



**NOTICE OF DECISION  
CASE NO. BOA1110403  
PERMIT #ALT1037771  
APPEAL DISMISSED**

In reference to appeal of

**FDJGA, LLC**

Concerning premises

1-4 Mechanic Court, Ward 03

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

**/s/Kevin P. O'Connor, Jr.**

**Kevin P. O'Connor, Jr.  
Principal Administrative Assistant**



DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

FDJGA, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

1 – 4 Mechanic Court, Ward - 03

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Conditional Use

Article(s): Article 54 Section 12 Use Regulations Use: Executive Suites : Conditional

Purpose: Change Occupancy from existing condition 6 Apartments, Restaurant in sprinklered building to 6 Executive Suites, Restaurant – existing condition – no work to be done-per plans shown for upper level units.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1110403 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1037771 and filed January 02, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

1-4 Mechanic Ct., Ward 3  
BOA1110403  
Date of Hearing: November 10, 2020  
Permit: #ALT1037771  
Page: # 2

The premises in question are located in the North End Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a refusal by the Building Commissioner to issue permit ALT1037771 for violations of Statute 1956, Chapter 665, Article 54, Section 12 (Use: Executive Suites: Conditional).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a conditional use permit pursuant to Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a case where the specific site is an appropriate location for such use, nor that the use will not adversely affect the neighborhood, nor that the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by the use nor that adequate and appropriate facilities will be provided for the proper operation of the use.

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

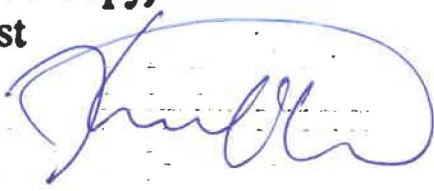
Joseph Ruggiero (Voted In Opposition)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1110423  
PERMIT #ALT1037788  
APPEAL DISMISSED**

In reference to appeal of

Bricco Realty, LLC

Concerning premises

2 Board Aly, Ward 03

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Bricco Realty, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

2 Board ALY, Ward - 03

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Conditional Use

Article(s): Article 54 Section 12 Use Regulations Use: Executive Suites : Conditional

Purpose: Change Occupancy from existing condition 8 Apartments and Commercial space in Basement (Bakery) to 8 executive Suites and Bakery – no work to be done.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1110423 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1037788 and filed January 02, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

2 Board Aly, Ward 3  
BOA1110423  
Date of Hearing: November 10, 2020  
Permit: #ALT1037788  
Page: # 2

The premises in question are located in the North End Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a refusal by the Building Commissioner to issue permit ALT1037788 for violations of Statute 1956, Chapter 665, Article 54, Section 12 (Use: Executive Suites: Conditional).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a conditional use permit pursuant to Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a case where the specific site is an appropriate location for such use, nor that the use will not adversely affect the neighborhood, nor that the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by the use nor that adequate and appropriate facilities will be provided for the proper operation of the use.

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero


Joseph Ruggiero (Voted In Opposition)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1115095  
PERMIT #ERT1075587  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Timothy Johnson

Concerning premises

10-10A Hallet Street, Ward 16

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

November 17, 2020  
DATE

Timothy Johnson

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,  
at premises: 10-10A Hallet Street, Ward 16

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 65, Section 8	Use Regulations	Two-Family Dwelling Use : <b>Forbidden</b>
Article 65, Section 9 *	Lot Area Insufficient	
Article 65, Section 9 **	Lot Width Insufficient	
Article 65, Section 9 ***	Lot Frontage Insufficient	
Article 65, Section 9 ****	Floor Area Ratio Excessive	
Article 65, Section 9 *****	Bldg Height Excessive (Stories)	
Article 65, Section 9 *****	Bldg Height Excessive (Feet)	
Article 65, Section 9 *****	Front Yard Insufficient	
Article 65, Section 9 *****	Rear Yard Insufficient	

Purpose: ERECT NEW 4-STORY, 2-FAMILY DWELLING ON VACANT LAND, PARCEL 4212, W/GARAGE AND REAR DECKS AS PER PLANS SUBMITTED. BUILDING TO BE SPRINKLERED .

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1115095 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely: THE BOSTON HERALD on Tuesday, October 27, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 17, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT1075587 and May 26, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.





DECISION OF THE BOARD ON THE APPEAL OF

10-10A Hallet St., Ward 16  
BOA1115095  
Date of Hearing: November 17, 2020  
Permit: # ERT1075587  
Page: # 2

This appeal seeks to erect a new four-story, two-family dwelling with a garage and rear decks on a vacant lot.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 65, Section 8	Two-Family Dwelling Use : Forbidden
Article 65, Section 9	Lot Area Insufficient
Article 65, Section 9	Lot Width Insufficient
Article 65, Section 9	Lot Frontage Insufficient
Article 65, Section 9	Floor Area Ratio Excessive
Article 65, Section 9	Building Height Excessive (Stories)
Article 65, Section 9	Building Height Excessive (Feet)
Article 65, Section 9	Front Yard Insufficient
Article 65, Section 9	Rear Yard Insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by constructing a four-story, two-family dwelling with garage and rear decks on an existing vacant lot. The project is located within a single-family zoning subdistrict of the Dorchester Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 17, 2020.



DECISION OF THE BOARD ON THE APPEAL OF

10-10A Hallet St., Ward 16  
BOA1115095  
Date of Hearing: November 17, 2020  
Permit: # ERT1075587  
Page: # 3

At the hearing, representatives of the Mayor's Office of Neighborhood Services and the offices of City Councilors Baker and Essaibi George stood in support of the project. There was one letter of support with nine signatures. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

10-10A Hallet St., Ward 16  
BOA1115095  
Date of Hearing: November 17, 2020  
Permit: # ERT1075587  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

PROVISOS: BPDA design review.

Assistant Corporation Counsel

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Kosta Ligris

Kosta Ligris (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1110414  
PERMIT #ALT1037775  
APPEAL DISMISSED**

In reference to appeal of

**FDJGA, LLC**

Concerning premises

**11 Board Aly, Ward 03**

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

**/s/Kevin P. O'Connor, Jr.**

**Kevin P. O'Connor, Jr.  
Principal Administrative Assistant**



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

FDJGA, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

11 Board ALY, Ward - 03

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Conditional

Article(s): Article 54 Section 12 Use Regulations Use: Executive Suites : Conditional

Purpose: Change Occupancy from 3 Apartments, 1 Retail Store to 3 Executive Suites, 1 Retail Store- no work to be done – existing Condition.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1110414 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1037775 and filed January 02, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

11 Board Aly, Ward 3  
BOA1110414  
Date of Hearing: November 10, 2020  
Permit: #ALT1037775  
Page: # 2

The premises in question are located in the North End Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a refusal by the Building Commissioner to issue permit ALT1037775 for violations of Statute 1956, Chapter 665, Article 54, Section 12 (Use: Executive Suites: Conditional).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a conditional use permit pursuant to Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a case where the specific site is an appropriate location for such use, nor that the use will not adversely affect the neighborhood, nor that the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by the use nor that adequate and appropriate facilities will be provided for the proper operation of the use.

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero


Joseph Ruggiero (Voted In Opposition)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

A True Copy,  
Attest  
  
KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1119614  
PERMIT #A1098650  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Khanh Mass Home Construction Inc.

Concerning premises

16 Gaston Street, Ward 12

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



**DECISION OF THE BOARD ON THE APPEAL OF**

November 10, 2020  
DATE

Khanh Mass Home Construction Inc.

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,  
at premises: 16 Gaston Street, Ward 12

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Extension of  
Nonconforming Bldg

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 09 Sec. 01	Reconstruction/Extension of Non conforming Bldg	This is a 4 unit building in a 3F-4000 Sub-district Extension of unit 4 with dormer and roof deck.

Purpose: This is an amendment to the Long form application ALT1065612 The amendment is for the following scope of work: remove stairs from proposed porch decks drawings, add dormer to the third floor proposed drawings, and expand roof deck.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1119614 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# A1098650 and July 29, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.





DECISION OF THE BOARD ON THE APPEAL OF

16 Gaston St., Ward 12  
BOA1119614  
Date of Hearing: November 10, 2020  
Permit: # A1098650  
Page: # 2

This appeal seeks permission to amend permit ALT1065612 to remove stairs from proposed porch deck and add dormer to third floor and expand roof deck.

The appeal is necessary as the proposal requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 9, Section 1                      Extension of Nonconforming Use

The requested relief will allow the Appellant to have reasonable use of the premises by providing additional indoor and outdoor space. The project is located within a three-family zoning subdistrict of the Roxbury neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.

At the hearing, a representative of the Mayor's Office of Neighborhood Services spoke in support of the project. There is also a letter of support on file with the Board. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

16 Gaston St., Ward 12  
BOA1119614  
Date of Hearing: November 10, 2020  
Permit: # A1098650  
Page: # 3

The Board of Appeal finds that all of the following conditions are met:

- 1) The premises are being used lawfully for a use not conforming to the Boston Zoning Code, other than stone quarrying.
- 2) The use is being extended on the same lot.
- 3) The use as extended shall not exceed by more than twenty-five percent either in volume or area the existing non-conforming use.
- 4) The cost of extending the use will not exceed the amount allowed in Article 9, Section 9-1.

The Board also makes the following findings:

- a) The specific site is an appropriate location for extension of such use;
- b) The extension of the use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the extension of the use;
- d) No nuisance will be created by the extension of the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the extension of the use.

The Board is of the opinion that all conditions required for the granting of an Extension of a Non-Conforming Use Pursuant to Article 9, Section 9-1 and Article 6, Section 6-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

16 Gaston St., Ward 12  
BOA1119614  
Date of Hearing: November 10, 2020  
Permit: # A1098650  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested conditional use permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO: BPDA design review.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

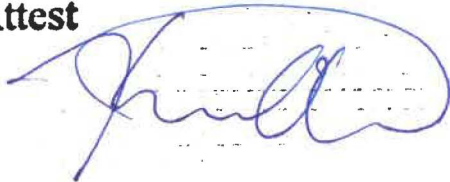
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA979930  
PERMIT #ERT968513  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Arco, LLC

Concerning premises

16 Whitby Street, Ward 01

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10, 2020  
DATE

Arco, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises: 16 Whitby Street, Ward 01

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance + IPOD**

<u>Violation</u>	<u>Violation Description</u>
Article 27T - 5	East Boston IPOD Applicability
Article 53 Section 8	Use- Forbidden
Article 53 Section 9	# of allowed stories has been exceeded (2.5 stories max.)
Article 53 Section 9	height exceeded (35' max.)
Article 53 Section 9	Excessive F.A.R (.8 max.)
Article 53 Section 9	Insufficient rear yard setback (35' req.)
Article 53 Section 56	Off-Street Parking & Loading Req
Article 53, Sec. 54	Screening & Buffering Req
Article 53 Section 56.5.a	Parking maneuverability
Article 53, Section 57.2	Conformity Ex Bldg Alignment

Purpose: Seeking to erect a four-story building with ten residential units and ten parking spaces. Also to combine two lots, 0101753000 and 01011752000 into one lot of 9,000 sf ft . Also raze existing structure on lot on separate permit.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-979930 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely: THE BOSTON HERALD on Tuesday, August 04, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics. The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, August 25, 2020 and discussed again on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT968513 and June 24, 2019 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

16 Whitby Street, Ward 1  
BOA-979930  
Date of Hearing: November 10, 2020  
Permit: # ERT968513  
Page: # 2

This appeal seeks permission to raze the existing structure, combine two lots, Parcel ID 0101753000 and Parcel ID 01011752000, to form one 9,000 square foot lot, and erect a three-story building with seven residential units and thirteen parking spaces.

The purpose of this Appeal is to allow the Appellant to combine two lots and erect a new residential building with seven units and thirteen parking spaces. The overall objective of this project is to allow the Appellant to have reasonable use of the property, while creating additional housing units for the East Boston community. The project is located within a Two-Family Residential Subdistrict (2F-4000). The appeal is necessary as the proposal requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 27T-5 East Boston IPOD Applicability;  
Article 53, Section 56 Off-Street Parking and Loading Req. (Parking Insufficient);  
Article 53, Section 56.5.a Parking Maneuverability;  
Article 53, Section 8 Use Regulations (Multi-Family Residential Forbidden);  
Article 53, Section 9 Dimensional Regulations (# of Allowed Stories Exceeded);  
Article 53, Section 9 Dimensional Regulations (Height Exceeded);  
Article 53, Section 9 Dimensional Regulations (Excessive FAR);  
Article 53, Section 9 Dimensional Regulations (Insufficient Rear Yard);  
Article 53, Section 54 Screening & Buffering;  
Article 53, Section 57.2 Conformity with Existing Building Alignment.

The requested relief will allow the Appellant to raze the existing structure, combine two lots to form one 9,000 square foot lot, and erect a new three-story residential building. The proposal includes seven residential units and thirteen parking spaces. The proposed residential units will all contain two-bedrooms and will range in size between 860 square feet and 1,325 square feet to help accommodate East Boston's diverse community.

The proposed building will have frontage and vehicular access from Whitby Street. The first floor will contain the main entrance, a bike room, a gym for the future residents, individual storage units, a mail room, access to the elevator and two sets of stairs, thirteen interior parking spaces, and a trash room.



DECISION OF THE BOARD ON THE APPEAL OF

16 Whitby Street, Ward 1.  
BOA-979930  
Date of Hearing: November 10, 2020  
Permit: # ERT968513  
Page: # 3

Floor two will contain units one through four and the third floor will house units five, six, and seven. Each of the units will contain terraces, which will range in size from 60 square feet to 415 square feet providing future residents with usable outdoor living space. The proposed building has been designed to fit within the context of the neighborhood both in size and scale. Further, the Appellant believes the design of this building will improve the aesthetics of the property, while enhancing the look of the neighborhood as a whole.

This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents. For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Appellant completed an extensive community process in an effort to design a project that fits in size and scale with the surrounding properties. The Appellant attended multiple Orient Heights Civic Association meetings and worked diligently with the abutters and members of the community at large. Throughout this process the Applicant showed her willingness to work with the community on project modifications which included: redesigning the building to better fit the context of the neighborhood, reducing the project from four stories to three, reducing the unit count, adding additional parking, and eliminating the roof deck.

At the Zoning Board of Appeal hearing on November 10, 2020, a representative from the Mayor's Office of Neighborhood Services stood in support of the project. Additionally, twenty-six letters of support are on file the Board. Although the Board noted there were five letters of opposition on file, there was no further opposition voiced at the hearing. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

16 Whitby Street, Ward 1  
BOA-979930  
Date of Hearing: November 10, 2020  
Permit: # ERT968513  
Page: # 4

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board of Appeal also finds that all of the following conditions are met:

- (a) the proposed project's benefits outweigh any burdens imposed; and
- (b) the proposed project is in substantial accord with the applicable provisions of Article 27T.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 and an IPOD Permit under Article 27T-8 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.





DECISION OF THE BOARD ON THE APPEAL OF

16 Whitby Street, Ward 1  
BOA-979930  
Date of Hearing: November 10, 2020  
Permit: # ERT968513  
Page: # 5

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested variance and IPOD Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

Assistant Corporation Counsel

PROVISO:

1. Subject to BPDA Design Review.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**

**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1122205  
PERMIT #ERT1093450  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

James Christopher

Concerning premises

20 Swallow Street, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 17, 2020  
Date

James Christopher

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:  
20 Swallow Street, Ward - 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

Article(s): Article 68, Section 8 Dimensional Req. Lot area to erect a dwelling unit is Insufficient  
Article 68, Section 8 Dimensional Req. Floor Area ratio is Excessive  
Article 68, Section 8 Dimensional Req. Usable open space required is Insufficient  
Article 68, Section 8 Dimensional Req. Rear Yard setback required is Insufficient  
Article 68, Section 8 Off-Street Parking Req : Off-Street Parking Required is Insufficient  
Article 68, Section 8 Dimensional Req. Side Yard setback Required is Insufficient

Purpose: To Subdivide the existing lot at 747-749 East 5<sup>th</sup> Street (ALT093439), and construct as single family on newly created 1,096 SF lot addressing Swallow St.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1122205 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 27, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 17, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for permit#ERT1093450 and July 14, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

20 Swallow St., Ward 6  
BOA1122205  
Date of Hearing: November 17, 2020  
Permit: # ERT1093450  
Page: # 2

This appeal seeks to subdivide the existing lot at 747-749 East 5th Street (ALT093439), and construct a single-family dwelling on the newly created 1,096 SF lot addressing Swallow St.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 68, Section 33	Off street parking required is insufficient
Article 68, Section 8	Side yard setback required is insufficient
Article 68, Section 8	Lot area to erect a dwelling unit is insufficient
Article 68, Section 8	Floor area ratio is excessive
Article 68, Section 8	Usable open space required is insufficient
Article 68, Section 8	Rear yard setback required is insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by constructing a new single-family dwelling on the subdivided lot. The project is located within a Multifamily Residential zoning subdistrict of the South Boston Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 17, 2020.

At the hearing, representatives of the Mayor's Office of Neighborhood Services, the office of City Councilor Essaibi-George, the office of City Councilor Flynn, and the office of City Councilor Flaherty stood in support of the project. In addition, there were two letters of support on file with the board. There was no opposition voiced at the hearing and there is none on file



DECISION OF THE BOARD ON THE APPEAL OF

20 Swallow St., Ward 6  
BOA1122205  
Date of Hearing: November 17, 2020  
Permit: # ERT1093450  
Page: # 3

with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

20 Swallow St., Ward 6  
BOA1122205  
Date of Hearing: November 17, 2020  
Permit: # ERT1093450  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

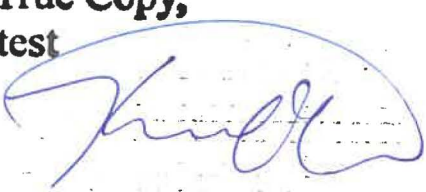
  
Assistant Corporation Counsel

PROVISOS: BPDA design review.

Signed, January 20, 2021

- /s/ Christine Araujo  
Christine Araujo – Chair (Voted In Opposition)
- /s/ Mark Fortune  
Mark Fortune – Secretary (Voted In Favor)
- /s/ Mark Erlich  
Mark Erlich (Voted In Favor)
- /s/ Joseph Ruggiero  
Joseph Ruggiero (Voted In Favor)
- /s/ Kosta Ligris  
Kosta Ligris (Voted In Favor)
- /s/ Edward Deveau  
Edward Deveau (Alternate) (Voted In Favor)
- /s/ Tyrone Kindell Jr.  
Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR**  
Esq. Assistant Corporation Counsel



**NOTICE OF DECISION  
CASE NO. BOA1112531  
PERMIT #ERT1069583  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Elaine Scales

Concerning premises

34 Rossmore Road, Ward 11

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 17, 2020

Date

Elaine Scales

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

34 Rossmore Road, Ward - 11

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

Article(s): Article 55, Section 9 Dimensional Regulations Lot Area for Additional Dwelling Units Insufficient  
Article 55, Section 9 Dimensional Regulations Floor Area Ratio Excessive  
Article 55, Section 9 Dimensional Regulations Usable Open Space Insufficient  
Article 55, Section 9 Dimensional Regulations Front Yard Insufficient  
Article 55, Section 9 Dimensional Regulations Side Yard Insufficient  
Article 55, Section 40 Off-Street Parking & Loading Req Off-Street Parking Insufficient  
Article 55, Section 40 Off-Street Parking & Loading Req Off-Street Parking Design/Maneuverability

Purpose: Erect 3 family dwelling

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1112531 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 27, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 17, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for permit#ERT1069583 and April 21, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.





DECISION OF THE BOARD ON THE APPEAL OF

34 Rossmore Rd., Ward 11  
BOA1112531  
Date of Hearing: November 17, 2020  
Permit: # ERT1069583  
Page: # 2

This appeal seeks to erect a three-family dwelling with a shared four-car driveway.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 55, Section 40	Off-Street Parking Insufficient
Article 55, Section 40	Off-Street Parking Design / Maneuverability
Article 55, Section 9	Lot Area for Additional Dwelling Units Insufficient
Article 55, Section 9	Floor Area Ratio Excessive
Article 55, Section 9	Usable Open Space Insufficient
Article 55, Section 9	Front Yard Insufficient
Article 55, Section 9	Side Yard Insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by allowing the construction of a three-family dwelling with a shared four-car driveway. The project is located within a three-family zoning subdistrict of the Jamaica Plain Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 17, 2020.

At the hearing, representatives of the Mayor's Office of Neighborhood Services, the office of City Councilor O'Malley, and a local neighborhood association stood in support of the project. The Board has one letter of support on file. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further



DECISION OF THE BOARD ON THE APPEAL OF

34 Rossmore Rd., Ward 11  
BOA1112531  
Date of Hearing: November 17, 2020  
Permit: # ERT1069583  
Page: # 3

supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code. The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

34 Rossmore Rd., Ward 11  
BOA1112531  
Date of Hearing: November 17, 2020  
Permit: # ERT1069583  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

Assistant Corporation Counsel

PROVISOS: (1) BPDA design review; and (2) an executed easement between the two properties for the shared driveway.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Kosta Ligris

Kosta Ligris (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**

**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1112536  
PERMIT #ERT1069585  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Elaine Scales

Concerning premises

36 Rossmore Road, Ward 11

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 17, 2020

Date

Elaine Scales

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

36 Rossmore Road, Ward - 11

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

Article(s): Article 55, Section 9 Dimensional Regulations Lot Area for Additional Dwelling Units Insufficient  
Article 55, Section 9 Dimensional Regulations Floor Area Ratio Excessive  
Article 55, Section 9 Dimensional Regulations Usable Open Space Insufficient  
Article 55, Section 9 Dimensional Regulations Front Yard Insufficient  
Article 55, Section 9 Dimensional Regulations Side Yard Insufficient  
Article 55, Section 40 Off-Street Parking & Loading Req Off-Street Parking Insufficient  
Article 55, Section 40 Off-Street Parking & Loading Req Off-Street Parking Design/Maneuverability

Purpose: Erect 3 family dwelling

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1112536 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 27, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 17, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for permit#ERT1069585 and April 21, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

36 Rossmore Rd., Ward 11  
BOA1112536  
Date of Hearing: November 17, 2020  
Permit: # ERT1069585  
Page: # 2

This appeal seeks to erect a three-family dwelling with a shared four-car driveway.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 55, Section 40	Off-Street Parking Insufficient
Article 55, Section 40	Off-Street Parking Design / Maneuverability
Article 55, Section 9	Lot Area for Additional Dwelling Units Insufficient
Article 55, Section 9	Floor Area Ratio Excessive
Article 55, Section 9	Usable Open Space Insufficient
Article 55, Section 9	Front Yard Insufficient
Article 55, Section 9	Side Yard Insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by allowing the construction of a three-family dwelling with a shared four-car driveway. The project is located within a three-family zoning subdistrict of the Jamaica Plain Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 17, 2020.

At the hearing, representatives of the Mayor's Office of Neighborhood Services, the office of City Councilor O'Malley, and a local neighborhood association stood in support of the project. The board has one letter of support on file. There was no opposition voiced at the hearing and



DECISION OF THE BOARD ON THE APPEAL OF

36 Rossmore Rd., Ward 11  
BOA1112536  
Date of Hearing: November 17, 2020  
Permit: # ERT1069585  
Page: # 3

there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

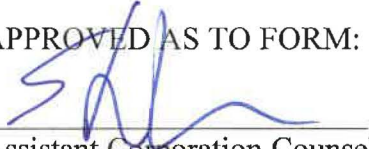


DECISION OF THE BOARD ON THE APPEAL OF

36 Rossmore Rd., Ward 11  
BOA1112536  
Date of Hearing: November 17, 2020  
Permit: # ERT1069585  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISOS: (1) BPDA design review; and (2) an executed easement between the two properties for the shared driveway.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Kosta Ligris

Kosta Ligris (Voted In Favor)

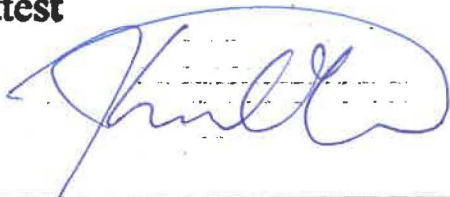
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**





**NOTICE OF DECISION  
CASE NO. BOA1028692  
PERMIT #ALT1017735  
APPEAL SUSTAINED**

In reference to appeal of

Douglas Stefanov

Concerning premises

57 L Street, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Douglas Stefanov

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

57 L Street, Ward - 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 68 Section 29 Roof Structure restrictions

Article 68 Section 8 Bldg Height Excessive (Feet)

Article 68 Section 8 Floor Area Ratio Excessive

Purpose: Combine parcel 429 (3125sf) with parcel 430 (3125sf) new lot to have 6250sf. Demolish existing 2 family. Erect 4 townhouses with 7 parking spaces per plans.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1028692 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1017735 and filed November 01, 2019 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

57 L St., Ward 6  
BOA1028692  
Date of Hearing: November 10, 2020  
Permit: # ALT1017735  
Page: # 2

This appeal seeks to construct four new roof decks and a headhouse for access.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 68, Section 29	Roof Structure Restrictions
Article 68, Section 8	Floor Area Ratio Is Excessive
Article 68, Section 8	Building Height Is Excessive (Feet)

The proposed project will allow the Appellant to have reasonable use of the premises by permitting the four units on the top floor to have roof decks. The project is located within a multifamily residential zoning subdistrict of the Saint Vincent Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.

At the hearing, representatives of the Mayor's Office of Neighborhood Services and the office of City Councilor Flynn stood in support of the project. There was no opposition voiced at the hearing and there is none on file with the Board. There are 17 letters of support on file with the board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

57 L St., Ward 6  
BOA1028692  
Date of Hearing: November 10, 2020  
Permit: # ALT1017735  
Page: # 3

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board also makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and



DECISION OF THE BOARD ON THE APPEAL OF

57 L St., Ward 6  
BOA1028692  
Date of Hearing: November 10, 2020  
Permit: # ALT1017735  
Page: # 4

e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a Variance and Conditional Use permit under Article 7, Section 7-3 and Article 6, Section 6-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances and conditional use permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision.

APPROVED AS TO FORM:

PROVISOS: None.

  
Assistant Corporation Counsel

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

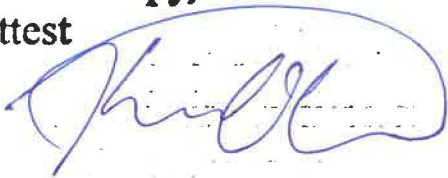
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

A True Copy,  
Attest



KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1073979  
PERMIT #ALT1068988  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

William Bowler

Concerning premises

60 Windham Road, Ward 18

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020  
Date

William Bowler

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

60 Windham Road, Ward - 18

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 69, Section 9 Front Yard Insufficient  
Article 69, Section 9 Side Yard Insufficient

Purpose: Remove existing roof frame. Add a second floor and new roof frame.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1073979 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1068988 and filed April 17, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

60 Windham Rd., Ward 18  
BOA1073979  
Date of Hearing: November 10, 2020  
Permit: # ALT1068988  
Page: # 2

This appeal seeks to build a second floor on an existing single family house.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 69, Section 9	Front Yard Insufficient
Article 69, Section 9	Side Yard Insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by building a second floor addition. The project is located within a single-family zoning subdistrict of the Hyde Park Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.

At the hearing, a representative of the Mayor's Office of Neighborhood Services stood in support of the project. There was no opposition voiced at the hearing. There is one letter of support and one letter of opposition on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.





DECISION OF THE BOARD ON THE APPEAL OF

60 Windham Rd., Ward 18  
BOA1073979  
Date of Hearing: November 10, 2020  
Permit: # ALT1068988  
Page: # 3

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



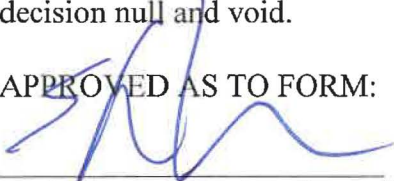
DECISION OF THE BOARD ON THE APPEAL OF

60 Windham Rd., Ward 18  
BOA1073979  
Date of Hearing: November 10, 2020  
Permit: # ALT1068988  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

PROVISOS: BPDA Design Review

  
Assistant Corporation Counsel

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

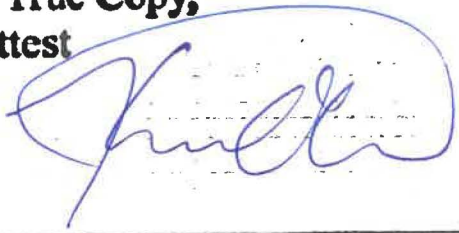
Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1025837  
PERMIT #ALT1004172  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Andrea Jules

Concerning premises

79 Regis Road, Ward 18

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10, 2020  
DATE

Andrea Jules

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises: 79 Regis Road, Ward 18

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance**

<u>Violation</u>	<u>Violation Description</u>
Article 60 Section 40	Off-Street Parking & Loading Req
Article 60, Section 8	Use: Forbidden
Article 60, Section 9	Lot Area Insufficient
Article 60, Section 9	Floor Area Ratio Excessive
Article 60, Section 9	Bldg Height Excessive (Stories)
Article 60, Section 9	Usable Open Space Insufficient
Article 60, Section 9	Front Yard Insufficient
Article 60, Section 9	Side Yard Insufficient
Article 60, Section 9	Rear Yard Insufficient

Purpose: Change of Occupancy 2 to 3 family. Build two shed dormers per plan. Bring egress up to code. Install new roofing, siding, windows. Build partition walls per Plan.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1025837 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely: THE BOSTON HERALD on Tuesday, August 04, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics. The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, August 25, 2020 and discussed again on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit#ALT1004172 and September 26, 2019 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

79 Regis Rd., Ward 18  
BOA1025837  
Date of Hearing: November 10, 2020  
Permit: # ALT1004172  
Page: # 2

This appeal seeks to change occupancy from a two-family to three-family dwelling with two new dormers.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 60, Section 40	Off-Street Parking & Loading Insufficient
Article 60, Section 8	Forbidden Use: 3 Units
Article 60, Section 9	Lot Area Insufficient
Article 60, Section 9	Floor Area Ratio Excessive
Article 60, Section 9	Building Height Excessive (Stories)
Article 60, Section 9	Usable Open Space Insufficient
Article 60, Section 9	Front Yard Insufficient
Article 60, Section 9	Side Yard Insufficient
Article 60, Section 9	Rear Yard Insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by allowing a change of occupancy from a two-family to a three-family dwelling. The project is located within a two-family zoning subdistrict of the Greater Mattapan Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.



DECISION OF THE BOARD ON THE APPEAL OF

79 Regis Rd., Ward 18  
BOA1025837  
Date of Hearing: November 10, 2020  
Permit: # ALT1004172  
Page: # 3

At the hearing, a representative of the Mayor's Office of Neighborhood Services stood in support of the project. There was no opposition voiced at the hearing. There are six letters of support and one letter of opposition on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

79 Regis Rd., Ward 18  
BOA1025837  
Date of Hearing: November 10, 2020  
Permit: # ALT1004172  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

PROVISOS: BPDA Design Review

  
Assistant Corporation Counsel

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

A True Copy,  
Attest



**KEVIN O'CONNOR**  
Esq. Assistant Corporation Counsel



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1027521  
PERMIT #ERT1016424  
APPEAL DISMISSED  
WITHOUT PREJUDICE**

In reference to appeal of

Paulette Whitaker

Concerning premises

81-81A Wrentham Street, Ward 16

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

**/s/Kevin P. O'Connor, Jr.**

**Kevin P. O'Connor, Jr.  
Principal Administrative Assistant**





## DECISION OF THE BOARD ON THE APPEAL OF

November 10, 2020  
DATE

Paulette Whitaker

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises: 81-81A Wrentham Street, Ward 16

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 65, Section 8	Use Regulations	Use- Forbidden
Article 65, Section 9	Insufficient lot width- 50' req.	
Article 65, Section 9	Insufficient rear yard setback- 40' req.	
Article 65, Section 9	# of allowed stories exceeded 2 1/2 stories max.	
Article 65, Section 41	Off-Street Parking & Loading Req	
Article 65, Section 42	Application of Dimensional Req	2. Conformity with existing Building Alignment

Purpose: Construct a new two family dwelling on Lot B consisting See ALT1027510 for subdivision.

Note: Existing Structure to be razed on a separate demolition permit

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1027521 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, January 28, 2020  
and again on Tuesday, August 04, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics. The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, February 25, 2020 and discussed again on Tuesday, August 25, 2020 and discussed again on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT1016424 and November 14, 2019 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

81-81A Wrentham St., Ward 16  
BOA1027521  
Date of Hearing: November 10, 2020  
Permit: #ERT1016424  
Page: # 2

The premises in question are located in the West Roxbury Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT1016424 by the Building Commissioner for violations of Statute 1956, Chapter 665:

Article 65, Section 41	Off-Street Parking & Loading Requirement
Article 65, Section 42	Conformity With Existing Building Alignment
Article 68, Section 8	Use Regulations: Forbidden Use
Article 68, Section 9	Insufficient Lot Width
Article 68, Section 9	Insufficient Rear Yard Setback
Article 68, Section 9	# of Allowed Stories Exceeded

The Appellant presented to the Board the desire to withdraw the request for relief. The Board took this request under consideration and voted accordingly.

In the event a new application for this site is filed and refused by the Building Commissioner, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.



DECISION OF THE BOARD ON THE APPEAL OF

81-81A Wrentham St., Ward 16  
BOA1027521  
Date of Hearing: November 10, 2020  
Permit: #ERT1016424  
Page: # 3

Therefore, the Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice.

APPEAL DISMISSED WITHOUT PREJUDICE

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

A True Copy,  
Attest

KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1093253  
PERMIT #ERT1090448  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Ninety Seven Porter, LLC

Concerning premises

97-101 Porter Street, Ward 01

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Ninety Seven Porter, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

97 - 101 Porter Street, Ward - 01

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance & IPOD

Article(s): Article 27T - 5 East Boston IPOD Applicability

Article 53 Section 8 Use Regulations. MFR- Forbidden

Article 53 Section 9 Dimensional Regulations Excessive height

Article 53 Section 9 Dimensional Regulations # of allowed stories exceeded

Article 53 Section 57 Application of Dimensional Req Conformity with existing street wall alignment

Article 53 Section 56.5a Parking maneuverability

Article 53 Section 56 Off- Street Parking & Loading req Insufficient parking

Article 53 Section 9 Dimensional Regulations Insufficient rear yard setback

Purpose: Extend and repair foundation within setback, add penthouse floor, increase FAR, renovate interior MEP, windows, roof, basement, and exterior finish siding & decks.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1093253 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT1090448 and filed July 08, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

97-101 Porter Street, Ward 1  
BOA1093253  
Date of Hearing: 11/10/20  
Permit: #ERT1090448  
Page: # 2

This appeal seeks permission to combine parcel numbers 010576100, 010575300, 010575000, 0105751000 and 010575200 to create one lot consisting of 17,030 s.f (See ALT1090450) and erect a new four (4) story residential dwelling consisting of nine (9) units with twenty (20) parking spaces as per Permit Application (ERT1090448). On July 13, 2020, the Commissioner of ISD refused to issue the permit-citing Article 53-9 (Excessive height and stories and Insufficient rear yard), Article 53-56 (Off Street Parking Insufficient) Article 53-56.5a (parking maneuverability), Article 53-57 (conformity with existing street wall alignment), Article 53-8 (Forbidden Use), and Article 27T-5 (East Boston IPOD). The Petitioner sought relief for the foregoing by filing a timely petition to the Board of Appeal requesting a Variance or such other relief as the Board deemed appropriate.

The subject property is located in the 3F-2000 sub-district as defined by Article 53 of the Code. The proposed development would be consistent in use, number of dwelling units, lot size, density, and height with the abutting and surrounding properties in the immediate neighborhood.

With respect to the use, dimensional and parking provisions of Article 53, Section 8, Section 9, Section 56 and Section 57 , which do not comply with the Code, the petitioner adequately demonstrated that such non-compliance would nonetheless allow for a development that is consistent with adjoining properties and that granting the relief for those matters would not substantially derogate from the purpose and intent of the Code.

The requested relief will permit the Petitioner to provide quality market rate housing. The proposed use and project would be consistent with the heights, densities, and character of the adjoining properties.

Requiring strict compliance with the Code for the above referenced violations, would present a substantial hardship to the petitioner.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

At the hearing, representatives of the Mayor's Office of Neighborhood Services and City Councilor Edwards stood in support of the project. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative



DECISION OF THE BOARD ON THE APPEAL OF

97-101 Porter Street, Ward 1  
BOA1093253  
Date of Hearing: 11/10/20  
Permit: #ERT1090448  
Page: # 3

impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board of Appeal further finds that the following conditions are met with respect to the East Boston Interim Planning Overlay District ("IPOD"):

The proposed development is consistent with:

- i. the existing block and street patterns of the surrounding area;
- ii. the existing densities in the surrounding area;



DECISION OF THE BOARD ON THE APPEAL OF

97-101 Porter Street, Ward 1  
BOA1093253  
Date of Hearing: 11/10/20  
Permit: #ERT1090448  
Page: # 4

- iii. the existing building types in the surrounding area;
- iv. the predominant setbacks and heights of the surrounding area; and
- v. the existing open space and off-street parking patterns.

Further the Board of Appeal finds:

- (a) the proposed benefits outweigh any burdens imposed;
- (b) the proposed project is in substantial accord with the applicable provisions of this article, and;
- (c) the Boston Redevelopment Authority has made a recommendation to the Board on the issuance of an interim planning permit.

Additionally, the proposed development is providing the appropriate resiliency measures to the extent required.

The Board is of the opinion that all conditions required for the granting of an IPOD Permit and variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.





DECISION OF THE BOARD ON THE APPEAL OF

97-101 Porter Street, Ward 1  
BOA1093253  
Date of Hearing: 11/10/20  
Permit: #ERT1090448  
Page: # 5

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested variance and IPOD Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO: 1. BPDA design review; and  
2. BTM review.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1060086  
PERMIT #ALT1056823  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Kelmyn Investments, LLC

Concerning premises

110-114A Stoughton Street, Ward 13

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10, 2020  
DATE

Kelmyn Investments, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,

at premises: 110-114A Stoughton Street, Ward 13

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Conditional Use

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 06 Sec. 04	Other Protectional Conditions	Take out proviso granted to a petitioner. Change of petitioner

Purpose: Remove proviso for takeout from previous owner and transfer to new owner's name.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1060086 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1056823 and February 26, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

110-114A Stoughton St., Ward 13  
BOA1060086  
Date of Hearing: November 10, 2020  
Permit # ALT1056823  
Page: # 2

This appeal seeks to remove a proviso on relief previously granted by the Board of Appeal and to grant the Applicant a Conditional Use Permit for restaurant takeout.

The appeal is necessary as this proposal requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 6, Section 4                      Other condition necessary as protection

This address is an appropriate location for such an operation as it is located in the Dorchester Neighborhood in a three-family zoning subdistrict. As such, this proposal will not adversely affect the surrounding community or pose a hazard to pedestrians or vehicles. The requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.

At the hearing, representatives from the Mayor's Office of Neighborhood Services and office of Councilor Baker spoke in support of the project. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area, and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

110-114A Stoughton St., Ward 13  
BOA1060086  
Date of Hearing: November 10, 2020  
Permit # ALT1056823  
Page: # 3

The Board of Appeal makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

110-114A Stoughton St., Ward 13  
BOA1060086  
Date of Hearing: November 10, 2020  
Permit # ALT1056823  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Conditional Use Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following provisos which, if not complied with shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISOS:

1. Imprint logo on all paper products.
2. Provide and maintain trash receptacle on sidewalk in front of premises.
3. Garbage be stored in a rodent proof facility and put out one half hour before pickup.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

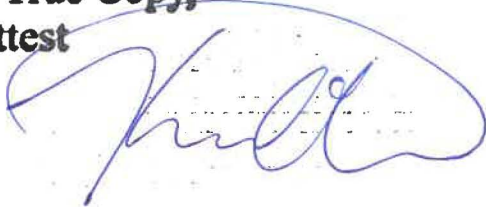
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1104690  
PERMIT #ALT1085150  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Coliseum Development Advisors, Inc

Concerning premises

185 London Street, Ward 01

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Coliseum Development Advisors, Inc  
to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

185 London Street, Ward - 01

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance & IPOD

Article(s): Article 27T East Boston IPOD  
Article 53 Section 9 Dimensional Regulations Excessive f.a.r.- 1.0 max  
Article 53 Section 9 Dimensional Regulations Excessive height – 3 story max  
Article 53 Section 9 Dimensional Regulations Insufficient side yard setback- 2.5' min. req.

Purpose: Extend and repair foundation within setback, add penthouse floor, increase FAR, renovate interior MEP, windows, roof, basement, and exterior finish siding & decks.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1104690 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1085150 and filed June 19, 2020 plans submitted to the Board at its hearing and now on file in the Building Department





DECISION OF THE BOARD ON THE APPEAL OF

185 London St., Ward 1  
BOA1104690  
Date of Hearing: November 10, 2020  
Permit: #ALT1085150  
Page: # 2

This appeal seeks permission to extend living space to the basement and add a penthouse floor.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 27T, Section	East Boston IPOD Applicability
Article 53, Section 9	Excessive F.A.R.
Article 53, Section 9	Excessive Height
Article 53, Section 9	Insufficient Side Yard Setback

The requested relief will allow the Appellant to have reasonable use of the premises by adding living space with the construction of a third-story addition. The Board denies the grant of relief for living space in the basement. The project is located within a three-family residential zoning subdistrict of the East Boston neighborhood. This project will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 10, 2020.

At the hearing, a representative of the Mayor's Office of Neighborhood Services stood in support of the project. There was no opposition voiced at the hearing but there are two letters of opposition on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

185 London St., Ward 1  
BOA1104690  
Date of Hearing: November 10, 2020  
Permit: #ALT1085150  
Page: # 3

The Board of Appeal finds that all of the following conditions are met:

- a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board of Appeal also makes the following findings:

- a) The Proposed Project's benefits outweigh any burdens imposed; and
- b) The Proposed Project is in substantial accord with the applicable provisions of Article 27T.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

185 London St., Ward 1  
BOA1104690  
Date of Hearing: November 10, 2020  
Permit: #ALT1085150  
Page: # 4

The Board also is of the opinion that all conditions required for the granting of the requested IPOD Permit under article 27T-8 of the Zoning Code have been met.

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variance and IPOD Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following provisos, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISOS:

- 1. BPDA design review;
- 2. No living space in the basement.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

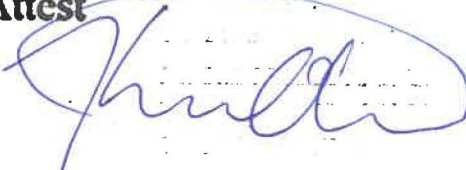
Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,**

**Attest**



**KEVIN O'CONNOR**  
**Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1110391  
PERMIT #ALT1036668  
APPEAL DISMISSED**

In reference to appeal of

Bricco Realty, LLC

Concerning premises

239-243 Hanover Street, Ward 03

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Bricco Realty, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

239 – 243 Hanover Street, Ward - 03

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 54 Section 12 Use Regulations. Executive suite is a conditional use in the Hanover CC Sub district

Purpose: Change occupancy from restaurant and 7 apartments to restaurant and 7 executive suites, existing conditions, no work to be done.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1110391 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1036668 and filed December 26, 2019 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

239-243 Hanover St., Ward 3  
BOA1110391  
Date of Hearing: November 10, 2020  
Permit: #ALT1036668  
Page: # 2

The premises in question are located in the North End Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a refusal by the Building Commissioner to issue permit ALT1036668 for violations of Statute 1956, Chapter 665, Article 54, Section 12 (Use: Executive Suites: Conditional).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a conditional use permit pursuant to Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a case where the specific site is an appropriate location for such use, nor that the use will not adversely affect the neighborhood, nor that the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by the use nor that adequate and appropriate facilities will be provided for the proper operation of the use.

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

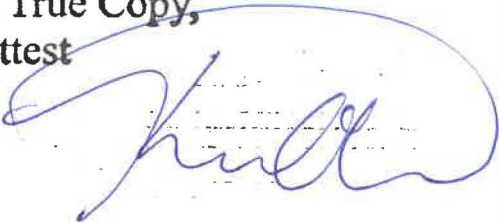
Joseph Ruggiero (Voted In Opposition)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

A True Copy,  
Attest  
  
KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1053178  
PERMIT #ERT1038691  
APPEAL DISMISSED  
WITHOUT PREJUDICE**

In reference to appeal of

James Christopher

Concerning premises

289 Dorchester Street, Ward 07

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

James Christopher

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

289 Dorchester Street, Ward - 07

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 13 Section 13-1 Dimensional Regulations Excessive F.A.R.-1.0 max  
Article 68 Section 13 Section 13-1 Dimensional Regulations # of allowed stories exceeded-3 story max  
Article 68 Section 13 Section 13-1 Dimensional Regulations Max allowed height exceed- 35' max  
Article 23 Section 0.1 Off Street parking requirements Insufficient parking  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient lot size-5,000sf min  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient lot area per unit-1,000sf/unit req.  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient lot width-50' req  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient open space-400sf/unit req  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient rear yard setback  
Article 13 Section 04 Dwellings in Nonresidential district Front yard (modal)  
Article 13 Section 04 Dwellings in Nonresidential district Insufficient side yard setback

Purpose: To raze the existing single -story building, and construct a new four story four- unit residential building as per the attached plans.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1053178 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT1038691 and filed January 06, 2020 plans submitted to the Board at its hearing and now on file in the Building Department





DECISION OF THE BOARD ON THE APPEAL OF

289 Dorchester St., Ward 7  
BOA1053178  
Date of Hearing: November 10, 2020  
Permit: # ERT1038691  
Page: # 2

The premises in question are located in the South Boston zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT1038691 by the Building Commissioner for the following violations of Statute 1956, Chapter 665:

Article 13, Section 13-1	Excessive F.A.R.
Article 13, Section 13-1	# of Allowed Stories Exceeded
Article 13, Section 13-1	Maximum allowed Height Exceeded
Article 13, Section 4	Insufficient Lot Size
Article 13, Section 4	Insufficient Additional Lot Area Per Unit
Article 13, Section 4	Insufficient Lot Width
Article 13, Section 4	Insufficient Open Space
Article 13, Section 4	Insufficient Rear Yard Setback
Article 13, Section 4	Front Yard (modal)
Article 13, Section 4	Insufficient Side Yard Setback
Article 23, Section 1	Insufficient Parking

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance as specified in Article 7, Section 7-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

This appeal is hereby dismissed without prejudice. In the event a new application for this site is filed and refused by the Building Commissioner, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

289 Dorchester St., Ward 7  
BOA1053178  
Date of Hearing: November 10, 2020  
Permit: # ERT1038691  
Page: # 3

Therefore, the Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice.

APPEAL DISMISSED WITHOUT PREJUDICE

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**

**KEVIN O'CONNOR**  
Esq. Assistant Corporation Counsel



**NOTICE OF DECISION  
CASE NO. BOA1051289  
PERMIT #U491037705  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Northampton Parking, LLC

Concerning premises

293 Northampton Street, Ward 09

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10, 2020  
DATE

Northampton Parking, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,

at premises: 293 Northampton Street, Ward 09

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Conditional Use

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 6 Section 4	Other Cond Necc as Protection	Change in Previous Decision of the Zoning Board of Appeal

Purpose: The Applicant seeks to continue to use the Premises as a public parking lot for a fee, capacity nineteen (19) vehicles with one (1) handicap parking spaces and eighteen (18) regular parking spaces under Permit For Use of Premises #U49687504 which expires November 30, 2020 under BOA Decision 698461

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1051289 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# U491037705 and January 02, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

293 Northampton Street , Ward 09  
BOA 1051289  
Date of Hearing: November 10, 2020  
Permit No. U491037705  
Page: # 2

This appeal seeks to allow the Appellant to continue to use the premises located at 293 Northampton Street (Ward 9), Boston, Massachusetts, as a fee-paid parking lot under Permit # U491037705 for 19 vehicles with 1 (one) handicap parking spaces and eighteen (18) regular parking spaces beyond the current expiration date of November 30, 2020 contained in the Proviso of the prior Board of Appeals decision for the Premises.

The Appellant appeared before the Board of Appeal (the "Board") at a properly noticed and advertised hearing at 12:30 pm on Tuesday November 10, 2020. At that hearing, the Board heard evidence relating to the Appellant's appeal for relief under Article(s): 6(6-4) of the Boston Zoning Code (the "Zoning Code").

The Appellant entered into the record the South End Landmark District Commission Certificate of Design Approval Application # 20.908 SE dated June 9, 2020 and ISD Permit SF# 1082627 issue date June 23, 2020 approving the installation of fence, granite curb, planting bed and landscaping at the premises.

The Appellant also entered into the record a letter addressed to the Zoning Board of Appeal dated September 15, 2020 which included ten photographs dated August 7, 2020 showing the installation of the fence, granite curb, planting bed and landscaping at the premises during the summer of 2020.

Letters of support from the Claremont Neighborhood Association dated August 31, 2020 and the Columbus Avenue African Methodist Episcopal Zion Church dated August 17, 2020, were also entered into the record.

The Mayor's Office of Neighborhood Services held an abutter's meeting on September 8, 2020 and also spoke in support of the Appellant's request to continue to use the Premises as a fee-paid public parking lot. No one spoke in opposition.

The Premises are at this time not suited for development or any other purpose. The Premises is unusually long and narrow and abuts the Columbus Avenue African Methodist Episcopal Zion Church (the "Church") which fronts on Columbus Avenue. Before the present use, the Premises had been used for many years by trespassers and as a depository for rubbish and trash and had been a nuisance to the neighborhood. The neighborhood has a large number of restaurants and businesses. There is currently inadequate off-street parking available.



DECISION OF THE BOARD ON THE APPEAL OF

293 Northampton Street , Ward 09  
BOA 1051289  
Date of Hearing: November 10, 2020  
Permit No. U491037705  
Page: # 3

The continued use of the Premises as a public parking lot for a fee would be a benefit to the neighborhood by providing off-street day and night time parking. Before the earlier decisions of the Board allowing the parking use, the Premises were being used by trespassers without control and without maintenance, and the Premises were unsightly and had become a refuse spot for rubbish. Additionally, trespassers were parking at an alley to the rear of the Premises, creating a serious threat to the safety of the neighborhood residences.

If the proposed use is allowed to be continued there would be no resulting adverse impact from the proposed use on the neighborhood, and the proposed use would not create a serious threat to vehicles or pedestrians, but will in fact benefit the neighborhood by providing control, maintenance and supervision of the Premises, and by regulating the number of automobiles parking on the Premises at any time. No nuisance is created, adequate facilities are provided, and the Premises are an appropriate location for such use.

Additionally, the parking facility will not create a serious hazard to vehicles or pedestrians. The Appellant's continued use of the Premises as a public parking lot for a fee will not adversely affect the aesthetics or safety of the neighborhood. In fact, the proposed use will substantially enhance these characteristics. The proposed use will aid and reduce unnecessary traffic and congestion in the area from parking events at Matthews Arena and Boston Symphony Hall and the many new restaurants. The risk of dangers to pedestrians by cars entering and exiting the lot will be minimal. No nuisance will be created by the proposed use. Adequate and appropriate facilities have been and will continue to be provided for the proper operation of the use. The denial of the continuation of the permit would impose hardship on the neighborhood by denying access to much needed off street public parking.

The Appellant continues to meet the conditions required for the approval of parking facilities under Article 6, Section 4 of the Code.

The Premises will help accommodate the ever-increasing demand for off-parking spaces by residents, visitors and employees to the South End. There is a critical need for off-street parking, especially during evening hours when residents and business owners should enjoy the benefits of on-street parking. Residents, businesses, employees and visitors of the neighborhood will greatly benefit from a continuation of the proposed use of the Premises for parking purposes. The requested relief is therefore in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

293 Northampton Street, Ward 09

BOA 1051289

Date of Hearing: November 10, 2020

Permit No. U491037705

Page: # 4

The Board of Appeal makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of the Conditional Use Permit under Article 6, Section 6-4 of the Code have been met and that the varying of the terms of the Code as outlined above will not conflict with the intent and spirit of the Code.

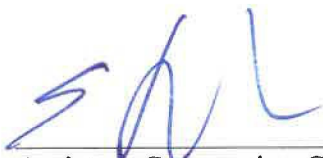


DECISION OF THE BOARD ON THE APPEAL OF

293 Northampton Street, Ward 09  
BOA 1051289  
Date of Hearing: November 10, 2020  
Permit No. U491037705  
Page: # 5

Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) unanimously voted to grant the Conditional Use Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit, in accordance with this decision, with the following proviso, which is not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO:

1. BPDA design review for screening and buffering;
2. BTD review for handicap parking; and
3. Relief to expire November 30, 2023.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

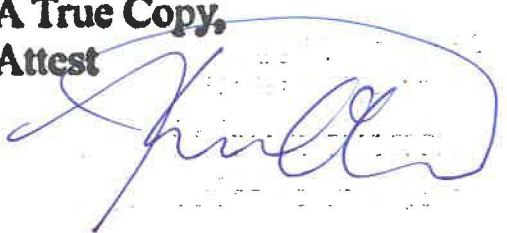
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,**  
**Attest**



**KEVIN O'CONNOR**  
**Esq. Assistant Corporation Counsel**





City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1059524  
PERMIT #ALT1042517  
APPEAL DISMISSED  
WITHOUT PREJUDICE**

In reference to appeal of

324 Summit Ave, LLC

Concerning premises

324 Summit Avenue, Ward 21

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

324 Summit Ave, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

324 Summit Ave, Ward - 21

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 51 Section 8 Use Regulations, Use Basement Apartment ; Forbidden  
Article 51 Section 9 Dimensional Regulations Lot Area Insufficient  
Article 51 Section 9 Dimensional Regulations Floor Area Ratio Excessive  
Article 51 Section 9 Dimensional Regulations Usable Open Space Insufficient  
Article 51 Section 9 Dimensional Regulations Off-Street parking Insufficient  
Article 51 Section 9 Dimensional Regulations Location of Main Entrance shall Face the Front Lot Line

Purpose: Change Occupancy from a three family Dwelling to a Four Family Dwelling. Extend living space into the Basement to create Unit#. Installation of new Sprinkler and Fire Alarm systems.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1059524 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1042517 and filed January 15, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

324 Summit Ave., Ward 21  
BOA1059524  
Date of Hearing: November 10, 2020  
Permit: #ALT1042517  
Page: # 2

The premises in question are located in the Allston/Brighton neighborhood zoning district of the City of Boston. Appellant's appeal concerned a refusal by the Building Commissioner to issue permit ALT1042517 for violations of Statute 1956, Chapter 665, Article 51, Section 8 (Use: Basement Apartment: Forbidden), Article 51, Section 9 (Lot area insufficient, floor area ration excessive, usable open space insufficient and location of main entrance shall face front lot line) and Article 51, Section 56 (Off-street parking insufficient).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance as specified in Article 7, Section 7-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

In the event a new or altered application for this site is filed, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.



DECISION OF THE BOARD ON THE APPEAL OF

324 Summit Ave., Ward 21  
BOA1059524  
Date of Hearing: November 10, 2020  
Permit: #ALT1042517  
Page: # 3

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED WITHOUT PREJUDICE

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

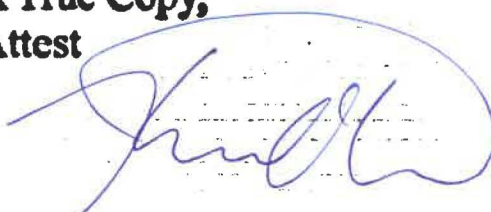
Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1079344  
PERMIT #ALT1055474  
APPEAL DISMISSED  
WITHOUT PREJUDICE**

In reference to appeal of

Phil Wallace

Concerning premises

502 East Eighth Street, Ward 07

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Phil Wallace

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

502 East Eighth Street, Ward - 07

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 68(68 -29) Roof Structure restrictions

Purpose: Add a new roof deck as per plans. Permit set to be submitted upon Zoning approval. [ePlan]

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1079344 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1055474 and filed February 21, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



DECISION OF THE BOARD ON THE APPEAL OF

502 E Eighth St., Ward 7  
BOA1079344  
Date of Hearing: November 10, 2020  
Permit: #ALT1055474  
Page: # 2

The premises in question are located in the South Boston Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ALT1055474 by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 68, Section 29 (roof structure restrictions).

The Appellant or representative of the Appellant failed to appear at the public hearing. The Board, acting within its discretion, voted accordingly.

In the event a new application for this site is filed and refused by the Building Commissioner, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.

Therefore, the Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice.

APPEAL DISMISSED WITHOUT PREJUDICE

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**

**KEVIN O'CONNOR**  
Esq. Assistant Corporation Counsel



**NOTICE OF DECISION  
CASE NO. BOA953865  
PERMIT #ALT923098  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Massachusetts for Citizens for Social Equity, LLC

Concerning premises

561 Dudley Street, Ward 13

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

**/s/Kevin P. O'Connor, Jr.**

**Kevin P. O'Connor, Jr.  
Principal Administrative Assistant**





## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Massachusetts for Citizens for Social Equity, LLC  
to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

561 Dudley Street, Ward - 13

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance

Article(s): Article 50 Section 28 Use Regulations. Cannabis Establishment is a Forbidden use in a  
MFR/LS Sub-district

Article 50 Section 29 Side Yard Insufficient. Proposed addition has insufficient side yard.

Article 53 Section 29 Lot Area Insufficient

Article 53 Section 29 Lot Frontage Insufficient

Article 53 Section 29 Front Yard Insufficient

Article 53 Section 29 Floor Area Ratio Excessive

Article 53 Section 29 Off-Street Parking & Loading Req Parking on adjacent lot

Purpose: Change occupancy to include cannabis dispensary

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA953865 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT923098 and filed February 13, 2019 plans submitted to the Board at its hearing and now on file in the Building Department



## DECISION OF THE BOARD ON THE APPEAL OF

561 Dudley Street, Ward 13  
BOA-953865  
Date of Hearing: November 10, 2020  
Permit # ALT923098  
Page # 2

In this appeal, the Petitioner seeks a variance pursuant to Article 7, § 7-3 of the Boston Zoning Code relating to Article 50, § 50-28 and various dimensional variances inclusive of §§ 50-29, regarding Lot Area Insufficient, Lot Frontage Insufficient, Floor Area Ratio Excessive, Front Yard Insufficient, and Side Yard Insufficient. In addition, the Petitioner seeks a conditional use permit pursuant to Article 6, § 6-3 relating to Article 50, § 50-43 regarding Off-Street Parking & Loading, to operate a Cannabis Establishment at the building located at 561 Dudley Street, Ward 13, within the Roxbury Neighborhood Zoning District (“the Premises”).

### **BACKGROUND**

The Petitioner received a zoning code refusal from Plans Examiner James M. Kennedy, on behalf of the Commissioner, on March 29, 2019. It appealed said refusal on or about May 16, 2019 and was given a public hearing date of November 10, 2020.

At the public hearing the Petitioner presented facts and materials, as to how it satisfied the criteria for a variance and conditional use permit, as set forth in the Boston Zoning Code and public testimony was taken. A representative of the Mayor’s Office of Neighborhood Services, a representative of District City Councilor President Kim Janey’s Office, City Councilor Essaibi-George’s Office, City Councilor Frank Baker’s Office, and an abutter, all spoke in support of the Cannabis Establishment. One person spoke in opposition. Many community meetings were held, including the state required and properly noticed Community Meeting on August 13, 2019. In addition, 565 letters of support (and only 1 letter of opposition) were submitted to the Board including a letter of support from City Council President Kim Janey, City Councilor Frank Baker, State Representative Liz Miranda, and Congresswoman Ayanna Pressley.

### **DOCUMENTS FILED WITH THE CITY AND/OR THE BOARD**

The Petitioner filed the following documents:

- Appeal and Filing Fee;
- Plans prepared by Alfaro Mendoza & Company Architects and Builders;
- A Host Community Agreement executed by the Petitioner and the City of Boston on September 11, 2020; and
- Letters of support as referenced above.



DECISION OF THE BOARD ON THE APPEAL OF

561 Dudley Street, Ward 13  
BOA-953865  
Date of Hearing: November 10, 2020  
Permit # ALT923098  
Page # 3

**FINDINGS**

Based on the evidence before it, and pursuant to Article 7, § 7-3, the Board makes the following findings:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure;
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.



DECISION OF THE BOARD ON THE APPEAL OF

561 Dudley Street, Ward 13  
BOA-953865  
Date of Hearing: November 10, 2020  
Permit # ALT923098  
Page # 4

Based on the evidence before it, and pursuant to Article 6, § 6-3, the Board makes the further following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

**CONCLUSION**

Based on the evidence, the Board finds that all conditions required for the granting of the variances as described under Article 7, § 7-3, and for the granting of a conditional use permit as described under Article 6 § 6-3 of the Zoning Code have been met.



DECISION OF THE BOARD ON THE APPEAL OF

561 Dudley Street, Ward 13  
BOA-953865  
Date of Hearing: November 10, 2020  
Permit # ALT923098  
Page # 5

Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) voted unanimously to grant the requested Variances and Conditional Use Permit as described above, which annuls the refusal of the Building Commissioner and orders him to grant Variances and a Conditional Use Permit with the provisos provided below.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO:

1. Relief applicable this Applicant only;
2. BPDA Design review for screening and buffering; and
3. Parking on Lot B shall be exclusive to this use.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)


/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA1122204  
PERMIT #ALT1093439  
APPEAL SUSTAINED**

In reference to appeal of

James Christopher

Concerning premises

747-749 East Fifth Street, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 17, 2020  
DATE

James Christopher

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,  
at premises: 747-749 East Fifth Street, Ward 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 68 Sec.08	Dimensional Req.	Lot size to maintain existing dwelling is insufficient (due to lot subdivision)
Art. 68 Sec.08	Dimensional Req.	Floor area ratio is insufficient
Art. 68 Sec.08	Dimensional Req.	Usable open space required is insufficient
Art. 68 Sec.08	Dimensional Req.	Rear yard setback required is insufficient
Art. 68 Sec. 33	Off Street parking Req.	Off street parking required is insufficient

Purpose: To subdivide the existing lot at 749 East 5th St. creating two new lots Lot A will be 1,697 SF w/ no change to the existing building the rear lot addressing Swallow St will be 1,697 SF.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1122204 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 27, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 17, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT1093439 and July 14, 2020 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

747-749 E. Fifth St., Ward 6  
BOA1122204  
Date of Hearing: November 17, 2020  
Permit: # ALT1093439  
Page: # 2

This appeal seeks to subdivide the existing lot at 747-749 East Fifth Street (ALT093439), and construct a single family on the newly created 1,096 SF lot addressing Swallow St.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 68, Section 33	Off street parking required is insufficient
Article 68, Section 8	Lot size to maintain existing dwelling is insufficient (due to lot subdivision)
Article 68, Section 8	Floor area ratio is insufficient
Article 68, Section 8	Usable open space required is insufficient
Article 68, Section 8	Rear yard setback required is insufficient

The proposed project will allow the Appellant to have reasonable use of the premises by maintaining the existing dwelling on the subdivided lot while allowing a new single-family dwelling to be built on the new lot. The project is located within a Multifamily zoning subdistrict of the South Boston Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on November 17, 2020.

At the hearing, representatives of the Mayor's Office of Neighborhood Services, the office of City Councilor Essaibi-George, the office of City Councilor Flynn, and the office of City Councilor Flaherty stood in support of the project. In addition, there were two letters of support on file with the board. There was no opposition voiced at the hearing and there is none on file





DECISION OF THE BOARD ON THE APPEAL OF

747-749 E. Fifth St., Ward 6  
BOA1122204  
Date of Hearing: November 17, 2020  
Permit: # ALT1093439  
Page: # 3

with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

747-749 E. Fifth St., Ward 6  
BOA1122204  
Date of Hearing: November 17, 2020  
Permit: # ALT1093439  
Page: # 4

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

PROVISOS: None.

  
Assistant Corporation Counsel

Signed, January 06, 2021

/s/ Christine Araujo  
Christine Araujo – Chair (Voted In Opposition)

/s/ Mark Fortune  
Mark Fortune – Secretary (Voted In Favor)

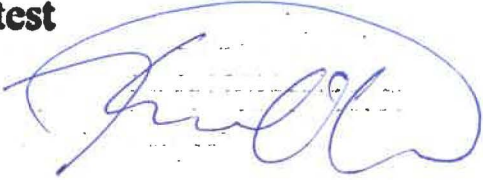
/s/ Mark Erlich  
Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero  
Joseph Ruggiero (Voted In Favor)

/s/ Kosta Ligris  
Kosta Ligris (Voted In Favor)

/s/ Edward Deveau  
Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.  
Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**  
  
**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA1092076  
PERMIT #ERT1060078  
APPEAL DISMISSED  
WITHOUT PREJUDICE**

In reference to appeal of

Jim McClure

Concerning premises

847-847C East Fifth Street, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Jim McClure

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

847 – 847C East Fifth Street, Ward - 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Variance & GPOD

Article(s): Article 29 Section 4 Greenbelt Protection Overlay District

Article 68 Section 8.3 Dim Regs: Location of Main Entrance – All entry doors shall face the front lot line

Article 68 Section 29 Roof Structure Restrictions. Proposed building exceeds the height of the existing building being removed.

Purpose: Combine parcel 429 (3125sf) with parcel 430 (3125sf) new lot to have 6250sf. Demolish existing 2 family. Erect 4 townhouses with 7 parking spaces per plans.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA1092076 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT1060078 and filed March 06, 2020 plans submitted to the Board at its hearing and now on file in the Building Department



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

## DECISION OF THE BOARD ON THE APPEAL OF

847-847C E. Fifth St., Ward 6

BOA1092076

Date of Hearing: November 10, 2020

Permit: #ERT1060078

Page: # 2

The premises in question are located in the South Boston Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT1060078 by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 29, Section 4 (GPOD Applicability), Article 68, Section 29 (Roof structure restrictions), and Article 68, Section 8.3 (Location of main entrance).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a variance as specified in Article 7, Section 7-3, a conditional use permit as specified in Article 6, Section 6-3 or GPOD permit as specified in Article 29, Section 29-6 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

In the event a new or altered application for this site is filed, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.



DECISION OF THE BOARD ON THE APPEAL OF

847-847C E. Fifth St., Ward 6  
BOA1092076  
Date of Hearing: November 10, 2020  
Permit: #ERT1060078  
Page: # 3

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED WITHOUT PREJUDICE

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**

**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**



**NOTICE OF DECISION  
CASE NO. BOA895482  
PERMIT #ALT851256  
APPEAL SUSTAINED  
WITH PROVISOS**

In reference to appeal of

Rebecca Rutenberg

Concerning premises

1589-1593 Blue Hill Avenue, Ward 18

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was January 13, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

*/s/*Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



## DECISION OF THE BOARD ON THE APPEAL OF

November 10 2020

Date

Rebecca Rutenberg

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

1589 – 1593 Blue Hill Ave, Ward - 18

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: - Conditional Use

Article(s): Article 60, Section 16 Use Regulations Appl. Neighborhood Business Subdistricts  
Cannabis Establishment is a Conditional Use

Purpose: Change of occupancy from a check cashing facility to a Cannabis Establishment. Modify the existing layout and conditions of the interior of the building. \*project submission in anticipation of rejection notice and subsequent ZBA hearing\*

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA895482 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 20, 2020

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 10, 2020 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ALT851256 and filed July 13, 2018 plans submitted to the Board at its hearing and now on file in the Building Department





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In this appeal, the Petitioner seeks a conditional use pursuant to Article 6, § 6-3 and Article 60 § 16 relating to the use in order to operate a Cannabis Establishment at the building located at 1589-1593 Blue Hill Ave, Ward 18, within the Greater Mattapan Neighborhood Zoning District (“the Premises”).

### **BACKGROUND**

The Petitioner received a zoning code refusal from Plans Examiner James Howe, on behalf of the Commissioner, on October 3, 2018. It appealed said refusal on or about October 31, 2018 and was given a public hearing date of November 10, 2020.

At the public hearing the Petitioner presented facts and materials, as to how it satisfied the criteria for a Conditional Use Permit, as set forth in the Boston Zoning Code and public testimony was taken. A representative of the Mayor’s Office of Neighborhood Services and a representative of District City Councilor Ricardo Arroyo spoke in support of the Cannabis Establishment. No one spoke in opposition. The state required and properly noticed Community Meeting was held on January 17, 2019, and the Boston Cannabis Board voted on August 19, 2020 to approve the Petitioner. In addition, 83 letters of support (and 0 letters of opposition) were submitted to the Board.

### **DOCUMENTS FILED WITH THE CITY AND/OR THE BOARD**

The Petitioner filed the following documents:

- Appeal and Filing Fee;
- Plans prepared by BKA Architects;
- A Host Community Agreement executed by the Petitioner and the City of Boston on September 1, 2020; and
- Letters of support as referenced above.



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### **FINDINGS**

Based on the evidence before it, and pursuant to Article 6, § 6-3, the Board makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

### **CONCLUSION**

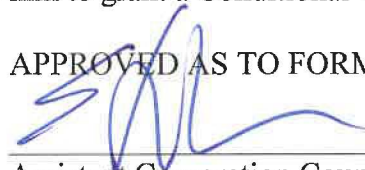
Based on the evidence, the Board finds that all conditions required for the granting of the Conditional Use Permit as described under Article 6 § 6-3 of the Zoning Code have been met.



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Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) voted unanimously to grant the requested Conditional Use Permit as described above, which annuls the refusal of the Building Commissioner and orders him to grant a Conditional Use Permit with the provisos provided below.

APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO:

1. Relief applicable this Petitioner only; and
2. BPDA Design review.

Signed, January 06, 2021

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

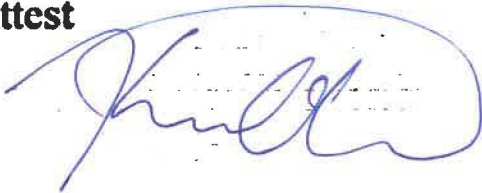
/s/ Edward Deveau

Edward Deveau (Alternate) (Voted In Favor)

/s/ Tyrone Kindell Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

**A True Copy,  
Attest**



**KEVIN O'CONNOR  
Esq. Assistant Corporation Counsel**