BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit:  
Variance:  
Appeal:  

PETITIONER:  Salt & Olive Inc. - C/O Sean D. Hope, Esq.

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

LOCATION OF PROPERTY:  1158-1160 Massachusetts Ave Cambridge, MA 02138

TYPE OF OCCUPANCY:  4.35(e,r)  ZONING DISTRICT:  Residence C-2B Zone

REASON FOR PETITION:

Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner requests a use Variance to operate a 35 seat restaurant and existing food-retail business into two adjacent ground floor commercial space and Special permit to reduce the required parking.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5.000  Section 5.31 (Table of Dimensional Requirements).
Article 6.000  Section 6.36 (Reduction in Required Parking).
Article 10.000  Section 10.30 (Variance).
Article 10.000  Section 10.40 (Special Permit).

Original Signature(s):

Sean D. Hope  
(Print Name)

Address:  675 Massachusetts Avenue
cambridge, MA 02139

Tel. No.:  617-492-0220
E-Mail Address:  sean@hopelegal.com

Date:  April 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 ____________

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 ____________

1154-1156 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 ____________

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

Commonwealth of Massachusetts, County of Middlesex

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

My commission expires ____________ (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 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 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 activate 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.
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 in consistent with the Cities 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**

<table>
<thead>
<tr>
<th></th>
<th>EXISTING CONDITIONS</th>
<th>REQUESTED CONDITIONS</th>
<th>ORDINANCE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL GROSS FLOOR AREA:</strong></td>
<td>8474sf</td>
<td>8474sf</td>
<td>5,122sf (max.)</td>
</tr>
<tr>
<td><strong>LOT AREA:</strong></td>
<td>2927sf</td>
<td>2927sf</td>
<td>n/a (min.)</td>
</tr>
<tr>
<td><strong>RATIO OF GROSS FLOOR AREA TO LOT AREA:</strong></td>
<td>.42</td>
<td>.42</td>
<td>1.75 (max.)</td>
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<tr>
<td><strong>LOT AREA FOR EACH DWELLING UNIT:</strong></td>
<td>n/a</td>
<td>n/a</td>
<td>600' (min.)</td>
</tr>
<tr>
<td><strong>SIZE OF LOT:</strong></td>
<td>51'</td>
<td>51'</td>
<td>50' (min.)</td>
</tr>
<tr>
<td><strong>SETBACKS IN FEET:</strong></td>
<td>0</td>
<td>0</td>
<td>10' (min.)</td>
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<tr>
<td><strong>SIZE OF BLDG.:</strong></td>
<td>33'+/-</td>
<td>33'+/-</td>
<td>45' (max.)</td>
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<td><strong>RATIO OF USABLE OPEN SPACE TO LOT AREA:</strong></td>
<td>&gt;30%</td>
<td>&gt;30%</td>
<td>30% (min.)</td>
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<td><strong>NO. OF DWELLING UNITS:</strong></td>
<td>0</td>
<td>0</td>
<td>4.8 (max.)</td>
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<td><strong>NO. OF PARKING SPACES:</strong></td>
<td>0</td>
<td>0</td>
<td>3 (min./max)</td>
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<td><strong>NO. OF LOADING AREAS:</strong></td>
<td>0</td>
<td>0</td>
<td>0 (min.)</td>
</tr>
<tr>
<td><strong>DISTANCE TO NEAREST BLDG. ON SAME LOT:</strong></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a (min.)</td>
</tr>
</tbody>
</table>

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'.