

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 Peter Givertzman
(OWNER)

Address: 68 Moulton St Cambridge MA

State that I/We own the property located at 1156 MASS AVE. which is the subject of this zoning application.

The record title of this property is in the name of 1154-1166 MASS AVE LLC.

*Pursuant to a deed of duly recorded in the date _____, Middlesex South County Registry of Deeds at Book _____, Page _____; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

Peter Givertzman
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*



ROBERT M. SPRAGER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 27, 2023

*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of MIDDLESEX

The above-name Peter Givertzman personally appeared before me, this 19 of September 2020 and made oath that the above statement is true.

[Signature]
Notary

My commission expires 9.27.23 (Notary Seal).

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

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 Ordinance would be a substantial hardship to the Petitioner because the ground floor of the property (on Massachusetts Avenue) contains mostly non-conforming retail oriented businesses all of which are prohibited by the Residence C-2B. Further the adjacent street is a commercial/retail corridor which would be incompatible with the residential allowed uses therefore necessitating a Variance from the Ordinance.

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 preexisting nonconforming building Uses and setbacksthat predate zoning and aren't praticable for the allowed residential uses.

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

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

Desirable relief may be granted without substantial detriment to the public good because the proposed Use is replacing a non-conforming commercial use. Additionally the proposed food-retail and restaurant Use will allow for the expansion of a thriving small business that is compatible with the retail corridor.

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

Granting relief will not derogate from the intent and purpose of the Ordinance and will occupy a vacant storefront and acitviate the existing food-retail into a thriving restaurant.

*** 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 1158-1160 Massachusetts Ave 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:
With the requested relief the requirement of the ordinance can be satisfied.
- 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:
Traffic generated or patterns of access would not cause congestion, hazard or substantial change in neighborhood character because a majority of the adjacent business also do not have parking and the clientele of both food Uses will be pedestrian and other visitors of Harvard Square.
- 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 continued operation of adjacent uses would not be adversely affected by the proposed use because the adjacent uses are commercial or retail in nature and will benefit from the additional foot traffic.
- 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:
No nuisance or hazard would be created to the detriment of the health, safety or welfare of the proposed use or the citizens of the City because the reduction in parking is consistent with the City's growth policies of promoting alternate transportation and active retail that is not auto-centric.
- 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 food Uses are consistent with the integrity of the district on Mass Ave/Arrow street and the adjoining districts in Harvard Square/Central Square offering dining and specialty food options.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Sean Hope, Esq. **PRESENT USE/OCCUPANCY:** Food Retail
LOCATION: 1158-1160 Massachusetts Ave Cambridge, MA 02138 **ZONE:** Residence C-2B Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Restaurant/Food Retail

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹		
<u>TOTAL GROSS FLOOR AREA:</u>	8474sf	8474sf	5,122sf	(max.)	
<u>LOT AREA:</u>	2927sf	2927sf	n/a	(min.)	
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	.42	.42	1.75	(max.)	
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	n/a	n/a	600'	(min.)	
<u>SIZE OF LOT:</u>	WIDTH	51'	51'	50'	(min.)
	DEPTH	81.75'	81.75'	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	10'	(min.)
	REAR	0	0	20'	(min.)
	LEFT SIDE	0	0	h+1/5	(min.)
	RIGHT SIDE	0	0	h+1/5	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	33'+/-	33'+/-	45'	(max.)
	LENGTH	32'	32'	n/a	
	WIDTH	78'	78'	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	>30%	>30%	30%	(min.)	
<u>NO. OF DWELLING UNITS:</u>	0	0	4.8	(max.)	
<u>NO. OF PARKING SPACES:</u>	0	0	3	(min./max)	
<u>NO. OF LOADING AREAS:</u>	0	0	0	(min.)	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	n/a	n/a	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.

Building contains only retail & office space. No external construction is proposed.

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'.