



Tuesday, April 30, 2024

BOARD OF APPEAL

City Hall Room 801

**HEARING AGENDA**

**Revised Agenda**

**PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 30, 2023 BEGINNING AT 9:30 AM AND RELATED ANNOUNCEMENTS.**

**ALL MATTERS LISTED ON THIS APRIL 30, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.**

**PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:**

**THE APRIL 30, 2023 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.**

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

**If you wish to offer testimony on an appeal, please click <https://bit.ly/April30Comment> to sign up. Please provide your name, address, the address and/or BOA number of the appeal on which you wish to speak, and if you wish to speak in support of or opposition to the project.**

**For individuals who need translation assistance, please notify the Board at least 48 HOURS in advance either by signing up at <https://bit.ly/April30Comment> 617-635-4775, or emailing [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).**

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



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concerns can also be emailed to the ZBA Ambassador at [zba.ambassador@boston.gov](mailto:zba.ambassador@boston.gov).

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

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

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

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

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



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### **EXTENSIONS: 9:30AM**

**Case: BOA-1310507 Address: 29 Hamilton Street Ward 15 Applicant: 25-33 Hamilton GP, LLC(Sarah Wegman, ESQ)**

**Case: BOA-1224197 Address: 73 Stanwood Street Ward 14 Applicant: Elizabeth Fernandez**

**Case: BOA- 1291093 Address: 41 Williams Avenue Ward 18 Applicant: Miguel Corporan**

**Case: BOA-868870 Address: 810 Canterbury Street Ward 18 Applicant: Christopher Davey**

**Case: BOA-868875 Address: 812 Canterbury Street Ward 18 Applicant: Christopher Davey**

**Case: BOA-1096128 Address: 10 Rockland Street Ward 12 Applicant: Andrew Litchfield, Eric Zachrison & Sara Velardi**

**Case: BOA-1019220 Address: 645 River Street Ward 18 Applicant: Christian Louis & Demitrus Jean**

**Case: BOA-932844 Address: 192 Gladstone Street Ward 1 Applicant: Catherine Clifford**

**Case: BOA-1016543 Address: 70 Eutaw Street Ward 1 Applicant: Lorene Schettino, ESQ**

**Case: BOA-773858 Address: 6 Evelyn Street Ward 14 Applicant: My Lam**

**Case: BOA-1018350 Address: 38-40 Sprague Street Ward 18 Applicant: Paul Momnie, ESQ**

### **RECOMMENDATIONS: 9:30 AM**

**Case: BOA-1566165 Address: 16 Cook Street Ward: 2 Applicant: Tyler Winder**

**Article(s):** Art. 62 Sec. 25 Roof Structure Restrictions - Proposed roof deck on lower roof Article 62, Section 8 Insufficient rear yard setback Article 62, Section 8 Insufficient side yard setback Art. 62, Sec 25 Roof Structure Restrictions - Access

**Purpose :** The scope of this project is to construct a roof deck for Unit 2 exclusive use. Access to roof deck is via a proposed door from the third floor rear bedroom. Unit 1 deck and exterior stairs are existing to remain. No change to building footprint. Building will remain a two family. Note: open building code review under the direction of it manager.

**Case: BOA-1542426 Address: 82 Washington Street Ward: 2 Applicant: Rose Locke**

**Article(s):** Article 62, Section 8 Bldg Height Excessive (Feet) Art. 62 Sec. 25 Roof Structure Restrictions - Changing the roof line

**Purpose :** Confirm occupancy as a single family. Proposed dormer addition and new rear deck, as per plans.

**Case: BOA-1452448 Address: 332-340 Summer Street Ward: 6 Applicant: Beck South End Carriage, LLC**

**Article(s):** Article 6 Section 4 Other Cond Necc as Protection - Change in previous decision from the ZBA

**Purpose :** The Applicant seeks to continue to use the Premises as a public parking lot for a fee capacity (40) vehicles until December 31, 2026 under Boston Transportation Department OPAIR License #78700.

**Case: BOA-1554386 Address: 515 East First Street Ward: 6 Applicant: Karen Pham**

**Article(s):** Art. 68 Sec. 07 Use Regs. - Use conditional

**Purpose:** Changing occupancy from office to nail studio.



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**Case: BOA-1568243 Address: 36-42 West Broadway Ward: 6 Applicant: 32-42 West Broadway Realty Trust**  
**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg.- >25% FORBIDDEN Art. 68 Sec. 07 Use Regs.-Use Forbidden

**Purpose :** Confirm occupancy of existing martial arts studio in existing basement tenancy. No new work original permit ALT91289 abandoned in 2011. \*Yoga studio on 1st & 3rd floor and wireless #ALT40825/2014 \*\*ALT91289 was never filed, activated reviewed or issued.

**Case: BOA-1573788 Address: 417-423C West Broadway Ward: 6 Applicant: Btone Fitness LLC**  
**Article(s):** Art. 68 Sec. 07 Use Regs. - Table A, Fitness/ Gym use CONDITIONAL Art. 09 Sec. 02 Nonconforming Use Change - Existing Nonconforming Use, less than 25% Conditional

**Purpose :** Change occupancy to a fitness center ( no work to be done) \*Present Legal Use: Retail Store, Lt Mfg, Photo Studio, Office Space, Wireless Communications, Professional Office #ALT1527189/2023.

**Case: BOA-1573885 Address: 18 Pond Circle Ward: 19 Applicant: Luis Santana**

**Article(s):** Art. 55 Sec. 09 Excessive f.a.r.

**Purpose :** Add rear shed dormer 27.3'x11' and two front gable dormers 8.8'x11', for additional bedroom and bathroom in the attic of existing single family dwelling . FAR variance will be required. Project complies with all other zoning parameters.

**Case: BOA-1518380 Address: 104 Child Street Ward: 11 Applicant: Teresa Spillane**

**Article(s):** Art. 09 Sec. 01 Reconstruction/Extension of Nonconforming Bldg - Extension of Nonconforming Building Art. 53 Sec. 09 Side yard Insufficient. Art. 53 Sec. 09 Rear yard insufficient. Rear deck. Art. 53 Sec. 09 Front yard insufficient. Art. 53 Sec. 09 Floor Area Ratio Excessive

**Purpose :** Scope includes an addition creating a home office and two car garage. A new stair in the garage will connect to a second floor workshop/storage area. A roof garden and solar panels will be added to the existing roof.

**Case: BOA-1521624 Address: 379-381 Blue Hill Avenue Ward: 12 Applicant: Antonio Lepe**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions

**Purpose :** Remove proviso from previous owner.

**Case: BOA-1554816 Address: 4-10 Minot Street Ward: 16 Applicant: Harbor Health Services, Inc**

**Article(s):** Article 65, Section 15 Use: Forbidden - Food pantry use

**Purpose :** There is no construction or proposed job on the building. Change occupancy to include food pantry. We are just updating the permit address in order to update the address on the health permit for the food pantry.

**Case: BOA-1575041 Address: 46R Chickatawbut Street Ward: 16 Applicant: James Christopher**

**Article(s):** Article 9, Section 1 Extension of Nonconforming Building - Extension of non conforming rear dwelling Article 65, Section 9 Front Yard Insufficient

**Purpose :** Construct a new side entry door for direct access to interior basement storage. Not change to habitable square footage.

**Case: BOA-1529077 Address:162-164 Fairmount Street Ward: 17 Applicant: Paul Immer**

**Article(s):** Article 65, Section 9 Floor Area Ratio Excessive

**Purpose :** Finish existing attic space. Adds 1 bedroom and a study with 3 closets. Proposed new additional habitable space 377sf.



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**Case: BOA-1566270 Address: 14 Whitfield Street Ward: 17 Applicant: Jean Claude Jean-Baptiste**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - Parking space side yard setback- 5' req. Art. 65 Sec. 9 Residential Dimensional Reg.s - Insufficient lot size- 6000sf req. Article 65, Section 9 Insufficient open space-750 sf req. Article 65, Section 9 Excessive f.a.r.-.4 max

**Purpose:** Subdivide this lot into two separate and change occupancy to 1 family dwellings per the stamped and survey.

\*Clarification: Change of occupancy of existing two family on one lot into two-one family attached dwellings to exist on their own respective individual lots per subdivision land survey provided. #14 Whitfield/Lot #55 to have 4959sf and 16 Whitefield/Lot#56 to have ,228sf.

**Case: BOA-1564951 Address: 16 Whitfield Street Ward: 17 Applicant: Jean Claude Jean-Baptiste**

**Article(s):** Article 65, Section 9 Insufficient lot size 6000sf req. Article 65, Section 9 Excessive f.a.r. .4 max. Article 65, Section 9 Insufficient open space 750sf req. Art. 10 Sec. 01 Limitation of parking areas - Parking space Insufficient side yard setback 5' req.

**Purpose :** Subdivide this lot into two separate and change occupancy to 1 family dwellings per the stamped land survey.

\*Clarification: Change of occupancy of existing two family on one lot into two one family attached dwellings to exist on their own respective individual lots per subdivision land survey provided. #14 Whitfield/Lot #55 to have 4959sf and 16 Whitefield/Lot#56 to have 4,228sf. Note: open building code review under the direction of it manager; hansen workflow reprogramming in process.

**Case: BOA-1564366 Address: 32 Laurie Avenue Ward: 20 Applicant: Biplab Das**

**Article(s):** Article 56, Section 8 Front Yard Insufficient Article 56, Section 8 Rear Yard Insufficient Article 56. Section 8 Side Yard Insufficient

**Purpose :** This will be addition of One Bedroom, one Bathroom and remodeling of kitchen in the first floor total of 448 sq ft.

**Case: BOA-1563736 Address: 210 North Harvard Street Ward: 22 Applicant: MOMO Ventures, Inc**

**Article(s):** Article 51, Section 17 Dim Regulations - Min. rear yard required: 20' Proposed: walk in cooler at 6.1'

**Purpose :** Addition of a walk in cooler. Work to the main building was permitted under permit ALT1455236. Addition of walk in cooler will require relief from the Zoning Board of Appeals.

**HEARINGS: 9:30AM**

**Case: BOA- 1538686 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis**

**Article(s):** Article 60, Section 8 Use: Forbidden - Basement Unit Forbidden Article 60, Section 9.3Dim Regs: Location of Main Entrance - Basement unit Article 60, Section 9 Rear Yard Insufficient Article 60, Section 9Floor Area Ratio Excessive Article 60, Section 9 Usable Open Space Insufficient

**Purpose:** Correct Violations V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovate attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included.



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**Case: BOA-#1538740 Address: 86 Astoria Street Ward 18 Applicant: Natalyn Francis**

**Violations** V582833 and V582855. Renovate and reconfigure existing 3 family with addition & extension of living space to attic & basement. Scope includes relocating 3rd unit (previously at second story) to the basement; extending living space. Renovate basement into habitable space as the 3rd unit & renovates attic. Also, enclose rear porches and provide a 2 story addition to the rear, per attached plans. FA/FP included Violation Violation Description Violation Comments 9th 780 CMR 1007 Exit and Exit Access Doorway Configuration 1007.1.1 Two exits or exit access doorways. Where two exits, exit access doorways, exit access stairways or ramps, or any combination thereof, are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. Interlocking or scissor stairways shall be counted as one exit stairway. [Basement unit with less than half the required exit separation; only a NFPA 13D sprinkler system provided] 9th 780 CMR 1028 Exit Discharge 1028.5 Access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way. [Main entry encroaching onto driveway, not providing a dedicated 36" wide obstructed path to the public way.]

**Case: BOA-1513573 Address: 333 Freeport Street Ward 16 Applicant: Dan Nguyen**

**Article(s):** Article 65, Section 8 Use Regulations - Use: Body Art Establishment: Forbidden

**Purpose:** Change Occupancy from a Two Family Dwelling to a mixed use Commercial space on the 1st floor (Body Piercing) and Residential Use on the upper floors (Apartment).

**Case: BOA-1567925 Address: 20 Pearl Street Ward 13 Applicant: James Christopher**

**Article(s):** Article 65 Section 7 Establishment of Res Subdistricts - Max number of allowed units on the lot has been exceeded within a 2f sub district

**Purpose:** The applicant seeks to change the legal occupancy from two to three residential units. No change to floor plans, (sprinkler system to be installed) The property has been taxed as a three family since 2011. Two family #ALT1542590/2023 NFPA 13D permit issued.

**Case: BOA- 1568342 Address: 134-140 Smith Street Ward 10 Applicant: Luis Santana**

**Article(s):** Article 59, Section 8 Rear Yard Insufficient Article 59, Section 8 Usable Open Space Insufficient Article 59, Section 8 Lot Area Insufficient Article 59, Section 8 Floor Area Ratio Excessive Article 59, Section 37 Off Street Parking & Loading Req

**Purpose:** Two story Addition approximately 64' 7" x 26' 4" to an existing one-story commercial building (restaurant/tavern) Change occupancy to Coffee shop/Restaurant and 6 Dwelling Units for, 4 two bedrooms and two studios, reduced size of restaurant to 480 sq. ft and 18 seats.

**Case: BOA-1570022 Address: 100 Saint Alphonsus Street Ward 10 Applicant: John Pulgini-ARTICLE 80**

**Article(s):** Art. 59, Section 7 Use: Conditional - Ancillary Parking Conditional Article 59, Section 8 Front Yard Insufficient - Through Lot (Pontiac St) Article 59, Section 8 Add'l Lot Area Insufficient Article 59, Section 8 Bldg Height Excessive (Feet) Article 59, Section 8 Side Yard Insufficient Article 59, Section 8 Bldg Height Excessive (Stories) Article 59, Section 8 Usable Open Space Insufficient Article 59, Section 8 Floor Area Ratio Excessive Art. 59, Section 15 Use: Conditional - Large Restaurant with Take out (Basement & First Story) Conditional Article 59, Section 16 Floor Area Ratio Excessive Article 59, Section 16 Building Height Excessive Article 59, Section 16 Usable Open Space Insufficient Article 59, Section 16 Side Yard abutting Residential district

**Purpose:** Construct a six (6) story building on newly created lot with ninety five (95) residential units, ground floor restaurant with takeout (#36A/37), and garage parking. Building has approximately 3,228 SF first floor restaurant and fifty three (53) parking spaces (44 are church dedicated), residential on upper floors. Raze existing structure on separate SF permit. See ALT1559536; filed for subdivision to combine Parcel IDs: 1000605000 and 100609000.

**Case: BOA- 1547315 Address: 268-274 Friend Street Ward 3 Applicant: Ascend Mass, LLC-CANNABIS**

**Article(s):** Art. 46, Section 9 Use: Conditional - Cannabis treatment Center Art. 07 Sec. 4 Other Protectional Conditions - Remove proviso "must be renewed within 5 years"

**Purpose:** Add Medical Marijuana Treatment Center to existing Cannabis Establishment – no work to be done; and remove Proviso stating "Must be renewed within five (5) years."





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**Case: BOA- 1563621 Address: 198 Marion Street Ward 1 Applicant: Kyle Montag**

**Article(s):** Article 53, Section 9 Usable Open Space Insufficient Art. 53, Section 56 Off Street Parking Insufficient Article 27T 5 East Boston IPOD Applicability Article 25A Section 4 CFROD Applicability

**Purpose:** Change occupancy from a restaurant and two residential units to three (3) residential units, as per plans. Conversion occurring on ground floor. Upgrades to life safety (FA/FP) included.

**Case: BOA- 1563720 Address: 200 Everett Street Ward 1 Applicant: 200 Everett Street, LLC**

**Article** 53, Section 9 Rear Yard Insufficient Article 53, Section 9 Usable Open Space Insufficient Article 53, Section 9 Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Add'l Lot Area Insufficient Article 53, Section 9 Front Yard Insufficient Article 53, Section 52 Roof Structure Restrictions Art. 53, Section 56 Off Street Parking Insufficient Article 53, Section 9 Lot Area Insufficient

**Purpose:** Erect an addition and change occupancy from one family to three units with a roof deck.

### **HEARINGS: 11:00AM**

**Case: BOA- 1572059 Address: 72 Hyde Park Avenue Ward 19 Applicant: Vladimir Sirotin**

**Article(s):** Art. 55 Sec. 55 9 Additional lot area insufficient - Insufficient Lot Area for each Additional Dwelling Unit (Sq. Ft.) Article 55, Section 9 Usable Open Space Insufficient - Open Space Insufficient Article 55, Section 9 Bldg Height Excessive (Feet) - Proposed project will exceed the maximum height of 35' (feet). Article 55, Section 9 Bldg Height Excessive (Stories) - The proposed project will exceed three story maximum required. Article 55, Section 9 Floor Area Ratio Excessive - The proposed project will exceed the required F.A.R. of .6. Art. 55, Section 19 Use: Forbidden - 3F 5000 Zone. Project proposes Multi family of six (6) units.

**Purpose:** Change the legal occupancy to six residential units. This is in reference to ERT 1248382. BPDA design review resulted in a change in the scope of work, triggering a new violation. We will be exceeding the relief originally in BOA 1352386.

**Case: BOA-1562423 Address: 12 Murray Hill Road Ward 19 Applicant: Beth Worell**

**Article(s):** Article 67, Section 9 Side Yard Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Usable Open Space Insufficient

**Purpose:** Demolish existing rear porch and remove existing vinyl siding from the house. Construct a Family Room addition, a new rear deck, and make alterations to the existing house on the first and second floors.

**Case: BOA-1562421 Address: 12R Murray Hill Road Ward 19 Applicant: Beth Worell**

**Article(s):** Article 67, Section 9 Side Yard Insufficient

**Purpose:** New wood framed garage with new concrete slab on new foundation,

**Case: BOA- 1523507 Address: 35-35B Old Morton Street Ward 17 Applicant: Paul and Suzanne Nguyen**

**Article(s):** Art. 10 Sec. 01 Limitation of parking areas - A portion of the proposed parking is within 5' of the side yard. Article 65, Section 8 Use Regulations - 3 Family is forbidden in a 2F 6000 sub district Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Article 65, Section 9 Side Yard Insufficient

**Purpose:** Proposed new 3 family, townhouse style with 7 parking spaces, as per plans.

**Case: BOA- 1528988 Address: 3510 Washington Street Ward 11 Applicant: Timothy Burke Architecture., Inc**

**Article(s):** Art. 55, Section 19 Use: Forbidden - Residential Use is forbidden. Project proposes to build an addition for two dwelling units above commercial space. Article 55 Section 20 Dimensional Regulations in LI Zoning requires 1.0 FAR. Proposed project will have a FAR of 1.89 Art. 55, Section 20 Zoning requires 50 Sq. ft of open space per unit. - Project proposes to have 80 Sq. ft per unit. Article 55, Section 40.5d Parking space sizes - Project proposes to have two parking spaces in the rear of the building. The spaces will be 9' x 18'.

**Purpose:** Construct a two story addition above an existing commercial use for two dwelling units & two parking spaces in the rear of building. Work will require ZBA approval.



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**Case: BOA-1552647 Address: 608 Shawmut Avenue Ward 9 Applicant: Hezekiah Pratt**

**Article(s):** Article 50 Section 28 Use Regulations - Barbershop is conditional in an MFR sub district.

**Purpose:** Change occupancy from 3 apartments and store to 3 apartments and barber shop. Install new wall, door, barber chairs, hair wash sink, and electrical outlets. Work as per plans.

**Case: BOA- 1517916 Address: 906 East Fourth Street Ward 6 Applicant: Fran Adams**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Roof deck on lower roof Art 68 Sec 29 Roof Structure Restrictions - Roof deck on Main Roof with access via a head house Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of main roof profile Art 68 Sec 8 Dim reg app in res sub dist - Insufficient rear yard setback Art 68 Sec 8 Dim reg app in res sub dist - Excessive f.a.r. Art 68 Sec 8 Dim reg app in res sub dist - Insufficient side yard setback

**Purpose:** 2 story addition in rear to include, a main and lower roof deck to an existing 3 family residence

**Case: BOA- 1572696 Address: 804 East Seventh Street Ward 6 Applicant: Ted Ahern-ARTICLE 80**

**Article(s):** Art. 29 Sec. 04 Greenbelt Protection Overlay District Applicability To Substantially rehabilitate a structure having, or to have after rehabilitation, a total gross floor area of more than five thousand (5,000) square feet.

**Purpose:** Convert existing Retirement Home to 21 reduced to 16 Residential Units. Exterior re skin. Create Parking Garage entirely within existing building. Create handicap lift. Create new curb cut for garage entry. Work occurs primarily within existing envelope. Revised drawings provided 2.6.24 reducing number of units to 16, to include, design changes to front and left side per plan submitted

**Case: BOA-1556767 Address: 156 West Newton Street Ward 4 Applicant: Joseph Holland**

**Article(s):** Article 32, Section 4.GCOD, Applicability Article 64, Section 9 Floor Area Ratio Excessive Article 64, Section 9.4Town House/Row House Extension - Addition & 2nd story balcony.

**Purpose:** Change occupancy from 3 family to single family. Scope includes a full gut renovation, new framing, new MEP, new rear 1 story addition, new rear deck & balcony at 2nd story, new roof deck, new elevator, and new garage with driveway. Also included, structural underpinning and fire protection.

**Case: BOA#1556768 Address: 156 West Newton Street Ward 4 Applicant: Joseph Holland**

**Purpose:** Change occupancy from 3 family to single family. Scope includes a full gut renovation, new framing, new MEP, new rear 1 story addition, new rear deck & balcony at 2nd story, new roof deck, new elevator, and new garage with driveway. Also included, structural underpinning and fire protection

9th 780 CMR 1011 Stairways1011.12.2 Roof access. Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1510.2. [4 story building with new roof deck, accessed through hatch in lieu of penthouse.]

**Case: BOA-1564403 Address: 64 North Margin Street Ward 3 Applicant: Nicholas Zozula**

**Article(s):** Article 54, Section 10 Floor Area Ratio Excessive - Proposed plan to extend Unit #1 to garden level will exceed the required floor area ratio (FAR).

**Purpose:** Requesting nominal fee. Proposing to expand the livable area into the garden (basement) level for unit 1R for permit ALT 1427917.

**Case: BOA-1563079 Address: 135 Falcon Street Ward 1 Applicant: Oakland Lopez**

**Article(s):** Article 53, Section 9 Side Yard Insufficient Article 53, Section 9Bldg Height Excessive (Stories) Article 53, Section 9 Floor Area Ratio Excessive Article 53, Section 9 Lot Width Insufficient Article 53, Section 9 Lot Area Insufficient Art.53 Sec.08 Use Forbidden Art. 27G E Boston IPOD

**Purpose:** Erect addition with roof deck and change occupancy from two (2) to three (3) units. To include three (3) parking spaces.





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## **RE-DISCUSSIONS: 11:30 AM**

**Case: BOA-1533784 Address: 152 Washington Street Ward 21 Applicant: Tinh Le**

**Article(s):** Aft. 51 Sec. 16 Forbidden Use Article 51, Section 9 Lot Frontage Insufficient  
Article 51, Section 8 Use: Forbidden Article 51, Section 56 Off Street Parking Insufficient

**Purpose:** Change occupancy from a 2 family to a 3 family, add 2 bathrooms per unite as per plan. upgrade electrical as per plan, upgrade plumbing as per plan, add all new sprinkler per plan. re do all kitchens as per plan. and finish basement as per plan.

**Reason for Prior Deferral:** The applicant requested a deferral and it was granted

**Case: BOA-1547345 Address: 1457 VFW Parkway Ward 20 Applicant: Injaga Delivery-CANNABIS**

**Article(s):** Art. 56, Section 7 Use: Forbidden - Cannabis establishment, delivery and manufacturing. Art. 56 Sec. 07 Use regulations applicable in residential sub districts - Location, Forbidden. Buffer zoning conflict, proposed within 2,640 sqft of another cannabis establishment.

**Purpose:** Change of occupancy from a retail store to a Cannabis store (Recreational use) with Delivery, Courier and manufacturing (i.e. extraction, processing, packaging) location.

**Reason for Prior Deferral:** The applicant requested a deferral to correct violations

**Case: BOA-1550107 Address: 451 East Seventh Street Ward 7 Applicant:**

**Article(s):** Article 68, Section 8 Lot Area Insufficient - Required to have a lot area of 2000 SF. The proposed project will have 1755 SF (Existing Condition). Article 68, Section 8 Usable Open Space Insufficient - Required to have 200 SF of useable open space per unit. Project proposes to have 232 SF of open space per dwelling unit Article 68, Section 8 Floor Area Ratio Excessive - Required to have FAR of 2.0 . Proposed project will have a FAR of 2.63.

Art. 68 Sec. 33 Off Street parking Req. - Project is required to have six parking spaces (1.5 per unit). Proposed project will have zero parking spaces.

**Purpose:** Change occupancy from 3 units to 4 units. Demo lower level. Install 1 kitchen and 1 bathroom. Install new plumbing.

**Reason for Prior Deferral:** The applicant requested a deferral and it was granted

**Case: BOA-1341015 Address: 146 M Street Ward 6 Applicant: Samuel Sterling**

**Article(s):** Art 68 Sec 29 Roof Structure Restrictions - Roof deck is more than 1 foot above the highest point of roof. Article 68, Section 8 Bldg Height Excessive (Feet) - Max. allowed: 40' Proposed roof deck exceeds it. Article 68, Section 8 Rear Yard Insufficient - Min. requested: 20' Proposed stair at 14'

**Purpose:** Add roof deck and stair for exclusive use of unit 3.

**Reason for Prior Deferral:** The applicant requested a deferral to meet with the community.

**Case: BOA-1486245 Address: 1260 Boylston Street Ward 5 Applicant: Scape, North America**

**Article(s):** Article 66, Section 14 Use Regulations in NB - Article 66 section 14/ Table B; Entertainment and Recreational Uses: Amusement game commercial establishment; NS district =Conditional -Updated Design submissions at BOA review/ Variance Article cited corrected-3.5.24

**Purpose:** Interior finish out of a 1st gen building. Interior walls, 2 single restrooms, back of house area, and associated MEP's. Immersive Gamebox is closest to an "amusement game machine in a commercial space". It is a "dry" social entertainment concept where customers play in interactive smart rooms.

**Reason for Prior Deferral:** The applicant requested a deferral to re-advertise the articles



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## **HEARINGS: 1:00PM**

### **Case: BOA- 1565948 Address: 196 Beech Street Ward 20 Applicant: Antonio Ferrara**

**Article(s):** Article 67, Section 33.1 Conformity Ex Bldg Alignment Article 67, Section 9 Lot Area Insufficient Article 67, Section 9 Lot Width Insufficient Article 67, Section 9 Rear Yard Insufficient Article 67, Section 9 Lot Frontage Insufficient

**Purpose:** Erect a new, 2 1/2 story, single family dwelling on the vacant lot parcel ID 2000980000. Building includes a below grade garage with driveway and rear deck.

### **Case: BOA- 1540888 Address: 53-57 Harvard Street Ward 14 Applicant: Matthew Mueller**

**Article(s):** Article 9, Section 2 Change in Non Conforming Use Article 65, Section 9 Rear Yard Insufficient Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Lot Area Insufficient

**Purpose:** "53h Harvard St is buying land from 53 57 Harvard St. Currently 53 57 has a lot area of 4,069 sqft and 53h has a lot area of 1,898 sqft. 53h Harvard St will purchase 1,238 sqft (Lot "B") from 53 57 Harvard St. After the purchase 53h will have 3136 sqft and 53 57 will have 2,831 sqft." Also see ALT1523951.

### **Case: BOA-1575505 Address: 151 Townsend Street Ward 12 Applicant: Anthony Richardson**

**Article(s):** Art. 50, Section 28 Use: Forbidden – Multifamily Article 50, Section 29 Add'l Lot Area Insufficient - Lot area required: 8,000 sqft Proposed: unknown. (land surveyor didn't include this information on the plot plan) Art. 50 Sec. 29 Usable open space insufficient - Required: 2,600 sqft Article 50, Section 29 Side Yard Insufficient - Min. required: 10' Proposed: front decks at 8' (L) Article 50, Section 29 Floor Area Ratio Excessive - Max. allowed: 0.8 Existing: 0.7 Proposed: extending living space throughout the basement floor. Art. 50 Sec. 43 Off street parking requirements - 50.43.5 Location: Driveway is shared with neighbor's lot. Extending the violation if it is existing by allocating more parking spaces in the lot.

**Purpose:** Change the legal occupancy from a two family dwelling to a four family dwelling.

### **Case: BOA- 1538643 Address: 40 Dimock Street Ward 11 Applicant: Sam Dennis**

**Article(s):** Art. 50, Section 10 Use: Conditional - Clinic use.

**Purpose:** The building currently has a Temporary Certificate of Occupancy and Inspection allowing a Clinical/Treatment Use which has expired in February, 2023. We would like to formally convert the temporary occupancy into a permanent Certificate of Occupancy. No work to be done.

### **Case: BOA- 1547905 Address:120 Brookline Avenue Ward 5 Applicant: Alex Tkachuk-CANNABIS**

**Article(s):** Art. 06 Sec. 04 Other Protectional Conditions - Request to remove proviso "to petitioner only" Article 66, Section 11 Use Regulations in NDA - Article 66; Table A ; Cannabis establishment ( Text amendment #479(#432)5/11/2018) footnotes: "Cannabis Establishment provided that any cannabis establishment shall be sited at least one half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only." Otherwise forbidden

**Purpose:** Remove Proviso order for Cannabis establishment granted to Med Men Boston Inc Only under BOA884514. No work to be done (Current occupant is changing ownership) BOA884514 and ALT852013

### **Case: BOA-1575468 Address: 350-352 Hanover Street Ward 3 Applicant: Jennifer Matarazzo**

**Article(s):** Art. 09 Sec. 02 Nonconforming Use Change - Extension of nonconforming use floor area is >25% of existing Forbidden Article 54 Section 12 Use Regulations - Restaurant with takeout use 1st story Conditional

**Purpose:** Change occupancy from 2 apartments, 1 barbershop, and pizza shop to 2 apartments and restaurant; expand existing restaurant at 352 Hanover. Open building code review under the direction of its manager.



City of Boston  
Board of Appeal

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**For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to**  
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