



City of Boston
Board of Appeal

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THURSDAY, APRIL 25, 2024

BOARD OF APPEAL

1010 MASS. AVE, 5th FLOOR

ZONING ADVISORY SUBCOMMITTEE

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON APRIL 25, 2024 BEGINNING AT 5:00PM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS APRIL 25, 2024 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE APRIL 25, 2024 HEARING WILL BE HELD VIRTUALLY VIA VIDEO TELECONFERENCE AND TELEPHONE VIA THE ZOOM WEBINAR EVENT PLATFORM.

Interested persons can participate in the hearing **REMOTELY** by going to <https://bit.ly/ZBASubcommittee2024>. You may also participate by phone by calling into the Zoom Webinar at (305) 224-1968 and entering the Webinar ID: 876 4095 8567 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/CommentApril25> 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/CommentApril25> calling 617-635-4775, or emailing zba.ambassador@boston.gov.

The ZBA Ambassador will be available within the Zoom Webinar Event from 4:00PM to 5:00PM to answer questions about ZBA procedures and offer instructions on how to participate in the hearing via Zoom. Questions and/or

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



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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 4:00PM TO ENSURE YOUR CONNECTION IS PROPERLY FUNCTIONING.

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

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



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HEARINGS: 5:00 P.M

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.

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.



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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.

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.



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BOARD MEMBERS:

SHERRY DONG-CHAIR
NORMAN STEMBRIDGE-SECRETARY
HANSY BETTER BARRAZA

SUBSTITUTE MEMBER:

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