



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

BZA APPLICATION FORM

Plan No: BZA-017063-2019

GENERAL INFORMATION

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

Special Permit : _____ Variance : ✓ 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

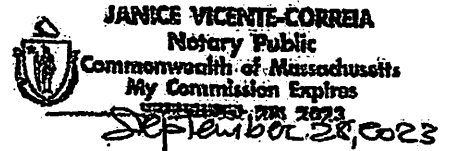
District of Land Court Certificate No. _____ Book _____ Page _____

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 DRIVER'S 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-Correia
Notary Public

My commission expires: 09/28/2023



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.**

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: James Rafferty, Esq. **PRESENT USE/OCCUPANCY:** Retail
LOCATION: 82 Mount Auburn Street Cambridge, MA **ZONE:** Residence C-1/Harvard Squar
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Retail (restaurant)

| | | <u>EXISTING</u> <u>CONDITIONS</u> | <u>REQUESTED</u> <u>CONDITIONS</u> | <u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹ | |
|--|------------|--------------------------------------|---------------------------------------|--|------------|
| <u>TOTAL GROSS FLOOR AREA:</u> | | 11116 | no change | 5,645 | (max.) |
| <u>LOT AREA:</u> | | 7,527 | no change | 5,000 | (min.) |
| <u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ² | | 1.47 | no change | .75 | (max.) |
| <u>LOT AREA FOR EACH DWELLING UNIT:</u> | | N/A | no change | 1,500 | (min.) |
| <u>SIZE OF LOT:</u> | WIDTH | 66.8 | no change | 50 | (min.) |
| | DEPTH | 100.47 | no change | N/A | |
| <u>SETBACKS IN FEET:</u> | FRONT | 0' | no change | min 10' | (min.) |
| | REAR | 0' | no change | min 10' | (min.) |
| | LEFT SIDE | +/-5' | no change | 7'6" | (min.) |
| | RIGHT SIDE | +/-40' | no change | 7'6" | (min.) |
| <u>SIZE OF BLDG.:</u> | HEIGHT | +/-35' | no change | 35' | (max.) |
| | LENGTH | 56' | no change | N/A | |
| | WIDTH | 59' | no change | N/A | |
| <u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u> | | +/-35% | no change | 30% | (min.) |
| <u>NO. OF DWELLING UNITS:</u> | | 0 | no change | N/A | (max.) |
| <u>NO. OF PARKING SPACES:</u> | | 0 | no change | N/A | (min./max) |
| <u>NO. OF LOADING AREAS:</u> | | 0 | no change | N/A | (min.) |
| <u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u> | | N/A | no change | N/A | (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.

2,779 SF OF GROUND FLOOR

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'.



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2019 JAN 28 AM 11:22

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OFFICE OF THE CITY CLERK
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| Article <u>10.000</u> | Section <u>10.30 (Variance).</u> |

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

82 Mt. Auburn St.

Petitioner

160-11
TRINITY REALTY LIMITED PARTNERSHIP I
P.O. BOX 380212
CAMBRIDGE, MA 02238

160-14
PRESIDENT AND FELLOWS OF HARVARD COLLEGE
HARVARD UNIVERSITY R.E. DEPT
HOLYOKE CENTER, ROOM 1017
1350 MASS AVENUE
CAMBRIDGE, MA 02138

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE
CAMBRIDGE, MA 02139

162-7-47-48-49-68
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138

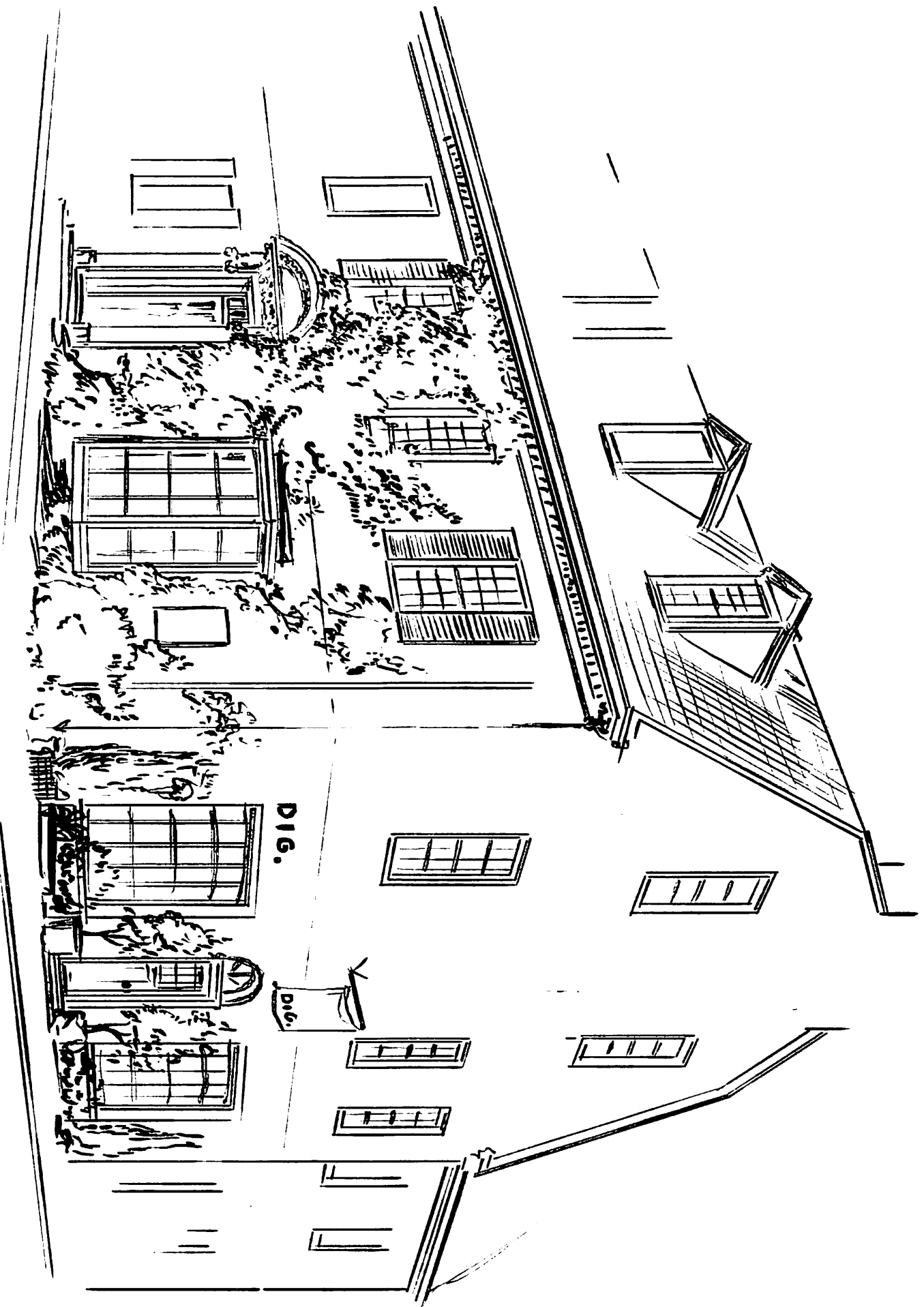
162-9
TARTARIAN, LLC
1188 CENTRE ST.
NEWTON, MA 02459

162-10
SIGNET ASSOCIATES
46 DUNSTER ST
CAMBRIDGE, MA 02138

162-67
45 DUNSTER STREET LLC
2 HOLYOKE PLACE
CAMBRIDGE, MA 02138

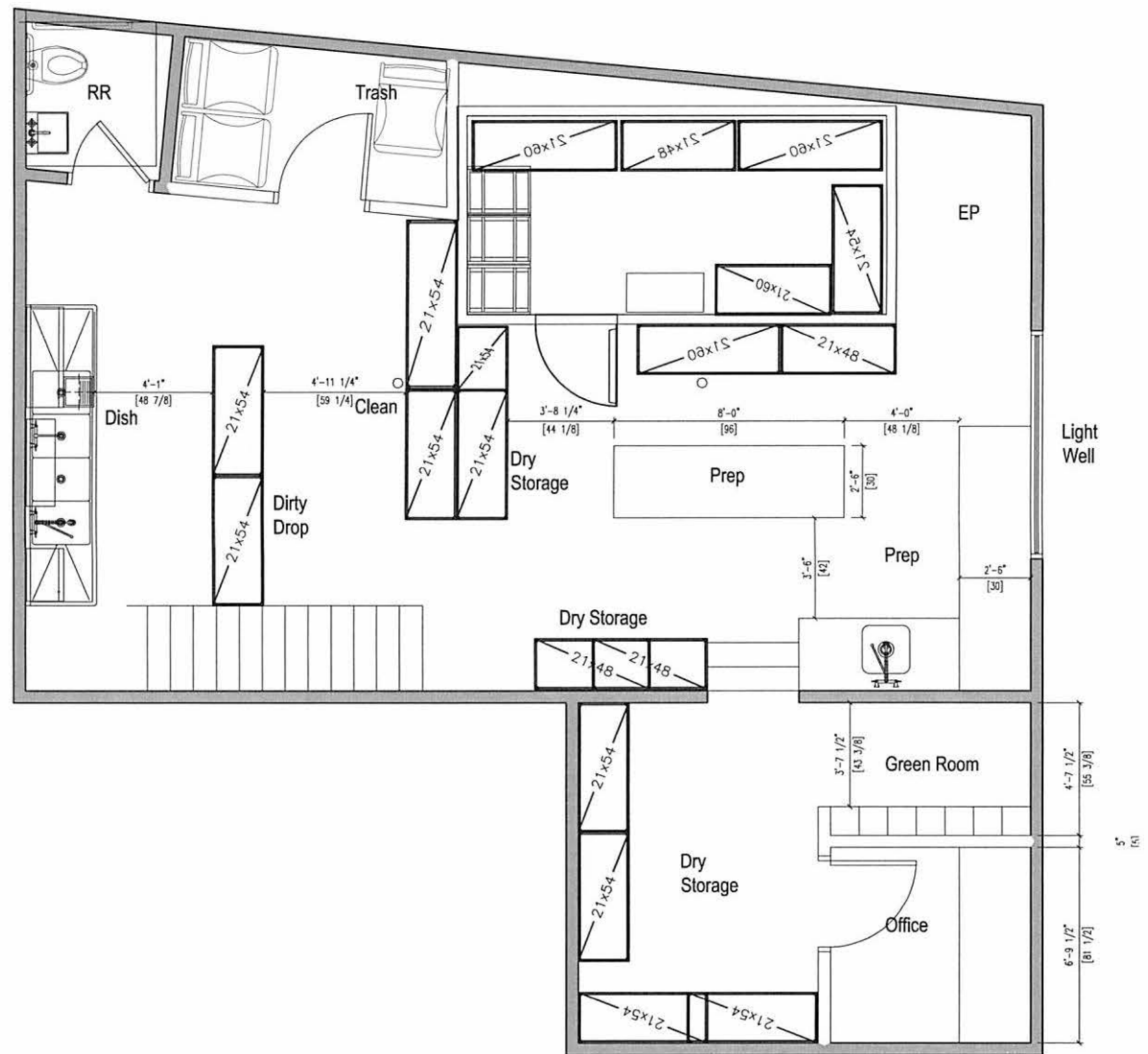
160-14
PRESIDENT & FELLOW OF HARVARD HARVARD
UNIVERSITY R.E. DEPT
HOLYOKE CENTER., ROOM 451
1350 MASS AVE
CAMBRIDGE, MA 02138

162-4
FOX CLUB HOLDING, LLC.
C/O FOX CLUB GRADUATE ASS.
P.O. BOX 132
KINGSTON, MA 02364



DIG.

HARVARD SQUARE



10.25.18 /Cellar Floor PD-R2a

Scale: 1/4" = 1'-0"

DIG INN

82 Mt Auburn

Garrett Singer
ARCHITECTURE + DESIGN

