



CITY OF CAMBRIDGE

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September 6, 1995

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Findings in Board of Zoning Appeal case #6989;
Council Order #46 of 3/6/95

Dear Mr. Healy:

The City Council requested a review of the findings in Board of Zoning Appeal case #6989 and a report on the City's options relative to it. See attached Council Order. Case #6989 refers to the BZA grant of a variance in February, 1995 allowing the petitioner Marx, Inc. d/b/a The Spa at 245 Monsignor O'Brien Highway to use a parking lot for a massage establishment which falls within 300 feet of a residential district. Part of The Spa's property was located in Somerville.

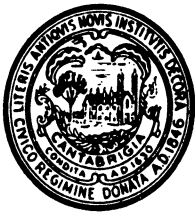
Somerville residents challenged this variance grant in Court. They are now voluntarily dismissing their lawsuit, apparently because a different business is now located at that property and it is not using the variance.

I will assume that because the variance is not being exercised by the new business operating at the property that the City Council does not wish to see a legal analysis of the City's options relative to the variance grant. It is worth noting that the variance granted in case #6989 was limited to a 90 day term which has since expired.

Please contact me if any further information is desired.

Very truly yours,

Russell B. Higley
Russell B. Higley



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

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Deputy City Manager

CITY OF CAMBRIDGE
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September 11, 1995

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 18, regarding reviewing the findings of BZA Appeal in Case No. 6989, received from City Solicitor Russell B. Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda Item Number 26

S-281
Response to Awaiting Report Item Number
Eighteen, regarding reviewing the findings
of BZA Appeal in Case Number 6989.

*for original see 1995
City Manager Requests
#99.*

In City Council,

Sept. 11, 1995

Placed on file