

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: McDermott, Quilty & Miller LLP **PRESENT USE/OCCUPANCY:** Retail
LOCATION: 11 Dunster St Cambridge, MA 02138 **ZONE:** Business B Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Fast Order Establishment

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>38,190</u>	<u>(Same)</u>	<u>None</u>	<u>(max.)</u>
<u>LOT AREA:</u>	<u>7,694</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	<u>4.96</u>	<u>(Same)</u>	<u>2.75/3.00</u>	<u>(max.)</u>
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>N/A</u>	<u>(Same)</u>	<u>300</u>	<u>(min.)</u>
<u>SIZE OF LOT:</u>				
<u>WIDTH</u>	<u>122.53'</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>DEPTH</u>	<u>63.04'</u>	<u>(Same)</u>	<u>None</u>	
<u>SETBACKS IN FEET:</u>				
<u>FRONT</u>	<u>0'</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>REAR</u>	<u>4'</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>LEFT SIDE</u>	<u>12'</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>RIGHT SIDE</u>	<u>6.5'</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>SIZE OF BLDG.:</u>				
<u>HEIGHT</u>	<u>47'3''</u>	<u>(Same)</u>	<u>80'</u>	<u>(max.)</u>
<u>LENGTH</u>	<u>58'</u>	<u>(Same)</u>	<u>None</u>	
<u>WIDTH</u>	<u>122.53'</u>	<u>(Same)</u>	<u>None</u>	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>	<u>N/A</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>NO. OF DWELLING UNITS:</u>	<u>None</u>	<u>(Same)</u>	<u>None</u>	<u>(max.)</u>
<u>NO. OF PARKING SPACES:</u>	<u>None</u>	<u>(Same)</u>	<u>None</u>	<u>(min./max)</u>
<u>NO. OF LOADING AREAS:</u>	<u>N/A</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	<u>N/A</u>	<u>(Same)</u>	<u>None</u>	<u>(min.)</u>

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.

None

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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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.**

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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 11 Dunster St Cambridge, MA 02138 (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:
As set forth below, the proposed use can and will meet the requirements of the ordinance because it will serve primarily pedestrian traffic, it will meet a substantial community demand for a first-class Italian bakery in this area of the Harvard Square neighborhood, its physical design will be compatible with the visual characteristics of the area and will bring an operator with years of experience to the community.
- 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 establishment will attract primarily walk-in patrons as opposed to drive-in patrons. There is a significant amount of foot traffic in Harvard Square surrounding this property, and ground floor commercial uses like the one proposed are consistent with the planning objectives and design of the area. It will also be located next to a number of public transit options and will not generate additional vehicular traffic or negatively impact the area.
- 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 proposed establishment is consistent with adjacent commercial uses and is similar to many ground floor uses in the area. The Petitioner's operation of a first class Italian bakery will compliment the surrounding businesses and enhance this already vibrant community.
- 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 proposed operator, Mike's Pastry, has a positive reputation as a responsible and successful business at its original location in the North End of Boston. The proposed operator will also provide a clean and inviting business at this location while instituting an aggressive policy to deal with trash produced by the business to ensure it is a positive addition to the Harvard Square business community.
- 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 establishment is entirely consistent with uses at numerous other properties in the area which include several fast order establishments of similar size and scope. In this way, the proposed establishment will not derogate from the intent or purpose of the Ordinance.