



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

## BZA Application Form

2024 JAN 23 AM 11:59  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

**BZA Number: 255407**

### General Information

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

Special Permit:   X                        Variance:                             Appeal:       

**PETITIONER:** Lubavitch of Cambridge Inc

**PETITIONER'S ADDRESS:** 38 banks street, Cambridge, Massachusetts 02138

**LOCATION OF PROPERTY:** 118 Magazine St , Cambridge, MA

**TYPE OF OCCUPANCY:** offices

**ZONING DISTRICT:** Residence C Zone

**REASON FOR PETITION:**

/Change in Use/Occupancy/

### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

To create classrooms at 118 Magazine Street to meet demands of affordable daycare to the community. We are seeking a special permit to change from one existing nonresidential to another nonresidential use.

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 4.000                      Section: 4.56.C.1 (Pre-School, Day-care, Kindergarten).  
Article: 10.000                      Section: 10.40 (Special Permit).

Original  
Signature(s):

[Handwritten Signature]  
(Petitioner (s) / Owner)

Hirsch Zarchi  
(Print Name)

Address:

38 Banks St Cambridge MA 02138

Tel. No.

6175476124

E-Mail Address:

mraskin@chabadharvard.org

Date: 1/23/24

**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 Lubavitch of Cambridge Inc.  
(OWNER)

Address: 38 Banks Street Cambridge MA 02138

State that I/We own the property located at 118 Magazine St Cambridge MA 02139 which is the subject of this zoning application.

The record title of this property is in the name of Lubavitch of Cambridge Inc.

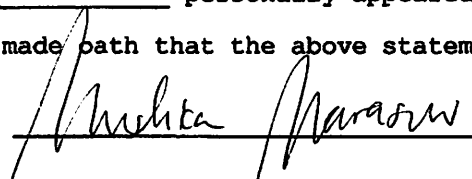
\*Pursuant to a deed of duly recorded in the date \_\_\_\_\_, Middlesex South County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

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

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

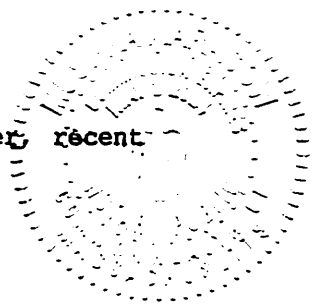
Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi personally appeared before me, this 18 of January, 2024, and made oath that the above statement is true.

  
Notary

My commission expires May 3, 2024 (Notary Seal).

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



UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF PLANT INDUSTRY

to be described in detail, and to be accompanied by a photograph of the plant or part thereof, and to be accompanied by a description of the plant or part thereof.

\_\_\_\_\_ (Name of Applicant)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (City, State, and Zip)

\_\_\_\_\_ (Name of Inventor)  
\_\_\_\_\_ (Address)

\_\_\_\_\_ (Name of Assignor)  
\_\_\_\_\_ (Address)

\_\_\_\_\_ (Name of Assignee)  
\_\_\_\_\_ (Address)

\_\_\_\_\_ (Name of Assignor)  
\_\_\_\_\_ (Address)

\_\_\_\_\_ (Name of Assignee)  
\_\_\_\_\_ (Address)

\_\_\_\_\_ (Name of Assignor)  
\_\_\_\_\_ (Address)



## **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 118 Magazine 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:**

Providing an essential service to the neighborhood where daycare in the current zone is permitted with a special permit

**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:**

This is a neighborhood school with the majority of our parents who walk to school daily, we don't foresee this to be an issue.

**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 previous was as an office and the daycare use will have no greater impact on the neighborhood. Drop off and pick up is done once a day and in a very efficient manner.

**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:**

**In addition to the information and reasons provided in items B) and C) immediately above, the proposed use will fill a need for the city, providing a distinct, separate benefit and an essential service.**

**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:**

**As noted above, this use will be a day care center/preschool, in full compliance with all laws and regulations of the Commonwealth of Massachusetts applicable thereto, filling a distinct need in the City of Cambridge, and serving numbers of children which intrinsically would not derogate from the intent or purpose of the Zoning Ordinance or the integrity of the zoning district or any adjacent district, or otherwise.**

**\*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

### DIMENSIONAL INFORMATION

**Applicant:** Lubavitch of Cambridge Inc  
**Location:** 118 Magazine St., Cambridge, MA  
**Phone:** 6175476124

**Present Use/Occupancy:** offices  
**Zone:** Residence C Zone  
**Requested Use/Occupancy:** Preschool

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>
<u>TOTAL GROSS FLOOR AREA:</u>		5996	5996	0 (max.)
<u>LOT AREA:</u>		3650	3650	0 (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		1.64	1.64	0
<u>LOT AREA OF EACH DWELLING UNIT</u>		N/A	N/A	N/A
<u>SIZE OF LOT:</u>	WIDTH	72.3	72.3	0
	DEPTH	50	50	0
<u>SETBACKS IN FEET:</u>	FRONT	0	0	0
	REAR	9	9	0
	LEFT SIDE	0	0	0
	RIGHT SIDE	0	0	0
<u>SIZE OF BUILDING:</u>	HEIGHT	16.3	16.3	0
	WIDTH	50	50	0
	LENGTH	72.3	72.3	0
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		17.8	17.8	0
<u>NO. OF DWELLING UNITS:</u>		N/A	N/A	N/A
<u>NO. OF PARKING SPACES:</u>		0	0	0
<u>NO. OF LOADING AREAS:</u>		0	0	0
<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'.

118 MAGAZINE STREET  
 PROPOSED CHANGE OF USE  
 EXISTING LONG TERM OFFICE TO  
 DAYCARE -- CAMBRIDGE SCHOOL OF THE ARTS

**SDA**  
 One Cambridge Street  
 Salem, MASSACHUSETTS  
 01970 USA

978.741.0410  
 schopf@verizon.net

Architecture  
 Interior Design  
 Master Planning  
 Project Management

1-15--24

ASSESSOR DATA BASE  
 118 Magazine St

Property Information  
 Property Class GEN-OFFICE  
 State Class Code 340  
 Zoning (Unofficial) C  
 Map/Lot 102-25

Land Area  
 Map/Lot 102-25  
 NORTHWESTERLY BY MAZAIN STREET 72.59 FEET  
 NORTHWESTERLY BY ALLSTON STREET 50 FEET  
 SOUTHEASTERLY BY LOT A 73.87 FEET  
 SOUTHWESTERLY BY BAILEY PLACE 50 FEET  
 Land Area 3,651 5F

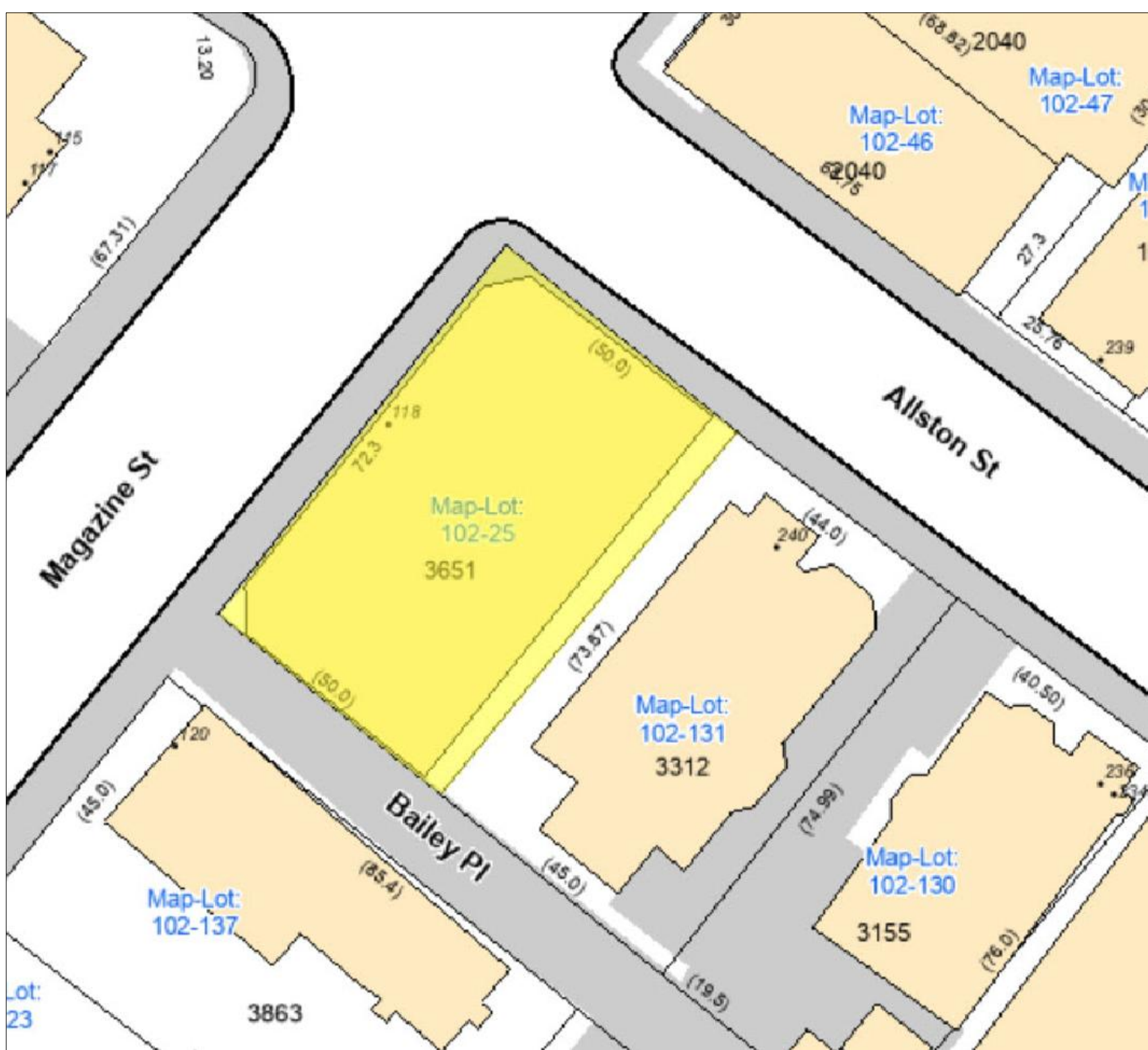
Property Value  
 Year of Assessment 2024  
 Tax District C4  
 Residential Exemption No  
 Building Value \$1,266,700  
 Land Value \$923,700  
 Assessed Value \$2,190,400  
 Sale Price \$591,000  
 Book/Page 28037211  
 Sale Date December 31, 1997  
 Previous Assessed Value \$2,256,200

Subareas		
Code	Description	Gross Area Living Area
BAS	First Floor	2,998 2,998
FBM	Basement, Finished	2,998 2,998
Total:		5,996 5,996

Owner Information  
 Owner LUBAVITCH OF CAMBRIDGE, INC  
 Address 38 BANKS ST  
 CAMBRIDGE, MA 02138

Building Information  
 Commercial Building Number 1, Section 1  
 Exterior  
 Style OFFICE  
 Occupancy GEN-OFFICE  
 Number of Stories 1  
 Exterior Wall Type BRICK  
 Roof Material RUBBER-MEMBRAN  
 Wall Height 12  
 Partitions AVERAGE  
 Interior  
 Living Area (sq. ft.) 5,996  
 Number of Units 2  
 Systems  
 Heat Type HOT-WATER  
 Heat Fuel  
 Plumbing AVERAGE  
 Condition # Grade  
 Year Built 1922  
 Overall Condition Average  
 Overall Grade Good





ASSESSOR DATA BASE  
 Property Class GEN-OFFICE  
 State Class Code 340  
 Zoning (Unofficial) C

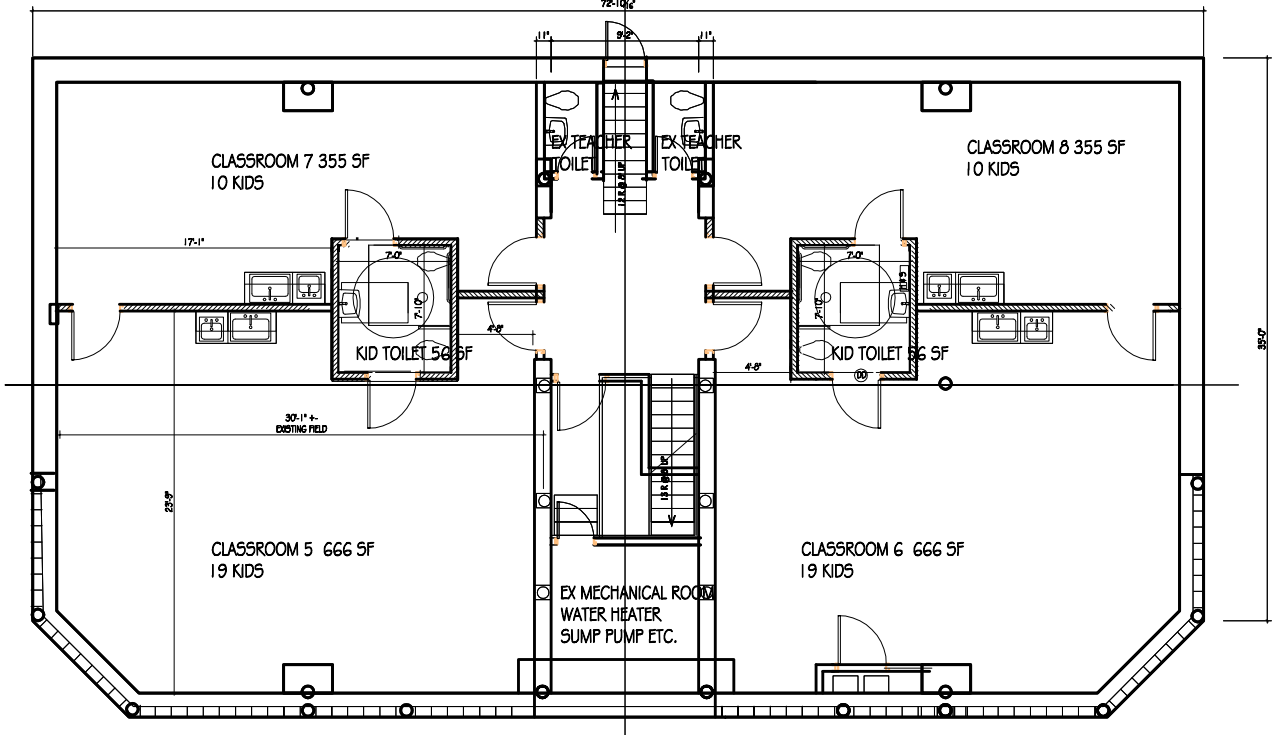
Map/Lot 102-25  
 NORTHWESTERLY BY MAZAIN STREET 72.59 FEET  
 NORTHWESTERLY BY ALLSTON STREET 50 FEET  
 SOUTHEASTERLY BY LOT A 73.87 FEET  
 SOUTHWESTERLY BY BAILEY PLACE 50 FEET  
 Land Area 3,651 SF

RELIEF REQUESTED  
 WHILE DAYCARE IS A PERMITTED USE IN TABLE 4.30  
 FOOTNOTE 43 SENDS YOU TO TABLE 4.50 C-1  
 PRE-SCHOOL, DAY CARE OR KINDERGARTEN LOT  
 OUTSIDE DESIGNATED DISTRICT BUT CATAGORY  
 2 REQUIRES A SPECIAL PERMIT.

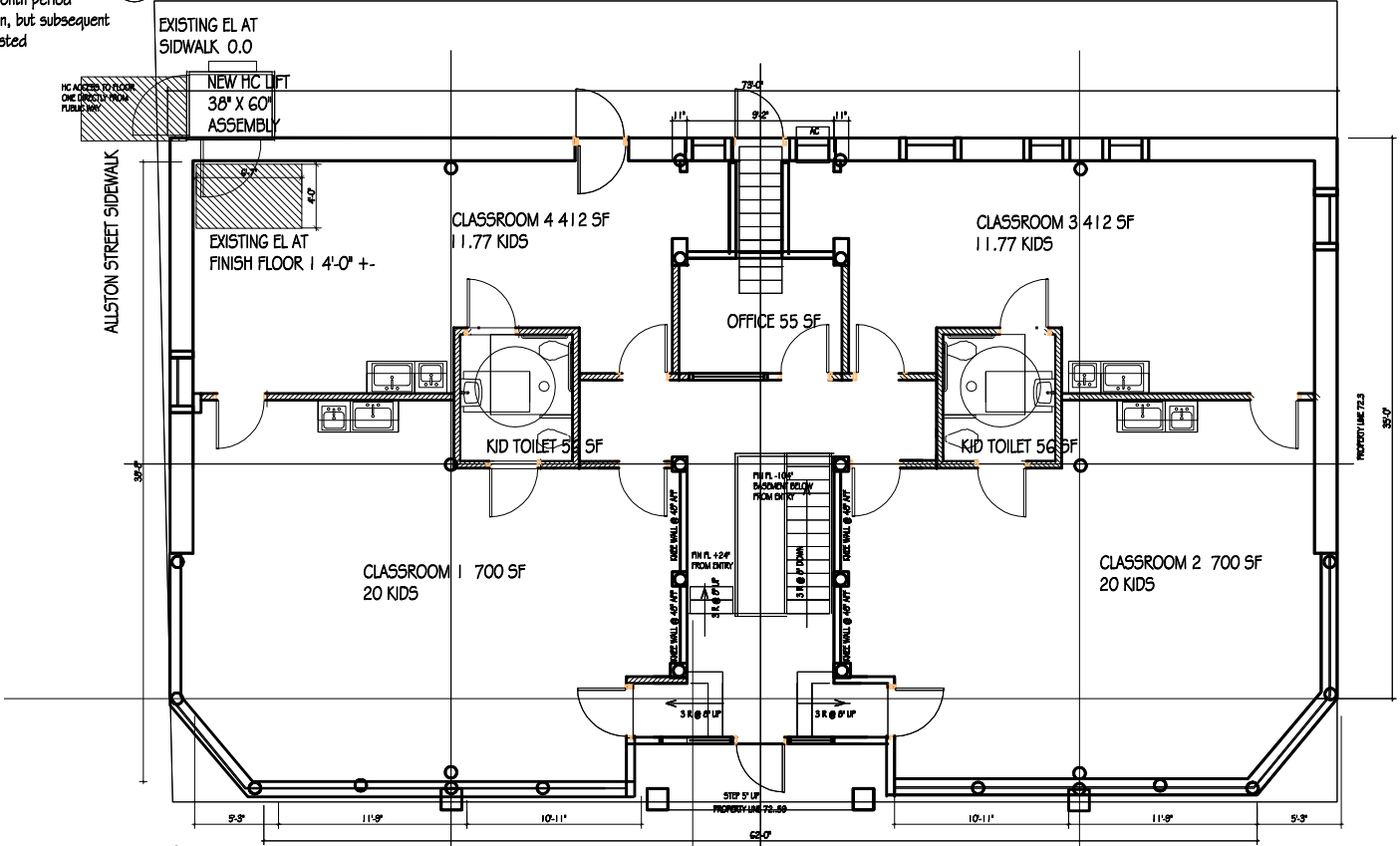
43. Except that in Residence C and C-1 districts  
 this use shall be subject to the regulations of  
 Section 4.50, Institutional Use Regulations.

4.55 Existing Lot Status. The institutional use  
 of land or structures For each category of institutional  
 activity in a Residence A-1, A-2, B, C and C-1 district  
 shall be governed by the Table of Institutional Use  
 Regulations in Subsection 4.56.

4.55.1 The Existing Lot Status pertaining to the  
 proposed institutional development shall be defined  
 according to one of the following three types:  
 1 AND 3 DO NOT APPLY  
 (2) A lot which contains any use other than those  
 residential and institutional uses listed in  
 Subsection 4.31 or 4.33, or which is vacant and  
 did not within the twenty-four (24) month period  
 prior to the date of permit application, but subsequent  
 to March 23, 1980, contain a use listed  
 in Subsection 4.31 or 4.33



2 PROPOSED BASEMENT PLAN CAMBRIDGE SCHOOL OF THE ARTS  
 A201 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



1 PROPOSED FLOOR I PLAN CAMBRIDGE SCHOOL OF THE ARTS  
 A201 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



1 EXISTING FRONT ELEVATION  
 A301 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



ASSESSOR DATA BASE  
 Property Class GEN-OFFICE  
 State Class Code 340  
 Zoning (Unofficial) C

Map/Lot 102-25  
 NORTHWESTERLY BY MAZAIN STREET 72.59 FEET  
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 Land Area 3,651 SF

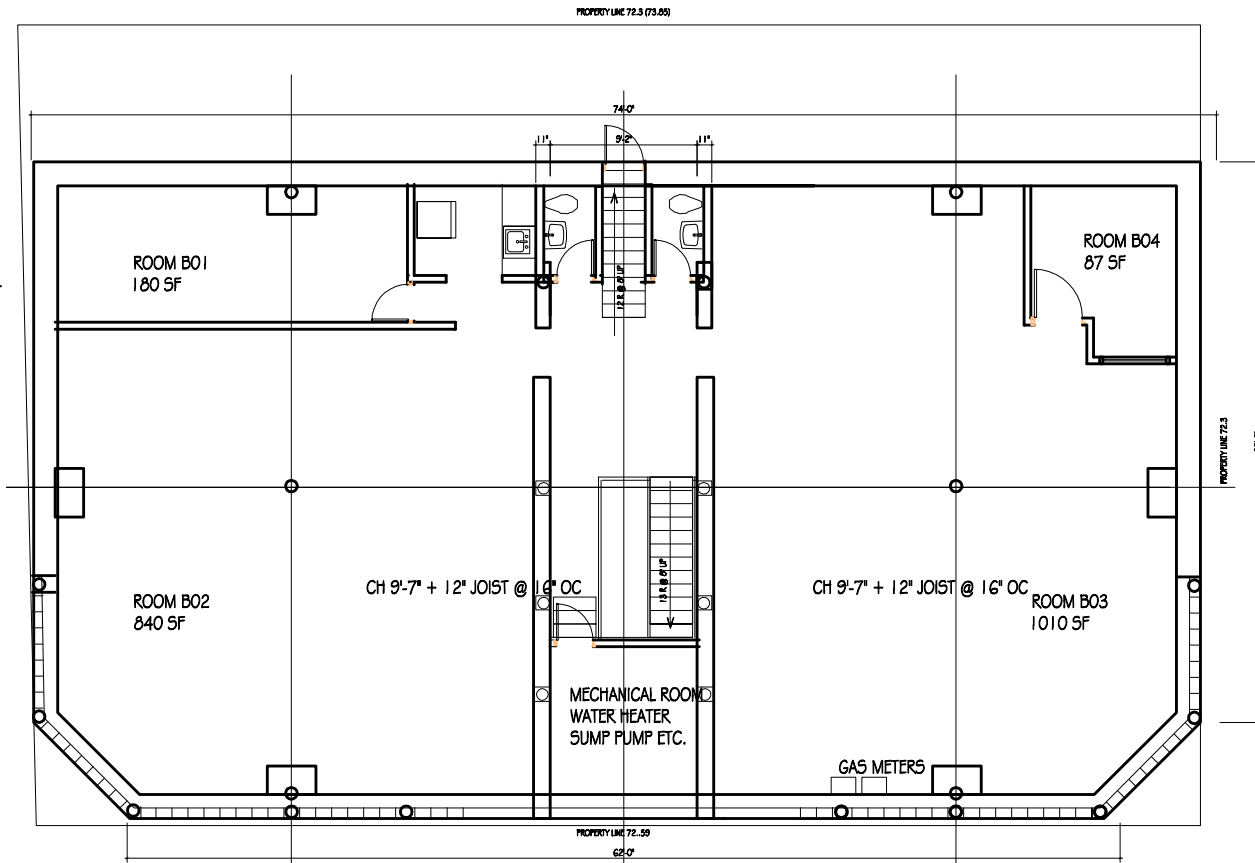
Style OFFICE  
 Occupancy GEN-OFFICE  
 Number of Stories 1  
 Exterior Wall Type BRICK  
 Roof Material RUBBER-MEMBRAN  
 Wall Height 12  
 Partitions AVERAGE  
 Interior  
 Living Area (sq. ft.) 5,996

**SDA**  
 One Cambridge Street  
 Salem, MASSACHUSETTS  
 01970 USA

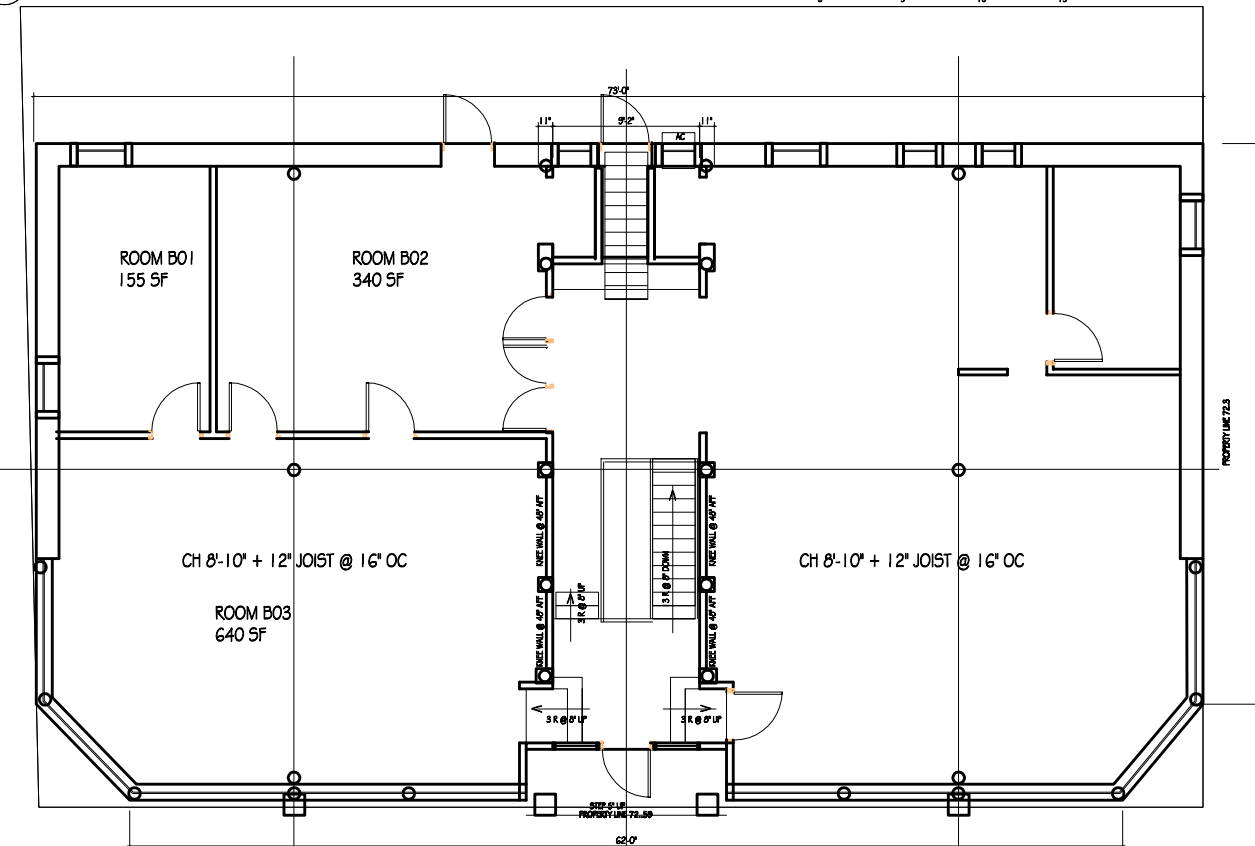
978.741.0410  
 schopf@verizon.net

Architecture  
 Interior Design  
 Master Planning  
 Project Management

1-15--24



2 EXISTING BASEMENT PLAN LONG TERM OFFICE USE  
 A202 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



1 EXISTING PLAN FLOOR I LONG TERM OFFICE USE  
 A202 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



3 EXISTING FRONT ELEVATION  
 A301 / 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS



**SDA**  
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 Project Management

1-15--24



1 VIEWS OF EXISTING INTERIORS AND EXTERIOR  
 A301 118 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS NO SCALE



**NEW ENGLAND LAND SURVEY  
PROFESSIONAL LAND SURVEYORS**



**710 MAIN STREET  
NORTH OXFORD, MA 01537**

**PHONE: (508) 987-0025**

**FAX: (508) 438-6604**

**MORTGAGE INSPECTION PLAN**

NAME LUBAVITCH OF CAMBRIDGE, INC.

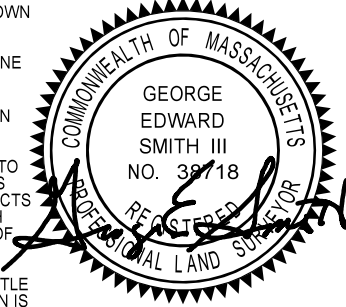
LOCATION 118 MAGAZINE STREET  
CAMBRIDGE, MA

SCALE 1"= 20' DATE 11/20/23

23MIP13308

BASED UPON DOCUMENTATION PROVIDED BY THE CLIENT, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

**NOTE:** NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. THIS PLAN IS BASED UPON CLIENT FURNISHED INFORMATION AND MAY BE SUBJECT TO FURTHER EASEMENTS, TAKINGS, RIGHTS OF WAY AND OUT-SALES. THIS PLAN MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE.



CERTIFY TO: \_\_\_\_\_

REGISTRY: SOUTH MIDDLESEX

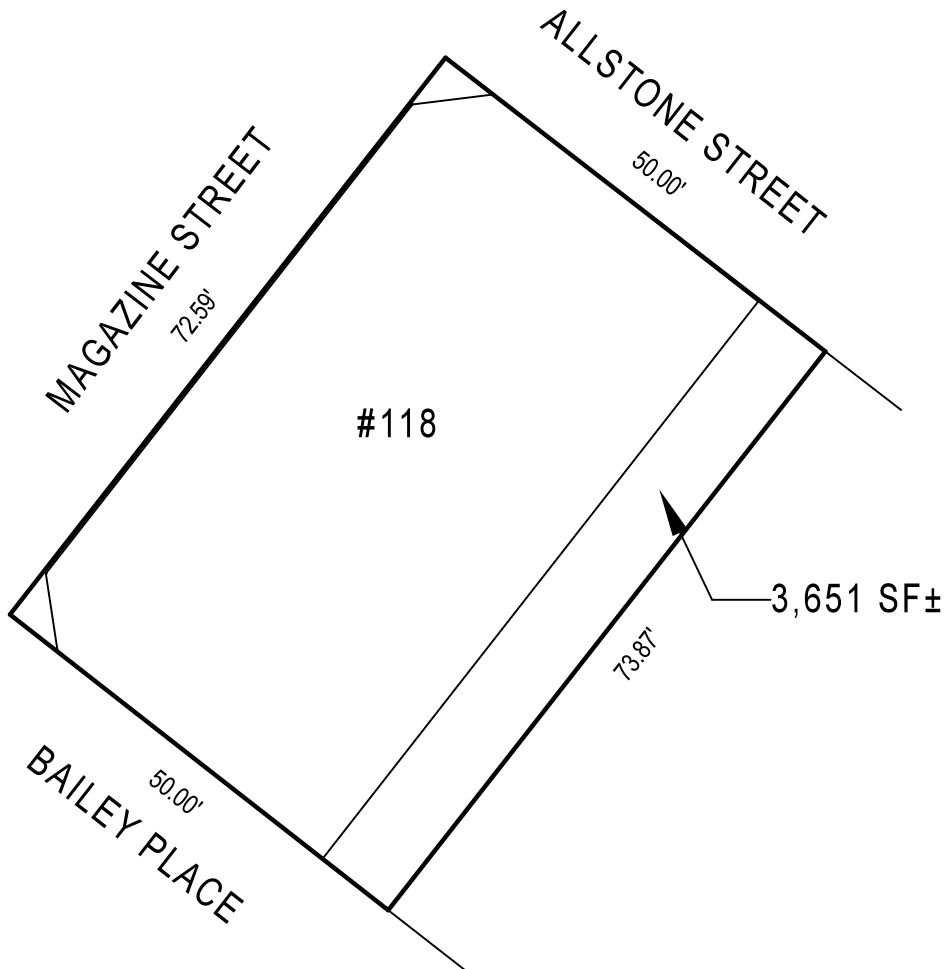
DEED REFERENCE: 28037/211

PLAN REFERENCE: 6294/501

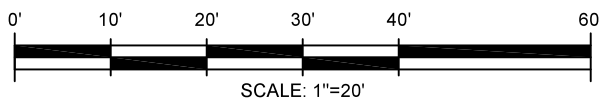
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM

25017C0576E DTD: 6/4/2010

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTED BY: ARENTFOX SCHIFF  
DRAWN BY: NL  
FIELD BY: BC  
CHECKED BY: GES  
FILE: 23MIP13308



ASSESSOR DATA BASE  
 Property Class G04-OFFICE  
 State Class Code 340  
 Zoning (Unofficial) C

Map/Lot: 1 02-25  
 NORTHWESTERLY BY MAZINE STREET 72.59 FEET  
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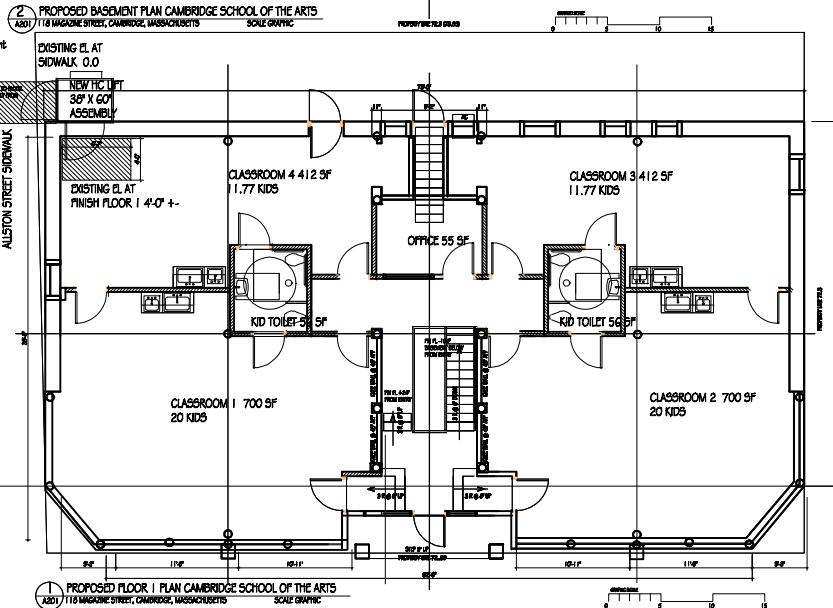
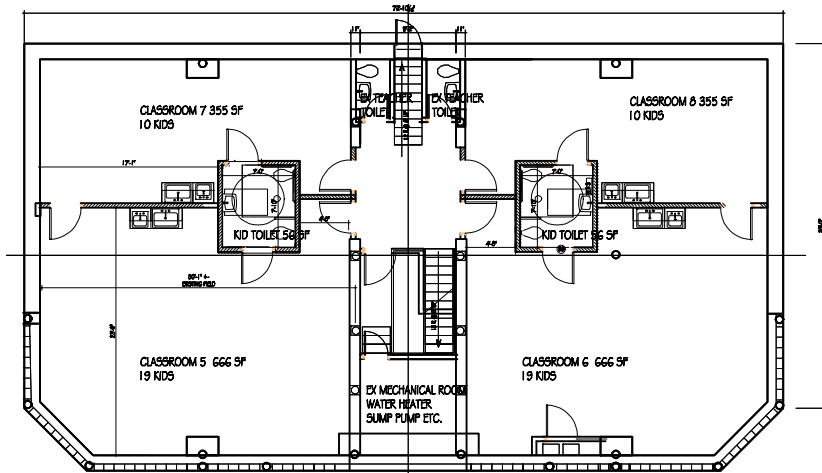
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 in Subsection 4.31 or 4.33



EXISTING FRONT ELEVATION  
 1501 718 MAGAZINE STREET, CAMBRIDGE, MASSACHUSETTS  
 SCALE GRAPHIC

ASSESSOR DATA BASE  
 Property Class GEN-OFFICE  
 State Class Code 340  
 Zoning (Unofficial) C

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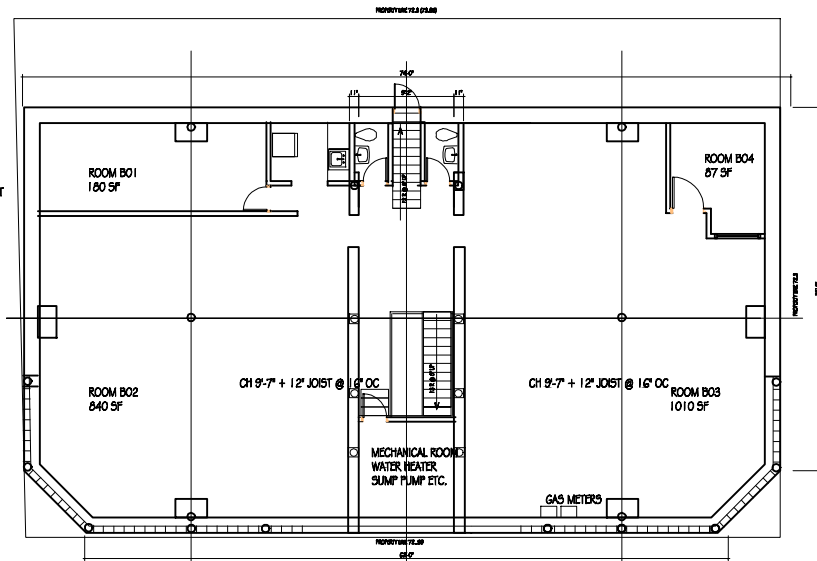
Style OFFICE  
 Occupancy GEN-OFFICE  
 Number of Stories 1  
 Exterior Wall Type BRICK  
 Roof Material RUBBER-MEMBRAN  
 Wall Height 12  
 Partitions AVERAGE  
 Interior  
 Living Area (sq. ft.) 5,596

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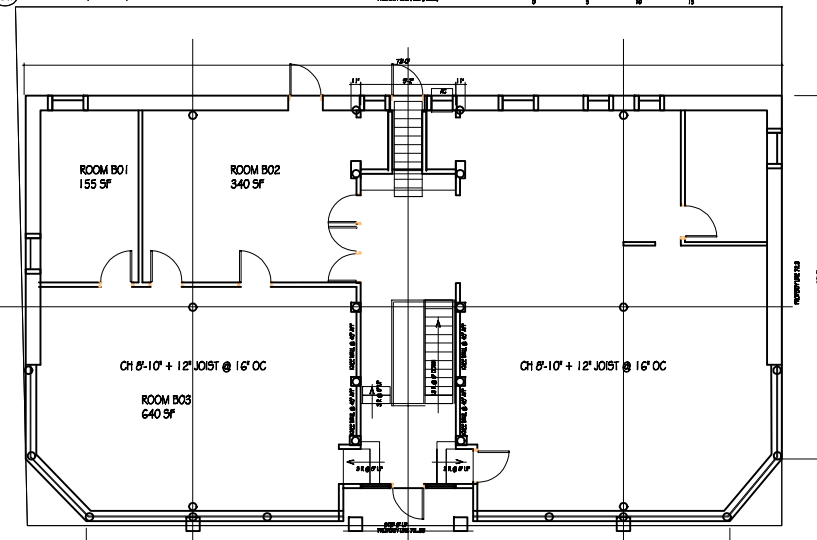
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Architecture  
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 Header Planning  
 Project Management

**1-15-24**



2 EXISTING BASEMENT PLAN LONG TERM OFFICE USE  
 100/110 MAGAINE STREET, CHAMBRIDGE, MASSACHUSETTS SCALE GRAPHIC



1 EXISTING PLAN FLOOR 1 LONG TERM OFFICE USE  
 100/110 MAGAINE STREET, CHAMBRIDGE, MASSACHUSETTS SCALE GRAPHIC



EXISTING FRONT ELEVATION  
 100/110 MAGAINE STREET, CHAMBRIDGE, MASSACHUSETTS SCALE GRAPHIC



**SDA**  
 One Cambridge Street  
 Salem, MASSACHUSETTS  
 01970 USA

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 schopf@vertzon.net

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Architecture  
 Interior Design  
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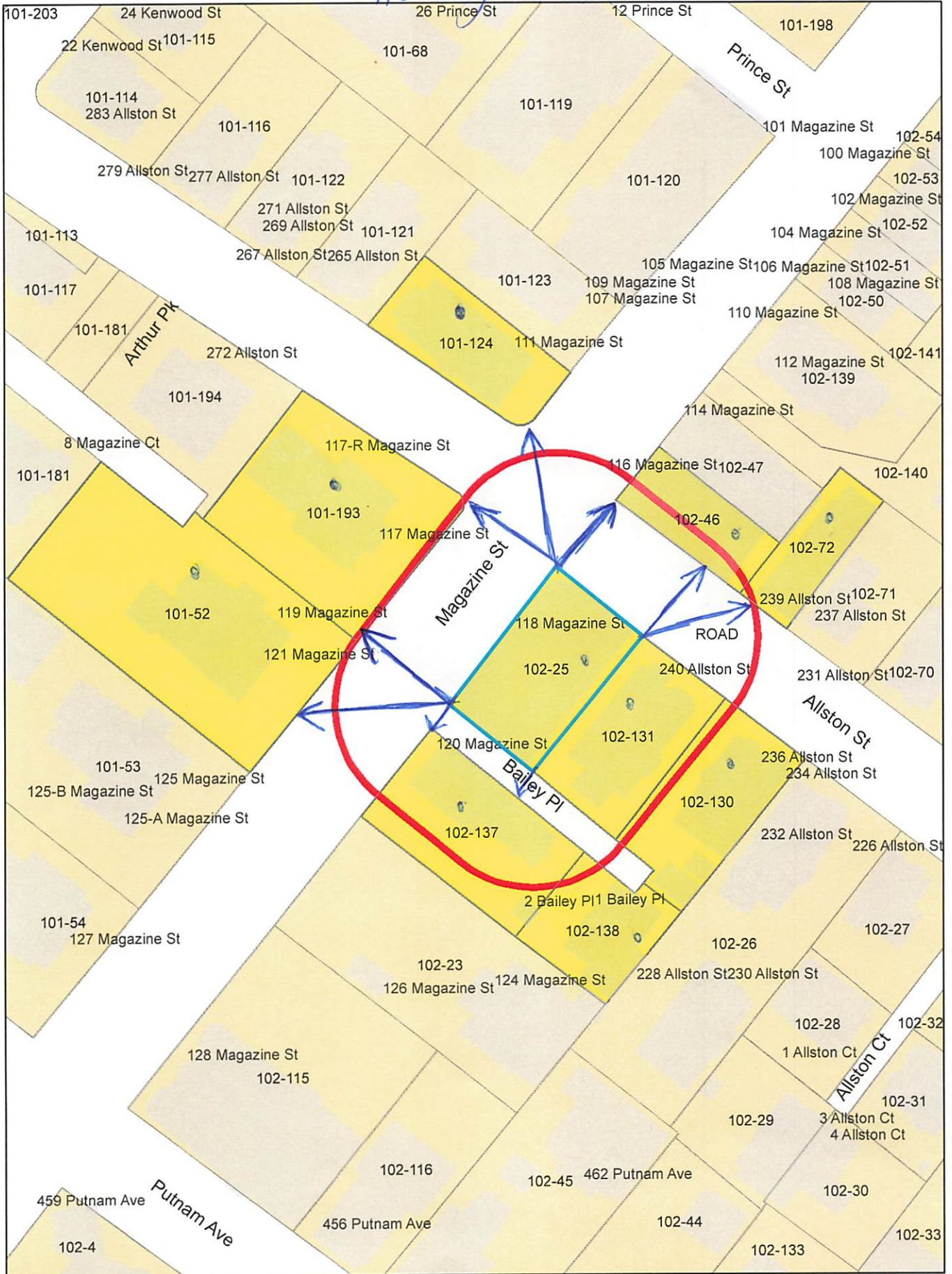
1-15-24



① VIEWS OF EXISTING INTERIORS AND EXTERIOR  
 A80 | 110 MAGUIRE STREET, CAMBRIDGE, MASSACHUSETTS | NO SCALE



118 Magazine Street



118 Magazine St.

Petitioner

101-124  
GRIFFITH, LISA A. & OTHON ILIOPOULOS  
111 MAGAZINE ST UNIT 2  
CAMBRIDGE, MA 02139

101-124  
ILIOPOULOS, OTHON  
111 MAGAZINE ST UNIT 2  
CAMBRIDGE, MA 02139

LUBAVITCH OF CAMBRIDGE INC.  
C/O HIRSCH ZARCHI  
38 BANKS STREET  
CAMBRIDGE, MA 02138

101-193  
KONIAK, SUSAN P.  
115-117 MAGAZINE ST UNIT 117A  
CAMBRIDGE, MA 02139

102-72  
GAVANESCU, IRINA C.  
57 CREHORE DR  
NEWTON, MA 02462

102-25  
HARGREAVES, GEORGE  
C/O HARGREAVES ASSOCIATES, INC  
71 GREENE AVE  
BROOKLYN, NY 11238

102-72  
COWLES, LORI  
24 UPTON ST  
CAMBRIDGE, MA 02139

102-72  
HENNEBERGER, IAN M. &  
LOUISA L. MACKINTOSH  
239 ALLSTON ST - UNIT 3  
CAMBRIDGE, MA 02139

102-137  
120 MAGAZINE LLC  
11 SALEM ST  
CAMBRIDGE, MA 02139

102-131  
ESTIA PROPERTIES LLC  
27 MYOPIA RD  
WINCHESTER, MA 01890

102-46  
NEWMAN DAVA J GUILLERMO L. TROTTI  
C/O ICUBE LLC  
20 NONANTUM RD  
MARBLEHEAD, MA 01945-1336

101-193  
RAMIREZ, MANUEL E &  
SHOSHANA B. GARBER  
545 S PROSPECT ST - UNIT 12  
BURLINGTON, VT 05401

102-138  
BROWN, LOOCIE S  
TRS THE LOOCIE S BROWN REVOCABLE TR  
1 BAILEY PL  
CAMBRIDGE, MA 02139

101-124  
THOMAS, LORRAINE MARIE TRS THE  
LORRAINE MARIE THOMAS LIVING TR  
111 MAGAZINE ST = UNIT 1  
CAMBRIDGE, MA 02139

101-52  
HOWE, EMILY D  
121 MAGAZINE ST  
CAMBRIDGE, MA 02139

102-130  
CHEN, YUNG CHANGE  
236 ALLSTON ST  
CAMBRIDGE, MA 02139

102-130  
CHEN, YUNG KUAI & SHU JEN CHEN  
1776 COMMONWESLTH AVE - APT 1  
BRIGHTON, MA 02135

101-193  
DOWNING, ROBERT E. &  
HEATHER E. GRAHAM  
115 MAGAZINE ST  
CAMBRIDGE, MA 02139