



CITY OF CAMBRIDGE
 MASSACHUSETTS
 BOARD OF ZONING APPEAL
 831 MASSACHUSETTS AVENUE
 CAMBRIDGE, MA 02139
 617 349-6100

2015 SEP 30 PM 1 24

OFFICE OF THE CITY CLERK
 BA-2/R-3 CAMBRIDGE AVENUE DISTRICTS

CASE NO: BZA-007632-2015

LOCATION: 1699 Massachusetts Ave
 Cambridge, MA

PETITIONER: Lotus Harvard Enterprise, LLC - C/O James J. Rafferty, Esq.

PETITION: Variance: To locate portion of below grade accessory parking garage in area of lot zoned Residence B.

VIOLATION :

Article 4.000 Section 4.31.G (Multi-Family Dwelling).
 Article 10.000 Section 10.30 (Variance).

DATE OF PUBLIC NOTICE: August 13, 2015 and August 20, 2015

DATE OF PUBLIC HEARING: August 27, 2015;

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER - CHAIR ✓
 TIMOTHY HUGHES - VICE-CHAIR ✓
 BRENDAN SULLIVAN ✓
 THOMAS SCOTT ✓
 JANET O. GREEN _____

ASSOCIATE MEMBERS:

DOUGLAS MYERS _____
 SLATER W. ANDERSON ✓
 ANDREA A. HICKEY _____
 ALISON HAMMER _____
 JIM MONTEVERDE _____
 GEORGE BEST _____
 LAURA WERNICK _____

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

Case No. BZA-007632-2015
Location: 1699 Massachusetts Avenue
Petitioner: Lotus Harvard Enterprise, LLC – c/o James Rafferty, Esq.

On August 27, 2015, Petitioner's attorney James Rafferty appeared before the Board of Zoning Appeal requesting a variance in order to locate a portion of the below grade accessory parking in a Residence B zone. The Petitioner requested relief from Article 4, Section 4.31.G of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted application materials including information about the project, plans, and photographs.

Mr. Rafferty stated that the lot contained a commercial surface parking lot. He stated that the lot sat in two zoning districts, one a Business zone and one a Residential B zone. He stated that the proposal was to build an as of right multifamily dwelling in the Business Zone, except that part of the underground garage would encroach on the Residential B zone. He stated that because the Residence B zone did not allow multifamily dwellings, a variance was required. He stated that because the garage was underground, it would have no negative impacts on the neighborhood.

A neighbor spoke in favor of the proposal.

After discussion, the Chair moved that the Board grant the variance for relief in order to locate a portion of the below grade accessory parking in a Residence B zone based on the finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. The Chair moved that the Board find that the hardship related to the inability to provide underground parking and other building uses because they would be in a Residence B zone. The Chair moved that the Board find that the hardship owed to the shape of the lot, in that it could not accommodate sufficient parking in the business district in order to allow a 20-unit building. The Chair moved that the Board find that even if the number of units were reduced by one, there would still be other issues requiring a more substantial reduction than just one unit. The Chair moved that the Board find that relief could be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance. The Chair moved that the Board find that the proposed parking would have no impact on the residential district or the people that live in the residences abutting because it would be underground. The Chair moved that the Board grant the variance on the condition that the work proceed in accordance with the garage floor plan, numbered A-100, prepared a Khalsa Design, as initialed by the Chair.

The five member Board voted unanimously in favor of granting the variance (Alexander, Hughes, Sullivan, Scott, and Anderson) with the above condition. Therefore, the variance is granted.

The Board specifically finds that, based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10. The Board also finds that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ordinance.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.



Constantine Alexander, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 9-30-15 by Marie Jackson, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: _____ City Clerk.