



**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** James Rafferty, Esq. **PRESENT USE/OCCUPANCY:** fast order food restaurant

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**LOCATION:** 81-93 Mt Auburn St Cambridge, MA **ZONE:** Business B/Harvard Square O

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**PHONE:** \_\_\_\_\_ **REQUESTED USE/OCCUPANCY:** fast order food restaurant

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	<b><u>EXISTING CONDITIONS</u></b>	<b><u>REQUESTED CONDITIONS</u></b>	<b><u>ORDINANCE REQUIREMENTS</u></b> <sup>1</sup>	
<u>TOTAL GROSS FLOOR AREA:</u>	1,000 sf*	no change	73,460	(max.)
<u>LOT AREA:</u>	18,365	no change	none	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>	4.2	no change	4.0	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	N/A	N/A	N/A	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	193.81'	no change	none	(min.)
DEPTH	138.66'	no change	N/A	
<u>SETBACKS IN FEET:</u>				
FRONT	0	no change	none	(min.)
REAR	0	no change	none	(min.)
LEFT SIDE	0	no change	none	(min.)
RIGHT SIDE	0	no change	none	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	65'	no change	60'	(max.)
LENGTH	approx 190'	no change	N/A	
WIDTH	approx 130'	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u> <sup>3</sup>	0	no change	0	(min.)
<u>NO. OF DWELLING UNITS:</u>	0	no change	N/A	(max.)
<u>NO. OF PARKING SPACES:</u>	0	no change	0	(min./max)
<u>NO. OF LOADING AREAS:</u>	1	no change	0	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	0	no change	N/A	(min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

\*area of premises

- SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
- TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
- OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

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**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:

**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:

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

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

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

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

## 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 81-93 Mt Auburn St Cambridge, MA (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:  
The petitioner's restaurant will meet all of the criteria of Article 11.31, including attracting primarily walk-in trade and fulfilling a neighborhood need.
- 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:  
Existing traffic patterns will not be affected by this use since a fast order food use has been in operation at this location since 1994.
- C)** 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:  
The use is entirely consistent with the retail character of this section of Harvard Square and is identical to the use approved by the Board at this same location in BZA Case # 002868-2013 in January of 2014.
- 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 restaurant will be operated in conformity with the health, safety, and licensing requirements of the City of Cambridge.
- 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 Board of Zoning Appeal unanimously approved a Fast Order Food Special Permit for this location in 1994 and again in 2002. It's operation has never been a problem.