

BZA APPLICATION FORM

Plan No: BZA-017272-2020

GENERAL INFORMATION

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

Special Permit : √ Variance : √ Appeal :

PETITIONER: Windsor Ninety Three LLC - C/O Richard C. Lynds, Esq.

PETITIONER'S ADDRESS : 245 Sumner Street, #110 Boston, MA 02128

LOCATION OF PROPERTY : 93 Windsor St Cambridge, MA

TYPE OF OCCUPANCY : Retail Business & Consumer Service ZONING DISTRICT : Residence C-1 Zone

REASON FOR PETITION :
Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL :

Request for a change of use and occupancy from current use of retail store to proposed use of full restaurant with alcohol, no entertainment. Proposal is to re-use existing conditions and floor plan of existing space. No change or addition to existing square footage. Proposal also seeks relief of parking requirements related to change of use.

SECTIONS OF ZONING ORDINANCE CITED :

Article	<u>4.000</u>	Section	<u>4.35.F.1 (Restaurant w/ Alcohol).</u>
Article	<u>6.000</u>	Section	<u>6.36.5.F.1 (Parking Requirements).</u>
Article	<u>6.000</u>	Section	<u>6.35 (Reduction of Parking).</u>
Article	<u>10.000</u>	Section	<u>10.30 (Variance).</u>
Article	<u>10.000</u>	Section	<u>10.40 (Special Permit).</u>

Original Signature(s) :



(Petitioner(s) / Owner)
Joseph E. Donovan
Manager

(Print Name)

Address : 50 Franklin St, Suite 400
Boston, MA 02110

Tel. No. : 617. 412. 3252

E-Mail Address : _____

Date : 2/26/20

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 Windsor Ninety Three, LLC
(OWNER)

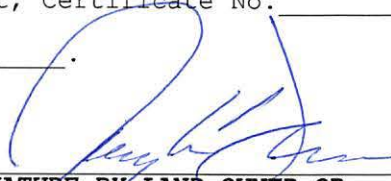
Address: 50 Franklin St, Suite 400, Boston, MA 02110

State that I/We own the property located at 93 Windsor Street, Cambridge
which is the subject of this zoning application.

The record title of this property is in the name of Windsor Ninety Three, LLC

*Pursuant to a deed of duly recorded in the date 6/21/16, Middlesex South
County Registry of Deeds at Book 67464, Page 412; 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 Suffolk

The above-name Joseph Donovan personally appeared before me,
this 20th of February, 2020, and made oath that the above statement is true.

My commission expires April 3, 2026 (Notary Seal)



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

ROBERT J. COLEMAN - 6931 141ST AVE. S.W.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-09-2001 BY SP-6 BTJ/KSP

1. *Phragmites australis* (Cav.) Trin. ex Steud.

[illegible][illegible]

COMM EXPIR 31 MAR 1964

[illegible]

Journal of Management Studies, 36(7), 809–826

100-443887-100



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:

The premises contain a pre-existing non-conforming structure that is located in the residence C-1 District, which restricts commercial use. As a commercial structure, the premises would not be easily converted to a conforming residential use. Premises have been used and occupied as a retail commercial establishment historically and a similar use is proposed.

- 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 shape and size of the lot would be non conforming under the current dimensional regulations for the Residence C-1 District and the conversion to even a conforming use would likely require a variance.

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

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

The Premises have been utilized as a commercial retail establishment for numerous years, which has sold food products and groceries, and most recently as a cafe. The intent is to continue with the commercial use which will continue to service the immediate area and offer a full restaurant.

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

The Premises have been utilized as a commercial retail establishment for numerous years, which has sold food products and groceries, and most recently as a cafe. The intent is to continue with the commercial use which will continue to service the immediate area and offer a full 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.**

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 93 Windsor St 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 Premises, which were originally built as a single story commercial building, have been continuously used for commercial and retail purposes. The proposed change will continue with a similar use.
- 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:
See "A" above.
- 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:
See "A" above.
- 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:
See "A" above.
- 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:
See "A" above. In addition, the proposed change will continue to offer services to the immediate neighborhood.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION****APPLICANT:** Christopher Cwynar**PRESENT USE/OCCUPANCY:** Retail Store - 4.35
(a.1)**LOCATION:** 93 Windsor St Cambridge, MA**ZONE:** Residence C-1 Zone**PHONE:** **REQUESTED USE/OCCUPANCY:** Restaurant with alcohol - 4.35 (:

		<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>		2,022 sf	2,022 sf	.sting/ no char	(max.)
<u>LOT AREA:</u>		3,043 sf	3,043sf	.sting/ no char	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²		.66	.66	.sting/ no char	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		NA	NA	NA	(min.)
<u>SIZE OF LOT:</u>	WIDTH	47'	47'	.sting/ no char	(min.)
	DEPTH	67'	67'	.sting/ no char	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	.sting/ no char	(min.)
	REAR	20'	20'	.sting/ no char	(min.)
	LEFT SIDE	0	0	.sting/ no char	(min.)
	RIGHT SIDE	0	0	.sting/ no char	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	15.75'	15.75'	.sting/ no char	(max.)
	LENGTH	47'	47'	.sting/ no char	
	WIDTH	47'	47'	.sting/ no char	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>		920 sf	920 sf	.sting/ no char	(min.)
<u>NO. OF DWELLING UNITS:</u>		0	0	.sting/ no char	(max.)
<u>NO. OF PARKING SPACES:</u>		0	0	isting/no chan	(min./max)
<u>NO. OF LOADING AREAS:</u>		1	1	.sting/ no char	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>		NA	NA	NA	(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.

No other occupancies or adjacent buildings on same lot. No change in existing brick/CMU structure

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'.

BZA APPLICATION FORM

GENERAL INFORMATION

Plan No: BZA-017272-2020

2020 FEB 26 PM 2:40
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Article 10.000	Section 10.30 (Variance).
Article 10.000	Section 10.40 (Special Permit).

Original Signature(s) :


Peggy L. Deane (Petitioner(s) / Own

Joseph E. Donovan
Manager

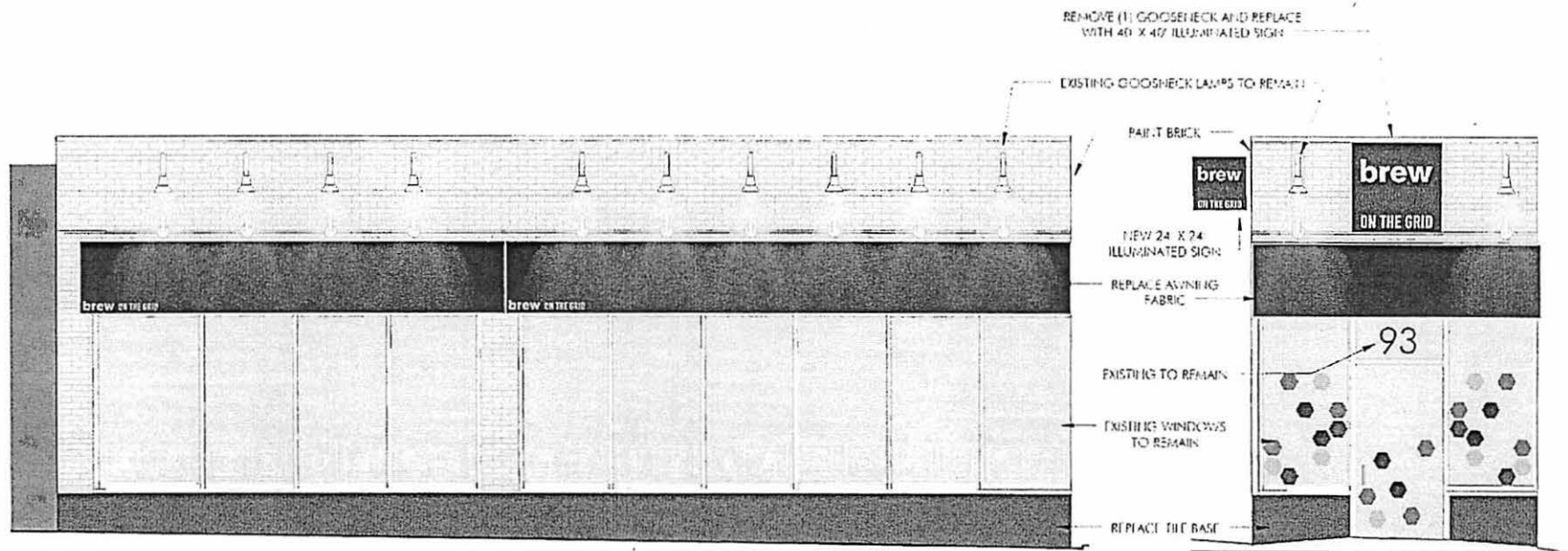
(Print Name)

Address : 30 Franklin Street, Suite 400
Boston, MA 02110

Tel. No. : 617-912-3252

E-Mail Address :

Date : 2/26/20



WINDSOR STREET ELEVATION (EAST)

ENTRY ELEVATION

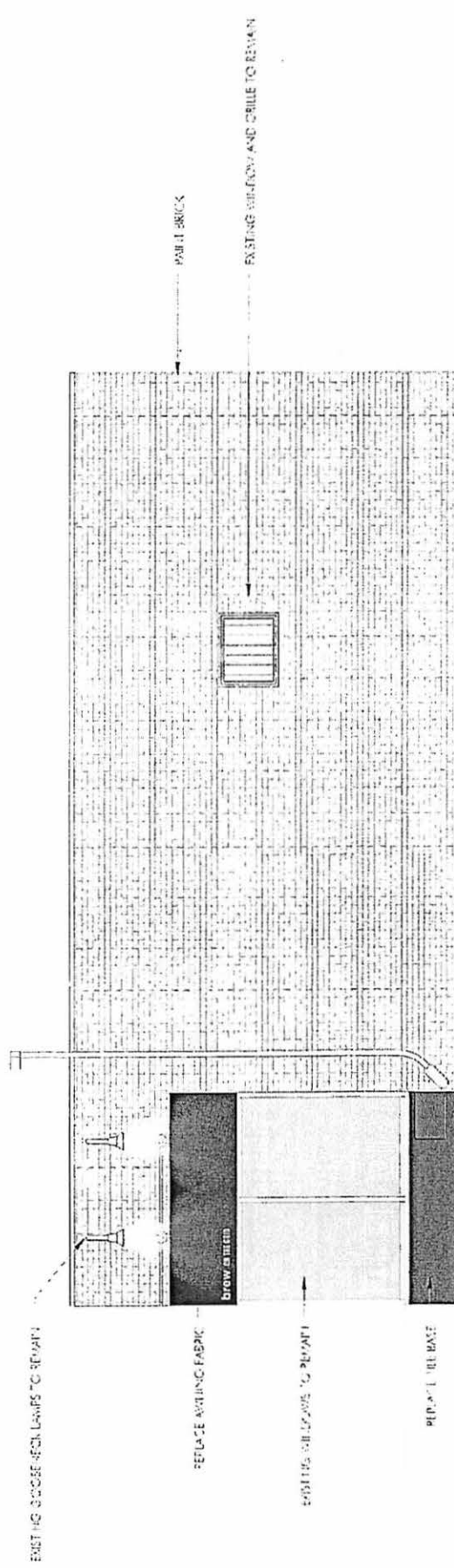
EMBARC
ARCHITECTS

7/27/2016 4:23:48 PM C:\Users\james\Documents\16062_93 Windsor Street.dwg

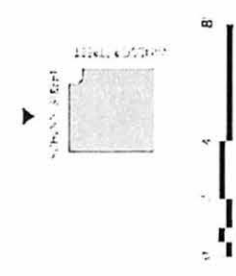
PROPOSED WINDSOR STREET ELEVATIONS

brew ON WINDSOR
corner of 93 and Windsor

8



SCHOOL STREET ELEVATION (NORTH)



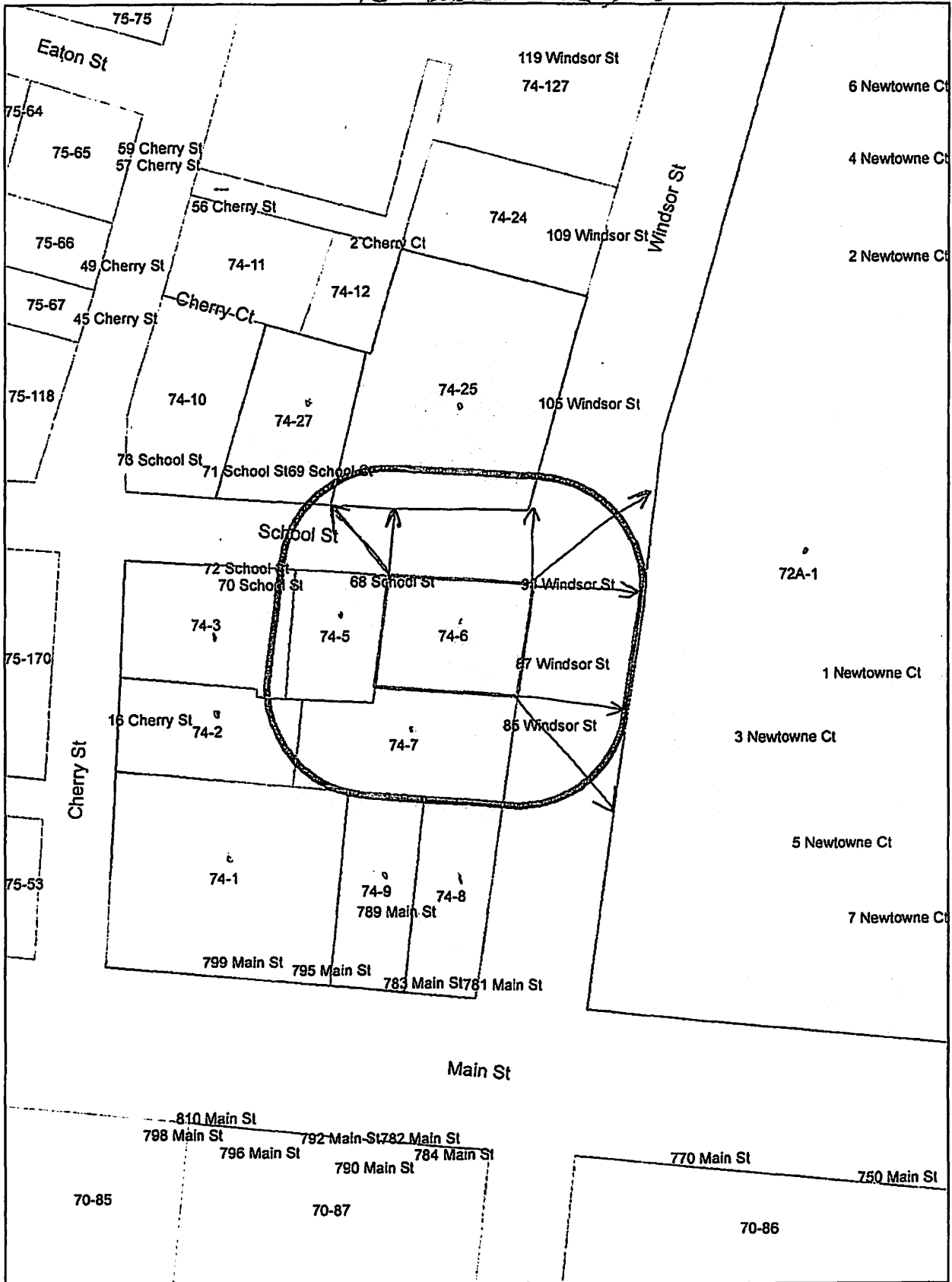
9

PROPOSED SCHOOL STREET ELEVATION
BRAYDON WINDSOR
ARCHITECTURE P.A.

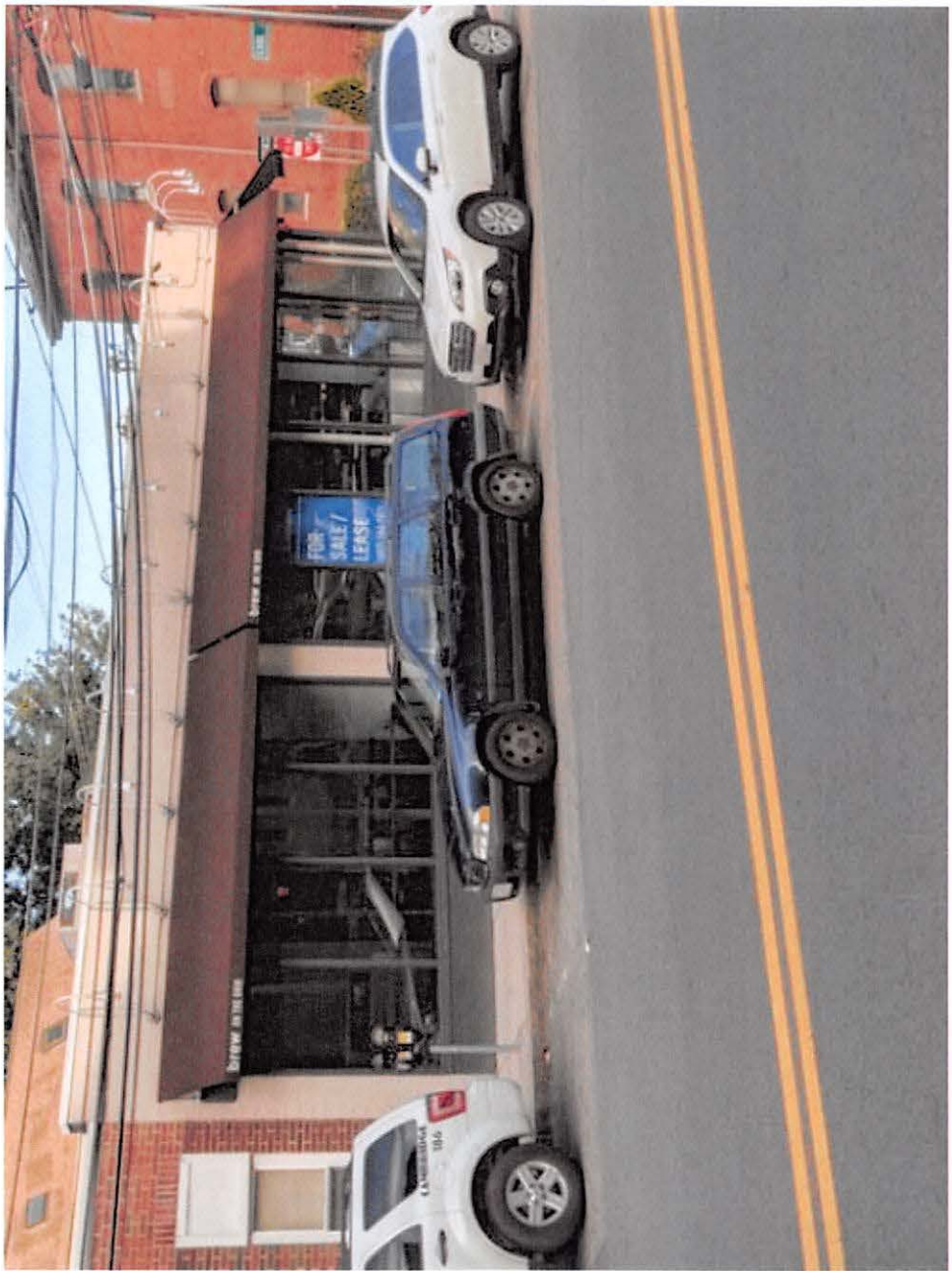
EMBARC
STUDIO
77172016 4:29:47 PM

C:\Users\dwins\Documents\16090 93 Windsor Street - drawings.rvt

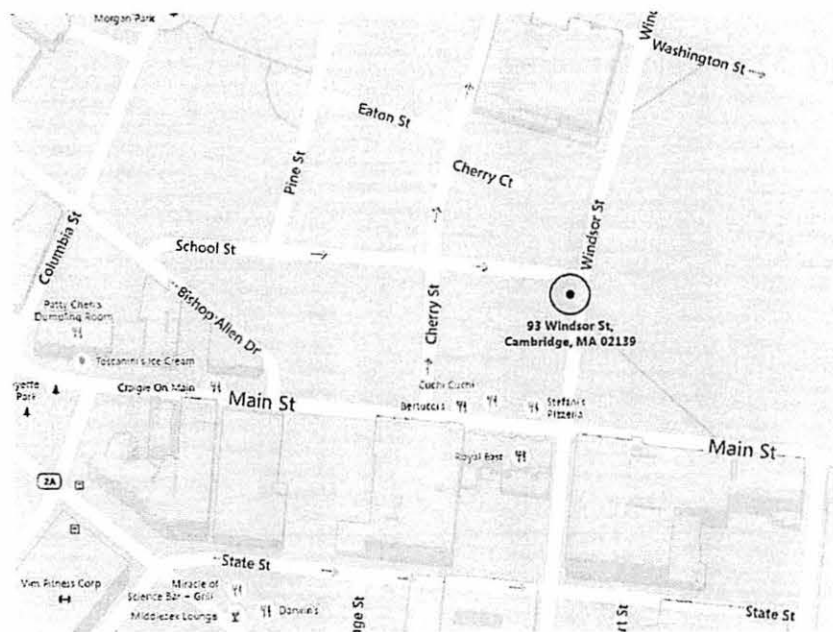
93 Windsor St.







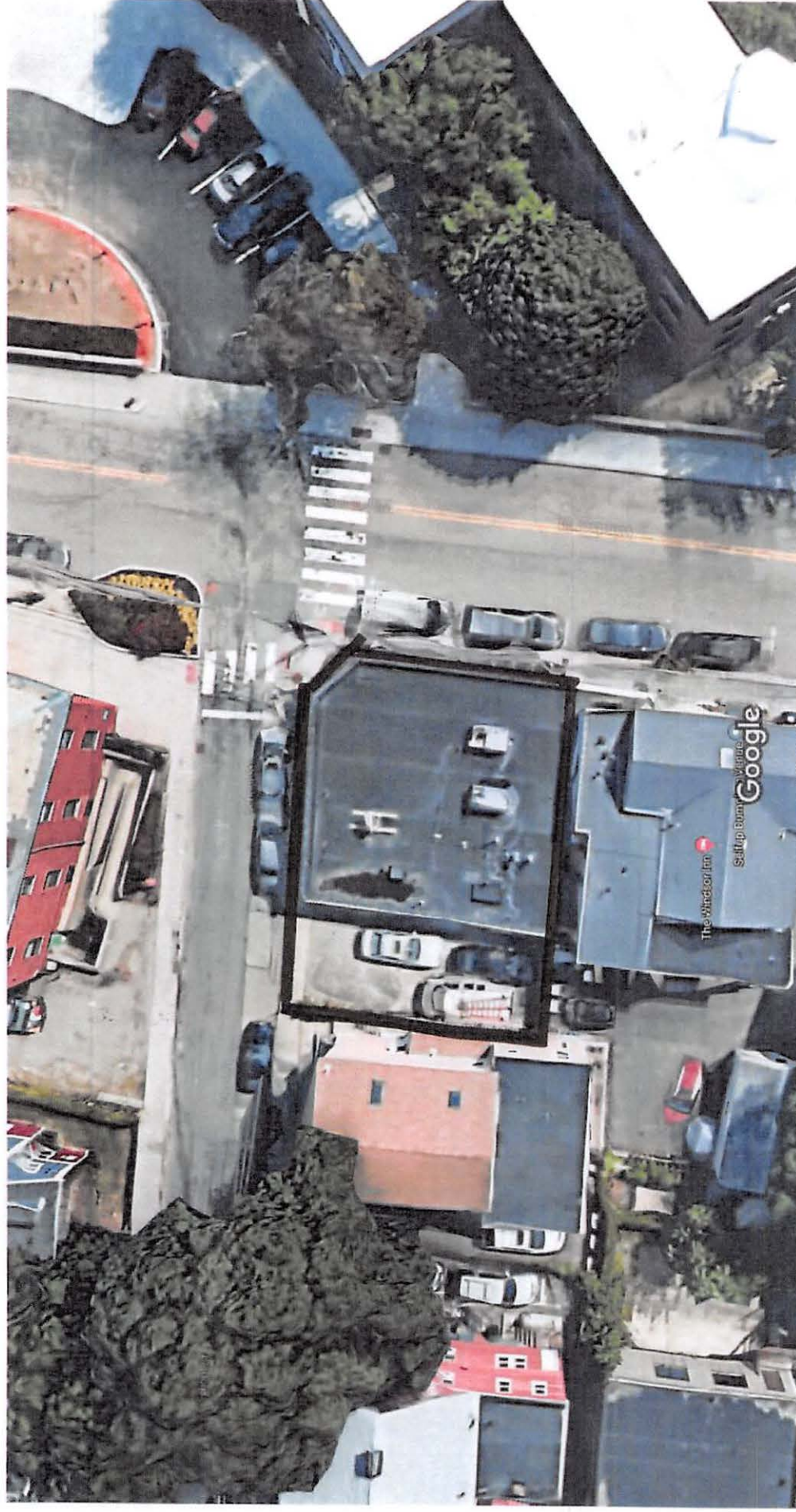




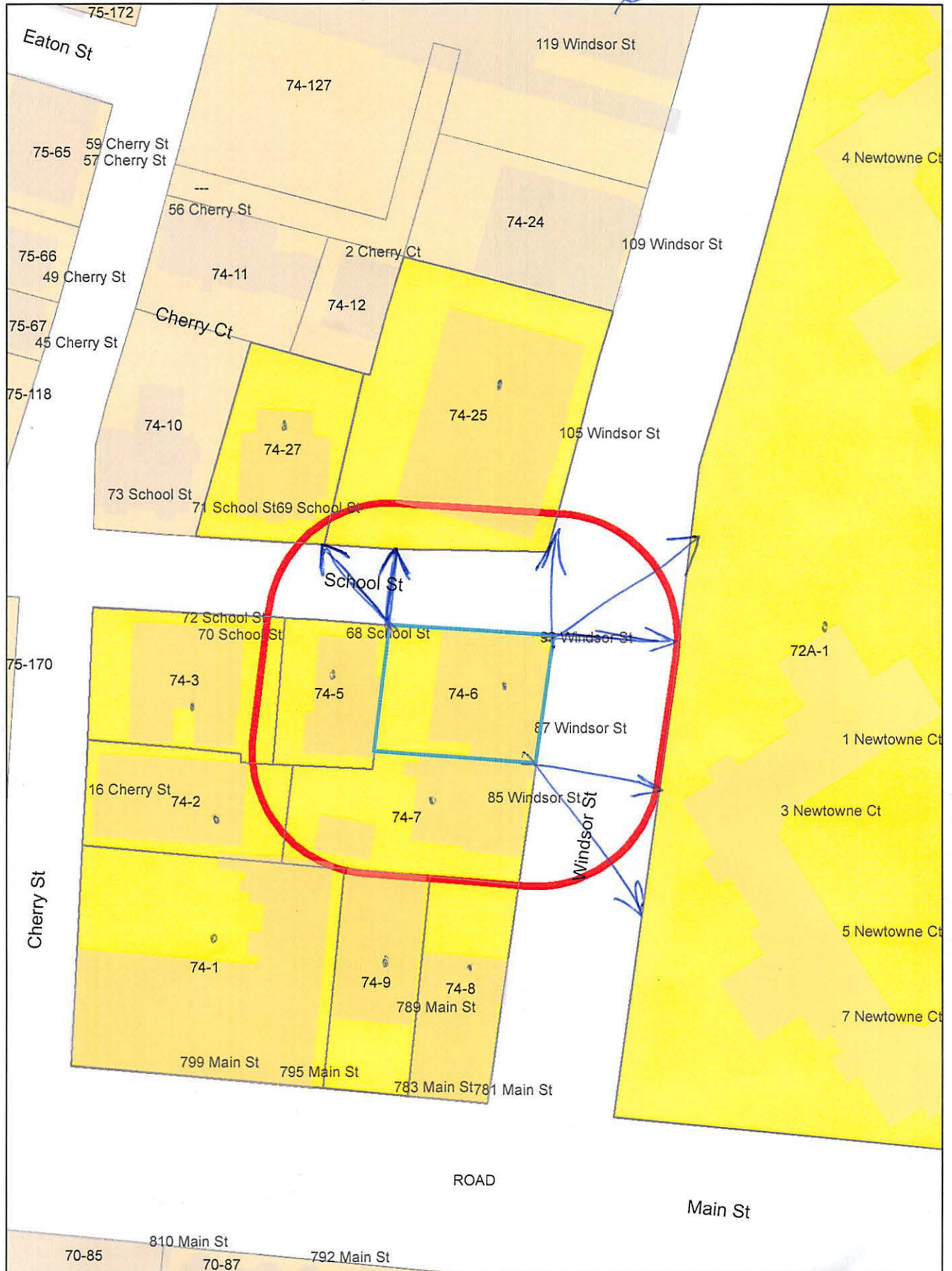
AERIAL MAP



BIRD'S EYE



93 Windsor St.



93 Windsor St.

Petitioner

74-6
WINDSOR NINETY THREE LLC,
1495 HANCOCK STREET
QUINCY, MA 02169

74-2
UNION BAPTIST CHURCH
874 MAIN ST.
CAMBRIDGE, MA 02139

RICHARD C. LYND, ESQ.
245 SUMMER STREET #110
BOSTON, MA 02128

74-9
CRAGWELL ALFRED &
JOHN BLACKMAN HUBERT ALLYNE
TRUSTEES OF THE CHRISTIAN MISSION
787 MAIN ST
CAMBRIDGE, MA 02139

72A-1
CAMBRIDGE HOUSING AUTHORITY
675 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139

WINDSOR NINETY -THREE LLC
C/O JOSEPH E. DONOVAN, MANAGER
50 FRANKLIN STREET - SUITE 400
BOSTON, MA 02110

74-5
UDEN, JAMES
68 SCHOOL ST 1
CAMBRIDGE, MA 02139

74-5
ROSENFELD, ADAM P.
68 SCHOOL ST., #2
CAMBRIDGE, MA 02139

74-5
RAVI, NALINI, NATHAN RAVI & ARVIND RAVI
68 SCHOOL ST., #3
CAMBRIDGE, MA 02139

74-27
CHEN, KEVIN W.
69-71 SCHOOL ST., UNIT #69
CAMBRIDGE, MA 02139

74-27
MA, WEI
71 SCHOOL ST
CAMBRIDGE, MA 02139

74-1
805 MAIN ST. LLC
33 CHURCH ST
CAMBRIDGE, MA 02138

74-3
NG, BILLY C. & GRACE M.
TR. OF BILLY & GRACE NG REVOC TRT
99 HARRISON AVE
WAKEFIELD, MA 01880

74-8
805 MAIN ST LLC
33 CHURCH ST
CAMBRIDGE, MA 02138

74-25
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

74-7
CHEN HSUEH, YU TSAI CHEN,
WINSTON WONG & YU PAO CHEN
85 WINDSOR ST
CAMBRIDGE, MA 02139

74-25
CAMBRIDGE CITY OF RECREATION DEPT
51 INMAN ST
CAMBRIDGE, MA 02139

74-25
CITY OF CAMBRIDGE
C/O LOUIS DEPASQUALE
CITY MANAGER



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Patrick Donovan Date: 3/12/20
(Print)

Address: 93 Windsor St.

Case No. BZA-017272-2020

Hearing Date: 3/26/20

Thank you,
Bza Members



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2020 MAR 19 AM 10:19

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # B7A-117272-2020

Address: 93 Windsor St

☒ Owner, ☐ Petitioner, or ☐ Representative: Windsor Ninety Three, LLC
(Print Name)

Hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 3/10/20

Signature

Christopher Cuyner
as agent for
Windsor Ninety Three, LLC

*Per ISD, tentatively rescheduled to 4/23/20

CITY OF CAMBRIDGE

Massachusetts
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA.
617) 349-6100

April 15, 2020

Windsor Ninety-Three LLC
C/o Richard C. Lynds, Esq.
245 Sumner Street - #110
Boston, MA 02128

RE: 93 Windsor Street – BZA-017272-2019

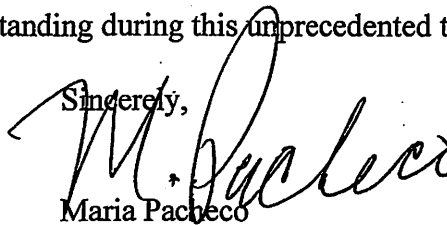
Dear Mr. Lynds,

I am writing to you in regard to your above up-coming Board of Zoning Appeal Hearing.

At this time the City will not be holding any non-essential public meetings due to the COVID-19 Pandemic and the City Manager's closure of all City buildings to non-essential business. On April 3, 2020, the Governor signed into law Chapter 53 of the Acts of 2020 ("Act"), which extends all land use permitting deadlines until after the State of Emergency is lifted. In light of the extensions provided for in the Act and the closure of City buildings, at this time the Board of Zoning Appeal will be rescheduling all public hearings in accordance with the extensions permitted under the Act. You will receive notice of the new date, once the hearing is rescheduled.

Thank you for your patience and understanding during this unprecedented time.

Sincerely,



Maria Pacheco
Administrative Assistant

* * * * *

(7:19 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde

CONSTANTINE ALEXANDER: Next the Chair will call
Case Number 017272, 93 Windsor Street. Again, this is a
variation of a case that's also been continued.

Again, the petitioner is amenable to continuing
this case, and is aware of the requirements for continued
cases. So I'll take a vote. Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: Andrea Hickey, yes.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Yes.

CONSTANTINE ALEXANDER: And the Chair votes yes as
well.

[All vote YES]

CONSTANTINE ALEXANDER: This case is continued
until 7:30 p.m. on April 23.