



City of Boston
Board of Appeal

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Tuesday, November 26, 2024

BOARD OF APPEALS

City Hall Room 801

HEARING AGENDA

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON NOVEMBER 26, 2024 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS NOVEMBER 26, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE NOVEMBER 26, 2024 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing REMOTELY by going to <https://bit.ly/ZBAHearings2024>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 819 2218 4516 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/November26Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.

For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/November26Comment> 617-635-4775, or emailing zba.ambassador@boston.gov.



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The ZBA Ambassador will be available within the Zoom Webinar Event from 8:30 AM to 9:30 AM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

concerns can also be emailed to the ZBA Ambassador at zba.ambassador@boston.gov.

If you wish to offer comment within the meeting platform, please use the “Raise Hand” function that should appear on the bottom of your screen, if connected by computer or device, or dial *9, if connected by phone. On a computer or device, you will receive a request to unmute yourself from the event host. You must select yes before you can speak. On a phone, you will hear a prompt that the event host is asking you to unmute yourself. You must press *6 to unmute yourself before you can speak. Commenters will be asked to state their name, address and comment. Comments will be limited as time requires.

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 8:30AM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

The hearing can also be viewed via live-stream on the City’s website at <https://www.boston.gov/departments/broadband-and-cable/watch-boston-city-tv>. Closed captioning is available.

Interested persons who are unable to participate in the hearing remotely may make an appointment to offer testimony. Please notify the Board at least 48 HOURS in advance either by calling 617-635-4775 or emailing isdboardofappeal@boston.gov for accommodations to be made.

MEMBERS OF THE COMMUNITY ARE STRONGLY ENCOURAGED TO HELP FACILITATE THE VIRTUAL HEARING PROCESS BY EMAILING LETTERS IN SUPPORT OF OR OPPOSITION TO AN APPEAL TO ZBAPublicInput@boston.gov IN LIEU OF OFFERING TESTIMONY ONLINE. IT IS STRONGLY ENCOURAGED THAT WRITTEN COMMENTS BE SUBMITTED TO THE BOARD AT LEAST 48 HOURS PRIOR TO THE HEARING. WHEN DOING SO, PLEASE INCLUDE IN THE SUBJECT LINE THE BOA NUMBER, THE ADDRESS OF THE PROPOSED PROJECT, AND THE DATE OF THE HEARING



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BOARD FINAL ARBITER: 9:30AM

Case: BOA-1572885 Address: 3 Bruce Street Ward 16 Applicant: Michael P. Ross, ESQ

Case: BOA- 1590922 Address: 131 Devon Street Ward 14 Applicant: Alinsan Esteves

HEARINGS: 9:30AM

Case: BOA-1614301 Address: 3 Arborview Road Ward 19 Applicant: Ray Dunetz

Article(s): Article 55, Section 9 Floor Area Ratio Excessive

Purpose: Extension of living space into the unfinished basement and to include the extension of the rear deck to connect 2 existing decks and converted into 1. Confirm occupancy as one family.

Case: BOA- 1649352 Address: 34 Rangeley Street Ward 16 Applicant: James Christopher

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Lot Area Insufficient

Purpose: The home owner seeks to construct a new rear single story addition to create additional living space, to include a new rear deck and covered patio as per the attached plans. ****Nominal Fee****

Case: BOA-1625031 Address: 26 Lawrence Avenue Ward 14 Applicant: 16 Lawrence Avenue Realty Trust

Article(s): Art. 50, Section 28 Use: Conditional Transitional housing use Art. 50 Sec. 29 Lot Area Insufficient SHED. Min required: 4' Proposed: 0.5' Article 50, Section 29 Side Yard Insufficient SHED. Required: 4' Proposed: 0.41' Art. 50 Sec. 29 Usable open space insufficient Required: 9 x 650 sqft= 5,850 sqft Article 50, Section 29 Add'l Lot Area Insufficient Min. required: 18,000 sqft Proposed: 6,347.4 sqft

Purpose: Scope to undertake certain improvements at the Property, which we expect will require multiple forms of zoning relief from the City of Boston Board of Appeal. The application also requests a change in occupancy, from the Property's current legal occupancy as a church rectory, to transitional housing. Proposing 9 units and 17 bedrooms.

Case: BOA- 1660734 Address: 251-255 Washington Street Ward 14 Applicant: Volnay Capital

Article(s): Art.65 Sec. 8 Use: Forbidden Multi Family Dwelling Forbidden Art.65 Sec. 8 Use: Forbidden General Retail Forbidden Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 41 Off Street Parking Regulations Article 65, Sec 65 41 Off Street Loading Req. Article 65, Section 42.2 Conformity w Ex Bldg Alignment

Purpose: Erect a new, 4 story, mixed use building with 48 residential units, one ground floor General Retail space (core/shell), and a below grade parking garage on a newly created 25,166 SF lot; see companion lot consolidation ALT1643559. Building features roof decks and amenity spaces.

Case: BOA- 1584089 Address: 19 Midland Street Ward 13 Applicant: James Christopher

Article(s): Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Bldg Height Excessive (Feet) Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 15 Use: Forbidden

Purpose: The applicant seeks to construct a third story and rear addition to include a change of occupancy from 1 to 3 residential units with three off street parking. As per the attached plans. ****Nominal Fee****

Case: BOA-1649728 Address: 39 Nazing Street Ward 12 Applicant: Lucas Campos

Article(s): Article 50, Section 29 Side Yard Insufficient Article 50, Section 29 Rear Yard Insufficient

Purpose: New triple deck by plans and new railing over platforms in front of house



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Case: BOA- 1584253 Address: 2-14 Kenton Road Ward 11 Applicant: PKMJ LLC MASS LLC

Article(s): Art. 53 Sec. 08 Use: Conditional

Purpose: Construct covered gas pump island, site improvements & landscaping. Existing gas station use is allowed by conditional use permits & variance. Zoning relief required to expand this use. (Existing building at rear of site will be razed per a separate short form permit.) Please issue refusal letter.

Case: BOA-1634764 Address: 80 G Street Ward 7 Applicant: Matt Ramey

Article(s): Art 68 Sec 29 Roof Structure Restrictions Reconfiguration of existing roof profile

Article 68, Section 8 Max allowed height in district exceeded Art 68 Sec 8 app in res sub dist Additoonal lot area per unit is insufficient Art. 68 Sec.08 Insufficient open space per dwelling unit Art 68 Sec 8 app in res sub dist Insufficient front yard setback Art 68 Sec 8 app in res sub dist Insufficient side yard setback Art 68 Sec 8 app in res sub dist Insufficient rear yard setback Article 68, Section 33 Off Street Parking & Loading Req Off street parking design/maneuvering areas Art 68 Sec 29 Roof Structure Restrictions Max allowed height on parcel exceeded Art 68 Sec 8 app in res sub dist Max allowed building extension of SF into rear yard is >1000gsf

Purpose: Build 3 story addition to existing 3 family to convert to 6 family. Demolish existing 3 car garage.

Case: BOA-1654962 Address: 21-35 West Second Street Ward 6 Applicant: Zero Athens, LLC

Article(s): Art 68 Sec 7 Use: Forbidden

Purpose: In our first floor retail space we are currently looking to work with a Fitness Concept to move into the space. We will need to get zoning relief. We are submitting this application to start this process.

Case: BOA-1629405 Address: 204-204A Hanover Street Ward 3 Applicant: 2004-204A Hanover North End, LLC

Article(s): Art. 54 Sec. 10 Applicable in Residential Sub Insufficient open space per unit

Art. 54 Section 12 Use: Conditional Restaurant w/takeout Use- Conditional Article 49A Section 3 GWOD

Applicability Section 49A-5 Take out use conditional Article 54, Section 21 Off-Street Parking & Loading Req

Insufficient off street parking

Purpose: To convert building to 4 units and one restaurant w/takeout. complete plans for zoning with nominal fee letter.

*one apartments, offices, and retail store.#ALT71537/2011

Case: BOA- 1612807 Address: 31 Cambridge Street Ward 2 Applicant: John Kelly

Article(s): Article 62, Section 12 Use: Conditional Applicant will need to seek relief from the ZBA for conditional use for a cannabis establishment for the 1st floor & basement (62 9) ARTICLE 62 B 14: Cannabis establishment provided that any cannabis establishment shall be sited @ least 1 half mile or 2,640 from another existing cannabis establishment and @ least 500 feet from a preexisting public or private school providing Education in kindergarten or any of grades 1 thru 12. Distances shall be determined from the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only Art. 62 Sec. 62 27 Screening and Buffering Required Any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12.pproval shall be applicable to the applicant only. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

THERE IS A BUFFER ZONE CONFLICT WITH ANOTHER CANNABIS ESTABLISHMENT

Purpose: Change occupancy from tavern to retail cannabis dispensary. Complete renovation will occur and will apply at later date.

Case: BOA- 1660706 Address: 531 Bennington Street Ward 1 Applicant: Sokol Enterprises, LLC

Article(s): Art. 53 Sec. 56 Off St.Parking Requirements The applicant will need to seek relief for parking requirements. The proposed project does not include parking.ARTICLE 53; SECTION 53 5 Dimensional Regulations

(Table F) The applicant will need to seek relief for the Maximum Building Lot Coverage. The proposed project will cover more than 60% of the lot.

Purpose: Erect addition and change occupancy from a three to a five unit residential dwelling as per plans.



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HEARINGS: 11:00AM

Case: BOA- 1663235 Address: 3-17 Lothrop Street Ward 22 Applicant: Fraser Allan

Article(s): Art. 51 Sec. 08 MFR USE of 8 units is forbidden in the subdistrict Art. 51 Sec. 09 Insufficient additional lot area per dwelling unit Art. 51 Sec. 09 Excessive f.a.r. Art. 51 Sec. 09 Insufficient open space per dwelling unit Art. 51 Sec. 09 Insufficient side yard setback Art. 51 Sec. 09 Insufficient rear yard setback Art. 51 Sec. 09 Insufficient lot frontage width for proposed townhouse style design Article 51, Section 56 Off Street Parking & Loading Req Insufficient parking Art. 51 Sec. 09 Insufficient front yard setback

Purpose: To erect eight three story townhouses with an interior one car garage

CLARIFICATION: To erect an eight unit three story townhouse style building with an interior one car garage below each unit on the newly created 12,273sf lot filed under the companion subdivision applications to combine lots into one (i.e. ALT1629894 and ALT1633082). Existing structures on lots are to be filed, reviewed and approved to be razed on separately secured demolition permits.

Case: BOA- 1607637 Address: 65R Wren Street Ward 20 Applicant: Ronen Zangi

Article(s): Article 56, Section 8 Rear Yard Insufficient Article 56, Section 8 Bldg Height Excessive (Feet)

Purpose: Replace existing two car garage with larger garage with office space above.

Case: BOA-1333809 Address: 36 Newport Street Ward 13 Applicant: James Christopher

Article(s): Art.65 Sec. 8 Use: Forbidden MFR: 5 units Forbidder. Article 65, Section 9 Floor Area Ratio Excessive FAR Allowed .5 Proposed 1.08 Article 65, Section 9 Bldg Height Excessive (Stories) Proposed 3 stories.

Article 65, Section 9 Rear Yard Insufficient Rear yard insufficient. Art. 65 Sec. 42 Off Street Parking Insufficient Off-street parking insufficient.

Purpose: Confirm occupancy as two family and change the occupancy to 5 unit dwelling. Scope proposes to renovate existing 2 family & add third floor and rear addition to create a 5 unit building with rear parking, as per plans. Upgrades to life safety (FA/FP) also included.

Case: BOA- 1650690 Address: 165 D Street Ward 6 Applicant: James Christopher

Article(s): Art. 68 Sec. 35 Nonconformity as to Dim Reqs. Front yard is required to have 5' (feet). Existing & proposed will be 8" (inches). Rear Yard is required to have 20' (feet). Existing & proposed will be 7' 9".

Side yard is required to have 3' (feet). Left Existing & proposed will be 1' 10". Right Existing & proposed will be 1' 3". Art. 68 Sec. 33 Off Street parking Req. Applicant will need to seek relief for Off Street parking requirements. Zoning requires at least three parking spaces, submitted plans do not show parking. Art. 68 Sec.31 Screening and Buffering Applicant will need to seek relief from Screening & Buffering of Parking, Loading and Storage Areas. Submitted plans to not show screening and buffering requirements.

Purpose: The applicant seeks to construct a 2-story addition and change occupancy from retail to Retail and two residential units.

Case: BOA- 1649361 Address: 58 Baxter Street Ward 6 Applicant: James Christopher

Article(s): Article 68, Section 8 Add'l Lot Area Insufficient Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Side Yard Insufficient Article 68, Section 8 Usable Open Space Insufficient Article 68, Section 8 Floor Area Ratio Excessive Article 68, Section 29 Roof Structure Restrictions Art. 68 Sec. 33 Off Street parking Req. Article 68, Section 34.1 Conformity Ex Bldg Alignment Art. 25 Sec. 5 Flood Hazard Districts

Purpose: Erect a new four story, 6 unit, residential building with garaged off-street parking and rear decks, as per the attached plans. See ALT1636402 for subdivision.

Case: BOA-1606365 Address: 372-378 Boylston Street Ward 5 Applicant: 376 Boylston Street Realty LLC. By Julia Dziuk

Article(s): Art. 08 Sec. 03 Conditional Uses Body art Conditional

Purpose: To add Body Art use to existing business. From Retail, offices, beauty shop, stores bartending school TO INCLUDE BODY ART TATTOOING (PERMANENT COSMETICS/MAKEUP). NO WORK TO BE DONE.



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Case: BOA- 1643473 Address: 129-131 Portland Street Ward 3 Applicant: Gregory McCarthy
Article(s): Art. 46, Section 9 Use: Conditional Multifamily Dwelling Conditional Article 25A Section 4 CFROD
Applicability Article 25, Section 5 Flood Plain Regulations Article 32, Section 4.GCOD, Applicability
Purpose: Change of occupancy of structure to 25 Residential units and 3 Offices. Removal of interior finishes, frame as per plans, new MEP's throughout, new interior stair, insulate, plaster, and installation of finishes throughout with a new roof.

Case: BOA-1626386 Address: 41-45 Broad Street Ward 3 Applicant: Mini Donut Diva
Article(s): Art. 06 Sec. 04 Other Protectional Conditions Take out proviso granted to a petitioner only.
Purpose: Remove proviso "for this petitioner only" from take out use.

Case: BOA-1622743 Address: 8-8A Hudson Street Ward 3 Applicant: Bonnie Tan
Article(s): Art. 43, Section 19 Use: Conditional 1st Floor Take Out Conditional Art. 43, Section 19 Use: Conditional 2nd Floor Take Out Conditional Article 43 Section 23 Off Street Parking Regulations Article 49A 5 Greenway Use Regulations Ground Level Take out Forbidden Overlay Article 32, Section 4. GCOD, Applicability
Purpose: Combine Parcel IDs: 0305312000 and 0305311000, to erect a 6 story mixed use building with basement in existing vacant lots. Basement for storage and mechanical room only, 1st floor to 2nd floors are A 2 Restaurant with Take out uses (#36A/37)(core/shell), and 3rd floor to 6th floor are Residential uses with total of 8 units.

Case: BOA-1575329 Address: 30 Haynes Street Ward 1 Applicant: Alykhan I Mohamed
Article(s): Art. 53 Sec. 09 Insufficient side yard setback required 2.5' Art. 53 Sec. 52 Roof Structure Restrictions Set back of deck to front roof edge required 7' min.
Purpose: Construct deck on flat rubber roof. Access will be for my unit only (Unit #3). There is an existing access to the rooftop no change to egress points or existing structure planned Working with registered architect. Have not identified contractor yet.

RE-DISCUSSIONS: 11:30 AM

Case: BOA- 1621090 Address: 22 Perrin Street Ward: 12 Applicant: William Mead
Article(s): Article 50, Section 29 Rear Yard Insufficient Art. 50, Section 43 Off Street Parking Insufficient – Parking Removal Article 50, Section 44.13 Two or More Dwellings on Same Lot
Purpose: Application for two dwellings on the same lot. Filed in conjunction with ALT1397699

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

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For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority