



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

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OFFICE OF THE CITY MANAGER

May 19, 1999

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

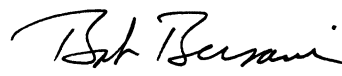
RE: Council Order #051, dated 5/3/99 RE; SITUATION AT 326 HARVARD STREET

On 4/6/99, the builder for Mr. and Ms. Polumbaum of 326 Harvard Street applied for a building permit for alterations to the Polumbaum home that included a kitchen on the second level and an exterior stair at this level. The purpose of these modifications was to provide accommodations for the Polumbaum's son and his family. Upon review of the permit application, it was discovered that the structure had been converted from a two dwelling unit use to a single dwelling unit use in 1981 by removing a kitchen on the second level, removing a second means of egress fire escape from the second level, and occupying it as a single dwelling unit from that date to the present. Thus, a zoning determination was made that the two dwelling unit use had been lost. As the requirements of the Zoning Ordinance for conversion back to two dwelling unit use could not be met, the Polumbaum's were advised that a variance from the BZA would be required. A building permit was issued on 4/27/99 for repairs and alterations to the structure less the exterior stairs and the additional kitchen on the second level.

On 5/5/99, a letter was sent to Mr. and Ms. Polumbaum (copy attached) outlining the specific areas in the Zoning Ordinance where relief would be required from the BZA for conversion to a two dwelling unit use. Specifically, it was stated that relief would be required for floor area ratio (FAR) and the minimum open space requirement as well as the side yard setback requirement to accommodate the design of the exterior stair that the Polumbaum's desire to build. Also, the letter stated that the kitchen on the second level would be permitted as additional kitchens in a single family dwelling are not precluded by the Zoning Ordinance. Further, it was stated that an exterior stair from the second level would be permitted provided that it was constructed such that it was not in the side yard setback. It was made clear in the letter that these alterations would not authorize conversion of the use of the building from a single dwelling unit to a two dwelling unit use. These alterations would, however, satisfy Mr. and Ms. Polumbaum's objective of facilitating the use of their home by their son and his family as part of their family.

Recent meetings have been held with Mr. and Ms. Polumbaum and, at this time, they are not sure that they will seek relief from the BZA to convert their home to a two dwelling unit use and obtain setback relief for the exterior stairway design that they desire. This decision is up to them, however, and they are satisfied as to their ability to make their desired additions to their home at this time.

Very truly yours,


R. R. Bersani



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

ROBERT R. BERSANI

Commissioner

May 5, 1999

Ted and Nyna Polumbaum
326 Harvard Street
Cambridge, MA

RE: Alterations for 326 Harvard Street

Dear Mr. And Mrs. Polumbaum:

This letter is in response to your building permit application of April 6th and related correspondence received by this Department concerning your desire to add a second living unit to your residence at 326 Harvard Street.

Based on an inspection by this Department, it was noted that a second floor kitchen and a fire escape that apparently had been in place had been removed. This action, coupled with your use of the building as a single dwelling unit since your purchase of the building in 1981, resulted in a determination under the Cambridge Zoning Ordinance that the preexisting use of your building as two dwelling units had been lost as a result of abandonment and non-use. Therefore, in order for you to effect a conversion of 326 Harvard Street back to the two dwelling unit use, it will be necessary to comply with the provisions of the Zoning Ordinance as outlined below.

Article 5.26(Conversion of Dwellings) of the Zoning Ordinance requires that a new dwelling created by the conversion of an existing dwelling meet the requirements of the Ordinance as pertains to minimum lot area for each dwelling unit, maximum ratio of floor area to lot area(0.75), minimum usable open space(15%), and off street parking. In addition to these requirements, any associated exterior modifications to the building must meet lot setback requirements and height limitations of the Ordinance. If it is not possible to comply with these requirements, you have the right to request a variance from the Board of Zoning Appeals.

Based on approximate measurements made by this Department on May 4th, it appears that the requirements of minimum lot area and parking are met. However, the floor area ratio of 0.9 and the open space available of 12.5% do not comply with the Ordinance. Also, the stairway and deck you had proposed appears to be within the side yard setback of 11 ft. calculated by this Department. It is noted again that the above figures are based on approximate measurements and assumptions made by this Department and you may want to have measurements done by a surveyor or architect to verify these figures. Based on the above, therefore, it is my determination that you will need a variance from the Zoning Ordinance in order for you to convert 326 Harvard Street to a two dwelling unit residence. Application forms for a variance are available in

this office and my staff stands ready to assist you with any help you may require in completing the application.

Please be advised that you can add a small deck and a stairway at the second floor level as of right provided you meet the setback requirements of the Zoning Ordinance. As I believe Mr. Singanayagham has explained to Ms. Polumbaum, in your situation, the stair must be located no closer than 11 ft. to the lot line and the deck cannot project out more than 3ft.- 6in. from the structure. Also, based on my review of this matter, provision of additional kitchen facilities in your residence is not precluded by the Zoning Ordinance for a single family home. Therefore, should you desire, your building permit can be modified to include additional kitchen facilities and stairs under the conditions I have described. Please be advised that any modifications to your structure involving the condominium common area will require approval by the Condominium Trustees prior to issuance or modification of a building permit. In addition, please note that these structural modifications do not authorize conversion of the use of your building from a single dwelling unit to a two dwelling unit use. As I stated above, if you wish to convert the use of your building, you are required to apply for a variance from the Board of Zoning Appeal. Finally, please be advised that under the definition of "family" in Article 2.000 of the Zoning Ordinance a group of four(4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

I hope this letter is responsive to any concerns or questions you may have, please don't hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. R. Bersani", written in a cursive style.

R. R. Bersani
Commissioner



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



5.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 24, 1999

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 99-96, regarding a report on the situation at 326 Harvard Street, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent AGenda #5

3855

Relative to AW Rpt #99-96,
regarding a report on the situation
at 326 Harvard Street.

In City Council May 24, 1999

PLACED ON FILE