

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

2024 AUG -1 PM 1:46

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 281983

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Judy Nee & Jonathan Gall C/O N.A.

PETITIONER'S ADDRESS: 3 St. Mary Road, Cambridge, MA 02139

LOCATION OF PROPERTY: 3 St Mary Rd., Cambridge, MA

TYPE OF OCCUPANCY: garage

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/New Structure/

DESCRIPTION OF PETITIONER'S PROPOSAL:

We are proposing to replace a garage (that is falling down) with an accessory storage shed structure and asking to maintain the pre-existing non-conforming rear setback of 3.9 feet and change the pre-existing non-conforming side setback from 0.2 feet to 1.3 feet. We are also seeking relief from the minimum required distance of 10'-0" between the main house and a proposed covered outdoor space attached to the new accessory storage shed.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 4.000 Section: 4.21.h (Accessory Setbacks).
- Article: 8.000 Section: 8.22.3 (Non-Conforming Structure)
- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):



 (Petitioner (s) / Owner)
Jonathan Gall Judy Nee

 (Print Name)

Address: 3 St. Mary Rd Cambridge, MA 02139
 Tel. No. 617-850-2925
 E-Mail Address: sesamegall@gmail.com

BZA APPLICATION FORM - OWNERSHIP INFORMATION

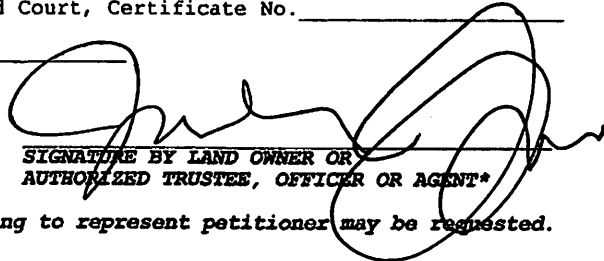
To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Jonathan Gall and Judy Nee
(OWNER)
Address: 3 St. Mary Rd, Cambridge, MA 02139

State that I/We own the property located at 3 St. Mary Rd, which is the subject of this zoning application.

The record title of this property is in the name of Judy Nee and Jonathan Gall

*Pursuant to a deed of duly recorded in the date 08/3/2017, Middlesex South County Registry of Deeds at Book 1457, Page 20; 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 Judy Nee and Jonathan Gall personally appeared before me, this 24 of July, 2024, and made oath that the above statement is true.

W. Mayer-Loo Notary

My commission expires 12/20/2030 (Notary Seal).



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

Date: 8/1/24**BZA Application Form****DIMENSIONAL INFORMATION**

Applicant: Judy Nee & Jonathan Gall
Location: 3 St Mary Rd., Cambridge, MA
Phone: 617-850-2925

Present Use/Occupancy: garage
Zone: Residence C-1 Zone
Requested Use/Occupancy: storage shed

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2,106	2,181	2,342.25	(max.)
<u>LOT AREA:</u>		3,123	3,123	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.67	0.70	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		N.A.	N.A.	1,500 sf	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	40.00'	N.A.	50.00'	
	<u>DEPTH</u>	71.00'	N.A.	N.A.	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	-	-	10.0 ft	
	<u>REAR</u>	3.9 ft	3.9 ft	5.0 ft	
	<u>LEFT SIDE</u>	-	-	5.0 ft	
	<u>RIGHT SIDE</u>	0.2 ft	1.3 ft	5.0 ft	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	11.9 ft	14.7 ft	15.0 ft	
	<u>WIDTH</u>	18.2 ft	14.0 ft	-	
	<u>LENGTH</u>	13.8 ft	11.0 ft	-	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		private open 15.2% / permeable 33.1%	private open 16.2% / permeable 31.2%	30%	
<u>NO. OF DWELLING UNITS:</u>		1	1	2	
<u>NO. OF PARKING SPACES:</u>		2	2	-	
<u>NO. OF LOADING AREAS:</u>		N.A.	N.A.	N.A.	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		4.7 ft	5.0 ft	10.0 ft	

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.:

The proposed shed will be 10.4 ft from the house and the attached covered patio will be 5.0 ft from the house. Both structures will be wood framed.

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'.

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:

A literal enforcement of the provisions of this Ordinance would involve a substantial hardship because the pre-existing, non-conforming garage structure (currently used for storage) is falling down and needs to be replaced. There is a family of four and there is a need for storage of bikes, outdoor furniture, and outdoor yard maintenance equipment. If proposed structure meets current zoning with 5'-0" lot setbacks and 10'-0" setback to the house, the remaining allowable width would be far too narrow. The current garage is falling down and needs to be replaced. There are several hole penetrations in the roof allowing water and rodents to pass through. We acknowledge the tight site conditions and are accepting a structure that is less wide than the current garage.

- 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 is owing to the circumstance related to the shape of the lot. The lot width is pre-existing, non-conforming of 40'-0". The minimum required width for a new lot is 50'-0". Enforcement of the lot setbacks and the building setback from the house would not allow an adequate width for a usable storage structure. We do not see the proposed structure as affecting the district in which it is located because the scale, shape, style, and materials used are all in keeping with the house and neighborhood.

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

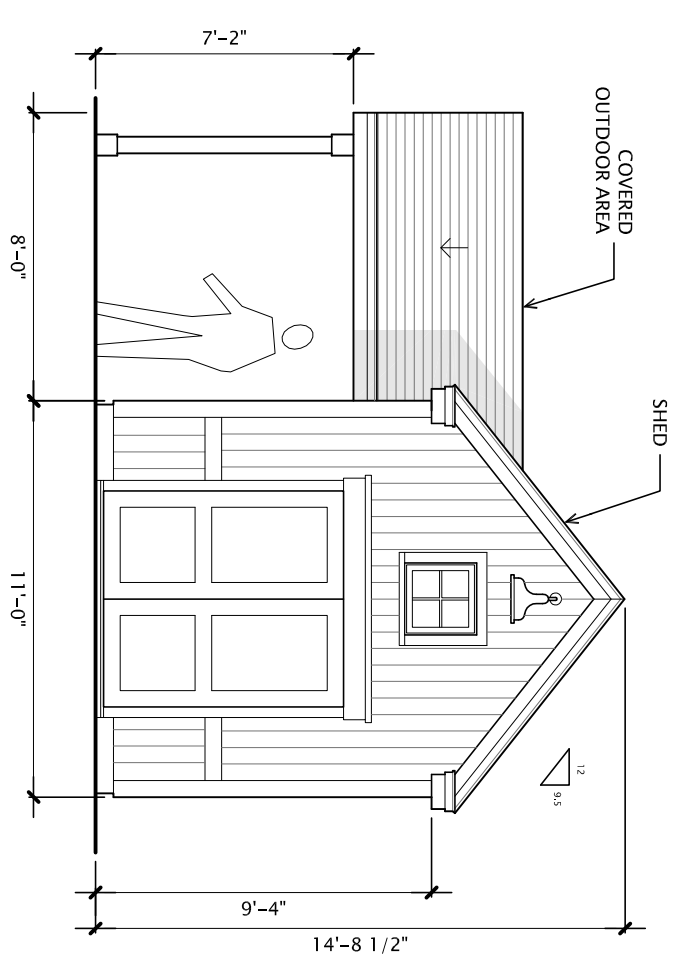
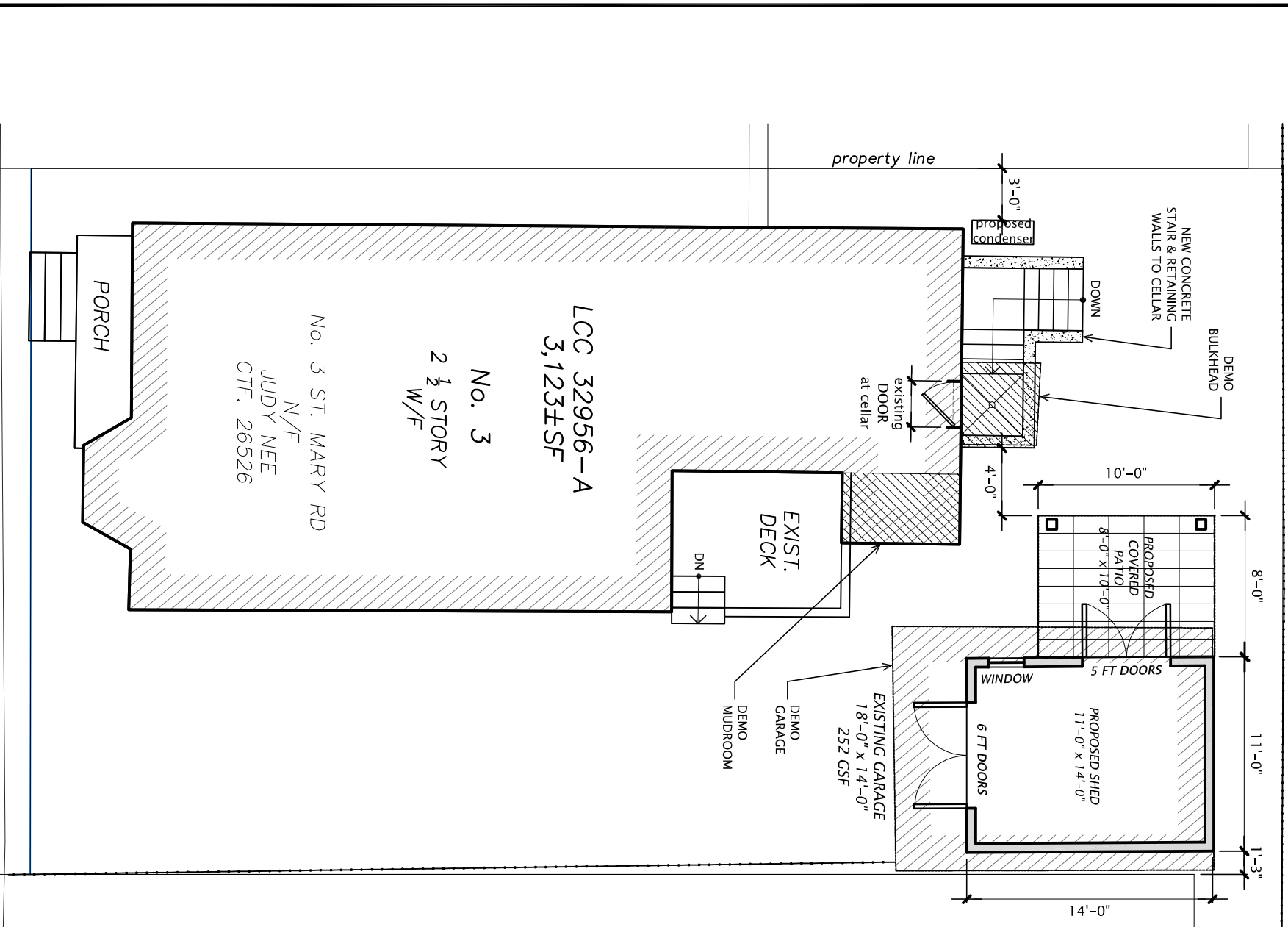
- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

Desirable relief may be granted without substantial detriment to the public good because the existing garage is falling down and unsafe, the new proposed storage shed has a smaller footprint and a better aesthetic with roof pitches that match the existing house and also a wider outdoor space in between the house and the storage shed. Demolition of the existing mudroom will help create more outdoor space and daylight in between the house and shed.

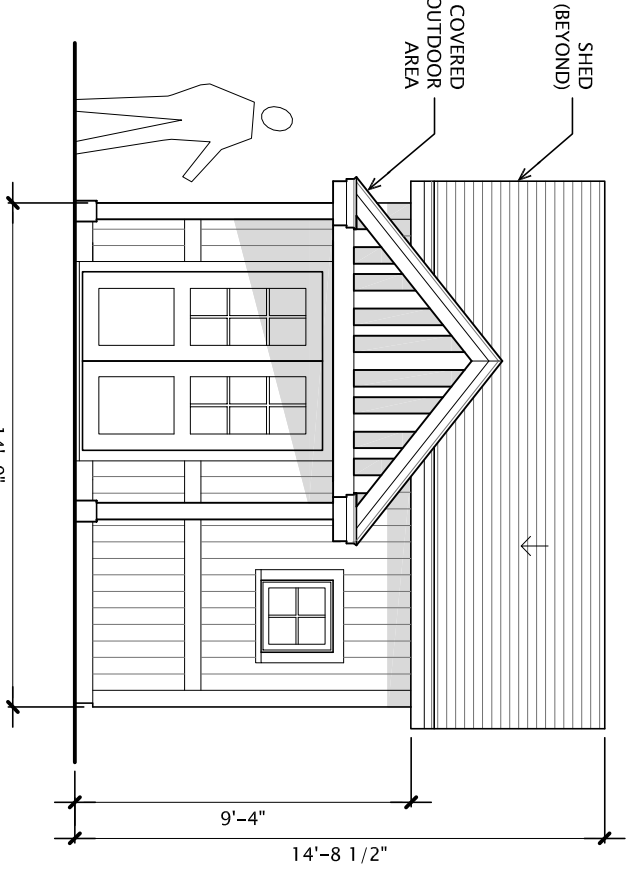
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance because we are asking to replace an existing garage that is falling down with another storage shed that has a smaller footprint and is in keeping with the aesthetics of the neighborhood. It does not increase the existing non-conformity of setbacks.

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



DRIVEWAY ELEVATION



YARD ELEVATION

WENDY J. COTE-MAGAN
 architect
 Harvard, MA 01451 978.660.6966

NEE GALL
 SHED &
 EXTERIOR STAIR
 PROJECT

3 St. Mary Road
 Cambridge, MA 02139

SITE PLAN
 & EXTERIOR
 ELEVATIONS
 @ SHED



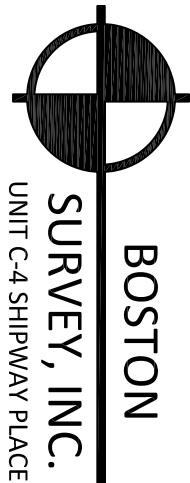
June 10, 2024
 scale: 3/16" = 1'-0"

A-0

SITE PLAN OF LAND - EXISTING CONDITIONS

LOCATED AT
3 SAINT MARY STREET
CAMBRIDGE, MA

DATE: MARCH 19, 2024 SCALE: 1.0 INCH = 10.0 FEET



UNIT C-4 SHIRWAY PLACE
 CHARLESTOWN, MA 02129
 (617) 242-1313

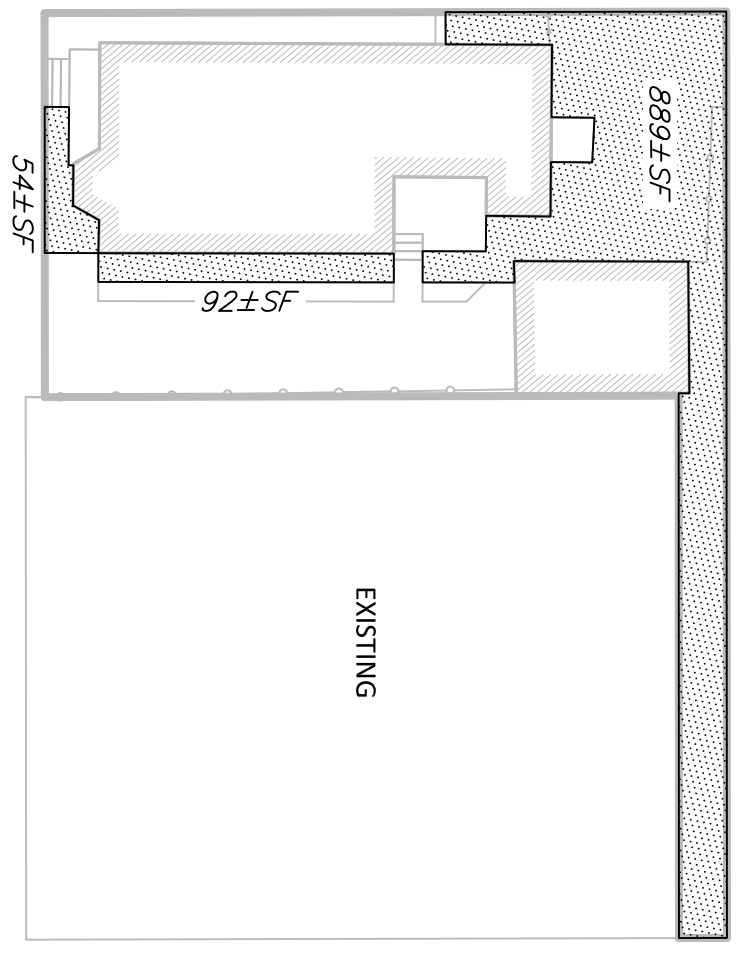
PREPARED FOR:
 OWNERS OF RECORD:
 10 WALTERS
 3 SAINT MARY ROAD
 CAMBRIDGE, MA 02139

DEED: C. 265626 (#3)
 PLAN: PL 1A BK; PL 15

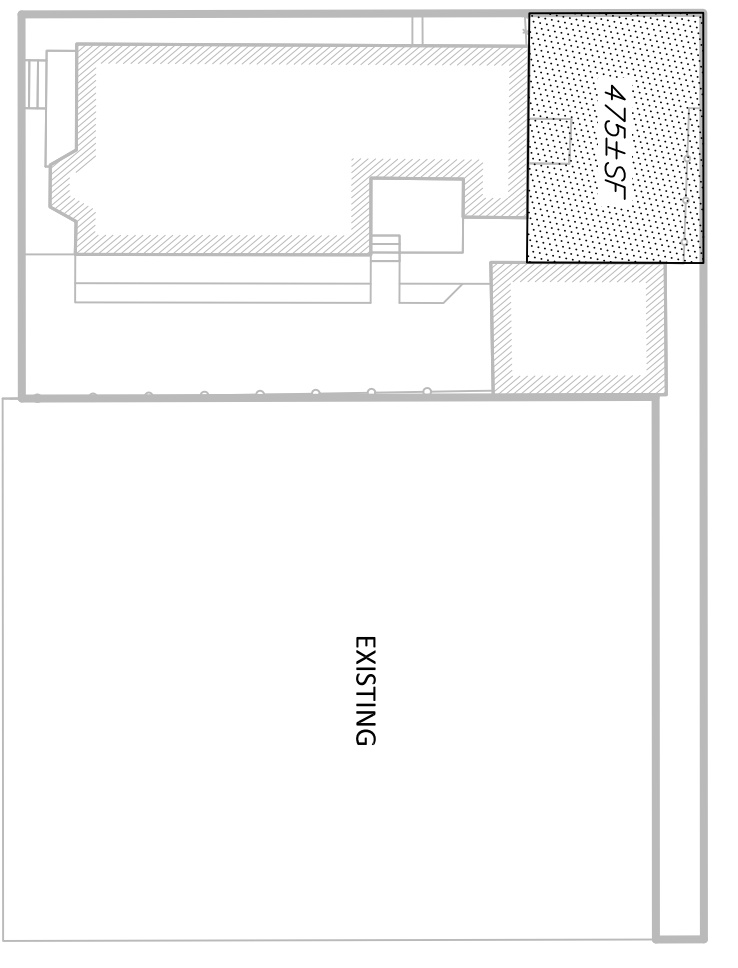
REFERENCES:
 #73 OF 2008
 #1835 OF 1947
 #4045 OF 1937
 #1994 OF 2003
 #733 OF 2009
 #757 OF 2015
 32955-A
 3772-C
 2616-B
 2200-B
 2200-C

CITY OF CAMBRIDGE ENGINEERING RECORDS
 FB 1: PG 31
 FB 53: PGS 122-125
 FB 70: PG 136
 FB 85: PG 135
 FB 99: PGS 79, 147
 FB 156: PG 75
 STR-08-08 AMORY STREET

PRIVATE OPEN SPACE DIAGRAM - PERMEABLE
 SCALE: 1.0" = 20'



PRIVATE OPEN SPACE DIAGRAM - PRIVATE
 SCALE: 1.0" = 20'



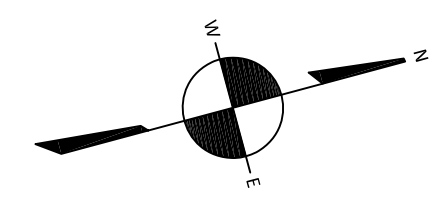
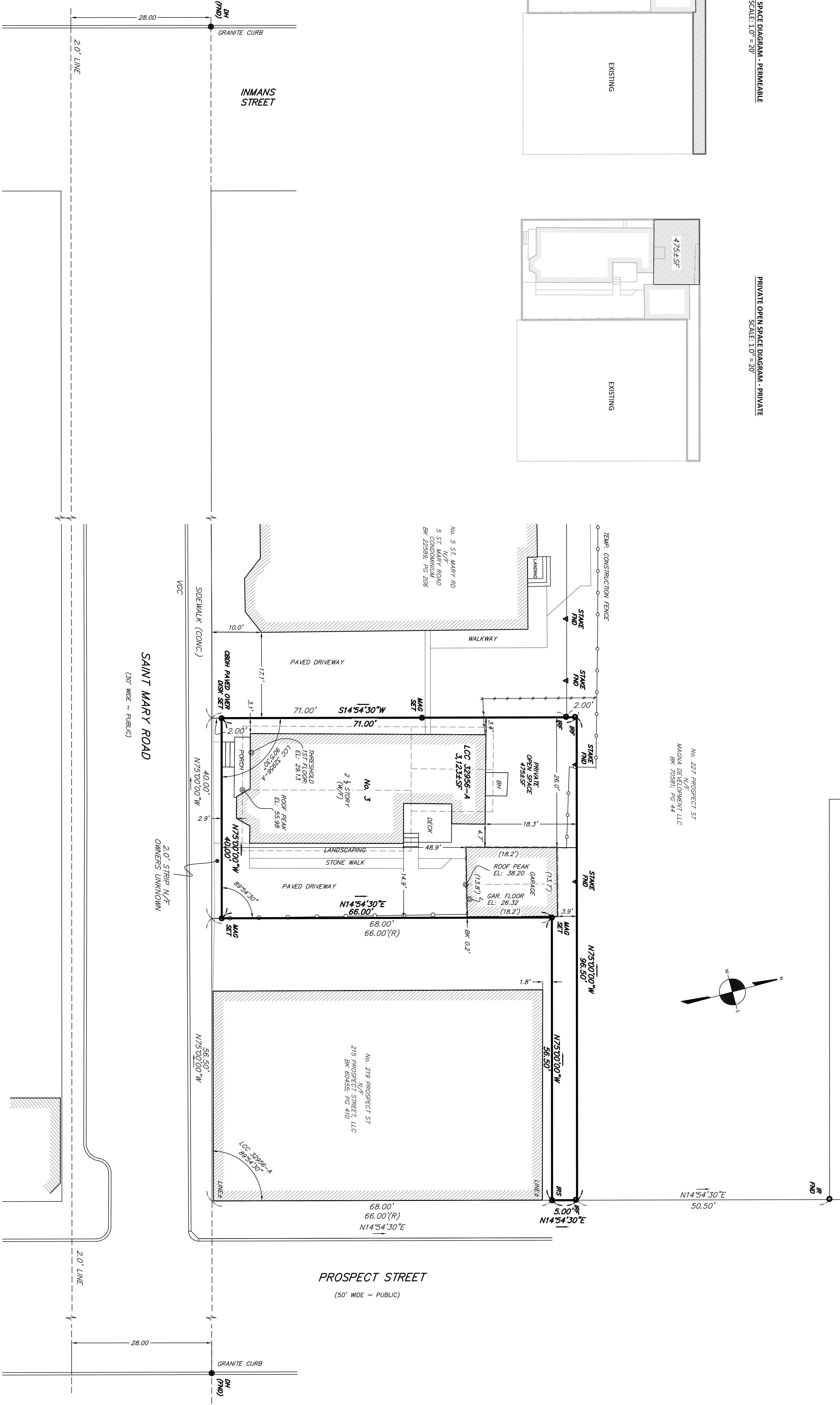
ZONING:
 MAP/DIST: 110-110
 DISTRICT: C-1

	REQUIRED	EXISTING
FAR	0.75	0.67
LOT SIZE	5,000 SF	3,123±SF*
LOT AREA, EACH ADU	(MIN.) 1,500 SF	N/A
FRONT SETBACK	(MIN.) 19.3'	5.6'
SIDE SETBACK	(MIN.) 7.5'	3.1'
REAR SETBACK	(MIN.) 5.0'	18.0'
HEIGHT, FEET	(MAX.) 35'	30.1'
PRIVATE OPEN SPACE PERMEABLE OPEN SPACE	(MIN.) 30%	15.2%*
		33.1%

- NOTES:**
- HEIGHT = H = 30.1'
 - BUILDING LENGTH = L = 47.1'
 - FRONT SETBACK CALCULATION
 $(H+L)/4 = (30.1+47.1)/4 = 19.3'$
 - SIDE SETBACK CALCULATION
 $(H+L)/5 \text{ (MIN.) } = 7.5, 5.0 \text{ (MAX.)}$
 $(30.1+47.1)/5 = 15.44$
 - REAR SETBACK CALCULATION
 $(H+L)/4 = (30.1+47.1)/4 = 19.3'$
 - * = NON-CONFORMING
 - LIVING AREA: 2,123±SF (FROM ASSESSOR CARD)

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF FEBRUARY 19, 2016 - DECEMBER 9, 2019 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS, THE MAP SHOWS THIS PROPERTY FALLS IN AN AREA DESIGNATED AS X COMMUNITY PANEL: 25017G0576E EFFECTIVE DATE: 06/04/2010

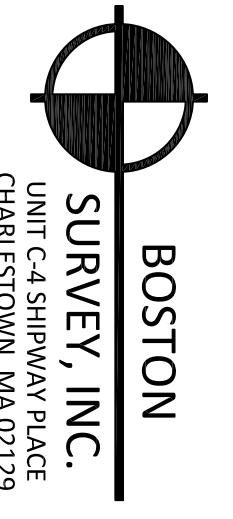
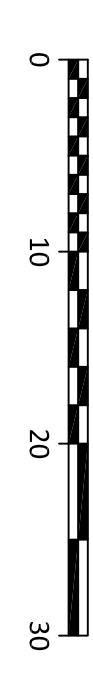


FIELD:	MJD
DRAWN:	NPP, RAB
CHECK:	GCC
DATE:	03/19/24
JOB #:	17-00497

SITE PLAN OF LAND - PROPOSED CONDITIONS

LOCATED AT
3 SAINT MARY STREET
CAMBRIDGE, MA

DATE: APRIL 3, 2024 SCALE: 1.0 INCH = 10.0 FEET



PREPARED FOR:
 OWNERS OF RECORD:
 JOHN W. GALL
 3 SAINT MARY ROAD
 CAMBRIDGE, MA 02139

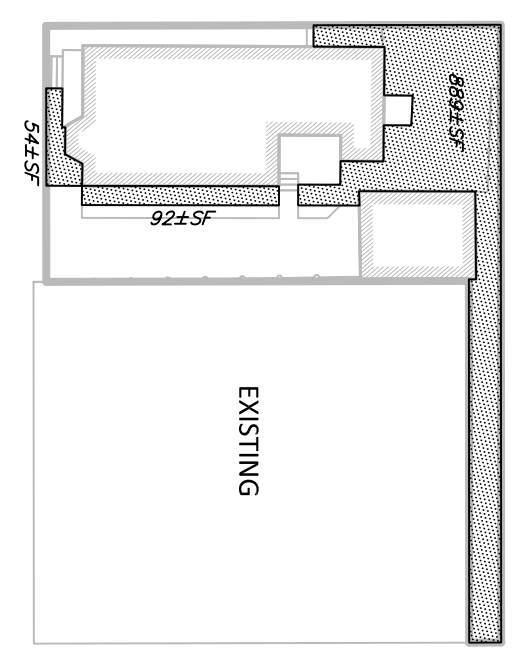
DEED: C. 265626 (#3)
 PLAN: PL 1A BK; PL 15

REFERENCES:
 #73 OF 2008
 #1835 OF 1947
 #1404 OF 1937
 #1994 OF 2003
 #783 OF 2009
 #757 OF 2015
 32955-A
 3772-C
 2616-B
 2200-B
 2200-C

CITY OF CAMBRIDGE ENGINEERING RECORDS

FB 1; PG 31
 FB 53; PGS 122-125
 FB 70; PG 136
 FB 85; PG 135
 FB 99; PGS 79, 147
 FB 156; PG 75
 STR-08-08 AMORY STREET

OPEN SPACE DIAGRAM - PERMEABLE
 SCALE: 1.0" = 30'



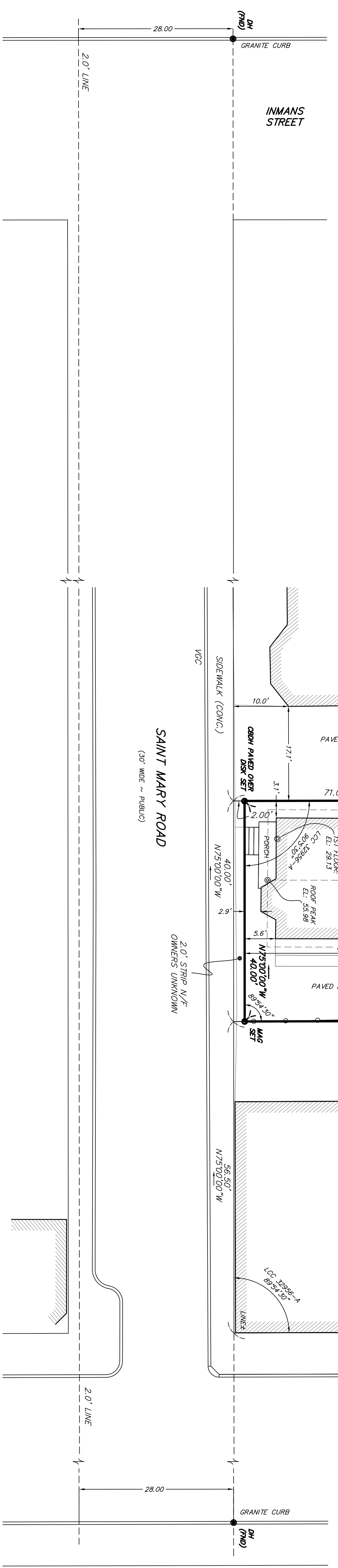
OPEN SPACE DIAGRAM - PRIVATE
 SCALE: 1.0" = 30'



ZONING:
 MAP/LOT: 110-110
 DISTRICT: C-1

	REQUIRED EXISTING	PROPOSED
FAR	0.75	0.70
LOT SIZE (MIN.)	5,000 SF	3,123SF*
LOT AREA, EACH ADJ (MIN.)	1,500 SF	N/A
FRONT SETBACK (MIN.)	19.3'	5.6'
SIDE SETBACK (MIN.)	7.5'	3.1'
REAR SETBACK (MIN.)	5.0'	3.1'
HEIGHT, FEET (MAX.)	35'	30.1'
PERMEABLE OPEN SPACE (MIN.)	30%	31.2%

- NOTES:**
- HEIGHT = H = 30.1'
 - BUILDING LENGTH = L = 47.1'
 - FRONT SETBACK CALCULATION (H+L)/4 (30.1+47.1)/4 = 19.3'
 - SIDE SETBACK CALCULATION (H+L)/5 (MIN. 7.5, SJUV 20) (30.1+47.1)/5 = 15.44'
 - REAR SETBACK CALCULATION (H+L)/4 (30.1+47.1)/4 = 19.3'
 - * = NON-CONFORMING
 - LIVING AREA: 2,123SF (FROM ASSESSOR CARD)

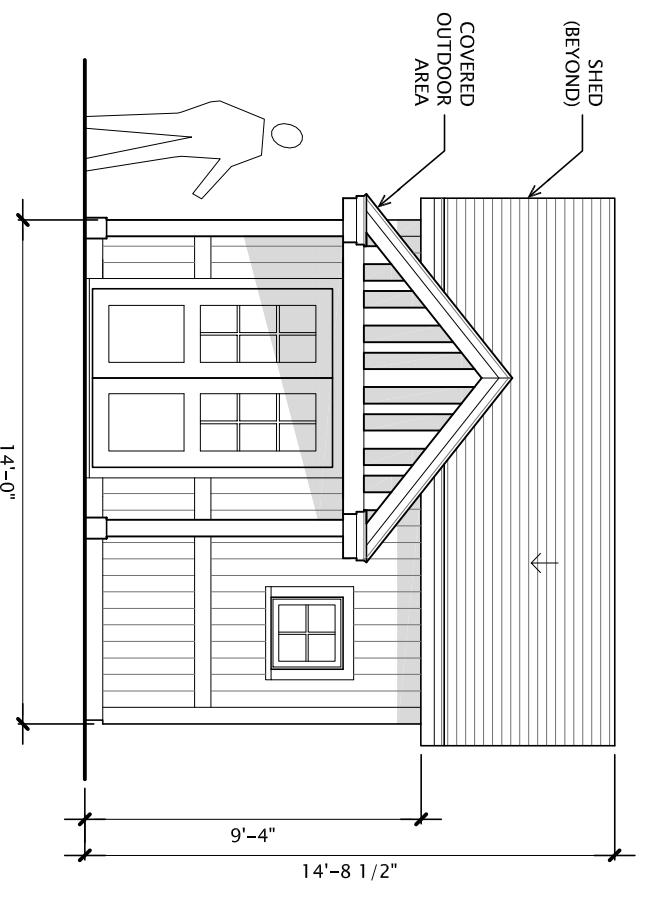
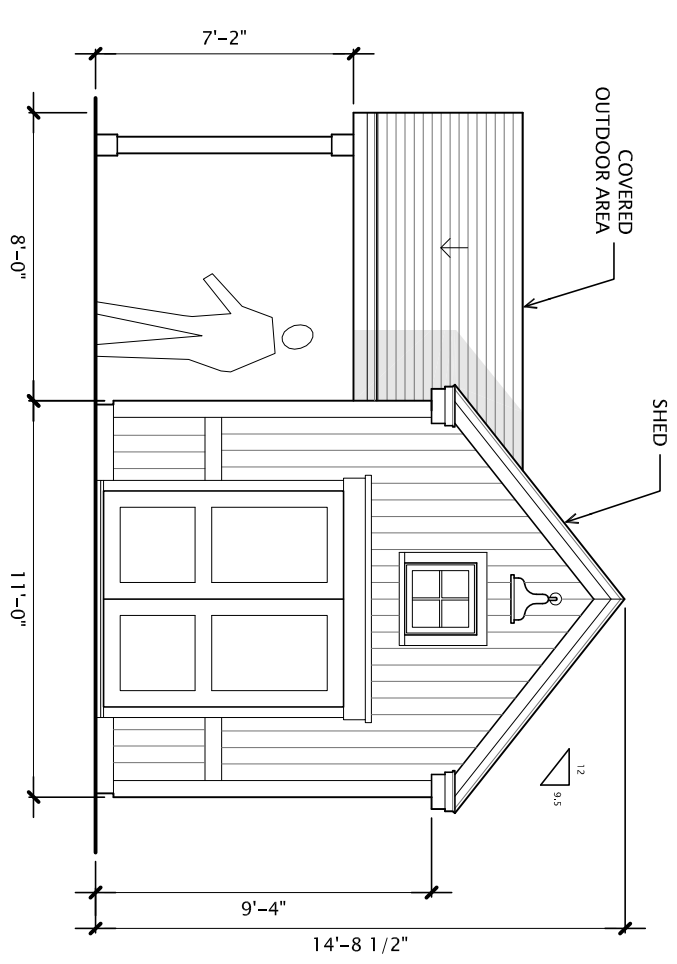
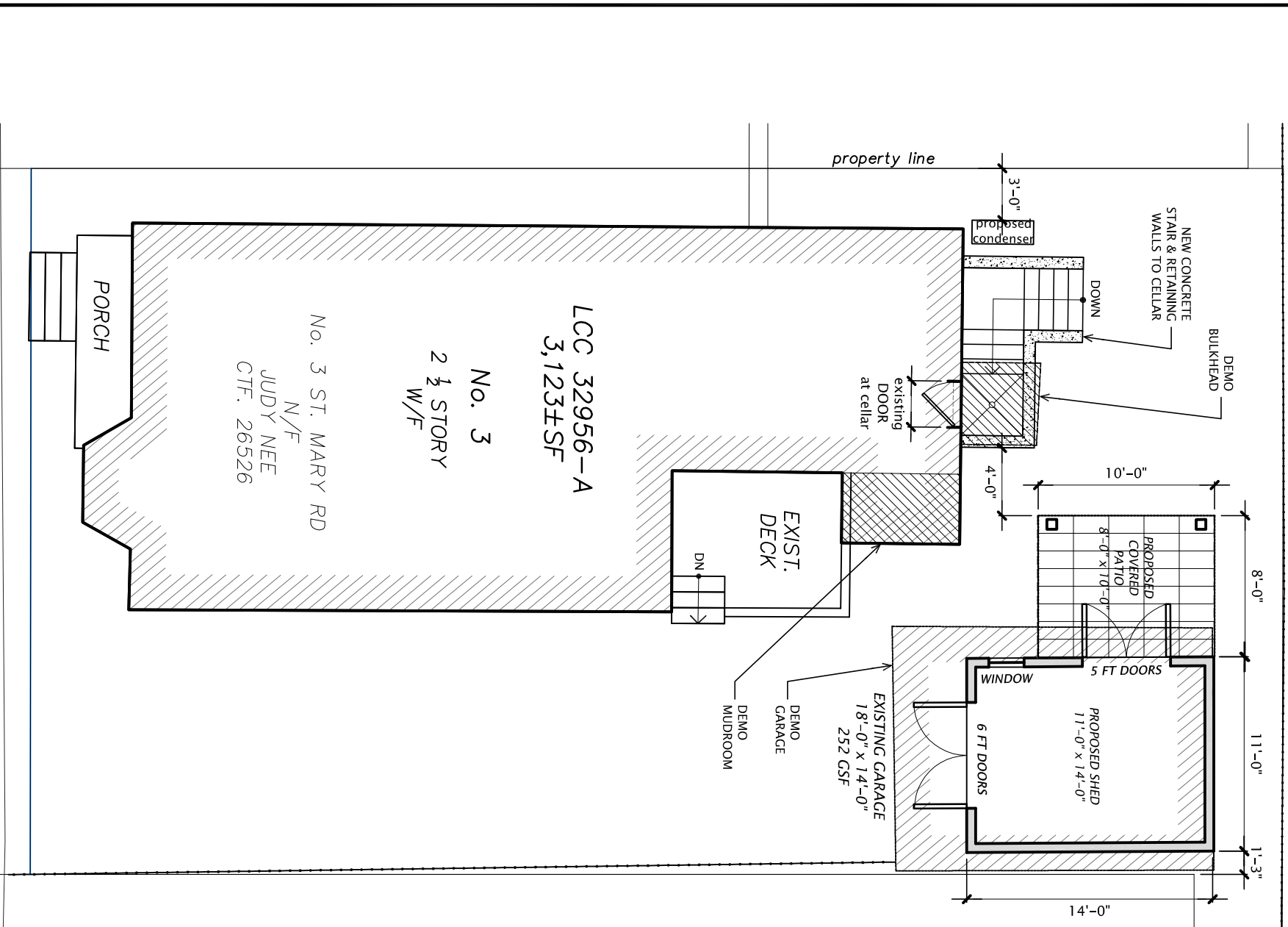


I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF FEBRUARY 19, 2016 - DECEMBER 9, 2019 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAPS, THE MAP SHOWS THIS PROPERTY FALLS IN AN AREA DESIGNATED AS X ZONE. COMMUNITY PANEL: 25017G0576E EFFECTIVE DATE: 06/04/2010

FIELD: MGD
 DRAFT: NRP, RAD
 CHECK: GCC

DATE: 04/03/24
 JOB #: 17-00097

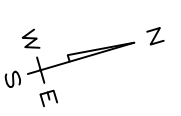


WENDY J. COTE-MAGAN
a r c h i t e c t
Harvard, MA 01451 978.660.6966

NEE GALL
SHED &
EXTERIOR STAIR
PROJECT

3 St. Mary Road
Cambridge, MA 02139

SITE PLAN
& EXTERIOR
ELEVATIONS
@ SHED



June 10, 2024
scale: 3/16" = 1'-0"

A-0

Neer Gall
3 St. Mary Road
Cambridge, MA



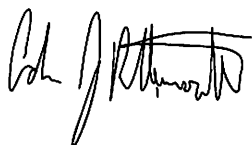
July 2, 2024

To Whom It May Concern,

We are writing to express our support for the variance application being submitted by Jonathan Gall for the proposed work at 3 St. Mary Road. As residents at 5 St. Mary Road, Apartment 1, we believe the proposed removal and replacement of the aging metal garage with a smaller shed, resurfacing of the driveway, and installation of new fencing will enhance the street's appearance.

We kindly request that you approve the variance application.

Thank you.

A handwritten signature in black ink, appearing to read "Adam Butterworth". The signature is written in a cursive style with a prominent horizontal stroke across the middle.A handwritten signature in black ink, appearing to read "Christine Wu". The signature is written in a cursive style with a large, looping initial "C".

Adam Butterworth
Christine Wu
5 Saint Mary Road, Apt 1

7-1-2024

To Whom it May Concern,

We are writing in support of the variance application being submitted by Jonathan Gall for work to be done at 3 St. Mary Road. We are abutters at 5 St. Mary Road, Apartment 2.

The proposed work, particularly the removal and replacement of the unsightly metal garage with a smaller shed, the re-surfacing of the driveway, and the installation of new fencing, will be a great improvement for the street.

Please approve the variance application being submitted.
Thank you.



Susan Fleischmann
Regina Berkowitz
5 St. Mary Road, Apartment 2

July 3, 2024

To Whom it May Concern,

I am writing in support of the variance application being submitted by Jonathan Gall for work to be done at 3 St. Mary Road. I am an abutter at 5 St. Mary Road, Apartment 3.

The proposed work, particularly the removal and replacement of the unsightly metal garage with a smaller shed, the re-surfacing of the driveway, and the installation of new fencing, will be a great improvement for the street.

Please approve the variance application being submitted.

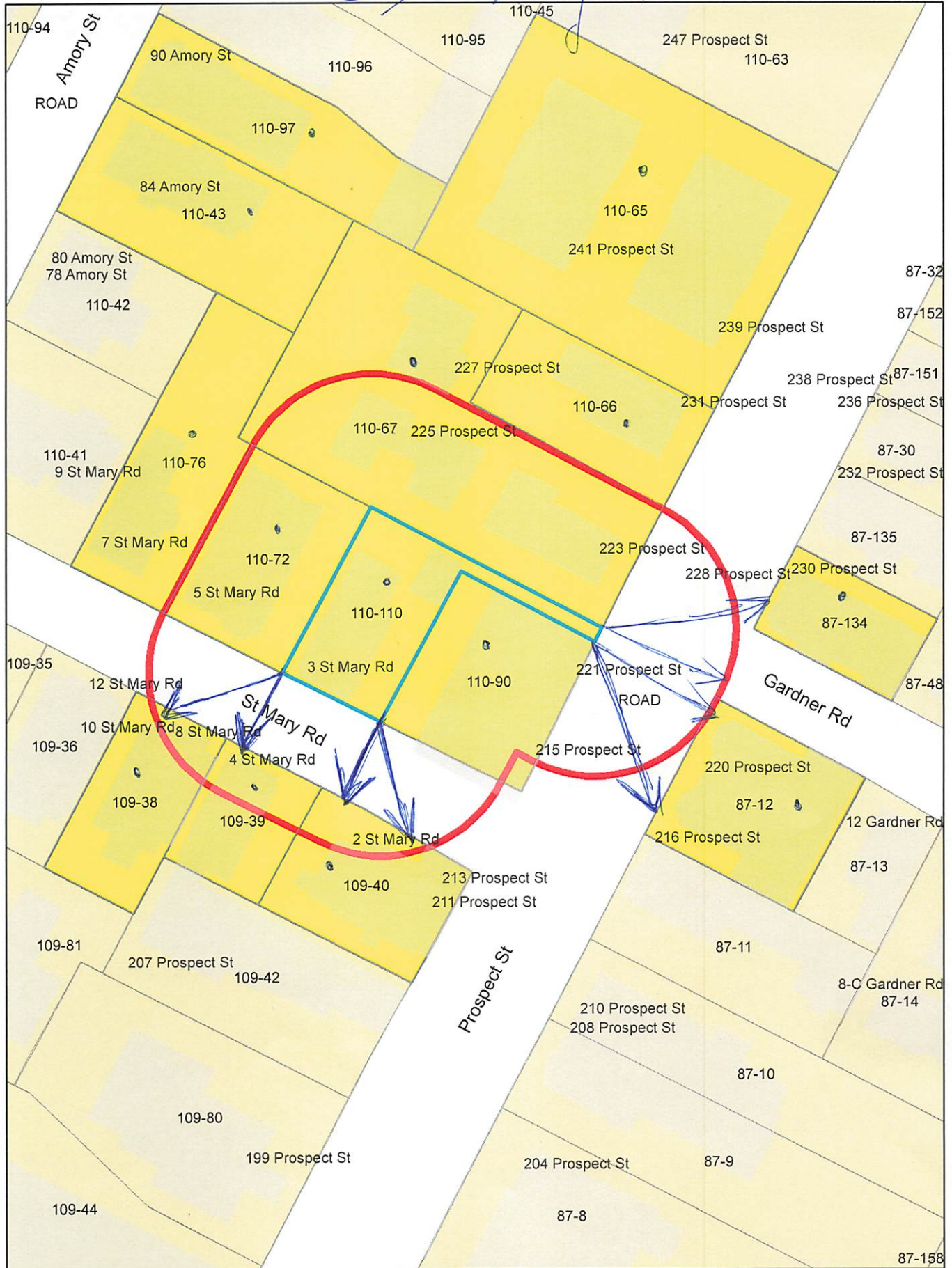
Sincerely,

A handwritten signature in cursive script that reads "Billie Sue Sawyer". The signature is written in dark ink and is positioned above the printed name.

BillieSue Sawyer

5 St. Mary Road, Apartment 3

3 St. Mary Rd.



3 St. Mary Rd.

Petitioner

109-38
HSIUNG, ROBERT T. & JACLYN CHAI
8 ST MARY RD
CAMBRIDGE, MA 02139

87-134
PEREZ, LEONIDAS & MARIA PEREZ
230 PROSPECT ST
CAMBRIDGE, MA 02139

110-110
NEE, JUDY & JONATHAN GALL
3 ST MARY RD
CAMBRIDGE, MA 02139

110-76
UPENGAARD, MARTIN & ALICE KUNG
7 ST MARY RD
CAMBRIDGE, MA 02139

109-39
KHURANA, JIA R.,
TR. OF S M R TRUST
2967 S ATLANTIC AVE, UNIT 1506
DAYTONA BEACH SHORES, FL 32118

110-66
SEN, DEBABRATA
231 PROSPECT ST.
CAMBRIDGE, MA 02139

110-72
FLEISCHMAN, SUSAN D. &
REGINA S. BERKOWITZ
5 ST MARY RD UNIT 2
CAMBRIDGE, MA 02139

109-40
KHURANA, JIA R.,
TR OF SMR TRUST
2967 S ATLANTIC AVE UNIT 1506
DAYTONA BEACH SHORES, FL 32118

110-43
MEYERS, ALAN F. & GAIL R. SYLVESTER
84 AMORY ST
CAMBRIDGE, MA 02139-1204

110-72
SAWYER, BILLIESUE & LEONARD MCADOO
5 ST MARY RD UNIT 3
CAMBRIDGE, MA 02139

110-90
215 PROSPECT STREET LLC,
15 LUCILLE DR.
TEWKSBURY, MA 01876-3109

87-12
COLUMBIA ,LLC,
60 HIGHLAND RD
SOMERVILLE, MA 02144

110-65
ZHU, XU
239 PROSPECT ST UNIT 241/2
CAMBRIDGE, MA 02139

110-65
KUO, TA-WEN
70 GATEWOOD DR
NEEDHAM, MA 02492

110-65
LIN, JING RUO
70 GATEWOOD DR
NEEDHAM, MA 02492

110-65
ZHAO, XIAO GUANG & BEN LI
Z & C PROPERTY MANAGEMENT
22A VERNON ST
TAUNTON, MA 02780

110-65
LIN, JING RUO
70 GATEWOOD DR
NEEDHAM, MA 02492

110-65
WONG, ALEX & LAUREN C. KAI
19B ADAMS ST
SOMERVILLE, MA 02145

110-65
HE, QING
239 PROSPECT ST UNIT 3
CAMBRIDGE, MA 02139

110-65
GRAHAM, KURT
75 BIGELOW DRIVE
SUDBURY, MA 01776

110-65
TA-WEN KUO
70 GATEWOOD DR
NEEDHAM, MA 02492

110-65
YAO, WEN
241 PROSPECT ST 241/3
CAMBRIDGE, MA 02139

110-65
LIN, JING RUO
70 GATEWOOD DR
NEEDHAM, MA 02492

110-65
GRAHAM, KURT M. & MEGAN R. M
TR. KURT AND MEGAN GRAHAM FAMILY TR.
75 BIGELOW DRIVE
SUDBURY, MA 01776

110-67
SMITH, ALEX DALSTROM &
NIKITA SINGHAL TRS
223 PROSPECT ST - UNIT 233-1
CAMBRIDGE, MA 02139

110-67
KLODZINSKI, HEATHER JOY &
NICHOLAS A W LI
225 PROSPECT ST - UNIT 225-1
CAMBRIDGE, MA 02139

110-97
LAIDLEY, JOANNE L. & GERALD A. LAIDLEY
90 AMORY ST
CAMBRIDGE, MA 02139

110-72
WU, CHRISTINE SUE JANE ADAM
JEREMY BUTTERWORTH TRS
5 ST. MARY RD - UNIT 1
CAMBRIDGE, MA 02139