

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2021 MAY 12 AM 11:15

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 117683

General Information

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

Special Permit: X Variance: Appeal:

PETITIONER: Byung C Lee, Trustee C/O Phong Nguyen

PETITIONER'S ADDRESS: 62 Station Landing , Medford, MA 02155

LOCATION OF PROPERTY: 1876 Massachusetts Ave., Cambridge, MA

TYPE OF OCCUPANCY: Fast Food

ZONING DISTRICT: Business C Zone

REASON FOR PETITION:

/Fast Food/

DESCRIPTION OF PETITIONER'S PROPOSAL:

The proposed restaurant is seeking permission to continue the use of the space as "Zoe Acai BarJuicery" at the same capacity but under a different DBA.

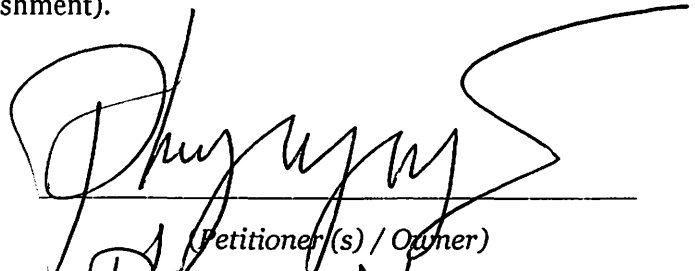
SECTIONS OF ZONING ORDINANCE CITED:

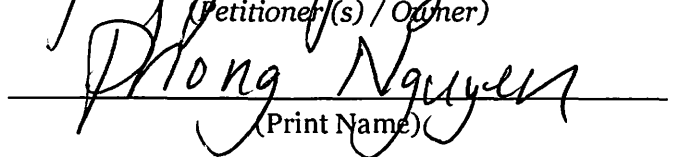
Article: 4.000 Section: 4.35.0 (Fast Order Food Establishment).

Article: 11.000 Section: 11.30 (Fast Order Food Establishment).

Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):



(Petitioner(s) / Owner)


(Print Name)

Address:

Tel. No.

E-Mail Address:

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 Byung C Lee, Trustee
(OWNER)
Address: 13 Colby Street, Belmont, MA 02478

State that I/We own the property located at 1876 Massachusetts Ave
which is the subject of this zoning application. Cambridge, MA 02140.

The record title of this property is in the name of _____
Byung C Lee, Trustee of 1876 Massachusetts Ave Trust

*Pursuant to a deed of duly recorded in the date 04/24/1992 Middlesex South
County Registry of Deeds at Book 21972, Page 574; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Byung C Lee Trustee
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

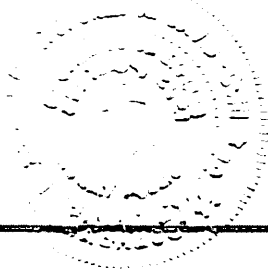
The above-name Byung C Lee personally appeared before me,
this 26 of April, 2021, and made oath that the above statement is true.

David Ochi Notary

My commission expires Sept 29, 2021 (Notary Seal).

 DAVID OCHI
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 29th, 2021

• 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 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 1876 Massachusetts Ave., Cambridge, MA (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:

The request is for a change of operator only. The former fast food restaurant was able to receive the special permit while in keeping with the requirements of the ordinance.

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:

No exterior changes will be made, and patterns of access and egress will also remain the same, therefore no congestion hazard or substantial change to the established neighborhood character will be caused.

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 proposed use is for a fast food restaurant, which is the same as the former operator of over 25 years, therefore the zoning ordinance would not be adversely affected.

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 as the proposed use is the same as the former

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:

No other reason exist. The proposed use is the same as the former use which would not impair the integrity of the district or derogate 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 an attorney.**

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Byung C Lee, Trustee

Present Use/Occupancy: Fast Food

Location: 62 Station Landing

Zone: Business C Zone

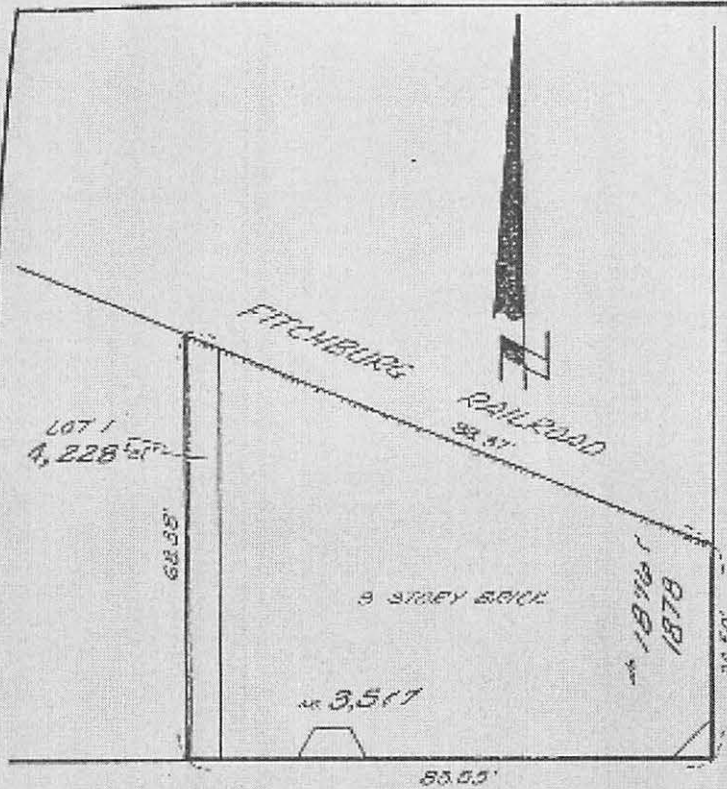
Phone:

Requested Use/Occupancy: Fast Food

	<u>Existing</u>	<u>Requested</u>	<u>Ordinance</u>	
	<u>Conditions</u>	<u>Conditions</u>	<u>Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	12,000*sq ft	Same as exiting	N/A	(max.)
<u>LOT AREA:</u>	4228 sq ft	Same As existing	None	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	3.7	Same as existing	2.0	
<u>LOT AREA OF EACH DWELLING UNIT</u>	N/A	N/A	N/A	
<u>SIZE OF LOT:</u>				
WIDTH	34.50-68.38	Same as existing	None	
DEPTH	83.55	Same as existing	None	
<u>SETBACKS IN FEET:</u>				
FRONT	0	Same as existing	None	
REAR	6 ft	Same as Existing	None	
LEFT SIDE	0	Same as existing	None	
RIGHT SIDE	0	Same as existing	None	
<u>SIZE OF BUILDING:</u>				
HEIGHT	About 38 ft	Same as existing	55 ft	
WIDTH	78	Same as existing	None	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	0.097	Same as existing	None	
<u>NO. OF DWELLING UNITS:</u>	0	0	None	
<u>NO. OF PARKING SPACES:</u>	0	0	6	
<u>NO. OF LOADING AREAS:</u>	0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	10 ft	Same as existing	None	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

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



MASSACHUSETTS AVENUE

UPLAND ROAD

NOTES:

1. THIS PLAN WAS PREPARED UNDER PROFESSIONAL AND TECHNICAL STANDARDS FOR MORTGAGE LOAN INSPECTIONS AND USE FOR ANY OTHER PURPOSE IS PROHIBITED.
2. PROPERTY LINES WERE NOT ESTABLISHED BY MECHANICAL PROPERTY SURVEY AND NO GUARANTEES ARE MADE AS TO TITLE OR OWNERSHIP LINES, AND DEBITS SHOULD NOT BE USED TO DETERMINE PROPERTY LINES.

TITLE REF. (MIDDLESEX REGISTRY OF DEEDS)
 DEED : BOOK 21548 PAGE 238
 PLAN : BOOK 210 PAGE 20

BASED ON MY KNOWLEDGE, BELIEF, AND INFORMATION, I HEREBY CERTIFY THAT THE PERMANENT STRUCTURES ARE LOCATED AS SHOWN HEREON AND THAT ACCORDING TO THE F.E.M.A. MAP FOR COMMUNITY No. 250186 B DATED 7-3-82 THE PARCEL FALLS IN AN AREA CLASSIFIED AS "ZONE C" (NOT IN FLOOD)

IT IS MY PROFESSIONAL OPINION THAT THE PERMANENT STRUCTURES CONFORMED TO THE CITY OF CAMBRIDGE ZONING DIMENSIONAL REQUIREMENTS WHICH CONSTITUTE

THIS CERTIFICATION IS MADE TO AND LIMITED TO THE PARTIES LISTED BELOW.

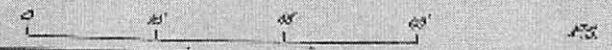
3-20-92

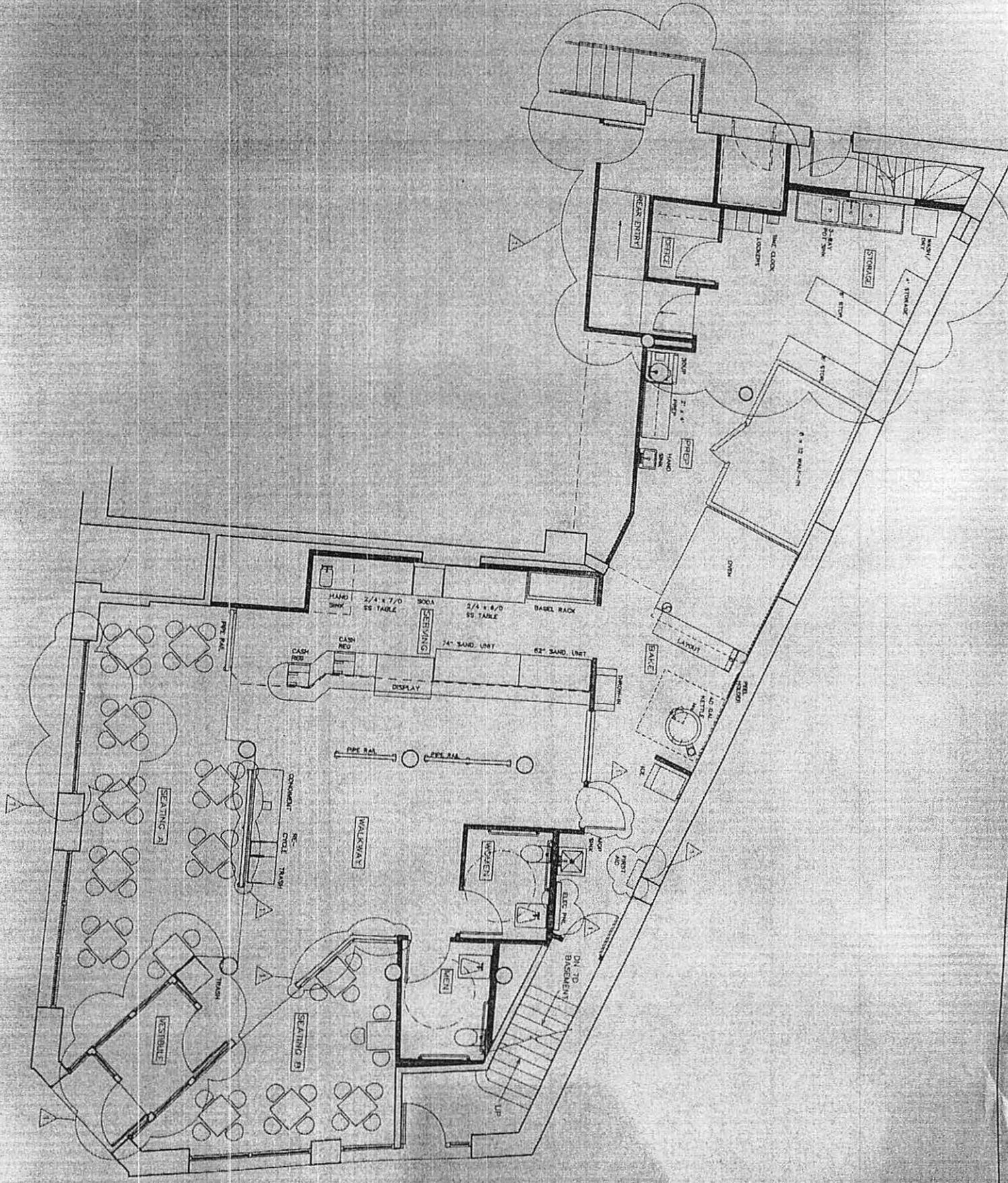
Sheldon E. Dwyer

MORTGAGE LOAN INSPECTION PLAN
 3.5 FT UPLAND ROAD
 CAMBRIDGE, MASS.

CERTIFIED TO:
 BAY BANK MIDDLESEX, ITS
 SUCCESSORS OR ASSIGNS &
 BAYBANK OF ITS SUCCESSORS OR ASSIGNS

SCALE: 1" = 20'
 MARCH 20, 1992
 SITE OF DWYER, INC. SURVEYORS
 196 CENTRAL STREET, CAMBRIDGE, MASS.
 P.O. BOX 982 (617) 833-8155 01906





1876 Mass Ave





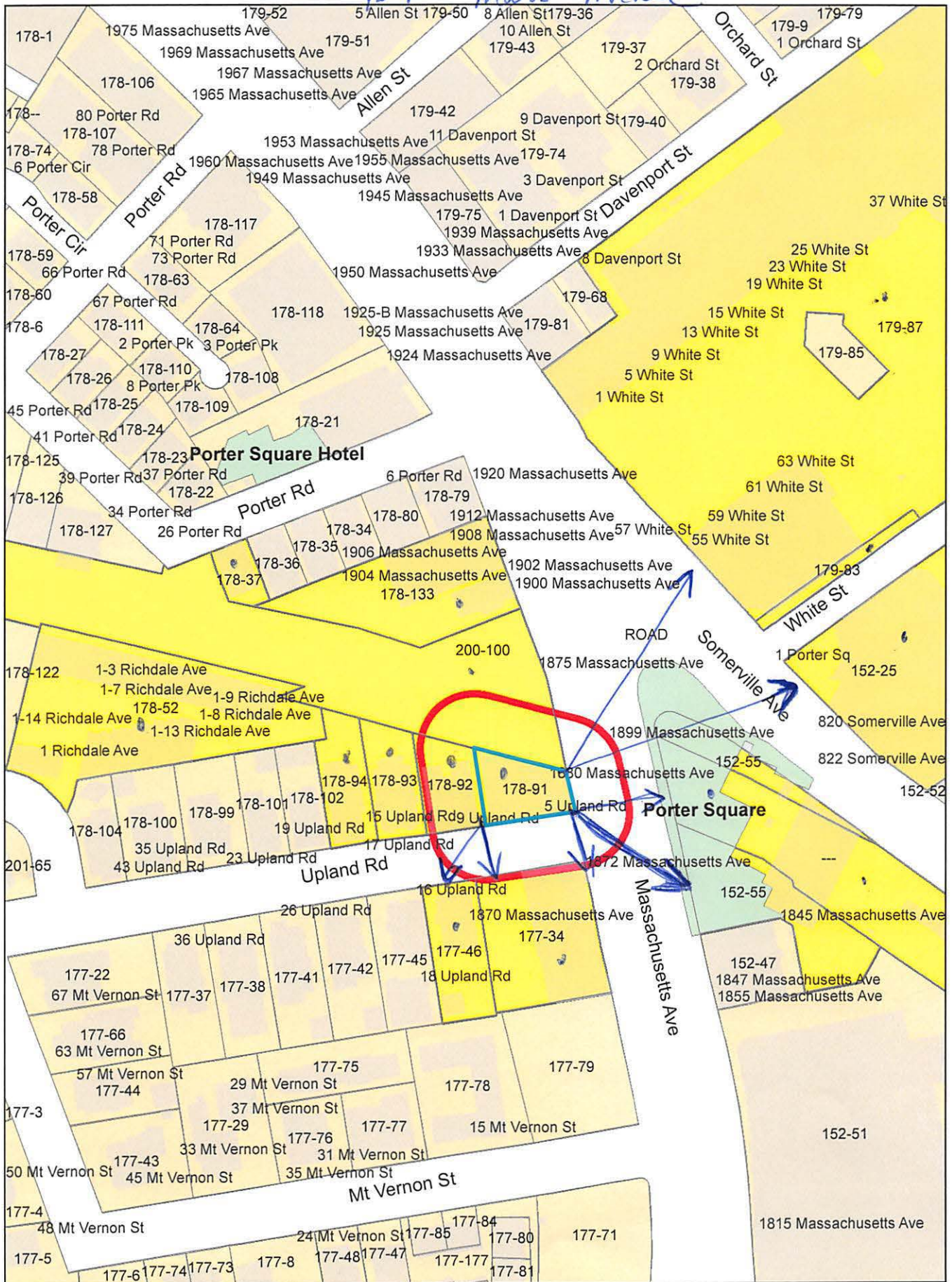








1876 Mass Avenue



1876 Mass Ave

Retainer / 10/2
PHONG NGUGEN
62 STATION LANDING
MEDFORD, MA 02155

152-25
CPUS PORTER SQUARE, LP
C/O STRATEGIC PROPERTY TAX ADVISORS
PO BOX 638
ADDISON, TX 75001

152-55 / 179-83/ 200-100
MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY
10 PARK PLAZA
BOSTON, MA 02116

177-46
TRICUSPID, LLC
16 LAWSON RD.
WINCHESTER, MA 01890

177-34
1868 MASS AVE LLC
109 SCHOOL ST
WATERTOWN, MA 02472

178-37
SEEGER, JEREMY
28 PORTER RD
CAMBRIDGE, MA 02140

178-52
ELENKO, MARK P.
1 RICHDAL AVE., #10
CAMBRIDGE, MA 02140

178-93
KRAFT, DINA & GILEAD ROSENZWEIG
15 UPLAND RD., #3
CAMBRIDGE, MA 02140

178-52
WISEMAN, FREDERICK, TRUSTEE THE WISEMAN
RICHDAL AVE REALTY TRUST
1 RICHDAL AVE., #4
CAMBRIDGE, MA 02138

178-52
FOSS, CLIVE
1 RICHDAL AVE, #5
CAMBRIDGE, MA 02140

178-52
HAFERD, THOMAS E. & ROSE L. HAFERD
1 RICHDAL AVE. UNIT#8
CAMBRIDGE, MA 02141

178-52
COLEMAN, SIDNEY &
DOROTHY DIANE COLEMAN
1 RICHDAL PK., #12
CAMBRIDGE, MA 02140

178-52
HWANG, SHUE-YEARN & ONE K. HWANG
1 RICHDAL AVE. UNIT#13
CAMBRIDGE, MA 02140

178-91
LEE, BYUNG C.,
TR OF 1876 MASSACHUSETTS AVENUE TRUST
13 COLBY ST
BELMONT, MA 02478

178-93
PAPA, EUGENE
15 UPLAND RD, UNIT #5
CAMBRIDGE, MA 02138

178-94
17-19 UPLAND ROAD LLC.
C/O ERIC M. HOAGLAND
195 LEXINGTON AVE
CAMBRIDGE, MA 02138

178-52
ARNOPOLSKAYA, LUDMILA
300 ALLSTON STREET #512
BRIGHTON, MA 02135

178-52
WISEMAN, FREDERICK,
TR. THE WISEMAN RICHDAL AVE REALTY TRUST
1 RICHDAL AVE., #4
CAMBRIDGE, MA 02140

178-52
BRADLEY, PATRICK J.
1 RICHDAL AVE #6
CAMBRIDGE, MA 02140

178-52
YILDIZ, BILGE & AUDUN BOTTERUD
1 RICHDAL AVE. UNIT#9
CAMBRIDGE, MA 02140

178-52
KOPELL, NANCY J.,
TR. THE NANCY J. KOPELL LIV TRUST
1 RICHDAL AVE., #11
CAMBRIDGE, MA 02140

178-52
MOORE, SALLY F.
1 RICHDAL AVE #15
CAMBRIDGE, MA 02138

178-93
LUI, KEVIN
15 UPLAND RD., #2
CAMBRIDGE, MA 02138

178-93
LIU, CINDY & HENRY LIU
15 UPLAND RD UNIT #4
CAMBRIDGE, MA 02140

178-133
PKH PROPERTIES, LLC
P.O. BOX 621 BROOKLINE
BROOKLINE, MA 02446

179-87
PORTER SQUARE LLC
C/O GRAVESTAR, INC.
160 SECOND ST
CAMBRIDGE, MA 02142

178-52
TRENCHER, JEFFREY W. & RUTH R. GARVEY
1 RICHDAL AVE #16
CAMBRIDGE, MA 02140

178-92
DANESH, MORDECAI,
TR OF MH REALTY TRUST
C/O ALLIED PRPERTIES
P.O. BOX 132
BROOKLINE, MA 02446

178-52
ZHOU, CHUTENG JIAHUA GUO
266 BEACON ST. UNIT 6
SOMERVILLE, MA 02143

177-46
BARRINGER, PAUL M. & JOYCE P. BARRINGER
12 UPLAND RD
CAMBRIDGE, MA 02140

1876 Mass Ave

2 of 2

178-52
KLEINER STEVEN C
159 FIRST ST
MELROSE, MA 02176

178-93
HSU, DAVID JENNIFER GAO
23 RENDALL RD
WEST ROXBURY, MA 02132

178-93
LIU, SHNSHAN
15 UPLAND RD #6
CAMBRIDGE, MA 02140