



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 JUL 29 PM 2:58

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 279077**

### General Information

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

Special Permit:           Variance:   X   Appeal:     

**PETITIONER:** Christopher and Jamie Robertson

**PETITIONER'S ADDRESS:** 15 Florence St, Cambridge, MA 02139

**LOCATION OF PROPERTY:** 12 Kinnaird St, Cambridge, MA

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

**REASON FOR PETITION:**

/Additions/

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

To convert the current stoop for the main entrance to the house, which is within the side setback to an enclosed foyer. Also, construct an addition to the back of the house which, creates a non-conforming floor area ratio. See attached narrative.

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

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

Original  
Signature(s):

(Petitioner (s) / Owner)

CHRISTOPHER ROBERTSON

(Print Name)

Address:

15 FLORENCE ST

Tel. No.

617-910-0649

E-Mail Address:

christophertrobertson@gmail.com

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

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

I/We Christopher and Jamie Robertson  
(OWNER)

Address: 12 Kinnaird St

State that I/We own the property located at 12 Kinnaird St, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Christopher and Jamie Robertson

\*Pursuant to a deed of duly recorded in the date May 16, 2024 Middlesex South County Registry of Deeds at Book 82775, Page 106; 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.

[Handwritten Signature]  
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Commonwealth of Massachusetts, County of Middlesex

The above-name Christopher Robertson personally appeared before me, this 24 of JUNE, 2024, and made oath that the above statement is true.

[Handwritten Signature]

My commission expires April 5, 2030 (Notary Seal).



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

Date: \_\_\_\_\_

## BZA Application Form

### DIMENSIONAL INFORMATION

**Applicant:** Christopher and Jamie Robertson  
**Location:** 12 Kinnaird St., Cambridge, MA  
**Phone:** 617-910-0649

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

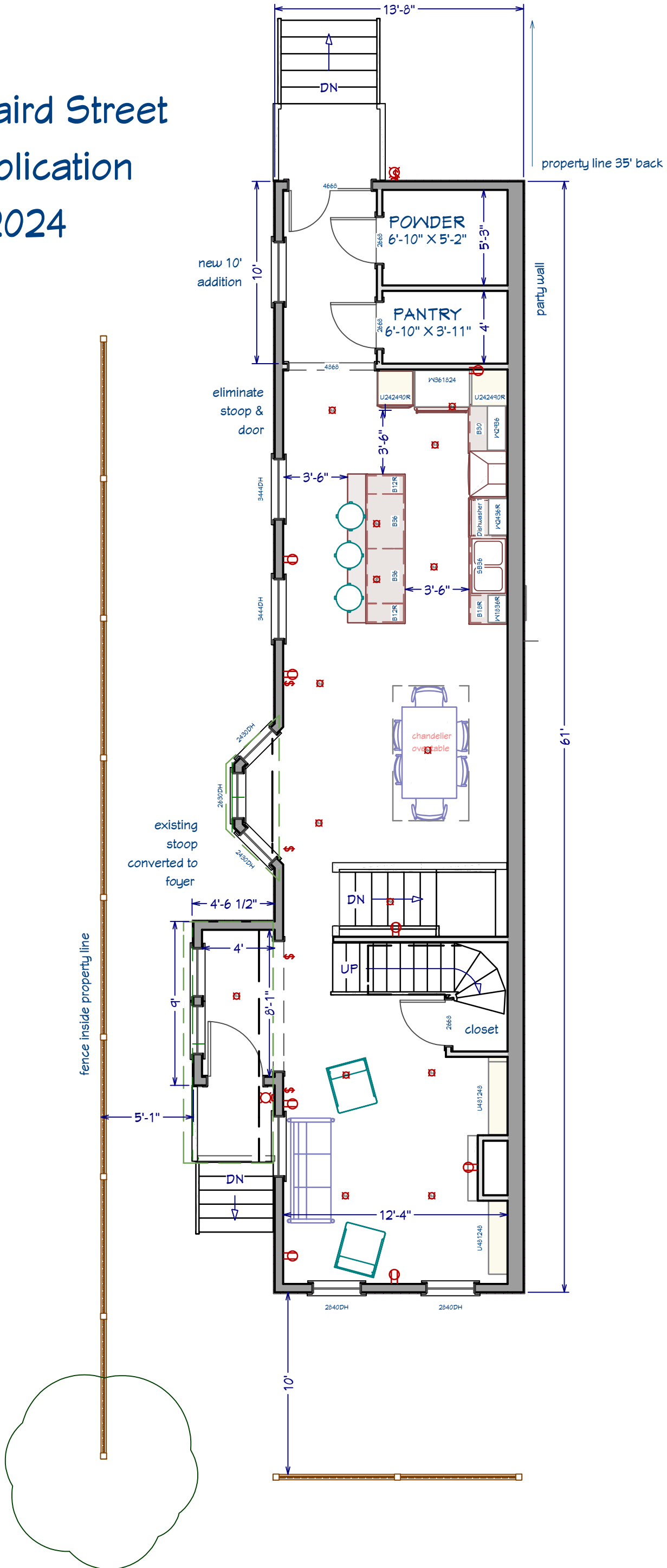
		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1517	1914.5	1687.5	(max.)
<u>LOT AREA:</u>		2250	2250	2250	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>		.67	.85	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2250	2250	1500	
<u>SIZE OF LOT:</u>	WIDTH	22.5	22.5	50	
	DEPTH	100	100	100	
<u>SETBACKS IN FEET:</u>	FRONT	10	10	10	
	REAR	45	35	35	
	LEFT SIDE	5	5	7.5	
	RIGHT SIDE	0	0	7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	28	28	35	
	WIDTH	51	61	NA	
	LENGTH	13	13	NA	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		1542	1410	750	
<u>NO. OF DWELLING UNITS:</u>		1	1	1	
<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>		NA	NA	NA	

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.:

No other building on same lot exists or is proposed.

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'.

12 Kinnaird Street  
BZA Application  
July 3, 2024





**RENEY, MORAN, & TIVNAN**  
 REGISTERED LAND SURVEYORS  
 75 HAMMOND STREET - FLOOR 2  
 WORCESTER, MA 01610-1723  
 PHONE: 508-752-8885  
 FAX: 508-752-8895  
 RMT@HSTGROUP.NET  
 A Division of H. S. & T. Group, Inc.

**MORTGAGE INSPECTION PLAN**

NAME CHRISTOPHER ROBERTSON & JAMIE ROBERTSON  
 LOCATION 12 KINNAIRD STREET  
CAMBRIDGE, MA

JOB # 05-212-24

SCALE 1" = 20' DATE 5/7/2024

REGISTRY MIDDLESEX SOUTH

DEED BOOK/PAGE 41491/252

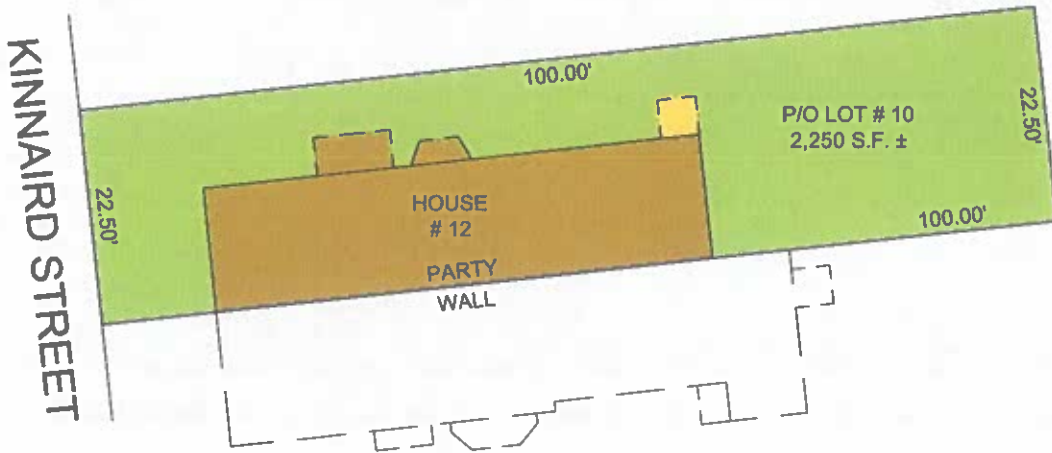
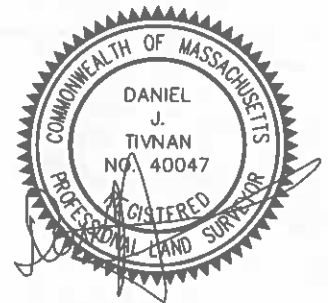
PLAN BOOK/PLAN 17A/15

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

576E DTD 06-04-2010

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.

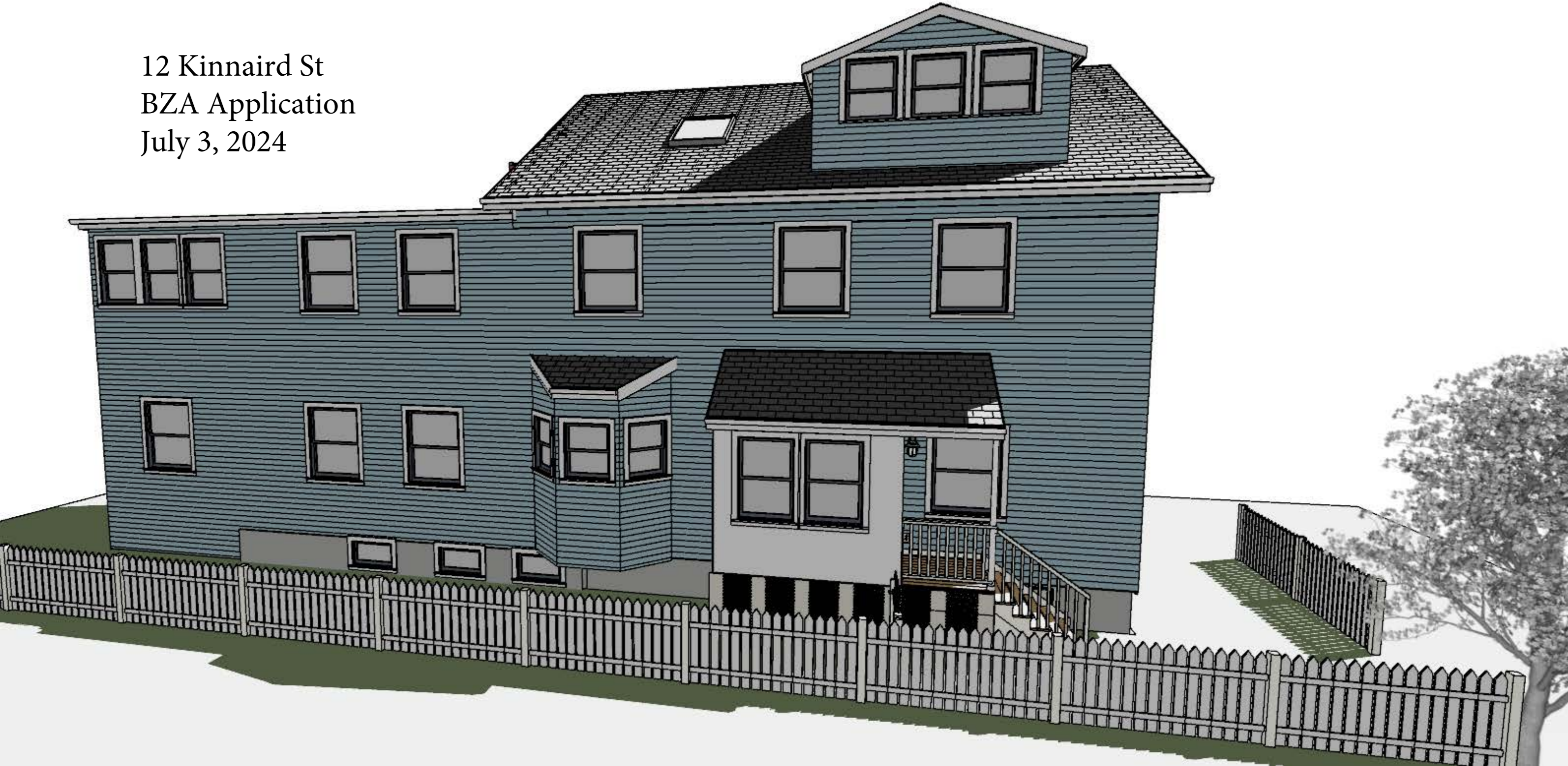
GENERAL NOTES: (1) THE ONLY MEASUREMENTS REQUIRED OF THIS FIRM WERE MADE OF THE FRONTAGE AND APPROXIMATE BUILDING LOCATIONS WITH FOUNDATIONS SHOWN HEREIN. IN OUR JUDGMENT, ALL VISIBLE EASEMENTS ARE SHOWN. (2) THE DECLARATIONS AND REPRESENTATIONS MADE HEREIN ARE ON THE BASIS ON MY KNOWLEDGE, INFORMATION AND BELIEF AS THE RESULT OF A MORTGAGE INSPECTION TAPE SURVEY, NOT THE RESULT OF AN INSTRUMENT SURVEY MADE TO THE NORMAL STANDARD OF CARE OF REGISTERED LAND SURVEYORS PRACTICING IN MASSACHUSETTS. (3) THE DECLARATIONS AND REPRESENTATIONS ARE MADE TO THE ABOVE NAMED CLIENT ONLY AND ONLY AS OF THIS DATE, AND ANY CERTIFICATION HEREUNDER IS NON-TRANSFERABLE. (4) THIS SKETCH WAS NOT MADE FOR RECORDING PURPOSES, FOR USE IN PREPARING DEED DESCRIPTIONS OR FOR CONSTRUCTION OR IMPROVEMENT OF THE PROPERTY. (5) ACCURATE VERIFICATION OF PROPERTY LINE DIMENSIONS, BUILDING OFFSETS, FENCES, SHEDS, POOLS, DRIVEWAYS AND PARKING AREAS, AND LOT CONFIGURATION MAY BE ACCOMPLISHED ONLY BY AN ACCURATE INSTRUMENT SURVEY. (6) NO RESPONSIBILITY IS ASSUMED HEREIN TO THE PROPERTY OWNER OR OCCUPANT. (7) NOT DEFINED AND NOT COVERED BY THIS CERTIFICATION ARE ABOVE GROUND POOLS, DRIVEWAYS, PARKING AREAS, SHEDS, OTHER OUTBUILDINGS, OR OTHER IMPROVEMENTS. TO THE EXTENT THAT THIS SKETCH SHOWS THE SAME, NO LIABILITY FOR THE ACCURACY OF THE INFORMATION IS ASSUMED WITHOUT AN INSTRUMENT SURVEY. (8) THE DECLARATIONS AND REPRESENTATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED TO THIS FIRM IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACTUALLY LOCATED IN RELATION TO THE PROPERTY LINES. (10) NO LIABILITY IS ASSUMED UNLESS AND UNTIL THERE OCCURS A FINAL JUDGMENT ENFORCING ZONING AND REQUIRING THE FORCED REMOVAL OF A COVERED BUILDING.



REQUESTING OFFICE: MERRILL & MCGEARY  
 REQUESTED BY:

DRAWN BY: JV  
 CHECKED BY:

12 Kinnaird St  
BZA Application  
July 3, 2024



12 Kinnaird St, BZA Application, July 3, 2024







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**Greetings from your future neighbors (12 Kinnaird)**

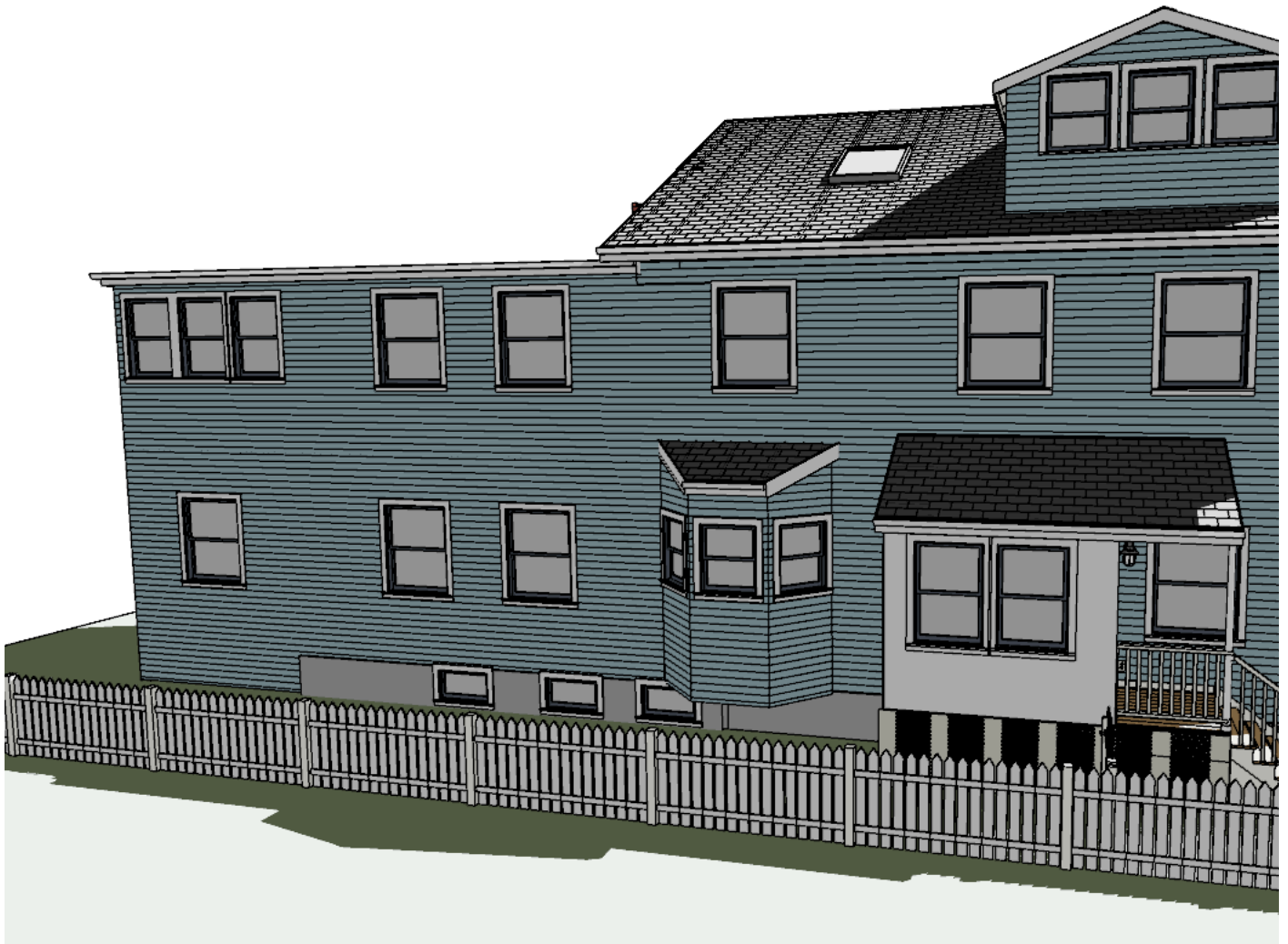
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**Bari Brodsky** <bari.brodsky@gmail.com>  
To: Jamie Robertson <jamiecoxrobertson@gmail.com>  
Cc: David Gunther <dmgunther@comcast.net>, Christopher Robertson <christophertrobertson@gmail.com>

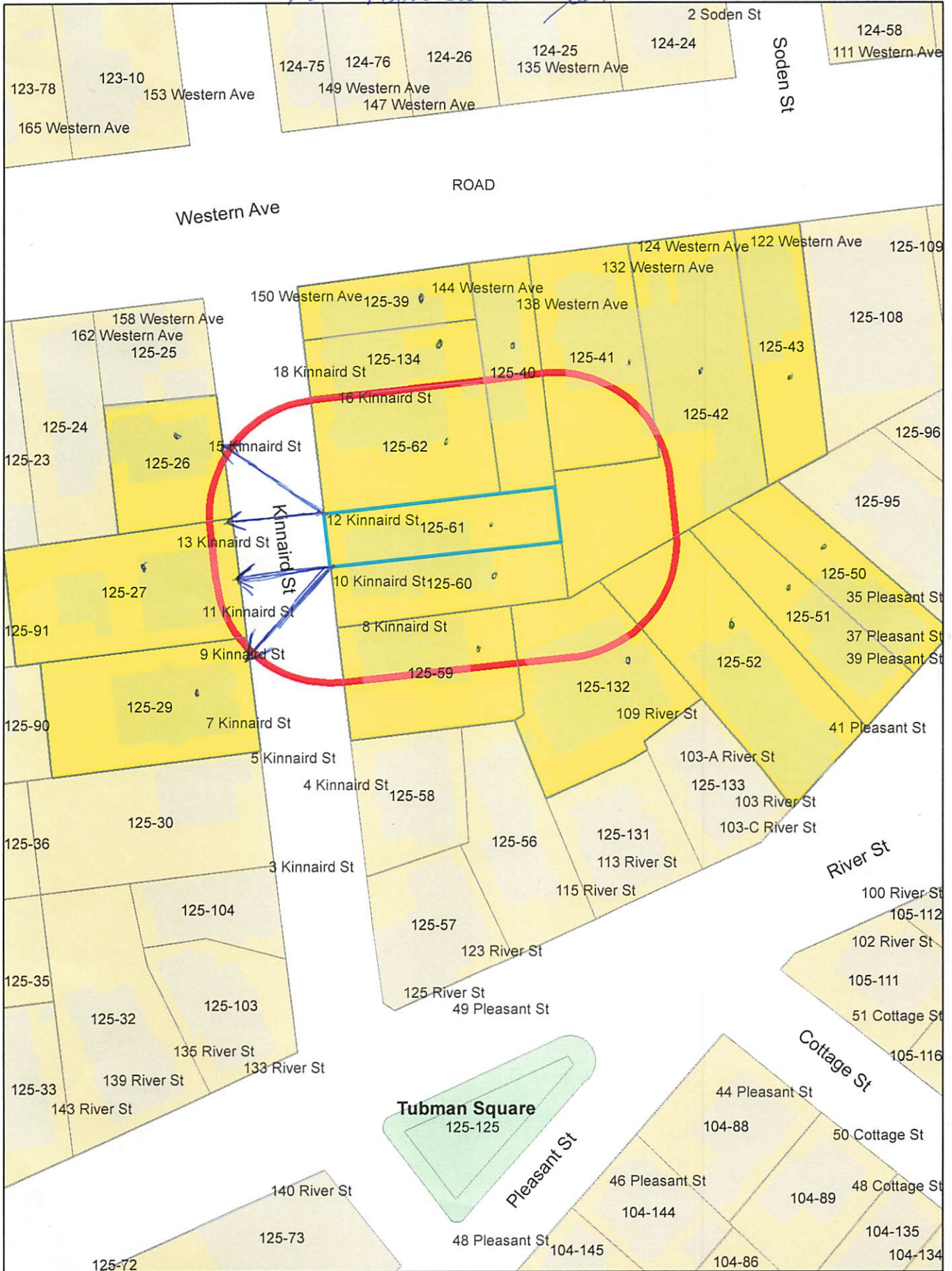
Hi Jamie,  
Those new changes are fine.  
Bari

On Jul 3, 2024, at 9:58 AM, Jamie Robertson <jamiecoxrobertson@gmail.com> wrote:

[Quoted text hidden]



12 Kinnaird St.



12 Kinnaid St

Petitioner  
CHRISTOPHER & JAMIE ROBERTSON  
15 FLORENCE STREET  
CAMBRIDGE, MA 02139

125-39-134  
ABU REALTY LLC  
144 WESTERN AVE  
CAMBRIDGE, MA 02139

125-40  
BRILL, JENNIFER M. & LAURENCE A. WEIL  
138 WESTERN AVE.  
CAMBRIDGE, MA 02139

125-132  
LAX, MARK E. & JESSELYNN OPIE  
109 RIVER ST UNIT 1A  
CAMBRIDGE, MA 02139

125-132  
TERRY, MICHAEL  
109 RIVER ST UNIT 3B  
CAMBRIDGE, MA 02139

125-41-42  
ARTIS B. SPEARS & ANDREA J. SPEARS  
JACKSON ANTHONY J. SPEARS, TRS  
124 WESTERN AVE  
CAMBRIDGE, MA 02139-3727

125-59  
PERLIS, ROY H. & DEBBIE D. GORDON  
8 KINNAIRD ST.  
CAMBRIDGE, MA 02138

125-60  
GREENWOOD, CAROL A. &  
RICHARD PROBERT  
10 KINNAIRD ST  
CAMBRIDGE, MA 02139

125-61  
GLANTZ, KALMAN  
C/O CHRISTOPHER T. ROBERTSON  
12 KINNAIRD ST  
CAMBRIDGE, MA 02139

125-62  
GUNTHER, DAVID M. & BARI-SUE BRODSKY  
16 KINNAIRD ST  
CAMBRIDGE, MA 02139

125-51  
BENNETT, KATHERINE &  
RICHARD P. BOUDREAU  
39 PLEASANT STREET  
CAMBRIDGE, MA 02139

125-50  
GOREAU, THOMAS J. & MARGARET GOREAU  
MARINA L. R. GOREAU  
37 PLEASANT ST  
CAMBRIDGE, MA 02139

125-29  
CRUMP, ALLISON M.  
TR. OF 7-9 KINNAIRD STREET NOMINEE TR.  
9 KINNAIRD ST UNIT 1  
CAMBRIDGE, MA 02139-3152

125-26  
FREEMAN, DENNIS M.  
TRS THE DENNIS M. FREEMAN REV. TR.  
15 KINNAIRD ST  
CAMBRIDGE, MA 02139

125-43  
DEMAINE, ERIK D. & MARTIN L. DEMAINÉ  
122 WESTERN AVE  
CAMBRIDGE, MA 02139

125-132  
VITALE, SALVATORE  
2 NORTHDALÉ TERRACE  
WEST ROXBURY, MA 02132

125-132  
CHANG, CHARLES BOND  
109 RIVER ST UNIT 2A  
CAMBRIDGE, MA 02139

125-27  
WILLISSON, PACE & WENDY E. ROWE  
11 KINNAIRD ST UNIT A  
CAMBRIDGE, MA 02139

125-52  
BARRETT, PATRICK W. III  
41A PLEASANT ST  
CAMBRIDGE, MA 02139

125-132  
GATES HENRY & JACQUELINE L GATES, TRS  
109 RIVER ST - UNIT 1B  
CAMBRIDGE, MA 02139

125-27  
HENDERSON, ERIC UCHIDA &  
WENDY A. HENDERSON  
TR. HENDERSON FAMILY LIVING TRUST  
13 KINNAIRD ST  
CAMBRIDGE, MA 02139

125-132  
HSIEH CHRISTINE W & MICHAEL ABADJIEV  
109 RIVER ST - UNIT 3A  
CAMBRIDGE, MA 02139

12 Kinnaird St is an existing nonconforming property. The house is a 1517 sqft, attached single-family home on a 2250 sqft lot (.67 floor area ratio (FAR) existing). It is zoned C-1, which requires minimum lots of 5,000 sqft and .75 FAR. The lot and house are very narrow, because it was historically set up as an attached single-family rather than condos.

We seek zoning relief for two items:

First, we would convert the current stoop for the main entrance to the house, which is within the side setback (existing 5' from property line), to an **enclosed foyer**, measuring 9' deep by 4.5' wide (40.88 sqft additional floor area). The current front door opens awkwardly right into the staircase to the second floor. (We will also be eliminating a second stoop and entrance further back on the side of the house. Overall open space along the side of the house will increase through these two changes.) The impact on the side setback is virtually the same as the existing stoop.

Second, we would add a **10-foot** deep addition on the back of the house, across the 13' width of the house, two-stories tall (295 sqft additional floor area). This addition would fit into an existing L-shaped space created by the party-wall neighbors, whose property has already been extended in precisely this same way. Our rear wall would then match theirs, with the same 35' setback from the rear property line. We are compliant with private open space requirements.

Separately, we have submitted plans for renovations including an as-of-right dormer, which will also add 93.50 feet of floor area (a 6% increase to 1610 sq ft total). The two proposed items above (rear addition + foyer) would increase the total floor area to 1914 sq ft, which would be an FAR of 85% given the 2,250 actual square footage of the non-conforming lot. The zoning ordinance allows 75% FAR for a C-1 home.

The two proposed items would represent a 19% increase on the floor area, beyond that allowed as of right, making this appropriate for a variance. One reason for the addition in the rear is that the existing access to the upper level is a very steep non code compliant stair. Given that the site is so narrow it requires us to seek additional square footage to replace the square footage we will be using to build a new code compliant stair. Because of the shape of the lot any addition can only go toward the rear of the lot and the abutting attached single family already has an addition in this location, yielding a blank wall on our property. As we are continuing to meet the requirement for private open space, we are not creating a substantial detriment to the public good, in particular our direct abutters.

Our neighbors on both sides concur with these plans.

12 Kinnard St.

**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:**

On this non-conforming lot, literal enforcement of the Ordinance would focus on one aspect (the floor area ratio), which would limit the home to a size much smaller than would otherwise be allowed on a conforming lot. Literal enforcement would prevent us from having a typical-sized family home, with a gracious entry, a powder room and pantry on the main floor, and a study off our master bedroom on the second floor, where we can work from home. Literal enforcement would also prevent the footprint of the house to be expanded in a way that matches the neighboring attached home, leaving the neighbor's extended party wall as a two-story blank wall facing our yard, right on the property line.

**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 owes to several oddities of the land and the structure. The land is nonconforming in two respects. First, the lot is smaller than that presumed by the modern zoning code. Second, as an attached-single family home, it lacks any setback from the neighboring property (on the right). Instead the back yard has the neighbor's (blank) wall running 10 feet right on the property line, where they have been allowed to build an addition previously. The existing structure includes a stairway to the third floor, which does not meet modern codes, one that we will remedy at the loss of substantial usable floor area. In addition, currently the front door does not face the street and opens immediately onto a stairway. The proposed additions help mitigate these problems.

**C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

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

The main parties that will observe the additions are on the left side of the house, and we have confirmed they have no objections. We have also worked with neighbors on the right side of the home to ensure their interests are met. In fact they will be better off, as we will provide them with a means to access their crawl space on their own property (unlike now).

The broader public interest will not be harmed by having a front-facing foyer that encroaches on the side setback by a few inches more than the stoop presently does, and by having a gracious addition on the rear.

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

The purposes of the Ordinance will not be derogated in this relatively minor variance request. Instead, this is an opportunity to "encourage the most rational use of land throughout the city." The house will still have a large backyard and sideyard, compliant with open space requirements.

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



# 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: Chris & Jamie Robertson Date: 8/15/24  
(Print)

Address: 12 Kinnaird St.

Case No. BZA-279077

Hearing Date: 9/5/24

Thank you,  
Bza Members