



# City of Cambridge

7.

## IN CITY COUNCIL

June 14, 1999

COUNCILLOR RUSSELL  
COUNCILLOR BORN  
COUNCILLOR DAVIS  
COUNCILLOR SULLIVAN  
COUNCILLOR TOOMEY  
COUNCILLOR TRIANTAFILLOU

WHEREAS: It has come to the attention of this City Council that there have been instances in which young, growing families living in small houses in Cambridge and wanting to stay in Cambridge have sought variances from the BZA to construct dormer additions to accommodate their larger families; and

WHEREAS: It has been reported that such applications have been denied even in cases where there is no neighborhood opposition to such additions; and

WHEREAS: Providing support for families who want to stay in Cambridge and raise their family here is a very high policy priority of the City Council; and

WHEREAS: While the BZA is bound to apply the law set forth MGL Chapter 40A to decide variance applications, cases may arise in which there are equally plausible and legally supportable outcomes under MGL Chapter 40A, one of which would further an important City policy of helping to keep families in Cambridge, and one of which would thwart that policy; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor and the Chair of the BZA to provide a policy analysis of recent decisions on applications for dormers or other small additions, such analysis to include the following:

1. What factors are considered
2. Can need for space to accommodate family growth constitute "hardship."
3. Is there any consideration of the family's need for space and the City's policy of helping to keep families in Cambridge.
4. If not, what would be required to achieve this policy goal; and be it further

ORDERED: That the City Manager invite the members of the BZA to attend a meeting of the Housing and Community Development Committee to discuss this analysis.


In City Council June 14, 1999.

Adopted by the affirmative vote of six members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury". The signature is written in black ink and is positioned to the right of the printed name.

D. Margaret Drury  
City Clerk

SR  
KB

①

✓

W/A It has come to the attention of this City Council that there have been instances in which young ~~boys~~, growing families living in small houses in Cambridge ~~and~~ and nearby to ~~now~~ stay in Cambridge have sought variances from the BZA to construct additions to accommodate their larger families; and

W/A It has been reported that, <sup>such applications have been</sup> even in cases <sup>denied</sup> where there is no neighborhood opposition to such an addition, and

W/A Providing support for families who want to stay in Cambridge and ~~grow~~ <sup>raise</sup> their families here is ~~one of~~ a very high policy priority of the City Council; and

W/A ~~By its work on creating~~ ~~attempts to~~   
 considerations JK

W/A While the BZA is bound to <sup>apply the law set forth in</sup> ~~its cases~~ ~~apply~~ ~~decide~~ MGL Ch 40A to decide variance applications, <sup>cases may arise in which</sup> ~~there~~ <sup>are</sup> equally <sup>plausible</sup> and legally supportable <sup>outcomes</sup> under MGL Ch 40A, ~~one~~ <sup>one</sup> of which would further an important City policy of keeping to keep families in Cambridge, and one of which would

now measure the  
that that policy; ~~the City Council~~ ~~applies~~

Ordered: That the CM let his is requested to  
enfer w/ the City Solicitor and the Chair of  
the BZA to ~~report back to the Council~~  
provide a policy analysis of ~~that~~ <sup>BZA</sup> ~~issues~~

~~Factors are considered in deciding on~~

such analysis to include the following:

the application for a dormer or other  
small additions. 1. What factors are considered.  
2. Form need for space, "custodial" hardship  
3. 5. How any consideration

of the family's need for space and the

City's policy of helping to keep families in

Embargo. ~~4. If not, what would~~ 4. If not, what would  
be required to achieve this ~~goal~~ policy goal.  
(Change in ~~the~~ ~~the~~ zoning ordinance a

law be required; and be a  
factor

to accommodate  
family growth

Ordered: That The Chair of the Housing &  
CD Comm. be requested to direct the BZA to a hearing to explore this  
issue.

June 14, 1999

## COUNCILLOR RUSSELL

WHEREAS: It has come to the attention of this City Council that there have been instances in which young, growing families living in small houses in Cambridge and wanting to stay in Cambridge have sought variances from the BZA to construct dormer additions to accommodate their larger families; and

WHEREAS: It has been reported that such applications have been denied even in cases where there is no neighborhood opposition to such additions; and

WHEREAS: Providing support for families who want to stay in Cambridge and raise their family here is a very high policy priority of the City Council; and

WHEREAS: While the BZA is ~~bound~~ <sup>bound</sup> to apply the law set forth MGL Chapter 40A to decide variance applications, cases may arise in which there are equally plausible and legally supportable outcomes under MGL Chapter 40A, one of which would further an important City policy of helping to keep families in Cambridge, and one of which would thwart that policy; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the City Solicitor and the Chair of the BZA to provide a policy analysis of recent decisions on applications for dormers or other small additions, such analysis to include the following:

1. What factors are considered
2. Can need for space to accommodate family growth constitute "hardship."
3. Is there any consideration of the family's need for space and the City's policy of helping to keep families in Cambridge.
4. If not, what would be required to achieve this policy goal; and be it further

ORDERED: That the Chair of the Housing and Community Development Committee be requested to invite the BZA to a hearing to explain this issue.

*and further be it  
Ordered: That the city council be  
preceeded with a report on the  
above at the mid summer meeting*



# City of Cambridge

7.

## IN CITY COUNCIL

June 14, 1999

COUNCILLOR RUSSELL  
COUNCILLOR BORN

**WHEREAS:** It has come to the attention of this City Council that there have been instances in which young, growing families living in small houses in Cambridge and wanting to stay in Cambridge have sought variances from the BZA to construct dormer additions to accommodate their larger families; and

**WHEREAS:** It has been reported that such applications have been denied even in cases where there is no neighborhood opposition to such additions; and

**WHEREAS:** Providing support for families who want to stay in Cambridge and raise their family here is a very high policy priority of the City Council; and

**WHEREAS:** While the BZA is bound to apply the law set forth MGL Chapter 40A to decide variance applications, cases may arise in which there are equally plausible and legally supportable outcomes under MGL Chapter 40A, one of which would further an important City policy of helping to keep families in Cambridge, and one of which would thwart that policy; now therefore be it

**ORDERED:** That the City Manager be and hereby is requested to confer with the City Solicitor and the Chair of the BZA to provide a policy analysis of recent decisions on applications for dormers or other small additions, such analysis to include the following:

1. What factors are considered
2. Can need for space to accommodate family growth constitute "hardship."
3. Is there any consideration of the family's need for space and the City's policy of helping to keep families in Cambridge.
4. If not, what would be required to achieve this policy goal; and be it further

**ORDERED:** That the City Manager invite the members of the BZA to attend a meeting of the Housing and Community Development Committee to discuss this analysis.

Consent Order #7 *CM259*

Councillors Russell and Born re:  
provide a policy analysis of recent  
decisions of the BZA on applications  
for dormers or other small additions.

In City Council June 14, 1999

**ORDER ADOPTED**