



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

BZA APPLICATION FORM

Plan No: BZA-017128-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : 1160 Mass Ave Inc (d/b/a Kung Fu Tea) - C/O Megan M. Kemp, Esq.

PETITIONER'S ADDRESS : 48 Grove Street, Suite 304 Somerville, MA 02144

LOCATION OF PROPERTY : 1160 Massachusetts Ave Cambridge, MA 02138

TYPE OF OCCUPANCY : _____ ZONING DISTRICT : Residence C-2B Zone

REASON FOR PETITION :
Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner requests a Use Variance to convert an existing retail (alcohol) shop (Salt and Olive) into a fast order food establishment (Kung Fu Tea, bubble tea). As the building is located in a residential zone, the various uses in the building, all require variances as it is located directly among the various businesses in the Harvard Square area.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.35.0 (Fast Order Food Establishment).
Article 11.000 Section 11.30 (Fast Order Food Establishment).

Original Signature(s) : _____
(Petitioner(s) / Owner)
Megan M. Kemp, Esq // Adam Dash & Associates

(Print Name)

Address : 48 Grove Street, Suite 304
Somerville, MA 02144

Tel. No. : 617-625-7373

E-Mail Address : kemp@adamdashlaw.com

Date : ~~May 28, 2019~~ 9/10/19

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 1154-1166 MASS. AVE. LLC
(OWNER)

Address: c/o Oriental Furniture; 68 Moulton Street, 3rd Floor, Cambridge, MA 02138

State that I/We own the property located at 3-5 Arrow Street a/k/a 1160 Mass Ave, which is the subject of this zoning application.

The record title of this property is in the name of 1154-166 MASS. AVE. LLC

*Pursuant to a deed of duly recorded in the date 12/9/2011, Middlesex South County Registry of Deeds at Book 58050, Page 199; or Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____

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

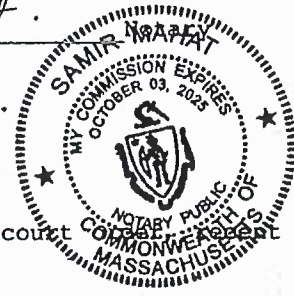
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Peter Givertzman personally appeared before me, this 3rd of May, 2019, and made oath that the above statement is true.

Samir Mahat

My commission expires 10/03/2025 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court 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 this property contains mostly non-conforming retail oriented businesses, including other food and fast order food establishments, all of which are prohibited by the Residence C-2B zoning classification. The adjacent streets and businesses on both Mass Ave and Arrow Street are a commercial/retail corridor which is incompatible with the residential uses that would otherwise be allowed. As a result, any use compatible current neighborhood necessitates 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 pre-existing non-comforming building uses and setbacks that predate zoning and are not practical 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 as the Variance requested is for a use that is in keeping with the current non-conforming commercial uses in the building. Additionally, the proposed use for a bubble tea establishment fits with some of the neighboring other food retail uses in the building and is compatible with the overall 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 this relief will not derogate from the intent or purpose of the Ordinance as it will maintain the current non-conforming commercial nature of the building and the surrounding area. The proposed use will fit with the requirements for fast order food establishments. It is geared towards pedestrian traffic rather than vehicular and will be complimentary to its neighboring businesses.

* 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

DIMENSIONAL INFORMATION

APPLICANT: Adam Dash & Associates PRESENT USE/OCCUPANCY: retail/alcohol retail
 LOCATION: 1160 Massachusetts Ave Cambridge, MA 02138 ZONE: Residence C-2B Zone
 PHONE: _____ REQUESTED USE/OCCUPANCY: fast order food

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>8474</u>	<u>8474</u>	<u>5122</u>	(max.)
<u>LOT AREA:</u>	<u>2927</u>	<u>2927</u>	<u>n/a</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	<u>2.9</u>	<u>2.9</u>	<u>1.75</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	(min.)
<u>SIZE OF LOT:</u>	WIDTH	<u>51 ft</u>	<u>51 ft</u>	<u>55 ft</u> (min.)
	DEPTH	<u>81.75 ft</u>	<u>81.75 ft</u>	<u>n/a</u>
<u>SETBACKS IN FEET:</u>	FRONT	<u>0</u>	<u>0</u>	<u>10 ft</u> (min.)
	REAR	<u>0</u>	<u>0</u>	<u>20 ft</u> (min.)
	LEFT SIDE	<u>0</u>	<u>0</u>	<u>h+1/5</u> (min.)
	RIGHT SIDE	<u>0</u>	<u>0</u>	<u>h+1/5</u> (min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	<u>33 ft +/-</u>	<u>33 ft +/-</u>	<u>45 ft</u> (max.)
	LENGTH	<u>32 ft</u>	<u>32 ft</u>	<u>n/a</u>
	WIDTH	<u>78 ft</u>	<u>78 ft</u>	<u>n/a</u>
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	<u>>30%</u>	<u>>30%</u>	<u>30%</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>0</u>	<u>0</u>	<u>4.8</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(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 exterior/dimensional changes, only a change to the use in one space in the building, approx 826 sq. ft.

- 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'.

