



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2024 AUG 20 AM 9:43

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 278934

General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: X Variance: X Appeal:

PETITIONER: Fawwaz Abu-rubieh

PETITIONER'S ADDRESS: 144 Western Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 148-150 Western Ave., Cambridge, MA

TYPE OF OCCUPANCY: Commercial Restaurant Cafe **ZONING DISTRICT:** Residence C-1 Zone
No Alcohol

REASON FOR PETITION:

/Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

To modify previously granted decision with conditions on BZA-9901 to be able to cook inside the premises and ability to serve alcohol.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 4.000 Section: 4.35.f.1 (Restaurant).
- Article: 8.000 Section: 8.22.3 (Non-Conforming Use).
- Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):

Fawwaz M. Rubieh

(Petitioner (s) / Owner)

Fawwaz Abu-Rubieh
(Print Name)

Address: _____

UNITED STATES GOVERNMENT

DEPARTMENT OF THE INTERIOR

OFFICE OF THE ASSISTANT SECRETARY FOR LAND MANAGEMENT

WASHINGTON, D.C. 20250

1978

MEMORANDUM FOR THE ASSISTANT SECRETARY

DATE: 10/15/78

TO: ASST. SEC. FOR LAND MGMT. (L-100)

FROM: SAC, DENVER (100-100000)

SUBJECT: [Illegible]

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

100-100000	100-100000
100-100000	100-100000
100-100000	100-100000

Original
Signature

[Illegible Signature]

[Illegible Signature]

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 Fawwaz Abu-rubrah
(OWNER)

Address: 144 Western Avenue, Cambridge MA 02139

State that I/We own the property located at 150 Western Ave., which is the subject of this zoning application.

The record title of this property is in the name of Abu Realty LLC.

*Pursuant to a deed of duly recorded in the date 1/1/03, Middlesex South County Registry of Deeds at Book Document Page 1483; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

Fawwaz Malmid
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Fawwaz Abu-rubrah personally appeared before me, this 9 of July, 2024, and made oath that the above statement is true.

Isiah Moore Notary
Notary Public
Commonwealth of Massachusetts
My commission expires February 13, 2026 (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:

This building was built as a commercial store front and cannot be used for anything else other than commercial uses. It would be a financial hardship to the existing business if we weren't able to expand and modify the previous variance conditions.

- 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:

This is a corner lot with narrower lot sizes.

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

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The proposed usage will not be a detriment to the public good but will enhance the area by expanding the existing restaurant services.

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

The requested relief is minimal; the square footage of the building will remain the same.

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

Address: _____

Tel. No. [6178036848](tel:6178036848)

E-Mail Address: fawazaburubieh@yahoo.com

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Fawwaz Abu-rubieh Present Use/Occupancy: Commercial Restaurant Cafe No Alcohol
 Location: 148-150 Western Ave., Cambridge, MA Zone: Residence C-1 Zone
 Phone: 6178036848 Requested Use/Occupancy: Commercial Restaurant with Alcohol

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1780	N/A	N/A	(max.)
<u>LOT AREA:</u>		2050	N/A	N/A	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		.87	N/A	N/A	
<u>LOT AREA OF EACH DWELLING UNIT</u>		700	N/A	N/A	
<u>SIZE OF LOT:</u>	WIDTH	N/A	N/A	N/A	
	DEPTH	N/A	N/A	N/A	
<u>SETBACKS IN FEET:</u>	FRONT	N/A	N/A	N/A	
	REAR	N/A	N/A	N/A	
	LEFT SIDE	N/A	N/A	N/A	
	RIGHT SIDE	N/A	N/A	N/A	
<u>SIZE OF BUILDING:</u>	HEIGHT	N/A	N/A	N/A	
	WIDTH	N/A	N/A	N/A	
	LENGTH	N/A	N/A	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		N/A	N/A	N/A	
<u>NO. OF DWELLING UNITS:</u>		N/A	N/A	N/A	
<u>NO. OF PARKING SPACES:</u>		N/A	N/A	N/A	
<u>NO. OF LOADING AREAS:</u>		N/A	N/A	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	N/A	N/A	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction

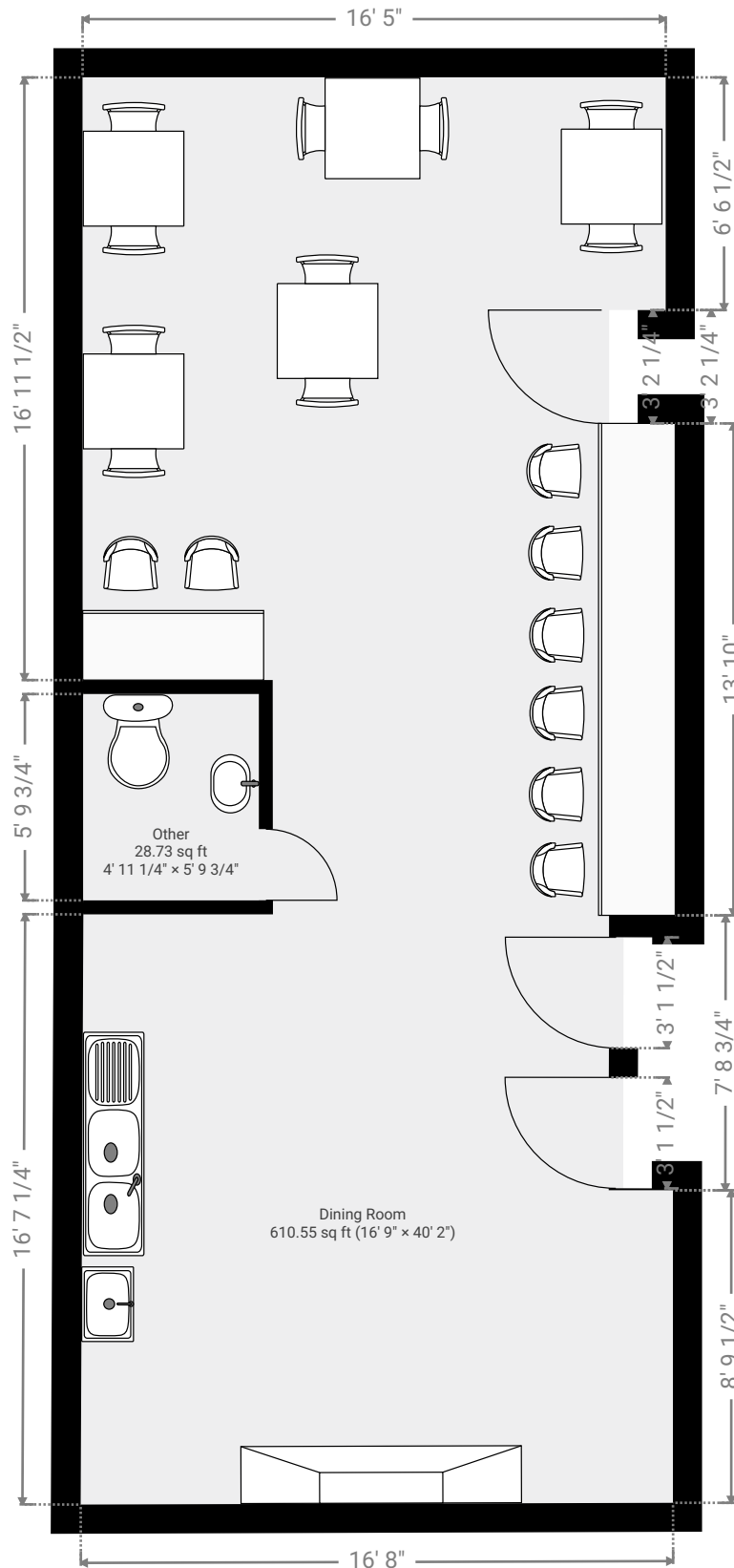
Beantown Taqueria

148-150 Western Avenue, 02139 Cambridge, Massachusetts, United States
TOTAL AREA: 639.07 sq ft • LIVING AREA: 747.73 sq ft • FLOORS: 1 • ROOMS: 2



▼ Ground Floor

TOTAL AREA: 639.07 sq ft • LIVING AREA: 747.73 sq ft • ROOMS: 2



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



1:62

148-150 Western Ave

BZA -
278934



Serving the
BEST Mexican
AUTHENTIC and
TRUE-TEX-MEX
food in CAMBRIDGE

Inflation SPECIALS

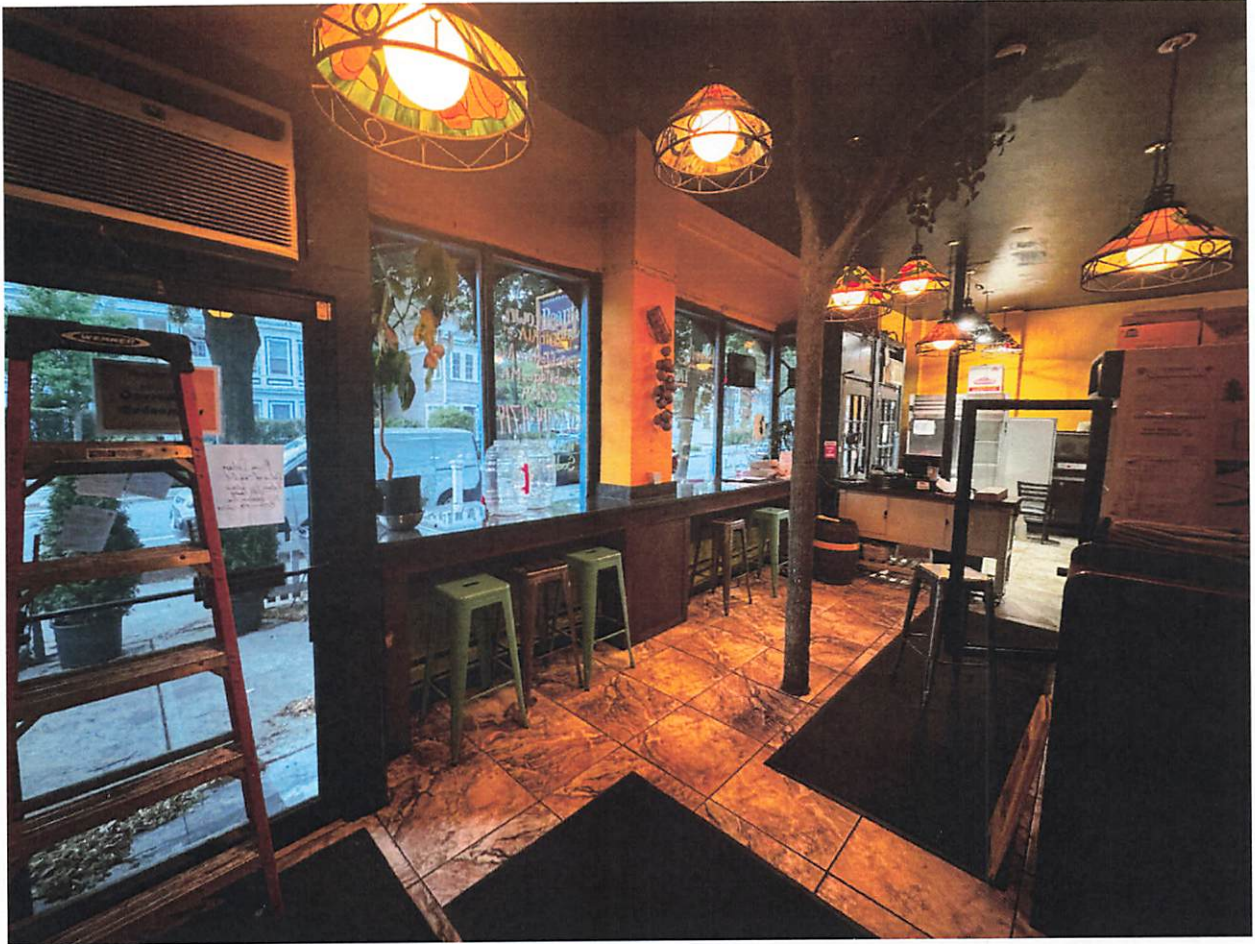
Monday	- 2 for 1 Burrito
Tuesday	- Taco Tuesday 12:00-3:00pm
Wednesday	- 2 for 1 Quesadillas
Thursday	- 2 for 1 Tostitos
Friday	- 2 for 1 Burrito
Saturday	- 2 for 1 Tostitos
Sunday	- 2 for 1 Burrito

Beamtown
TAQUERIA CAFE

HOURS
7:30 AM - 10:00 PM
SAT 10:00 AM - 10:00 PM
SUN 10:00 AM - 10:00 PM











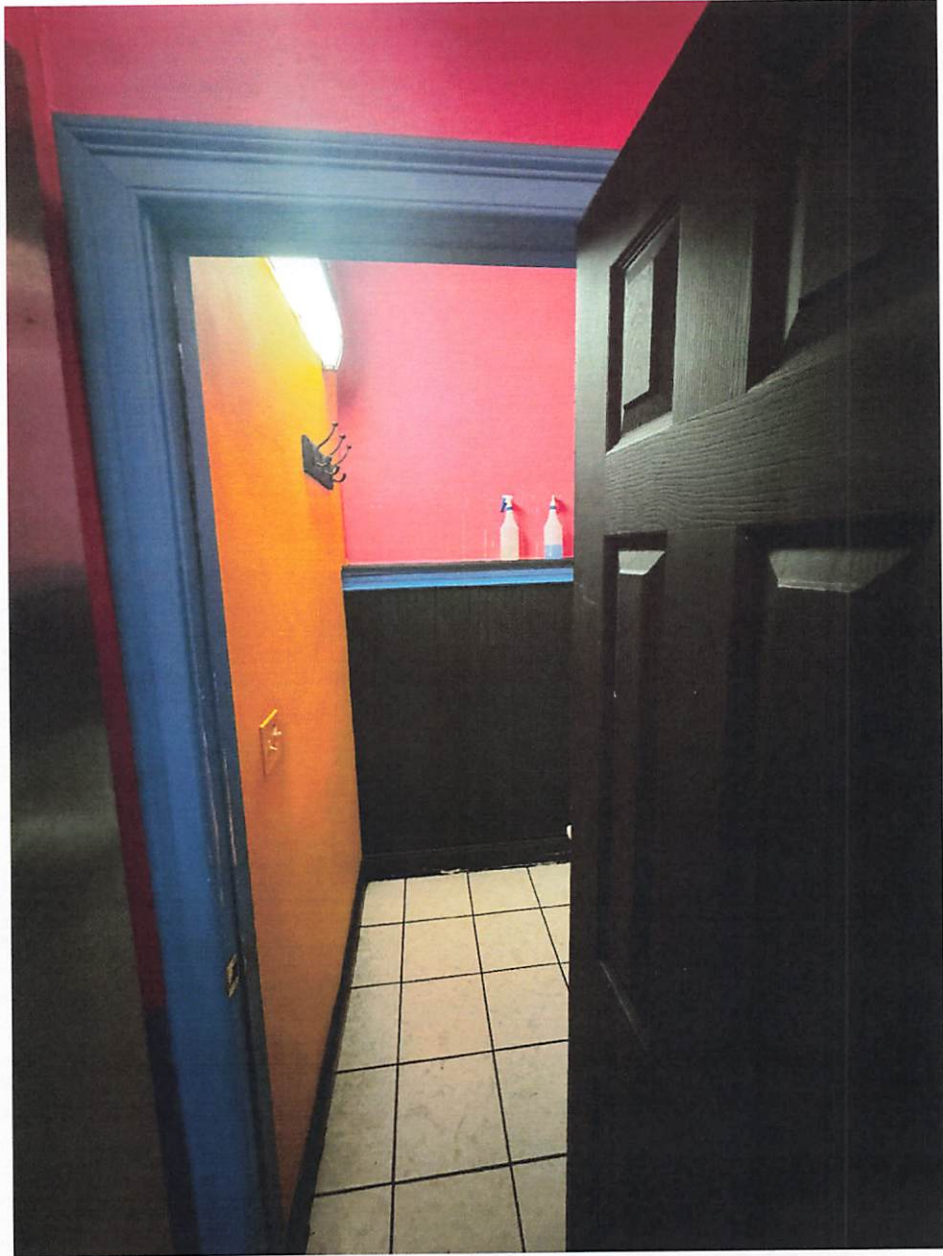














City of Cambridge

MASSACHUSETTS

JY

BOARD OF ZONING APPEAL 2010 APR 22 A 11: 52

831 Mass Avenue, Cambridge, MA
(617) 349-6100 OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 9901

Residence C-2 Zone

LOCATION: 148-150 Western Avenue
Cambridge, MA



2011 00196950

Bk: 57806 Pg: 165 Doc: DECIS
Page: 1 of 4 11/07/2011 10:03 AM

Return!

PETITIONER: Fawaz Mohamed Abu Rubayah & Asma Nofal

PETITION: Variance: To establish a café with 18 seats.

VIOLATION: Art. 4.000, Sec. 4.35.E (Restaurant Use).

DATE OF PUBLIC NOTICE: February 19 & 26, 2010

DATE OF PUBLIC HEARING: March 11, 2010

Bk 37713-276

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER - CHAIR
TIMOTHY HUGHES - VICE CHAIR
BRENDAN SULLIVAN
THOMAS SCOTT

ASSOCIATE MEMBERS:

CHRISTOPHER CHAN
MAHMOOD R. FIROUZBAKHT
DOUGLAS MYERS
SLATER W. ANDERSON
TAD HEUER

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. 9901
Location: 148-150 Western Avenue
Petitioner: Fawaz Mohamed Abu Rubayah

On March 11, 2010, Petitioner Fawaz Mohamed Abu Rubayah appeared before the Board of Zoning Appeal requesting a variance in order to establish a café with 18 seats. The Petitioner requested relief from Article 4, Section 4.35.E of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted application materials including information about the project, plans, and photographs.

Mr. Rubayah stated that he proposed to open a small café at the location, which sat in a residential district. He stated that the proposed café was in a small, narrow storefront, which was not appropriate for residential use. He stated that over the past several years the property was either vacant or had housed short lived businesses. He stated that due to its location outside Central Square and due to the fact that it had no parking, only businesses like a café that relied on walk in trade would be viable at the location. He stated that the café would not involve any cooking.

James Curran, attorney for Ben and Jane Corey who owned the other half of the petitioner's building (on a separate lot), spoke in opposition to the proposal based on potential negative impacts involving traffic, trash, vermin, and fire. Ben Corey and Kalman Glance of 12 Kinnaird Street spoke in opposition to the proposal. The Chair read several correspondence in support and in opposition.

After discussion, the Chair moved that the Board grant the variance for relief in order to establish a café with 18 seats 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 relates to the structure, which is in a residential district, not being useable for residential occupation. The Chair moved that the Board find that the structure is a small storefront historically used for commercial purposes. The Chair moved that the Board find that the hardship is owing to circumstances relating to the nature of the structure itself, being a commercial building in a residential zone. The Chair moved that the Board find that it can grant relief without a substantial detriment to the public good or without nullifying or derogating from the intent or purpose of the Ordinance. The Chair moved that the Board find that the relief will provide for a more rational use of this structure, where it is better that it be occupied and used for commercial purposes than for it to stay vacant. The Chair moved that the Board find that the proposed use is not going to create traffic problems, because the cafe will attract mainly foot traffic and will not cause congestion or traffic impact. The Chair moved that the Board find that, although there may be impacts from this kind of use on neighboring properties, with the below conditions, any negative impacts will be minimized. The Chair moved that the Board find that the requested relief will provide for rationale economic development of a piece of property in Cambridge that is not being

used currently. The Chair moved that the Board find that with the below conditions there will not be negative impacts regarding odors, rats, or other vermin on neighboring properties. The Chair moved that the Board find that the purpose of the below conditions is to minimize these impacts and to strike an appropriate balance between the proposed commercial use and the adjoining residential uses. The Chair moved that the Board grant the variance on the following conditions:

1. that the property be used only for a cafe that essentially serves a cafe menu, for example hot and cold drinks, soups, salads and sandwiches,
2. that food may not be cooked on the premises, but prepared food, brought from the outside establishment, may be heated,
3. that the petitioner provide, within the premises, a trash receptacle for customers to dispose of their trash,
4. that the petitioner make reasonable efforts to make sure that people use the receptacle and when they do not, to keep the neighborhood as clean as possible,
5. that no dumpster or other waste disposal facility be maintained outside the premises and that waste be removed for the premises in another manner.
6. that the hours of operation cannot be any earlier than eight in the morning and no later than ten o'clock at night.

The five member Board voted unanimously in favor of finding a hardship and of granting a variance (Alexander, Hughes, Sullivan, Heuer, and Anderson) with the above conditions. 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 4-22-10 by Nana Jackson, Clerk.

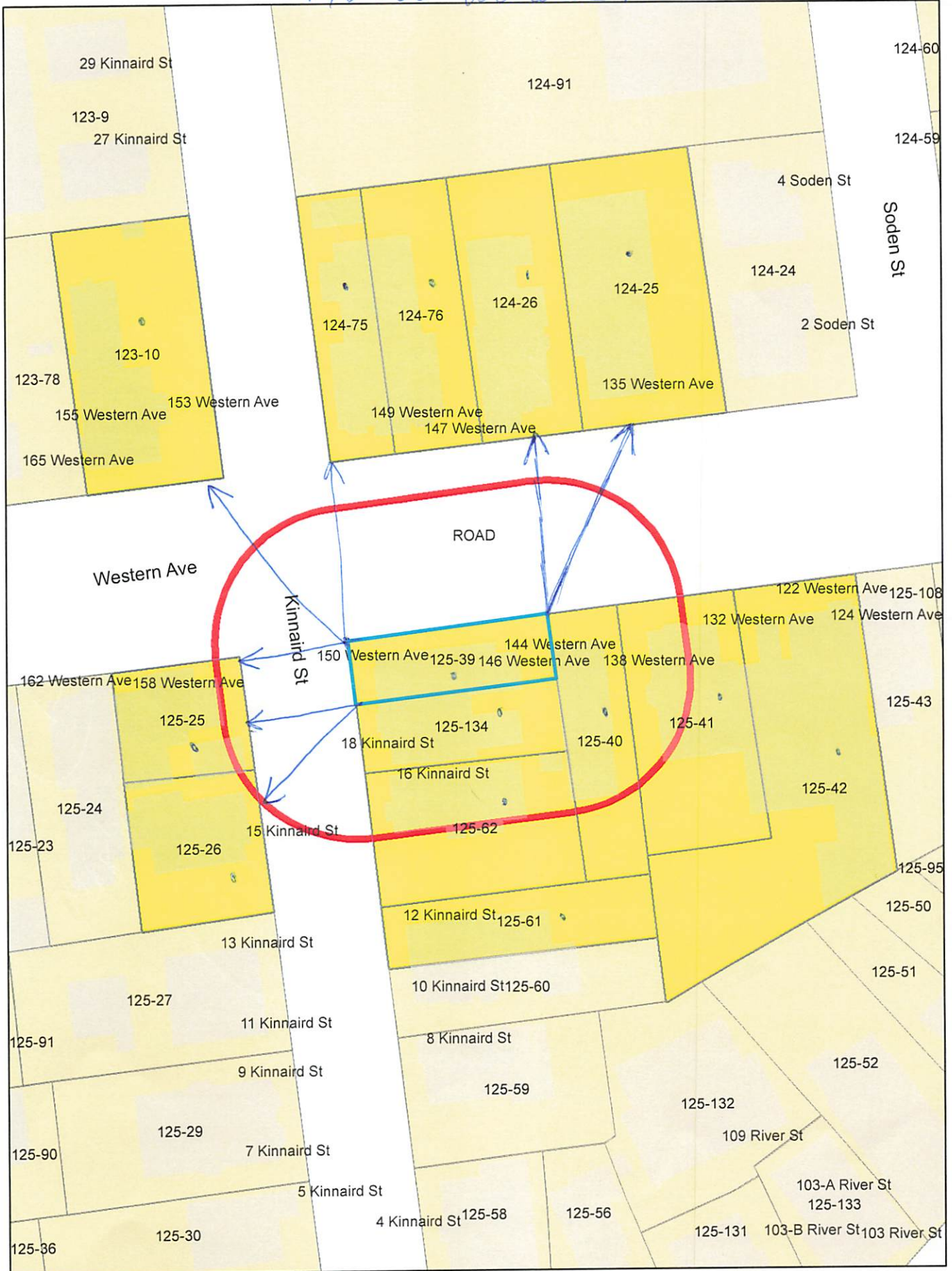
Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: November 9, 2011 P. Margaret Gray City Clerk.

148-150 Western Ave



148-150 Western Ave

Petitioner

124-75
GOUGHRABOU, AHMED &
LATIFA GOUGHRABOU
149 WESTERN AVE
CAMBRIDGE, MA 02139-3702

125-41-42
ARTIS B. SPEARS & ANDREA J. SPEARS
JACKSON ANTHONY J. SPEARS TRS
124 WESTERN AVE
CAMBRIDGE, MA 02139-3727

FAWWAZ ABU-RUBIEH
144 WESTERN AVENUE
CAMBRIDGE, MA 02139

125-25
KIRIL S. AND CATHERINE E. ALEXANDROV
406 FRANKLIN ST
CAMBRIDGE, MA 02139

125-39-134
ABU REALTY LLC
144 WESTERN AVE
CAMBRIDGE, MA 02139

125-40
BRILL, JENNIFER M. & LAURENCE A. WEIL
138 WESTERN AVE.
CAMBRIDGE, MA 02139

125-62
GUNTHER, DAVID M. & BARI-SUE BRODSKY
16 KINNAIRD ST
CAMBRIDGE, MA 02139

124-26
QUIGLEY, GARY J.
141 WESTERN AVE
CAMBRIDGE, MA 02139-3702

124-76
GOUGHRABOU, AHMED &
LATIFA GOUGHRABOU
149 WESTERN AVE
CAMBRIDGE, MA 02139

123-10
BROOKS, VELMER M., TRS VELMER M.
BROOKS 2014 REV TRUST
155 WESTERN AVE
CAMBRIDGE, MA 02139

125-61
ROBERTSON, CHRISTOPHER T. &
JAMIE C. ROBERTSON
15 FLORENCE ST
CAMBRIDGE, MA 02139

125-26
FREEMAN, DENNIS M.
TRS DENNIS M. FREEMAN REVOCABLE TR
15 KINNAIRD ST
CAMBRIDGE, MA 02139

124-25
LU POWER LLC
55 HAGEN ROAD
NEWTON, MA 02459

Pacheco, Maria

From: Bari Brodsky <bari.brodsky@gmail.com>
Sent: Wednesday, September 18, 2024 10:13 PM
To: Pacheco, Maria
Cc: David Gunther
Subject: Oppose Case No. BZA-278934

9/18/24

RE: Case No. BZA-278934

Location: 148-150 Western Ave. Cambridge, MA

To The Board of Zoning Appeal:

We are writing to strongly oppose the petition to be able cook inside the restaurant and serve alcohol. Our family lives directly next door to this property.

Our neighborhood already has a large rat population problem. The restaurant property is not large and adding a commercial restaurant kitchen with the ensuing food waste could potentially increase this problem. The trash cans for the residence and Air BNB are right next to our front walkway and front door. We fear that the restaurant food waste trash will attract rats and other pests.

We are also worried about the increased smoke which often accompanies diners drinking alcohol. This property already houses an Air BNB which produces significant smoke (tobacco and cannabis) fumes throughout the day and night. This is an old neighborhood. The houses are close together. Our house is 2 feet from the property line. We often have to keep our kitchen and bedroom windows closed due to the overpowering smell. We are very concerned that the addition of serving alcohol at the restaurant, which has outdoor seating, will increase the smoking and the noise. This will directly negatively impact the quality of our lives and those of our neighbors.

Thank you for your consideration,
Bari Brodsky and David Gunther
16 Kinnaird Street, Cambridge, MA
617-642-0843
617-417-5424