 104-2
CAMBRIDGE, MA 02141

25-33
ROTH, NATHAN B SARAH D MULLER
100 OTIS ST - UNIT 2
CAMBRIDGE, MA 02141

25-126
96 OTIS ST. LLC
83 CONCORD AVE
BELMONT, MA 02478

To whom it may concern

I am writing my concerns about the 100 Otis street Zoning appeal issue. I am a neighbor and I have no problem with them doing any type of work within their house. My only issue is The parking and the sidewalk. They are adding another apartment to be rented out, which means more cars on the Street. They have 4 parking spots in their driveway and they do not park in them. It is not fair for People who do not have a driveway and have to park in the street. I feel that it is very inconsiderate Trying to add to their property and not think about your neighbors. Also the work that needs to Be done at the front, how does this affect the sidewalk now? Will the tenant be able to use the Driveway?

Thank You

Otis street

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A line of faint, illegible text, possibly a section separator or a continuation of the header.

A line of faint, illegible text, possibly a section separator or a continuation of the header.



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: MICHAEL MCKEE Date: 9/23/2024
(Print)

Address: 100 St's Street - Unit 1

Case No. BZA-285359

Hearing Date: 10/10/24

Thank you,
Bza Members

City of Cambridge
Board of Zoning Appeal

9th October 2024

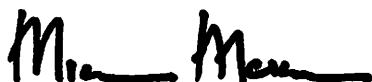
Attn: Maria Pacheco

Re: 100 Otis Street
BZA #285359

Dear Ms. Pacheco

We are writing to request that our hearing, currently schedule for 10th October 2024, be rescheduled for a later date. We understand that 24th of November is available and we would like to request that date.

Regards,

A handwritten signature in black ink, appearing to read "Michael McKee". The signature is stylized with a large initial "M" and a long horizontal stroke.

Michael McKee

Cc Janet McKee



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2024 OCT 10 AM 11:40

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-285359

Address: 107 Otis St

Owner, Petitioner, or Representative: Michael McKee

(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: 10/9/24

Michael McKee

Signature

1 * * * * *

2 (7:20 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Carol Agate, and Daniel Hidalgo

5 JIM MONTEVERDE: Next case is BZA-285359 -- 100
6 Otis Street, Unit 1. Oh. This is being continued. So
7 there's been a request by the proponent to continue this
8 until November 21. So this is a case not heard. Let me
9 continue.

10 The Chair makes a motion to continue this matter
11 to November 21, 2024, on the condition that the petitioner
12 change the posting sign to reflect the new date of November
13 21, 2024 and the new time of 6 p.m.

14 Also, that the petitioner sign a waiver to the
15 statutory requirements for the hearing. This waiver can be
16 obtained from Maria Pacheco or Olivia Ratay at the
17 Inspectional Services Department.

18 I ask that you sign the waiver and return it to
19 the Inspectional Services Department by a week from this
20 coming Monday. Failure to do so will de facto cause this
21 Board to give an adverse ruling on this case.

22 Also, that if there are any new submittals,

1 changes to the drawings, dimensional forms, or any
2 supporting statements that those be in the file by 5 p.m. on
3 the Monday prior to the continued meeting date.

4 On the motion to continue this matter until
5 November 21, 2024, Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Thank you. Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The matter
16 is continued.

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* * * * *

(6:02 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, Carol Agate, and Wendy Leiserson

JIM MONTEVERDE: The first case is BZA-285359.

There's a letter in the file from Michael McKee, dated November 20, writing to request that our hearing currently scheduled for the twenty-first of November be rescheduled for a later date. "I understand that the ninth of January, 2025 is available, and we would like to request that date."

Do you like that? And this is a case not heard again, so it's any five members. So do we still need to take a vote?

STEPHEN NATOLA: Yes.

JIM MONTEVERDE: I'm sure. We always need to take a vote. Well, let me make a motion to continue this matter to January 9, 2025, on the condition that the petitioner change the posting sign to reflect the new date of January 9, 2025, and the time at 6 p.m.

Also, that the petitioner sign a waiver to the statutory requirements for the hearing. This waiver can be obtained from Maria Pacheco or Olivia Ratay at the

1 Inspectional Services Department. I ask that you sign the
2 waiver and return it to the Inspectional Services Department
3 by a week from this coming Monday.

4 Failure to do so will de facto cause this Board to
5 give an adverse ruling on this case.

6 Also, that if there are any new submittals,
7 changes to the drawings, dimensional forms, or any
8 supporting statements that those be in in the file by 5 p.m.
9 on Monday prior to the continued meeting date.

10 Further, I noticed -- and I believe this is the
11 third time? Second? We had the first hearing? We delayed,
12 we --

13 STEPHEN NATOLA: Yeah, the next one.

14 JIM MONTEVERDE: -- this one, this will be the
15 third. So make that date, or we will give an adverse ruling
16 on the case. We'll not extend it for more than the three
17 times at this January, we'll give them.

18 On the motion to continue the matter until January
19 9, 2025, by a voice vote of the Board Members? Virginia?

20 VIRGINIA KEESLER: In favor.

21 JIM MONTEVERDE: Thank you. Wendy?

22 WENDY LEISERSON: In favor.

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JIM MONTEVERDE: Thank you. Carol?

CAROL AGATE: In favor.

Would it be up to us to recommend that they talk with the neighbor who wrote us a letter, before the hearing?

JIM MONTEVERDE: Good idea. I would say that it would be obvious, but yes, let me enter that also as a condition, beside the fact that this will be the third time and there won't be another time after that, and also, they work out with their -- I think it's actually their -- the other part of their condominium.

They -- I don't think it sounds like the letter that's in the file -- they don't have the approval from the Condominium Association to do the work that they're planning on doing.

So they need to reach out to the people that have contacted us and their neighbors and get that resolved. So thank you, Carol.

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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JIM MONTEVERDE: That's five in favor. The case is rescheduled for a final date of January 9, 2025. Thank you.

Pacheco, Maria

From: Sarah Muller <sarahdvmuller@gmail.com>
Sent: Sunday, January 5, 2025 5:53 PM
To: mpacheco@cmabridgema.gov; mppacheco@cambridgema.gov; Pacheco, Maria
Cc: Nathan Roth
Subject: Re: Opposition to Case #BZA-285359

Dear Maria and the Board of Zoning Approvals,

We are writing to reiterate our concerns about petition #BZA-285359 for 100 Otis Street. Since October 2nd, 2024, our neighbors, Janet and Michael McKee, have made no effort to address the concerns we previously raised. We remain firm in our stance: we are opposed to converting 100 Otis Street from a 2-family dwelling to a multi-family dwelling.

As outlined in our prior letter, this change directly conflicts with our condominium bylaws. In addition to prohibiting subdivision (section 9e) and renting out portions of a single unit (section 13a), the bylaws explicitly require unanimous approval for any exterior changes or additions (section 9c). The plans in petition BZA-285359 include the installation of a new exterior door, which constitutes an exterior change. Additionally, the petition fails to demonstrate any recognizable hardship as defined by MGL ch40A. Should the BZA grant this variance despite these issues, we intend to file an appeal following the decision.

Thank you for your time and consideration.

Sincerely,
Nathan Roth & Sarah Muller

Relevant sections of condominium bylaws:

Section 9c: *“In order to preserve the architectural integrity of the building and the Units, without modifications, and without limiting the generality thereof, no awning, screen, antenna, sign, banner, or other device, and no exterior change, addition, structure, projection, decoration, or other feature shall be erected or placed upon or attached to any Unit or any part thereof, no addition to or change or replacement (except, so far as practicable, with identical kind) of any exterior light, door knocker or other exterior hardware, exterior Unit door, or door frames shall be made and no painting or other decoration shall be done on any exterior part or surface of any Unit nor on the interior surface of any window, unless the same shall have been unanimously approved by the Condominium Trustees and in accordance with the provisions of the Condominium Trust and shall conform to the conditions set forth in said Condominium Trust;”*

Section 9e: *“The Units of the Condominium may not be subdivided but may be leased”.*

Section 13a: *“Any Unit Owner may lease or rent his unit, subject, however, to the following conditions: (a) Any lease or occupancy agreement shall: (1) be in writing and apply to the entire unit, and not merely a portion thereof”*

On Tue, Oct 8, 2024 at 11:23 AM Sarah Muller <sarahdvmuller@gmail.com> wrote:

Dear Maria,

We are writing to express our concerns regarding Petition #[BZA-285359](#) for 100 Otis Street. As residents of Unit 2 at 100 Otis Street, directly above Unit 1, we would like to clearly state our opposition to the proposed changes that would reconfigure 100 Otis Street from a 2-family dwelling to a multi-family dwelling.

Our condominium Master Deed explicitly states that units may not be subdivided, and neither owner may rent out a portion of their unit. Any changes allowing subdivision or partial rentals would require an amendment to our condominium association documents, which we are not willing to support at this time. When we purchased our home and joined this condo association, we specifically sought a small, owner-occupied condo association, which we found in 100 Otis Street.

Relevant sections of the bylaws include:

- Section 9e: “The Units of the Condominium **may not be subdivided** but may be leased”.
- Section 13a: “Any Unit Owner may lease or rent his unit, subject, however, to the following conditions: (a) Any lease or occupancy agreement shall: (1) be in writing and **apply to the entire unit, and not merely a portion thereof**”

After consulting with legal counsel and real estate professionals, we are concerned adding additional condos or rental units could negatively impact our property’s value and compromise the quality of life within our association.

We fully understand that Michael and Janet, the owners of Unit 1, wish to renovate and create separate living spaces within their unit. We support their right to renovate, but we firmly oppose any changes that would alter 100 Otis from a two-family dwelling to a multi-family dwelling or add rental units to the property. We specifically sought out this two-family dwelling and are committed to preserving the current configuration.

Thank you for your consideration.

Sincerely,
Sarah Muller & Nathan Roth



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2024 NOV 25 PM 1:20

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-285359

Address: 100 Otis St

Owner, Petitioner, or Representative: Michael McKee
(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: 11/20/2024

Signature