

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 JUN 10 PN 2:00

617-349-6100

BZA Application Form

BZA Number: 265414

General Information

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

Special Permit: X

Variance: _____

Appeal: _____

PETITIONER: Jennifer Mathieu & Henry Marcucella C/O Noreen O'Toole

PETITIONER'S ADDRESS: 909 Washington Street, Stoughton, MA 02072

LOCATION OF PROPERTY: 264 Sidney St, Cambridge, MA

TYPE OF OCCUPANCY: Two Family Dwelling

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

The Petitioner seeks relief for a Special Permit to allow the constuction of the proposed deck. The required rear yard setback is 20 feet under the Zoning Ordinance. However, the proposed deck landing is approximately 11.7' feet from the rear vard setback and is not encroaching any more than existing deck. The parcel is a nonconforming lot due to the fact that it only contains 4,093 square feet of area, and the current minimum lot area for lots in the C-1 Zone is 5,000 square feet. (Section 8.22 and Section 8.22.2)

SECTIONS OF ZONING ORDINANCE CITED:

Section: 5.31 (table of dimensional requirements) Article: 5.00 Section: 8.22.2.d (Non- Conforming Structure) Article: 8.00 Section: 10.40 (Special Permit) Article: 10.00

> Original Signature(s):

Anghercuellen Inrifer Matheer (Petitioner (s) / Owner) Herry Marcuceth Jenifer Mathicu (Print Name)

Address: Tel. No. E-Mail Address:

781-344-2886 noreen@platinumpartnersllc.com

Date: 5/17/2024

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 Henry Marcucella and Junnifer Mathieu |
|--|
| Address: 266 Sidney St Cambridge MA 02139 |
| State that I/We own the property located at $264-366$ Sidney St., which is the subject of this zoning application. |
| The record title of this property is in the name of <u>Henry</u> Marcycella and Junnifer Mathicu |
| *Pursuant to a deed of duly recorded in the date $10/31/1997$ Middlesex South |
| County Registry of Deeds at Book <u>07833</u> , Page <u>006</u> ; or |
| Middlesex Registry District of Land Court, Certificate No |
| Book Page |
| 3/23/24 Hann Maracella Junnely Mathews SIGNATURE BY LAND OWNER OR |
| SIGNATURE BI 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 The above-name Henry Marcucella and Jenniler personally appeared before me, this 23 of March, 2024, and made oath that the above statement is true. Elona Violhi Notary 0510912025 (Notary Seal). My commission expires

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

(ATTACHMENT B - PAGE 3)

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TRANCE A SECONDARY

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 <u>264 Sidney St , Cambridge, MA</u> (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:

Section 8.22 As provided in Section 6, Chapter 40A, G.L., permits for change, extension, or alteration of a pre-existing nonconforming structure or use may be granted as permitted in Subsections 8.22.1 and 8.22.2. In this case, the change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

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 proposed constructure and use of the deck will have little if any impact on traffic flow and safety, as the site has ample off-street parking and the proposed use will not impact traffic flow or safety of the area.

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:

This neighborhood on Sidney Street consists of mature single-family, two-family, multi-family dwellings, so the proposed use would be consistent with and compliment the existing neighborhood character and social structures.

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:

The propose use would not be created to the detriment of the health, safety, and/or welfare of the occupant of this proposed use or the citizens of the City because this use is consistent with the neighborhood character.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The proposed use would not impair the integrity of the district or adjoining districts and not derogate from the intent or purpose of this ordinance because the change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

BZA Application Form

DIMENSIONAL INFORMATION

Applicant:Jennifer Mathieu & Henry MarcucellaLocation:264 Sidney St, Cambridge, MAPhone:781-344-2886

Present Use/Occupancy: <u>Two Family Dwelling</u> Zone: <u>Residence C-1 Zone</u> Requested Use/Occupancy: Two Family Dwelling

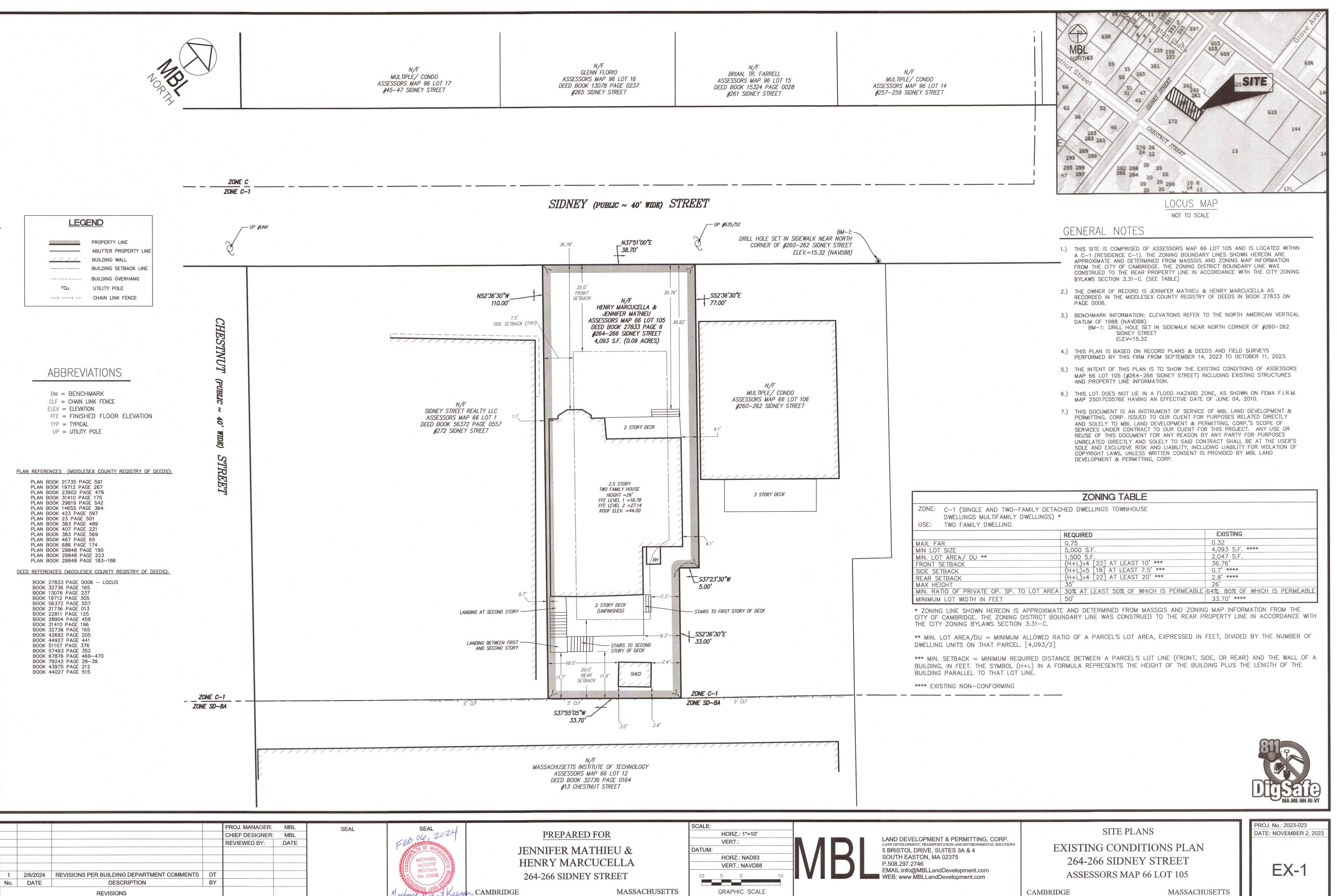
| | | Existing Conditions | Requested Conditions | <u>Ordinance</u> Requirements | |
|---|---------------|------------------------|-------------------------|----------------------------------|--------|
| TOTAL GROSS FLOOR AREA: | | 0.32 | 0.32 | 0.75 | (max.) |
| LOT AREA: | | 4093 | 4093 | 5000 | (min.) |
| RATIO OF GROSS FLOOR AREA TO LOT AREA: ² | | 0.32 | 0.32 | 0.75 | |
| LOT AREA OF EACH DWELLING UNIT | | 1302 | 1302 | 2047 | |
| SIZE OF LOT: | WIDTH | 33.70 | 33.70 | 50 | |
| | DEPTH | 110.02 | 110.02 | 0 | |
| SETBACKS IN FEET: | FRONT | 36.76 | 36.76 | 10 | |
| | REAR | 25.88 | 11.7 | 20 | |
| | LEFT SIDE | 0.7 | 0.7 | 7.5 | |
| | RIGHT SIDE | 4.1 | 4.1 | 7.5 | |
| SIZE OF BUILDING: | HEIGHT | 26 | 26 | 35 | |
| | WIDTH | 47.39 | 47.39 | 0 | |
| | LENGTH | 33.6 | 33.6 | 0 | |
| RATIO OF USABLE OPEN SPACE TO LOT AREA: | | 64% (80% permeable) | 64% (80% permeable) | 30% (50% permeable) | |
| <u>NO. OF DWELLING UNITS:</u> | | 2 | 2 | 2 | |
| NO. OF PARKING SPACES: | | 4 | 4 | no maximum | |
| NO. OF LOADING AREAS: | | 0 | 0 | 0 | |
| DISTANCE TO NEAREST BLDG. ON SAME LOT | | 0 | 0 | 0 | |

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.:

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- 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'.

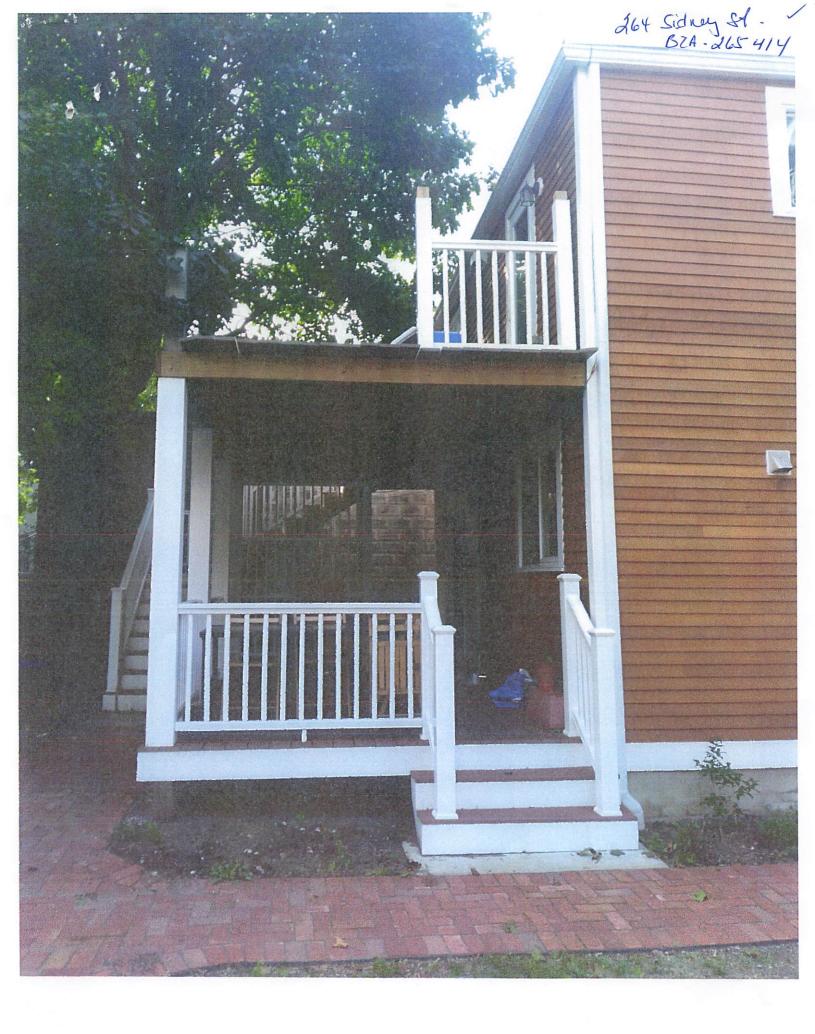


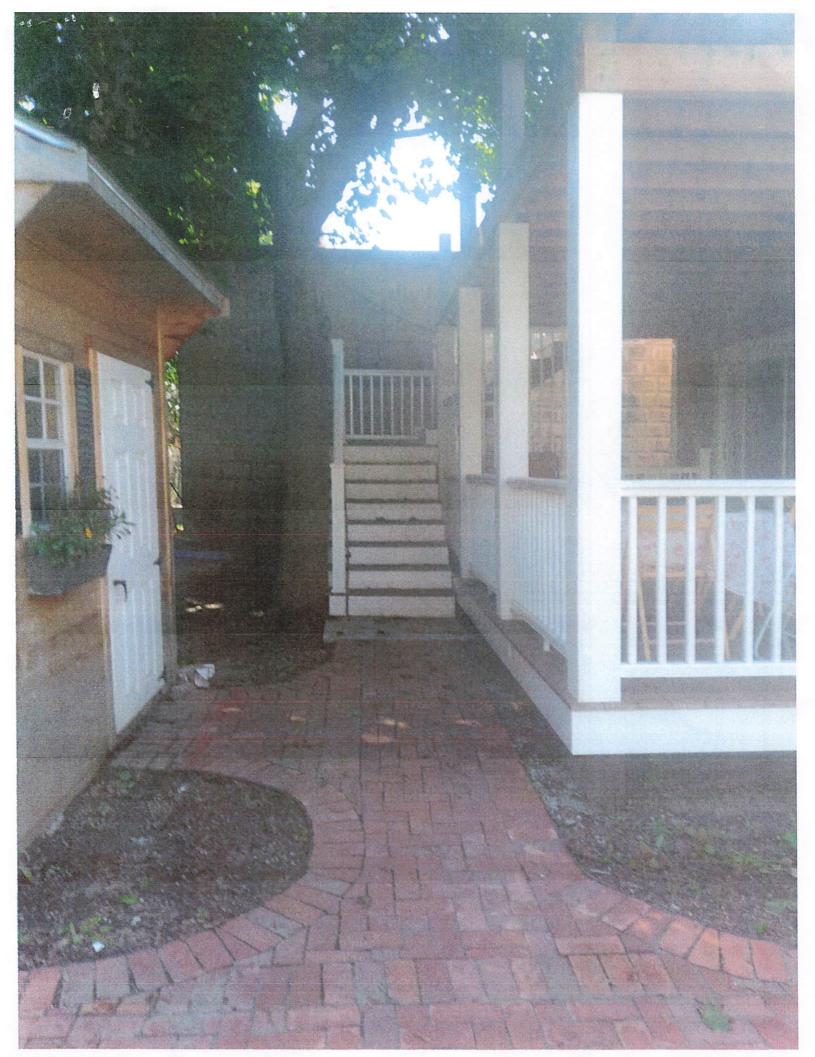


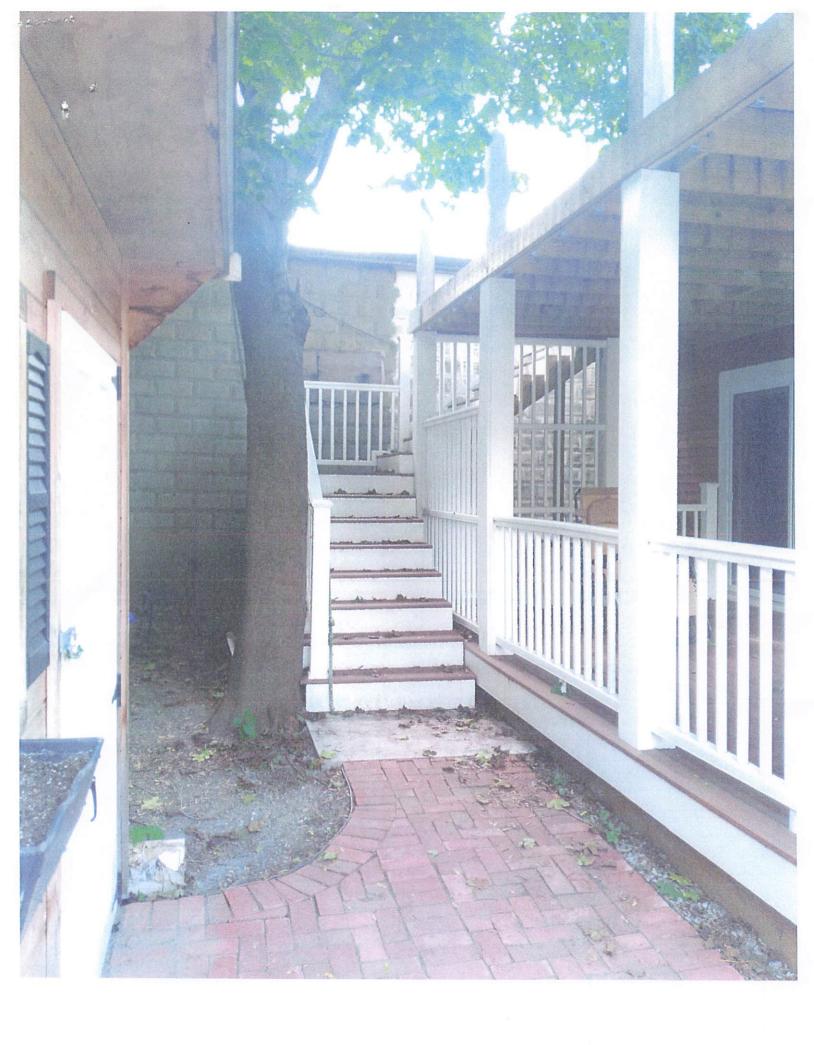
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| ZONING TABLE | | | | |
|---|--|--------------------------------|--|--|
| NE: C-1 (SINGLE AND TWO-FAMILY DETACHED DWELLINGS TOWNHOUSE DWELLINGS MULTIFAMILY DWELLINGS) * | | | | |
| E: TWO FAMILY DWELLING | | | | |
| | REQUIRED | EXISTING | | |
| K. FAR | 0.75 | 0.32 | | |
| LOT SIZE | 5,000 S.F. | 4,093 S.F. **** | | |
| . LOT AREA/ DU ** | 1,500 S.F. | 2,047 S.F. | | |
| NT SETBACK | (H+L)÷4 [22] AT LEAST 10'*** | 36.76' | | |
| E SETBACK | (H+L)÷5 [18] AT LEAST 7.5' *** | 0.7' **** | | |
| R SETBACK | (H+L)÷4 [22] AT LEAST 20' *** | 2.8' **** | | |
| (HEIGHT | 35' | 26' | | |
| . RATIO OF PRIVATE OP. SP. TO LOT AREA | 30% AT LEAST 50% OF WHICH IS PERMEABLE | 64%; 80% OF WHICH IS PERMEABLE | | |
| IMUM LOT WIDTH IN FEET | 50' | 33.70' **** | | |

| PROJ. No.: 2023-023 |
|------------------------|
| DATE: NOVEMBER 2, 2023 |
| EX-1 |











BK 27833PE 006

QUITCLAIM DEED

I, Dennis J. Sheehan, Trustee of the S and S Realty Trust, u/d/t dated May 27, 1975 and recorded with the Middlesex South District Registry of Deeds in Book 12801, Page 116, now of 349 Central Street, Rowley, Massachusetts 01969

for consideration paid, and in full consideration of THREE HUNDRED FIVE THOUSAND (\$305,000.00) DOLLARS

grant to Henry Marcucella and Jennifer J. Mathieu, as Joint Tenants with rights of survivorship now of 264-266 Sidney Street, Cambridge, Massachusetts

with quitclaim covenants

the real estate known and numbered as 264-266 Sidney Street, Cambridge, Middlesex County, Massachusetts, bounded and described as follows: the land and buildings thereon situated on the southeasterly side of Sidney Street, in said Cambridge, being shown on a "Plan of Property in Cambridge belonging to John T. Lynch, Jr. as lot numbered four (4) on said plan, Henry T. Burrage, Surveyor, dated January 10, 1927", recorded in Plan Book 389, Plan 30, and further bounded and described as follows:

Northwesterly by said Sidney Street, thirty-eight and 70/100 (38.70) feet; Northeasterly by lot numbered three (3) on said plan, seventy-seven (77) feet; Southeasterly by lot numbered three (3) on said plan, five (5) feet; Northeasterly again by lot numbered three (3) on said plan, thirty-three (33.00) feet; Southeasterly by owners unknown thirty-three and 70/100 (33.70) feet; and Southwesterly by land of owners unknown, one hundred and ten (110) feet. Containing four thousand and ninety-two (4,092) square feet of land according to said plan. Subject to restrictions of record so far as the same may now be in force and effect.

Being the same premises conveyed to the Grantor by a deed dated January 31, 1989 and recorded with the Middlesex South District Registry of Deeds in Book 19883, Page 382.



MSD 10/31/97 04:31:58

266 Sidney

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1390.80

**** MASS. EXCISE TAX:

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BK 27833PG 007

WITNESS my hand and seal this 29th day of October, 1997.

Dennis J. Sheehan, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

į.,

October 29, 1997

Then personally appeared the above-named Dennis J. Sheehan, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me,

fruit

Notary Public: Cheryl A. Cameron My Commission Expires: 08-11-2000 An official website of the United States government <u>Here's how you know</u>



266 Sidney St

Property Information

| particular and the second s | |
|---|-------------|
| Property Class | TWO-FAM-RES |
| State Class Code | 104 |
| Zoning (Unofficial) | C-1 |
| Map/Lot | 66-105 |
| Land Area (sq. ft) | 4,091 |

Property Value

| Year of Assessment | 2023 |
|-------------------------|------------------|
| Tax District | R13 |
| Residential Exemption | Yes |
| Building Value | \$908,500 |
| Land Value | \$1,064,100 |
| Assessed Value | \$1,972,600 |
| Sale Price | \$305,000 |
| Book/Page | 27833/6 |
| Sale Date | October 31, 1997 |
| Previous Assessed Value | \$1,841,800 |

Photos



Sketches

Owner Information

Property Database - City of Cambridge, MA

16

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| Owner(s) MARCUCELLA, HENRY & JENNIFER J. MATHIEU 264-266 SIDNEY ST. CAMBRIDGE, MA 02138 | | 10 DKW 10 FOP 21 21 12 |
|--|--------------------|--|
| Building Information Residential Building N Exterior | umber 1, Section 1 | 13 23 12 DKW 12 |
| Style | OLD STYLE TWO FAM | FUS 23 BAS 45 |
| Occupancy | TWO-FAM-RES | ²³ UBM 28 |

Interior

Roof Type

Roof Material

Number of Stories

Exterior Wall Type

| Living Area (sq. ft.) | 2,670 |
|-----------------------|-------|
| Number of Units | 2 |
| Total Rooms | 12 |
| Bedrooms | 6 |
| Kitchens | 2 |
| Full Baths | 3 |
| Half Baths | 1 |
| Fireplaces | 0 |

2.5

Frame-Clapbrd

Aspahlt Shingl

Gambrel

Systems

| Heat Type | Hot Water |
|-------------|-----------|
| Heat Fuel | Gas |
| Central A/C | No |

Condition & Grade

FUS BAS UBM

TQS FUS

BAS

UBM 5

23

17

17

DKW

FOP

16

2.83

18 2483

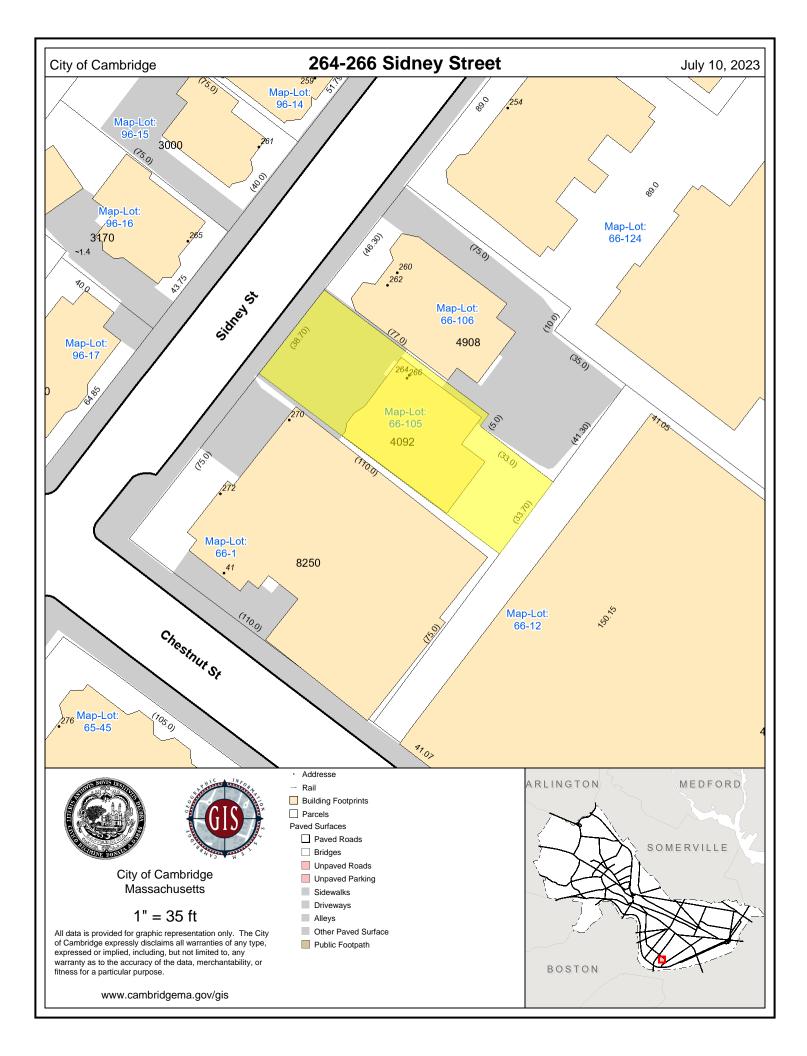
FUS

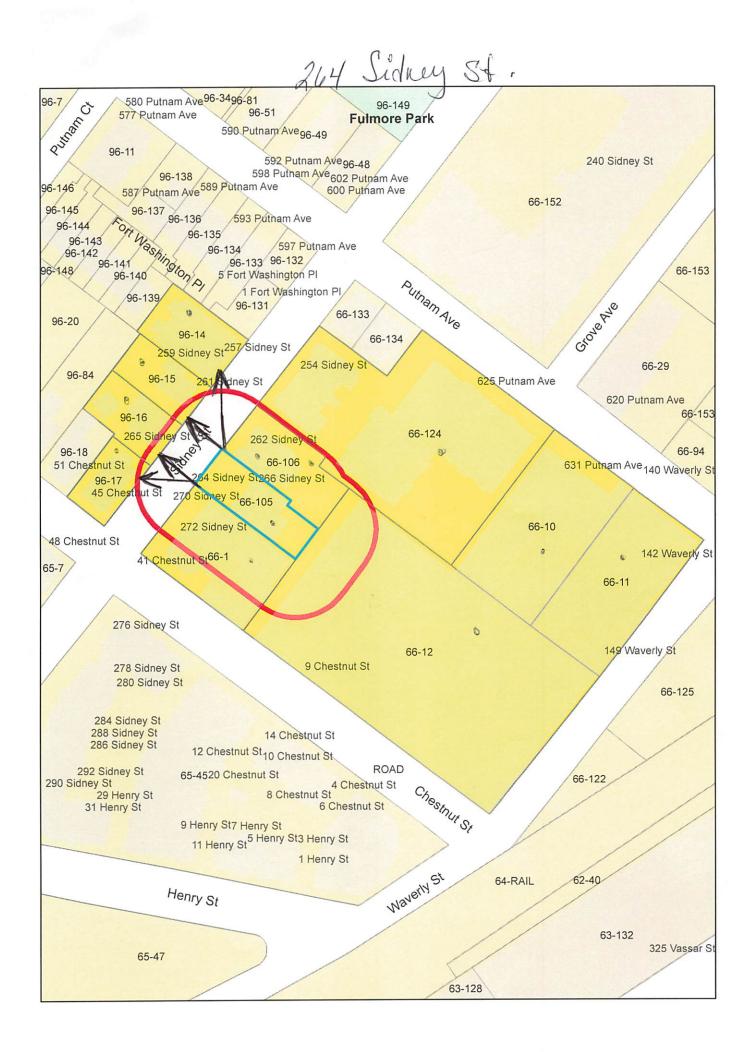
BAS

| Yøar Built | 1873 |
|--------------------|-----------|
| Interior Condition | Very Good |
| Overall Condition | Very Good |
| Overali Grade | Average |
| Parking | |
| Open Parking | 6 |
| Covered Parking | 0 |

Subareas

| Code | Description | Gross Area | Living Area |
|------|-----------------------|------------|-------------|
| BAS | First Floor | 1,197 | 1,197 |
| DKW | Deck Wood | 571 | 0 |
| FOP | Porch, Open | 295 | 0 |
| FUS | Upper Story, Finished | 1,197 | 1,197 |
| TQS | Three Quarter Story | 368 | 276 |
| UBM | Basement | 1,185 | 0 |
| | Total: | 4,813 | 2,670 |





96-14 MAZZONE, ANNETTE DUCLOS & ANDREW D. MAZZONE 257 SIDNEY ST., UNIT DUPLEX CAMBRIDGE, MA 02139

66-11 MIT 142 WAVERLY ST FEE OWNER LLC C/O MIT INVESTMENT MGMT CO ONE BROADWAY. 9TH FL, SUITE 200 CAMBRIDGE, MA 02142

96-17 PHIPPS, DANIEL & JESSICA B. MURPHY 45 CHESTNUT ST UNIT 1 CAMBRIDGE, MA 02139

66-1 SIDNEY STREET REALTY LLC, 89 SALTWIND DRIVE, HANOVER, MA 02339

96-16 FLORIO, GLENN P O BOX 809 SHIRLEY, MA 01464-0809

66-106 CAMPBELL, KEITH A 260-262 SIDNEY ST UNIT 2R CAMBRIDGE, MA 02139

66-106 LEGIER, SEAN 260-262 SIDNEY ST UNIT 3R CAMBRIDGE, MA 02139

96-14 JADHAV, VASANT VAISHALI & SHREY JADHAV 257 SIDNEY ST - UNIT A CAMBRIDGE, MA 02139

264 Sidney Sd.

96-17 WINCH, JORDAN B. 45-47 CHESTNUT ST. UNIT 47/3 CAMBRIDGE, MA 02139

96-15 FARRELL, BRIAN, TR. OF THE 261 SIDNEY STREET TRUST 261 SIDNEY ST CAMBRIDGE, MA 02139-4824

96-14 STEINKELLER, PIOTR & JENAI WU 28 CHESTER ST WATERTOWN, MA 02472

66-106 TOWLER, PAUL S. & PAMELA J. SPENCER 2 BRIGHTSIDE AVE. GLOUSTER, MA 01930

66-106 XU, QI 260-262 SIDNEY ST UNIT 1L CAMBRIDGE, MA 02139

66-106 BEVERLY, ROBERT E. IV 260-262 SIDNEY ST UNIT 2L CAMBRIDGE, MA 02139

66-106 DRESSER, ZACHARY R 260 SIDNEY ST - UNIT BL CAMBRIDGE, MA 02139

Atines

) NOREEN O'TOOLE 909 WASHINGTON STREET STOUGHTON, MA 02072

66-105 MARCUCELLA, HENRY & JENNIFER J. MATHIEU 264-266 SIDNEY ST. CAMBRIDGE, MA 02138

66-10-12 MASSACHUSETTS INSTITUTE OF TECHNOLOGY C/O MIT INVESTMENT MGMT CO ONE BROADWAY. 9TH FL, SUITE 200 CAMBRIDGE, MA 02142

66-124 HRI PUTNAM LLC 810 MEMORIAL DR - SUITE 102 CAMBRIDGE, MA 02139

66-106 BROWN, RICHARD L. & KIM D. SICHEL TRS. OF RICHARD L. BROWN LIV TR. 50 HILLCREST AVE. LEXINGTON, MA 02420

66-106 KRAUSS, JODI & KEVIN KRAUSS 35 MEADOW DR SUDBURY, MA 01776

96-17 COLLINS, JAMIE BRENDAN NOONAN 47 CHESTNUT ST - UNIT 2 CAMBRIDGE, MA 02139

