

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: X Variance: Appeal:

PETITIONER: Amorino Gelato JFK, LLC

PETITIONER'S ADDRESS: 50 JFK Street, CAMBRIDGE, MA, 02138

LOCATION OF PROPERTY: 50 JFK St.

TYPE OF OCCUPANCY: \$4.35 (o), Fast Order Food Establishment ZONING DISTRICT: BB-HSQ

REASON FOR PETITION:

- | | |
|---|--|
| <input type="checkbox"/> Additions | <input type="checkbox"/> New Structure |
| <input checked="" type="checkbox"/> Change in Use/Occupancy | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Conversion to Addi'l Dwelling Unit's | <input type="checkbox"/> Sign |
| <input type="checkbox"/> Dormer | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Other: <u> </u> | |

DESCRIPTION OF PETITIONER'S PROPOSAL:

Change the previous use (retail store selling shoes) to the proposed use (cafe selling gelato and coffee, for consumption both on-site and via take-out).

SECTIONS OF ZONING ORDINANCE CITED:

Article 4 Section 35 (o)

Article Section

Article Section

Applicants for a **Variance** must complete Pages 1-5
Applicants for a **Special Permit** must complete Pages 1-4 and 6
Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): 

LEA SASPORTES
(Print Name)

Address: 50 JFK Street

CAMBRIDGE MA 02138

Tel. No.: 617-953-7682

E-Mail Address: lea.sasportes@gmail.com

Date: 5 September 2017

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 Roger V. Janes
351 Shorewood Dr. (OWNER) East Falmouth, MA 02536
Address: 724 Provincetown Dr. Naples, FL 34104

State that I/We own the property located at 50 JFK St.,
which is the subject of this zoning application.

The record title of this property is in the name of Roger V. Janes, 50 JFK Street Realty Trust

*Pursuant to a deed of duly recorded in the date 3/5/1952 Middlesex South
County Registry of Deeds at Book 7871, Page 472; or
7338, Page 267; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Roger V. Janes
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 Roger V. Janes personally appeared before me,
this 12 of September 2017, and made oath that the above statement is true.

Rawan Notary

My commission expires 05/04/2023 (Notary Seal).

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

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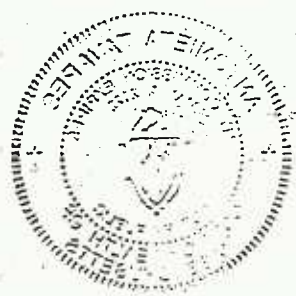
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BZA APPLICATION FORM
SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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 50 JFK Street, Cambridge, MA 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 proposed use will be pedestrian friendly, require no parking and will operate without cooking, fumes, odors, etc. In addition, there will be trash receptacles available to the public, and the use will compliment other nearby businesses and the surrounding residential community.

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:

The proposed use would have no additional detriment to traffic, access, or egress than the previous retail use within this existing tenancy. The proposed use would contribute to the vitality of the pedestrian experience along JFK Street and requires no dedicated parking, as the business relies primarily on foot traffic.

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 gelato store would not affect the adjacent uses in any way as existing ingress/egress would remain. The proposed gelato café use would complement other existing retail and food service establishments in the area and would be compatible with the nearby residential community.

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.

The gelato shop would not produce loud noise or noxious fumes, no cooking or venting is necessary and the capacity and hours of operation are in keeping with the general small business operations nearby.

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:

The proposed use is a non-intrusive fast order food use serving gelato and related items and soft drinks. As such, the proposed use will blend in appropriately with the many retail and food service uses in the neighborhood, and will contribute to the viability of the Harvard Square business district without causing any negative impact on the surrounding neighborhood.

BZA APPLICATION FORM
DIMENSIONAL INFORMATION

APPLICANT: _____ PRESENT USE/OCCUPANCY: _____

LOCATION: 50 JFK St. ZONE: BB-HSQ

PHONE: _____ REQUESTED USE/OCCUPANCY: _____

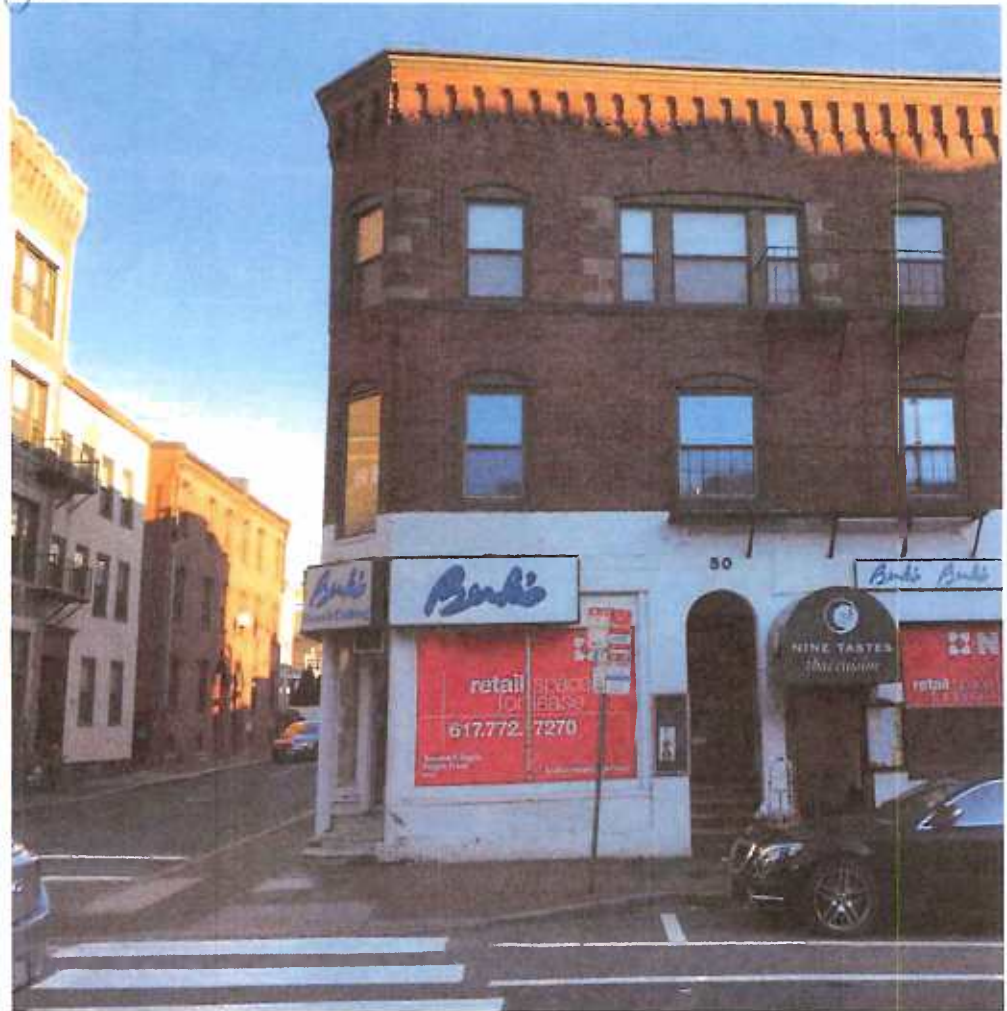
	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>TOTAL GROSS FLOOR AREA:</u>	1,681 SF (tenancy), 6,654 SF (bldg)	1,681 SF (tenancy)	8,011 SF max (max.)
<u>LOT AREA:</u>	2,913 SF		none (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	2.28 (bldg)		2.75/3.0 (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	n/a	n/a	300 sf (min.)
<u>SIZE OF LOT:</u>			
WIDTH	37.91'		none (min.)
DEPTH	78.64'		
<u>Setbacks in Feet:</u>			
FRONT	none	none	none (min.)
REAR	none	none	none (min.)
LEFT SIDE	none	none	none (min.)
RIGHT SIDE	none	none	none (min.)
<u>SIZE OF BLDG.:</u>			
HEIGHT	35'	35'	35' (max.)
LENGTH	64.33'		
WIDTH	37.91'		
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	no open space	no open space	none (min.)
<u>NO. OF DWELLING UNITS:</u>	4	4	10 (max.)
<u>NO. OF PARKING SPACES:</u>			(min./max)
<u>NO. OF LOADING AREAS:</u>			(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	n/a	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.

The scope singularly involves renovating the interior of an existing retail tenancy with wood frame construction. The existing building is mixed-use (restaurants, retail, residential) and will remain so. Only minor cosmetic changes are proposed for the exterior and have been approved by the Cambridge Historical Commission. Signage has been approved.

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'.

50 JFK St



DEREK RUBINOFF ARCHITECT 101 Laurel Street, West Roxbury, MA 02132-3135 617-504-2599 drubinoff@derekubinihoff.com	Existing Photos	JOB
	Amorino Harvard Square 50 JFK St. Cambridge, MA 02138	SCA
		DAT
		DW/
		CRC

BOX SIGNS TO BE REMOVED



AIR CONDITIONER TO BE REMOVED AND INFILLED.



REMOVE INFILL MATERIAL FOR FULL-HEIGHT SLIDING WINDOW



WORN TERRAZZO STEPS TO BE RESURFACED.
REPLACE DOOR

REPLACE ALL STORE EXTERIOR GLAZING

REPLACE NON-COMPLIANT RAILING

REMOVE EXISTING BERK'S BELT SIGNS



INFILL DIS
EXISTING RESTAUR
VIOLIN SH
SIGNS/AW



STOREFRONT IS IN POOR SHAPE AND NOT ENERGY CODE COMPLIANT.



VIOLIN SHOP AND THAT RESTAURANT SIGNS MUST REMAIN (NOT IN SCOPE)



AIR CONDITIONER TO BE REMOVED AND INFILLED.

INTERIOR OF STOREFRONT HAS DETERIORATED AND IS NOT ENERGY CODE COMPLIANT



DEREK RUBINOFF ARCHITECT
 101 Essex Street, West Roxbury, MA 02133-3135 617-504-2599 drubinoff@derekubinoff.com

Existing Photos
 Amorino Harvard Square
 50 JFK St.
 Cambridge, MA 02139



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, Jo M. Solet, *Members*
Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

CERTIFICATE OF NONAPPLICABILITY

Property: 50 John F. Kennedy Street

Applicant: 50 JFK St. Realty Trust, owner, o/b/o
Lea Sasportes, Amorino New England, tenant

The Cambridge Historical Commission hereby certifies, pursuant to Chapter 2.78, Article III of the Code of the City of Cambridge and order establishing the Harvard Square Conservation District, that the work described below does not involve any activity requiring issuance of a Certificate of Appropriateness or Hardship:

Storefront alterations that conform to the sign and storefront design guidelines of the Harvard Square Conservation District including,

1. New window and door glazing in existing openings
2. Installation of signs that conform to the Cambridge Zoning Code, Art. 7.0 and related external lighting
3. Repair of the front steps and steel columns

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. Approved plans and specifications are incorporated by reference into this certificate.

This certificate is granted upon the condition that the work authorized herein is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding six months each may be allowed in writing by the Chair.

Case Number: 3735

Date of Certificate: April 27, 2017

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Cambridge Historical Commission

on April 27, 2017.

By Charles M. Sullivan/stb, Executive Director.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____. Appeal has been filed _____.

Date _____, City Clerk



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

William B. King, *Chair*, Bruce A. Irving, *Vice Chair*, Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, Jo M. Solet, *Members*
Joseph V. Ferrara, Kyle Sheffield, Susannah Barton Tobin, *Alternates*

CERTIFICATE OF APPROPRIATENESS

Property: 50 John F. Kennedy Street
Applicant: 50 JFK St. Realty Trust o/b/o
Attention: Lea Sasportes
Amorino New England
50 JFK St.
Cambridge, Mass. 02138

Derek Rubinoff, Architect
101 Lasell St.
West Roxbury, Mass. 02132

The Cambridge Historical Commission hereby certifies, pursuant to the Massachusetts Historic Districts Act (MGL Ch. 40C) and the Cambridge Historical Buildings and Landmarks Ordinance (Cambridge City Code, Ch. 2.78), that the work described below is not incongruous to the historic aspects or architectural character of the building or district:

1. Lower the sill of the west facing storefront window on the JFK Street elevation and install new glazing.
2. Install retractable awnings on three windows with illuminated lettering.
3. Install a blade sign on JFK Street with natural or external illumination only.

With the exception of #3 above, all work is to be carried out as indicated in the plans by Derek Rubinoff Architect titled, "Amorino Harvard Square," and dated January 10, 2017.

Approval was granted on the condition that the blade sign not be internally illuminated and that construction details be reviewed and approved by staff. The Commission further suggested that the number of overall number of signs and lighting fixtures be reduced.

Other storefront improvements that conform to the Harvard Square design guideline have been approved with a certificate of non-applicability.

Alterations to improve handicap accessibility are to be brought back to the Commission at such time that a design approach is determined.

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. Approved plans and specifications are incorporated by reference into this certificate.

This certificate is granted upon the condition that the work authorized herein is commenced within six months after the date of issue. If the work authorized by this certificate is not commenced within six months after the date of issue, or if such work is suspended in significant part for a period of one year after the time the work is commenced, then this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time, for periods not exceeding six months each, may be allowed in writing by the Chair.

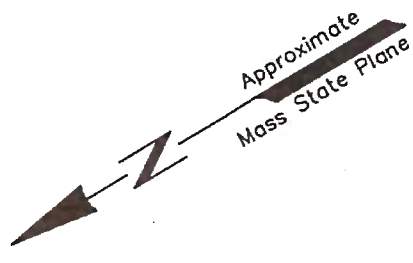
Case Number: 3735

Date of Certificate: 5/8/2017

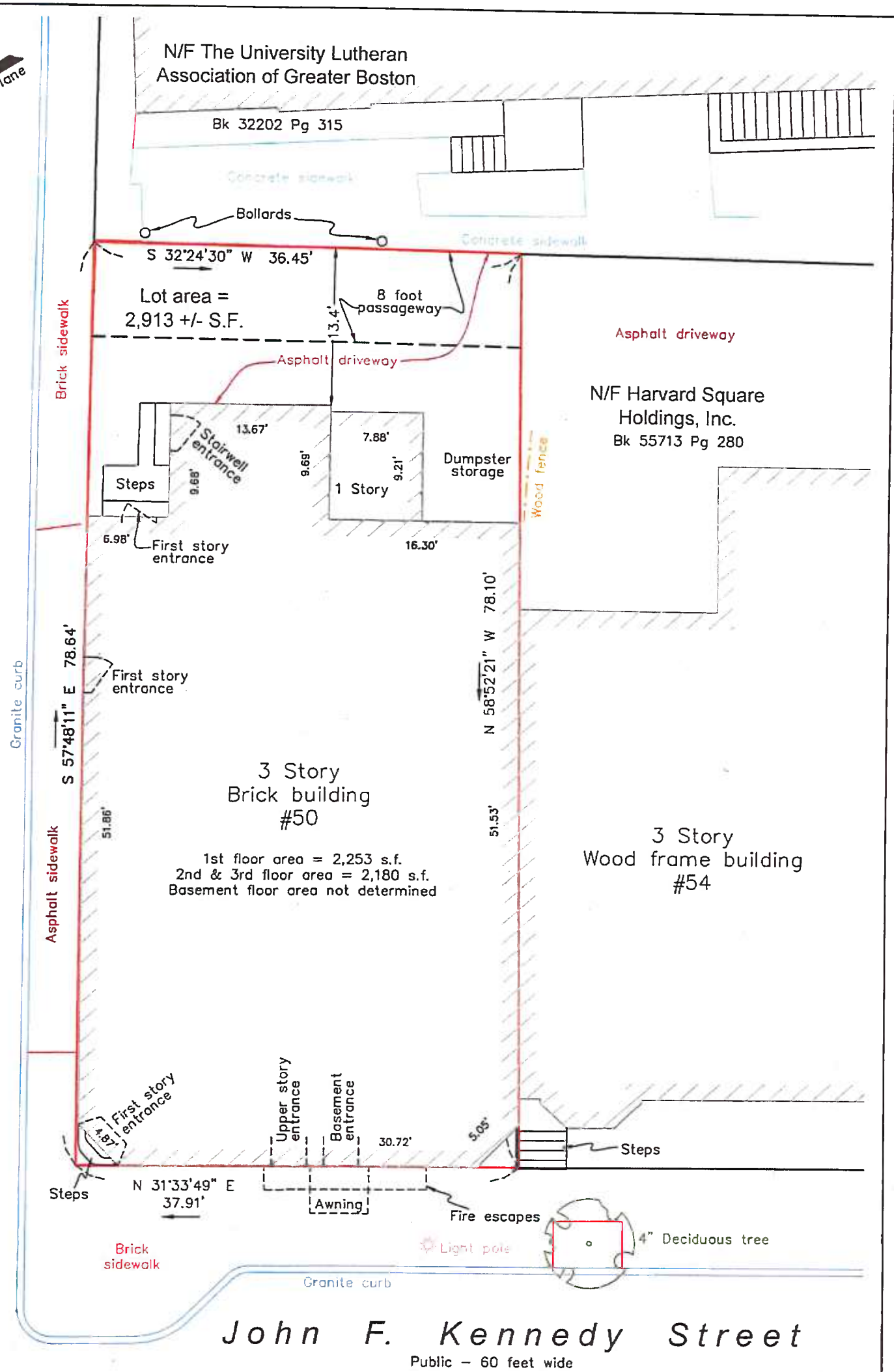
Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on 5/8/2017.

By William B. King, Chair.

Twenty days have elapsed since the filing of this decision.
No appeal has been filed _____. Appeal has been filed _____.
Date _____, City Clerk



Winthrop Street
Private - Variable width



In my professional opinion, I certify to Marc Fournier and the City of Cambridge that as a result of a survey made on the ground to the normal standard of care of professional land surveyors

Existing Conditions Plan of Land
in
Cambridge, Massachusetts