



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

2019 JAN 28 AM 11:22

BZA APPLICATION FORM

OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS
 Plan No: BZA-017063-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : Fly Club Corporation - C/O James J. Rafferty, Esq.

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

LOCATION OF PROPERTY : 82 Mount Auburn Street Cambridge, MA

TYPE OF OCCUPANCY : _____ ZONING DISTRICT : Residence C-1/Harvard Square Overlay District

REASON FOR PETITION :
Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner seeks to convert pre-existing nonconforming ground floor retail store to a restaurant use.

SECTIONS OF ZONING ORDINANCE CITED :

Article 4.000 Section 4.35.F.1 (Retail/Restaurant).

Article 8.000 Section 8.22.3 (Non-Conforming Use).

Article 10.000 Section 10.30 (Variance).

Original Signature(s) : 
 (Petitioner(s) / Owner)
James J. Rafferty
 (Print Name)

Address : 907 Massachusetts Avenue
Cambridge, MA 02139
 Tel. No. : (617) 492-4100
 E-Mail Address : jrafferty@adamsrafferty.com

Date : 1/23/19

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

FLY CLUB CORPORATION
(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 45 Dunster Street

the record title standing in the name of 45 Dunkster Street, LLC

whose address is 2 Holyoke Center, Cambridge MA 02138
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 28787 Page 21 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

Richard T. Porteus
RICHARD T. PORTEUS
PRES., FLY CLUB CORP.

On this 04th day of January, 2019, before me, the undersigned notary public, personally appeared Richard T. Porteus, proved to me through satisfactory evidence of identification, which were DRIVERS LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Janice Vicente-Correa
Janice Vicente-Correa
Notary Public

My commission expires: 09/28/2023

 **JANICE VICENTE-CORREIA**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
SEPTEMBER 28, 2023

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 permit building only residential uses in this zoning district.

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 directly related to the layout and design of the existing building, specifically the large display windows fronting directly onto the sidewalk.

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

1) Substantial detriment to the public good for the following reasons:

The location has historically housed a retail use and supported the surrounding residential and business districts for more than seventy years. It directly abuts the Business B zoning district both across the street and to the right, all of which contains retail uses.

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

The Ordinance allows for nonconforming uses to continue operating as long as they have not been 'abandoned or not used for a period of two years'. Allowing a modification within the retail use categories of Section 4.35 from retail to restaurant at this location will not derogate from the intent of the Ordinance.

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



DIG.

HARVARD SQUARE



DIG.

DIG.

DIG.



