

014160-2017



CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139 AUG 17 PM 1:35
617 349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-014160-2017

GENERAL INFORMATION

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

Special Permit : _____ Variance : V Appeal : _____

PETITIONER : Mary Taylor - C/O Sean D. Hope, Esq.

PETITIONER'S ADDRESS : 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 1160 Massachusetts Ave Cambridge, MA 02138

TYPE OF OCCUPANCY : 4.35 F(2) ZONING DISTRICT : Residence C-2B Zone

REASON FOR PETITION :

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

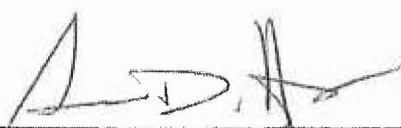
Petitioner requests Variance relief to convert existing retail shop (Salt and Olive) into an alcohol retail store.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 10.000 Section 10.30 (Variance).

Article 4.000 Section 4.35.F(2) (Use).

Original Signature(s) : 
(Petitioner(s) / Owner)

Sean D. Hope
(Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : 617-492-0220

E-Mail Address : sean@hopelegal.com

Date : August 12, 2017

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 _____ Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____

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



ROBERT M. PRAGER
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-named 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.

**AMENDED
SUPPORTING STATEMENT FOR A VARIANCE**

- A) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:**

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 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:**

The hardship is owing to the preexisting nonconforming building Uses and setbacks that predate zoning and aren't practicable for the allowed residential uses.

- C) Desirable relief may be granted without either:**

- 1) substantial detriment to the public good:**

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 Alcohol Retail Use will allow for the expansion of a thriving small business that is compatible with the retail corridor.

- 2) nullifying or substantially derogating from the intent or purpose of this Ordinance:**

Granting relief will not derogate from the intent and purpose of the Ordinance and will occupy an already non-conforming commercial use store front further activating the streetscape.

BZA APPLICATION FORM
DIMENSIONAL INFORMATION

APPLICANT: Hope Legal law Offices PRESENT USE/OCCUPANCY: retail
LOCATION: 1160 Massachusetts Ave Cambridge, MA 02138 ZONE: Residence C-2B Zone
PHONE: 6174920220 REQUESTED USE/OCCUPANCY: wine/alcohol retail

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	8474	8474	5122	(max.)
<u>LOT AREA:</u>	2927	2927	n/a	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	2.9	2.9	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	0	(min./max)
<u>NO. OF LOADING AREAS:</u>	0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	0	0	0	(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.

No changes to the exterior only interior.
Occupy 828 S.F.

- 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'.

1160 Mass Ave



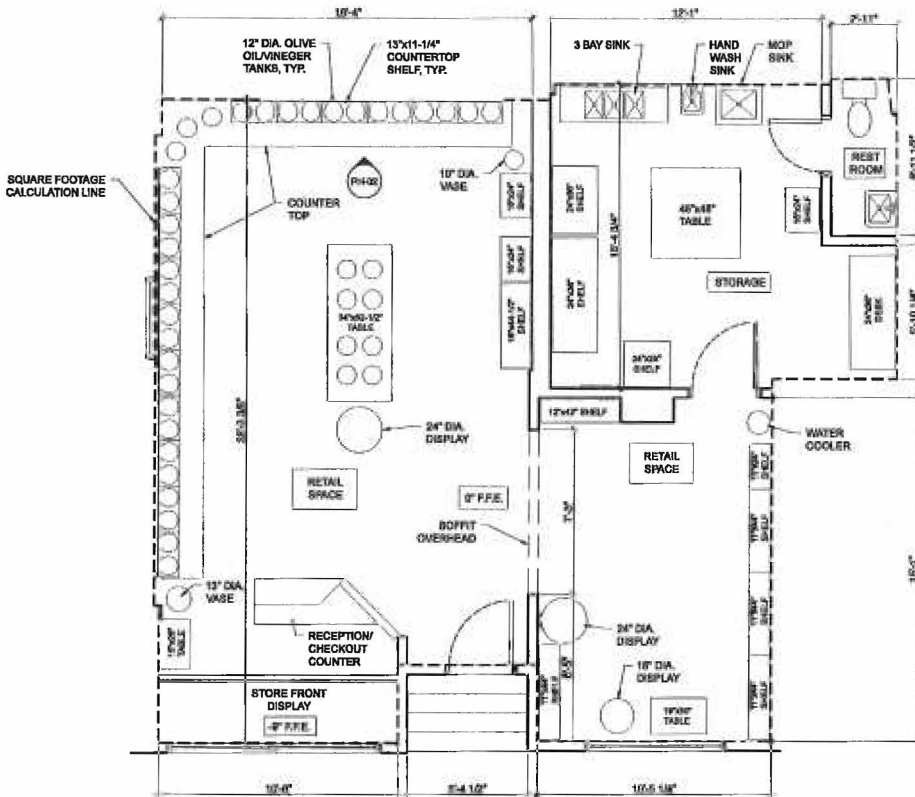
1 EXISTING EXTERIOR ELEVATION (NOT TO CHANGE)
NTS

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SCHEMATIC
NOT FOR
CONSTRUCTION

Salt & Olive
Cambridge, MA
Project: 1160 MASS AVE
Client: SALT & OLIVE
Date: 08.28.2015
Scale:
PH-01
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**SCHEMATIC
NOT FOR
CONSTRUCTION**



1 EXISTING INTERIOR FLOOR PLAN
1/4" = 1'-0"

PLAN NOTES:

TOTAL GROSS SQUARE FEET = 828 SF
(CALC. TAKEN FROM INSIDE FACE OF
EXISTING WALLS AS MEASURED ON SITE)

Salt & Olive
Cambridge, MA

Project #: 438230
Client: EXISTING INTERIOR
Issue: 08.25.2017
Revised:

Sheet **I-011**

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CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*
Kyle Sheffield, *Alternate*

Jurisdiction Advice

To the Owner of Property at 1160 Massachusetts Avenue

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
 - Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
 - Avon Hill Neighborhood Conservation District
 - Half Crown – Marsh Neighborhood Conservation District
 - Harvard Square Conservation District**
No CHC review of use. Exterior alterations to the building subject to CHC approval.
 - Mid Cambridge Neighborhood Conservation District
 - Designated Landmark
 - Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - Preservation Restriction or Easement (as recorded)
 - Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
 - No jurisdiction: not a designated historic property and the structure is less than fifty years old.
 - No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
- Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB Date August 16, 2017

Received by Uploaded to Energov Date August 16, 2017
Relationship to project BZA 14160-2017

cc: Applicant
Inspectional Services Commissioner