



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2021 MAR -4 PM 2:31

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 109464

General Information

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

Special Permit: _____

Variance: X

Appeal: _____

PETITIONER: 808-812 Memorial Drive Commercial LLC (applicant is Cryo-Cone Cambridge, LLC d/bb/a Sub Zero Nitrogen Ice Cream) C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 808 Memorial Dr., Cambridge, MA

TYPE OF OCCUPANCY: dry cleaner

ZONING DISTRICT: Office 2/Memorial Drive Overlay

REASON FOR PETITION:

/Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to operate an ice cream shop in a location previously granted a variance in BZA Case no. 9967 (2010) to operate a dry cleaning establishment.

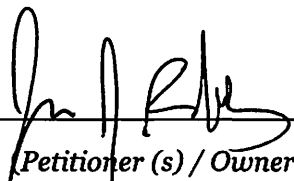
SECTIONS OF ZONING ORDINANCE CITED:

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

Article: 10.000 Section: 10.30 (Variance).

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

Original
Signature(s):


(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

Address:

Tel. No. 617.492.4100

E-Mail Address: jrafferty@adamsrafferty.com

Date: 3/1/21

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 808-812 Memorial Drive Commercial LLC

(OWNER)

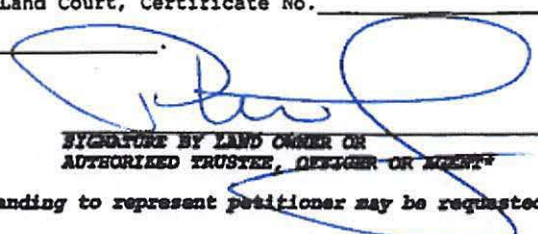
Address: c/o Homeowner's Rehab., Inc., 280 Franklin Street, Cambridge, MA

State that I/We own the property located at Unit CB of 808-812 Memorial Drive Leasehold Condominium
808 Memorial Drive, Cambridge, MA
which is the subject of this zoning application.

The record title of this property is in the name of 808-812 Memorial Drive Commercial LLC

*Pursuant to a deed of duly recorded in the date July 15, 2020, Middlesex South
County Registry of Deeds at Book 75127, Page 318; or
Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____


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

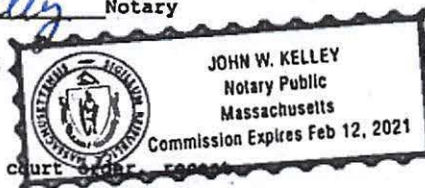
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of MIDDLESEX

The above-name PETER DALY personally appeared before me,
this 8th of FEBRUARY 2021, and made oath that the above statement is true.

John W. Kelley Notary

My commission expires FEB 12, 2021 (Notary Seal)



- * If ownership is not shown in recorded deed, e.g. if by court order, deed, or inheritance, please include documentation.

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 provisions of this Ordinance would effectively limit the "as of right" use of this ground floor space to office and residential uses.

- 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 by not affecting generally the zoning district in which it is located for the following reasons:

The hardship is directly related to the design and layout of the building and site. The ground floor location is designed for retail style uses and is not conducive for the allowed office and residential uses.

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

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

To the contrary, the residents of the building and surrounding community, especially families with children, will benefit from being able to enjoy a pleasant experience visiting this ice cream shop.

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

The Memorial Drive Overlay District allows for the operation of retail uses when, such as in this case, they are designed to provide services to persons utilizing the open space recreational amenities of the Charles River waterfront.

***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: 808-812 Memorial Drive Commercial LLC
 (applicant is Cryo-Cone Cambridge, LLC d/bb/a
Sub Zero Nitrogen Ice Cream)

Present Use/Occupancy: dry cleaner

Location: 907 Massachusetts Avenue

Zone: Office 2/Memorial Drive
Overlay

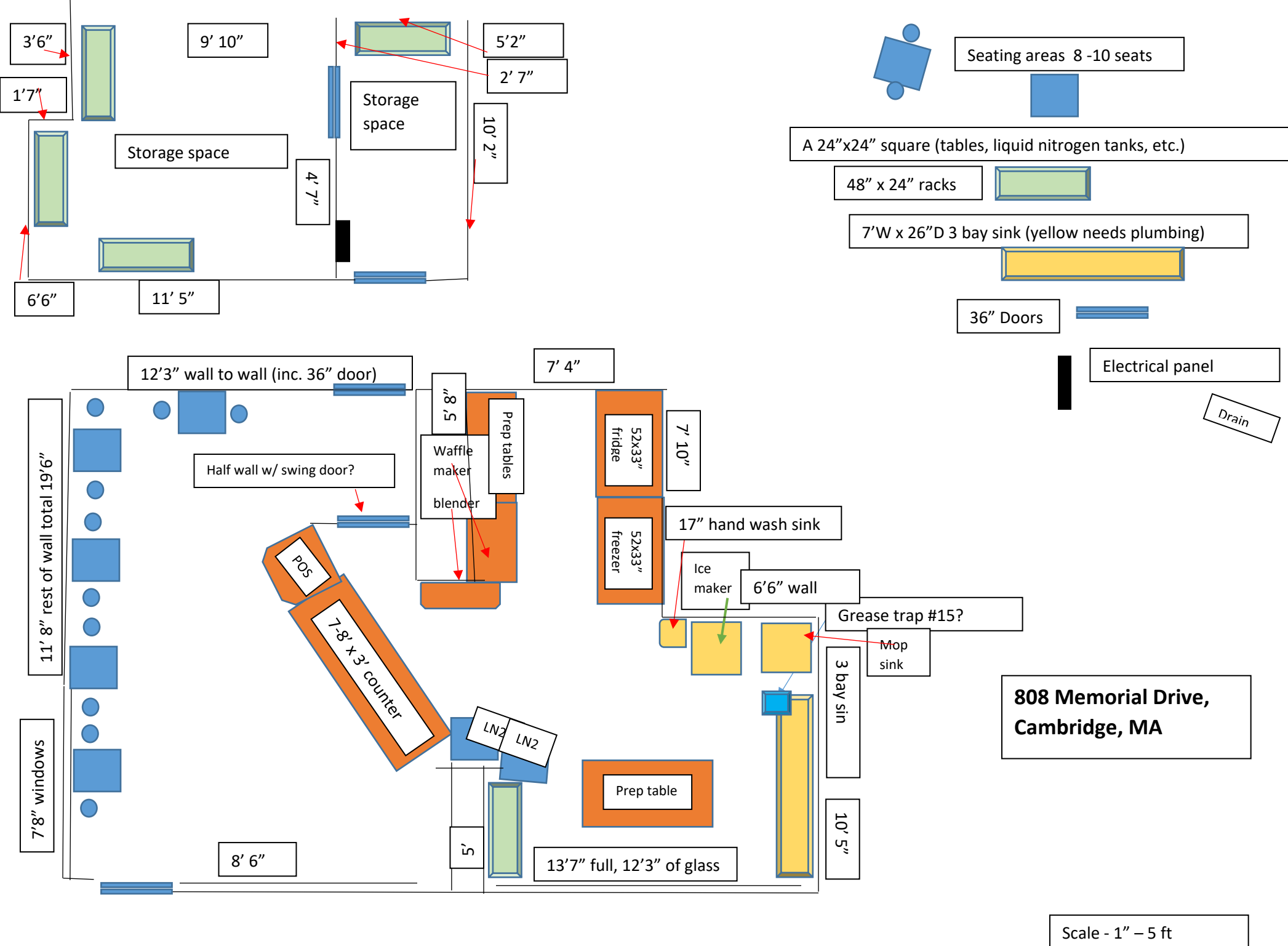
Phone: 617.492.4100

Requested Use/Occupancy: fast order food (ice cream)

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	440 sf (431,486 sf total)	no change	181,375 sf	(max.)
<u>LOT AREA:</u>	120,917 sf	no change	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	+/- 3.57	no change	1.5/2.0	
<u>LOT AREA OF EACH DWELLING UNIT</u>	N/A	no change	N/A	
<u>SIZE OF LOT:</u>				
WIDTH	+/- 290'	no change	50'	
DEPTH	N/A	no change	N/A	
<u>SETBACKS IN FEET:</u>				
FRONT	+/- 50'	no change	25'	
REAR	(Front on River) +/- 5'	no change	h+l/4	
LEFT SIDE	+/- 5'	no change	h+l/5	
RIGHT SIDE	+/- 5'	no change	h+l/5	
<u>SIZE OF BUILDING:</u>				
HEIGHT	varies	no change	70/85'	
WIDTH	varies	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	+/- 15%	no change	15%	
<u>NO. OF DWELLING UNITS:</u>	300	no change	201	
<u>NO. OF PARKING SPACES:</u>	-	no change	-	
<u>NO. OF LOADING AREAS:</u>	0	no change	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	varies	no change	10'	

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 DIMENSION OF 15'.





808 Memorial Dr.

105

Petitioner

128-70
BHX, LLC.
TRUSTEE OF 784 REALTY TRUST.
116 HUNTINGTON AVE. SUITE 600
BOSTON, MA 02116

129-55
PECTEN PROPERTIES, LLC
261 LEDYARD ST.
NEW LONDON, CT 06320

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE – 3RD FL.
CAMBRIDGE, MA 02139

128-63
ACADIA 330 RIVER STREET LLC,
C/O RITE AID CORPORATON
PO BOX 1159
DEERFIELD, IL 60015

129-59
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

129-59
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER

128-68
HERSKOVITS, ADRIANNA
157 PLEASANT ST., #1/201
CAMBRIDGE, MA 02139

128-68
DANIEL, AMANDA L.
157 PLEASANT ST., UNIT #1/206
CAMBRIDGE, MA 02139

128-68
COPE, DAVID
157 PLEASANT ST. UNIT 1/.207
CAMBRIDGE, MA 02139

128-68
MEIU, GEORGE PAUL
165 PLEASANT ST., #2/103
CAMBRIDGE, MA 02139

128-68
KRONENBERG, HENRY M.
165 PLEASANT ST., #2/105
CAMBRIDGE, MA 02139

128-68
GURAL, ALEXANDRA
165 PLEASANT ST., UNIT #2/202
CAMBRIDGE, MA 02139

128-68
PATEL, KUNJAL
165 PLEASANT ST., #2/216
CAMBRIDGE, MA 02139

128-68
BRAIN, JOSEPH D.
165 PLEASANT ST. UNIT#2/307
CAMBRIDGE, MA 02139

128-68
ASHLEY, STANLEY W.
165 PLEASANT ST., #2/407
CAMBRIDGE, MA 02139

128-68
WENGROD, JORDAN C.
165 PLEASANT ST., #2/410
CAMBRIDGE, MA 02139

128-68
LEVIN, JONATHAN C. &
AMY SCHOENFIELD LEVIN
165 PLEASANT ST., #2/416
CAMBRIDGE, MA 02139

128-68
TSOPAS, SCOTT
173 PLEASANT ST. UNIT#3/201
CAMBRIDGE, MA 02139

128-68
ZOU, TAO
173 PLEASANT ST., #3/202
CAMBRIDGE, MA 02139

128-68
MADARIAGA, CHRISTINE SIEBERG
173 PLEASANT ST 3/206
CAMBRIDGE, MA 02139

128-68
LAU, BING KEVIN
173 PLEASANT ST., UNIT#3/207
CAMBRIDGE, MA 02139

128-68
YOU, YONG-MING & PEI-RA LING
173 PLEASANT ST., UNIT #3/208
CAMBRIDGE, MA 02139

128-68
WANG, RUI
173 PLEASANT ST., #3/304
CAMBRIDGE, MA 02139

128-68
COOPER, NAZNEEN PHIROZE
173 PLEASANT ST., #3/308
CAMBRIDGE, MA 02139

128-68
BARTLEY, M. TREARTY
173 PLEASANT ST. UNIT 404
CAMBRIDGE, MA 02139

128-68
NEPAL, BIMAL & ANJANA NEPAL
173 PLEASANT ST., UNIT #3/406
CAMBRIDGE, MA 02139

128-68
BENSON, BRENT
173 PLEASANT ST., #3/408
CAMBRIDGE, MA 02139

128-68
LI, NA
157 PLEASANT ST., #1/102
CAMBRIDGE, MA 02139

128-68
DARLING, ALBERT T.
157 PLEASANT ST., UNIT #1/105
CAMBRIDGE, MA 02139

128-68
WERFEL, JUSTIN K.
157 PLEASANT ST., #1/208
CAMBRIDGE, MA 02139

808 Memorial Dr.

295-

128-68
COREY, KATHLEEN E.
165 PLEASANT ST., #2/110
CAMBRIDGE, MA 02139

128-68
D'ANGELO, EUGENE J.
165 PLEASANT ST, #2-205
CAMBRIDGE, MA 02139

128-68
LEWIS, KIMBERLY A.
165 PLEASANT ST., #2/206
CAMBRIDGE, MA 02139

128-68
HORWITZ, MORTON
165 PLEASANT ST 2/207
CAMBRIDGE, MA 02138

128-68
FORD, LINDA S.
165 PLEASANT ST. UNIT#2/ 213
CAMBRIDGE, MA 02139

128-68
GOMES, SUSAN O.
165 PLEASANT ST., #2/301
CAMBRIDGE, MA 02139

128-68
WANG, ALI
165 PLEASANT ST., #2/302
CAMBRIDGE, MA 02139

128-68
TEDESCHI, MARTHA
165 PLEASANT ST., #2/303
CAMBRIDGE, MA 02139

128-68
NI, KANG-KUEN
165 PLEASANT ST., #2/314
CAMBRIDGE, MA 02138

128-68
WONDIMU, SOLOMON
165 PLEASANT ST., UNIT# 2/401
CAMBRIDGE, MA 02139

128-68
SUTTON, VALERIE
165 PLEASANT ST 2/408
CAMBRIDGE, MA 02139

128-68
CONNORS, JOSEPH
165 PLEASANT ST., #2/412
CAMBRIDGE, MA 02139

128-68
LOH, PO-RU
165 PLEASANT ST., #2/415
CAMBRIDGE, MA 02139

128-68
YANG, HYUN-SIK & GA YOUNG LEE
157 PLEASANT ST #1/101
CAMBRIDGE, MA 02139

128-68
SHIH, WILLY C. & JULIE M. SHIH
157 PLEASANT ST. UNIT#1/205
CAMBRIDGE, MA 02139

128-68
BRAUN, DAVID A. & LAURIE R. BRAUN
157 PLEASANT ST., #1/209
CAMBRIDGE, MA 02139

128-68
SINGHAL, TARUN & GARIMA SINGHAL
157 PLEASANT ST., #1/302
CAMBRIDGE, MA 02139

128-68
HENTSCHEL, DIRK M.
157 PLEASANT ST., #303
CAMBRIDGE, MA 02139

128-68
COLE, SHAWN A.
157 PLEASANT ST. UNIT#1/305
CAMBRIDGE, MA 02139

128-68
TRAPP, TIMOTHY
157 PLEASANT ST., #1/306
CAMBRIDGE, MA 02139

128-68
ALTIDOR, EDNOR
157 PLEASANT ST., UNIT #1/308
CAMBRIDGE, MA 02138

128-68
CRUMPACKER, CLYDE
165 PLEASANT ST. UNIT# 2/106
CAMBRIDGE, MA 02139

128-68
CAIN, JOHN WESLEY
165 PLEASANT ST., #2/203
CAMBRIDGE, MA 02139

128-68
ELLIOTT, MARK C.
165 PLEASANT ST., #2/208
CAMBRIDGE, MA 02139

128-68
BROWN, CYNTHIA M.
165 PLEASANT ST 2/304
CAMBRIDGE, MA 02139

128-68
MESA, ALEX G. & TELMA M. MORALES
165 PLEASANT ST., #2/308
CAMBRIDGE, MA 02139

128-68
DOYLE, KATY
165 PLEASANT ST., #2/310
CAMBRIDGE, MA 02139

128-68
VISWANATH, KASISOMAYAJULA
165 PLEASANT ST., UNIT #2/312
CAMBRIDGE, MA 02139

128-68
KIM, EDY Y.
165 PLEASANT ST. UNIT#2/313
CAMBRIDGE, MA 02139

128-68
GADJEVA, MIHAELA & ROSSEN MIRCHEV
165 PLEASANT ST., UNIT #2/315
CAMBRIDGE, MA 02139

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128-68
GRUNDLER-WHITACRE, KARIN
165 PLEASANT ST. UNIT#2/402
CAMBRIDGE, MA 02139

128-68
SACHEZ, SHERRY L.
165 PLEASANT ST., UNIT #2/404
CAMBRIDGE, MA 02139

128-68
LUO, LAN
165 PLEASANT ST., #2/409
CAMBRIDGE, MA 02139

128-68
SHIH, WILLIAM
165 PLEASANT ST., #2/413
CAMBRIDGE, MA 02139

128-68
MALIK, ATHAR NAVEED
173 PLEASANT ST., #3/102
CAMBRIDGE, MA 02139

128-68
MELINA, CATHERINE A.
173 PLEASANT ST., UNIT #3/103
CAMBRIDGE, MA 02139

128-68
MONTROYA, HERIBERTO & SILVIA A. MONTROYA
173 PLEASANT ST., UNIT #3/101
CAMBRIDGE, MA 02139

128-68
ARTHANARI, HARIBABU
173 PLEASANT ST., #3/107
CAMBRIDGE, MA 02139

128-68
MCCARTHY, JOSEPH J. & MARINA MCCARTHY
173 PLEASANT ST, #3-108
CAMBRIDGE, MA 02139

128-68
TAI, JAHIRA S.
173 PLEASANT ST., #3/302
CAMBRIDGE, MA 02139

128-68
MILLER, PETER GRANT & ELIZABETH KWO
173 PLEASANT ST., #3/306
CAMBRIDGE, MA 02139

128-68
GOLDBERG, LENA G.
15 NICHOLS RD
COHASSET, MA 02025

128-68
LI, HOJUN
173 PLEASANT ST., #3/402
CAMBRIDGE, MA 02139

128-68
LAZARUS, JACOB E.
173 PLEASANT ST., #3/407
CAMBRIDGE, MA 02139

128-68
O'DONNELL, JOAN KATHRYN
173 PLEASANT ST, #3-203
CAMBRIDGE, MA 02139

128-68
CHALHOUB, SIDNEY
173 PLEASANT ST., #3/301
CAMBRIDGE, MA 02139

128-68
LIANG, NAN
173 PLEASANT ST # 3/303
CAMBRIDGE, MA 02139

128-68
HARTMANN, FRANCIS X.
173 PLEASANT ST. UNIT#3/405
CAMBRIDGE, MA 02138

128-68
HENTSCHEL, DIRK M.
157 PLEASANT ST. UNIT# 1/303
CAMBRIDGE, MA 02139

128-68
ALLEN, TODD
157 PLEASANT ST., #1/307
CAMBRIDGE, MA 02139

128-68
SABET, HAMID
157 PLEASANT ST., #1/311
CAMBRIDGE, MA 02139

128-68
CLICK, EMILY
165 PLEASANT ST. UNIT#2/101
CAMBRIDGE, MA 02138

128-68
SISKIND, MARIANO
165 PLEASANT ST., UNIT #2/104
CAMBRIDGE, MA 02139

128-68
LIPSITZ, STUART
165 PLEASANT ST. UNIT#2/107
CAMBRIDGE, MA 02139

128-68
JEYIFO, BIODUN
165 PLEASANT ST. UNIT#108
CAMBRIDGE, MA 02139

128-68
JOSEPH, JOSHUA W.
165 PLEASANT ST., #2/209
CAMBRIDGE, MA 02139

128-68
JOSEPH, LOREN
165 PLEASANT ST., #2/210
CAMBRIDGE, MA 02139

128-68
HO, BANKU & MARY HO
165 PLEASANT ST., UNIT 2/211
CAMBRIDGE, MA 02139

128-68
STERN, M. DAVID
165 PLEASANT ST., #2/212
CAMBRIDGE, MA 02139

128-68
CHEN, JONATHAN H.
165 PLEASANT ST., #2/214
CAMBRIDGE, MA 02139

128-68
FONG, HIU-FAI
165 PLEASANT ST., #2/305
CAMBRIDGE, MA 02139

128-68
PUETT, MICHAEL
165 PLEASANT ST., UNIT #306
CAMBRIDGE, MA 02139

128-68
ELLCOCK, JARRON & SHARMILA MATTHEWS
165 PLEASANT ST., UNIT #2/311
CAMBRIDGE, MA 02139

128-68
CHRISTODOULOU, JOANNA
165 PLEASANT ST., #2/405
CAMBRIDGE, MA 02139

128-68
MOLINA, GEORGE & ROSE LEONARD MOLINA
165 PLEASANT ST., #2/406
CAMBRIDGE, MA 02139

128-68
HEARN, ALYSHA
165 PLEASANT ST., #411
CAMBRIDGE, MA 02139

128-68
SHIH, WILLIAM
165 PLEASANT ST., UNIT #414
CAMBRIDGE, MA 02139

128-68
MARSDEN, DEBORAH L.
173 PLEASANT ST. UNIT #3/104
CAMBRIDGE, MA 02139

128-68
CHAUHAN, SUNIL K.
173 PLEASANT ST., #3/106
CAMBRIDGE, MA 02139

128-68
ABDUREZAK, HAMZA & KIFAYA ABDURAHMAN
173 PLEASANT ST., UNIT #3/204
CAMBRIDGE, MA 02139

128-68
MILLER, PETER GRANT & ELIZABETH KWO
173 PLEASANT ST., #3/305
CAMBRIDGE, MA 02139

128-71
MIT 770/784/790 MEMORIAL LLC
C/O ARE EQUITIES, INC
PO BOX 847
CARLSBAD, CA 92018

128-68
KALITA, ANUSKA
165 PLEASANT ST UNIT 2-112
CAMBRIDGE, MA 02139

128-68
HAN, XIAO
165 PLEASANT ST UNIT 2-201
CAMBRIDGE, MA 02139

128-68
GREENOUGH, PAUL G. VAUGHN M. WATERS
157 PLEASANT ST UNIT 1-301
CAMBRIDGE, MA 02139

128-68
VARMA, GOPAL
173 PLEASANT ST UNIT 3-105
CAMBRIDGE, MA 02139

128-68
MANCIAS, JOSEPH & SARA BARMETTLER
157 PLEASANT ST UNIT 1/204
CAMBRIDGE, MA 02139

128-68
HAUSMANN, JONATHAN & ADRIANA R. COHEN-
HAUSMANN
165 PLEASANT ST., #2- 102
CAMBRIDGE, MA 02139

128-68
FORMANEK, ARTHUR R. ANNA M. SHERIDAN
157 PLEASANT ST UNIT 1-107
CAMBRIDGE, MA 02139

128-68
KIM, YURI
165 PLEASANT ST UNIT 2/114
CAMBRIDGE, MA 02139

128-68
TORCHIANA, DAVID F.
165 PLEASANT ST UNIT 2/403
CAMBRIDGE, MA 02139

128-68
HOYTEMA VAN KONIJNENBURG, DAVID
165 PLEASANT ST UNIT 2/309
CAMBRIDGE, MA 02139

128-68
CHOW, DAVID Z. SHINN-HUEY CHOU
157 PLEASANT ST 1/309
CAMBRIDGE, MA 02139

128-68
GAUFBERG, ELIZABETH H.
165 PLEASANT ST UNIT 2/111
CAMBRIDGE, MA 02139

128-30
MDHCT HOLDINGS LLC
280 FRANKLIN ST
CAMBRIDGE, MA 02139

128-68
LI HOJUN
173 PLEASANT ST #3-401
CAMBRIDGE, MA 02139

128-68
NABEL CHRISTOPHER
157 PLEASANT ST #1-203
CAMBRIDGE, MA 02139

128-68
SRINIVASAN SHRIYA
165 PLEASANT ST #2-113
CAMBRIDGE, MA 02139

128-68
THEODOSAKIS, NICHOLAS
YUN-YUN KATHY CHEN
165 PLEASANT ST 2/215
CAMBRIDGE, MA 02139

128-68
SIEBERG, CHRISTINE B.S.
173 PLEASANT ST 3/205
CAMBRIDGE, MA 02139

128-68
DAMSKY, BETH C. JOANNE PESKOWITZ
157 PLEASANT ST UNIT 1/106
CAMBRIDGE, MA 02139

128-68
BOUDRIES MALIKA
173 PLEASANT ST
CAMBRIDGE, MA 02139

128-68
DUYZEND MICHAEL H
157 PLEASANT ST - # 1-103
CAMBRIDGE, MA 02139

128-68
CHANG TRINA E
165 PLEASANT ST - #2-109
CAMBRIDGE, MA 02139

128-68
LIU, DAVID & KELLY PATRICIA BURKE
165 PLEASANT ST UNIT 2/204
CAMBRIDGE, MA 02139

128-68
ROLANDO JUSTIN C
157 PLEASANT ST - UNIT 1-104
CAMBRIDGE, MA 02139

128-68
GONZALEZ JUAN EUGENIO IGLESIAS
157 PLEASANT ST - # 1-202
CAMBRIDGE, MA 02139

128-68
BOHNEN JORDAN DAVID
157 PLEASANT ST - #1-310
CAMBRIDGE, MA 02139

128-73
CAMBRIDGE ELECTRIC LIGHT CO.
C/O NSTAR ELECTRIC CO
PROPERTY TAX DEPT., P.O. BOX 270
HARTFORD, CT 06141-0270

128-72
ACADIA CAMBRIDGE LLC
550 BOWIE ST
AUSTIN, TX 78704

DEPARTMENT OF CONSERVATION &
RECREATION
251 CAUSEWAY STREET - SUITE 600
BOSTON, MA 02114-2119