



City of Boston
Board of Appeal

Tuesday, September 19, 2017

BOARD OF APPEALS

Room 80

The board will hold a hearing on September 19, 2017 starting at 9:30 a.m.

APPROVAL OF HEARING MINUTES:

September 12, 2017

EXTENSION: 9:30a.m.

Case: BOA-492844, **Address:** 165 Bowen Street, **Ward** 6 **Applicant:** Christopher Curtin

Case: BZC-30461, **Address:** 191 Talbot Avenue, **Ward** 14 **Applicant:** Derric Small, Esq

GCOD: 9:30a.m.

Case: BOA-736606, **Address:** 25 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Enforcement.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

Case: BOA-743636, **Address:** 31 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Enforcement.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

Case: BOA-736607, **Address:** 33 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Enforcement.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

Case: BOA-733608, **Address:** 35 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Enforcement.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

Case: BOA-736609, **Address:** 37 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Applicability.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

Case: BOA-736610, **Address:** 51 Warren Avenue, **Ward** 5 **Applicant:** Warren Apartments Corp
Article(s): Art. 32 Section 9 - GCOD Applicability.

Purpose: Kitchen and bathroom work minor exterior work including masonry and roofing New sprinkler work including sprinkler service new onsite drainage.

RE-DISCUSSION: 9:30 a.m

Case: BOA-585382, **Address:** 6 Long Terrace, **Ward** 20 **Applicant:** Arthur Choo
Article(s) 56(56-8 Residential Sub District: Dimensional Requirements)

Purpose: Combine parcel ID 2009196000 with 2009195500 to erect a new single family house. Framing plans to be submitted upon ZBA approval.

HEARINGS: 9:30 a.m

Case: BOA-733375, **Address:** 745 Truman Parkway, **Ward** 18 **Applicant:** Todd Nordblom c/o Todd Nordblom Company

Article(s): Art. 69 Section 29 Off-StPrk'g/Load'g - Off Street parking requirements is insufficient. Art. 69 Section 09 Dimensional Reg. - Usable open space is insufficient, Floor area ratio is excessive. Art. 69 Section 08 Forbidden - Multi family dwelling unit is a forbidden use Art. 29 Section 04 Greenbelt Protect Overlay - GPOD Applicability

Purpose: Change use from a nursing to a multifamily residential building (46 units), and renovate as per plans. Construction set to be submitted upon ZBA approval.

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Case: BOA-745080, **Address:** 40 Seminole Street, **Ward 18 Applicant:** Derick Joyner
Article(s) Art. 69 Sec. 29.4 Off-Street Parking Location - Off Street parking design (access drive and maneuverability)
Art. 69 Sec. 9 Dimensional Regulations - Required rear yard setback is insufficient, Required side yard setback is insufficient, Required front yard setback is insufficient, Usable open space is insufficient, Floor area ratio is excessive, Lot frontage is insufficient, Lot width requirement is insufficient, Lot area for the add'l dwelling unit is insufficient, Lot size to erect a new dwelling building is insufficient . Art. 69 Sec. 8 Di-mensional Regulations - Two family dwelling is a forbidden use in this single zoning district.
Purpose: To erect new two family dwelling on existing vacant lot.

Case: BOA-596654, **Address:** 875-877 Hyde Park Avenue, **Ward 18 Applicant:** Robert White
Article(s): Art. 09 Section 1 - Extension of Nonconforming Use
Purpose: Extend existing garage bay 10 feet for a new Registry of Motor inspection bay.

Case: BOA-708001, **Address:**23 Chamberlain Street, **Ward 17 Applicant:** Vargas Dasilveira
Article(s): Art. 65 Sec. 9 Residential Regulations - Insufficient minimum Lot Area, Insufficient Lot Frontage, Insufficient Side Yard Setback, Insufficient Rear Yard Setback.
Purpose: Erect detached garage (23R) as per plan.

Case: BOA-719964, **Address:**18 Sylvester Road, **Ward 16 Applicant:** Kenneth Portanova
Article(s): Art. 65 Sec. 9 Dimensional Regulations - Excessive F.A.R., Insufficient Side Yard, # of allowed stories has been exceeded. Art. 09 Sec 01 Extension of Non Conforming Use - 2F in a 1F subdistrict.
Purpose: Erect a vertical addition as per plans.

Case: BOA-741657, **Address:** 416-422 Geneva Avenue, **Ward 15 Applicant:** Anyel Cruz
Article(s): Art. 65 Section 08 Use Regulations - Restaurant is a conditional use for this location. Art. 06 Section 04 Other Protectional Conditions - Applicant seeks to remove proviso granted to a previous petitioner.
Purpose: Remove Proviso, " TO PETITIONER ONLY" for takeout. No plans filed with this application. Previously applied for under ALT686636, missed hearing date.

Case: BOA-738147, **Address:** 102-110 Savin Hill Avenue, **Ward 13 Applicant:** John Pulgini
Article(s): 65 Sec. 41 Off-Street Parking & Loading Req. - Off Street parking is insufficient. Art. 65 Sec. 16 Dimensional Regulations - Rear yard is insufficient for a LC district, FAR is excessive for a LC district. Art. 65 Sec 15 Use: Forbidden - Large takeout is forbidden in an LC district. Use: Conditional - Some of the proposed uses are conditional. Art. 65 Sec. 9 Building Height Excessive (Feet) - Building Height is excessive for a 2F-4000 District, Rear Yard Insufficient - Rear yard is insufficient for a 2F-4000 District, Side Yard Insufficient - Side yard is insufficient for a 2F-4000 District, Building Height Excessive (Stories) - # of Stories is excessive for a 2F-4000 District, Floor area ratio excessive - FAR is excessive for a 2F-4000 District. Art. 65 Sec. 8 Use Regulations - Proposed uses are forbidden in a 2F-4000 District.
Purpose: Erect a new 3 story commercial building, with proposed uses as automated teller machine, art gallery, public arts/display space, studios, art, fitness center or gymnasium, general office space, restaurant, takeout, large, bakery, local retail business, catering. See ALT 732521 for subdivision plan.

Case: BOA-726151, **Address:** 148 Hillside Street, **Ward 10 Applicant:** Mark Thayer
Article(s): Art. 59 Sec. 37 Off-Street Parking/Loading Req. - Off Street Parking is insufficient. Art. 59 Sec. 8 Add'l Lot area insufficient, Usable open space insufficient, Floor area ratio excessive. Art. 59 Sec. 7 Use Regulations - Multi Family is a forbidden use in a 3F-2000 district.
Purpose: Change occupancy from a three family to a four family dwelling and to renovate the existing garden level.

Case: BOA-745780, **Address:** 1 Cedar Street, **Ward 9 Applicant:** Derric Small
Article(s): Art. 80E Sec. 2 App sm proj review - NDOD APPLICABILITY (BOULEVARD PLANNING NEIGHBORHOOD DESIGN REVIEW) Art. 50 Sec. 43 Off-Street Parking Insufficient - Off Street parking requirement is insufficient Art. 50 sec. 44.2 Existing Bldg Alignment - Front Yard (existing building alignment of the block, not met). Art.50 Sec. 29 Dimensional Regulations - Usable open space is insufficient, Floor area ratio is excessive, Lot frontage is insufficient, Lot width is insufficient, Lot size to erect a dwelling is insufficient, Rear yard setback requirement is insufficient, Side Yard setback requirement is insufficient.
Purpose: To erect a one family dwelling on vacant lot.

Case: BOA-677994, **Address:** 84-88 Wareham Street, **Ward 8 Applicant:** Andrew Castraberti
Article(s): Art. 64 Sec. 34 Restricted Roof Structure Regs - Restricted roof structures district.
Purpose: We propose to build a new roof deck with elevator and stair access via two stairs.

HEARINGS: 10:30 a.m.

Case: BOA-734745, **Address:** 394 K Street, **Ward 7 Applicant:** George Morancy

Article(s) Art. 68 Sec. 29 Roof Structure Restrictions.

Purpose: Construct rear addition to property per plans.

Case: BOA-739160, **Address:** 340 K Street, **Ward 7 Applicant:** Patrick Mahoney

Article(s) Art. 275 Sec. 5 S BOSTON IPOD APPLICABILITY - IPOD APPLICABILITY. Art.68 sec. 29 Roof Structure Restrictions - Roof structures restricted district.

Purpose: Renovate a three story plus basement wood frame building as a two family home with approximately 3,860 square feet of total finished living area on four (4) levels, new dormer deck and rear addition, with an open basement area for mechanicals, and storage as per the plans as prepared by Choo & Company, Inc., dated May 17th, 2017.

Case: BOA-730453, **Address:** 46 Woodward Street, **Ward 7 Applicant:** Matthew McCarthy

Article(s): Art. 68 Sec.8 Dim reg app in res sub dist - Side yard requirements is insufficient. Art. 68 Sec. 29 Roof structure restrictions - Roof structure restricted district.

Purpose: Adding a spiral staircase to act as the second means of egress for unit 1 and 2 and also to allow unit 2 access to the roof deck Fees paid on sf671238 .

Case: BOA-730343, **Address:** 105 West First Street, **Ward 6 Applicant:** Galvin Capital Partners, LLC

Article(s): Art. 25 Sec.5 Flood Hazard Districts - 25.6 FEMA flood zone

Art. 20 Sec. 1 Rear Yard Insufficient. Art. 19 Sec. 1 Side Yard Insufficient. Art.16 Sec. 1 Building Height Excessive - Number of stories excessive. Art. 15 Sec. 1 Floor area ratio excessive. Art. 6 Sec. Additional Conditions in Restricted Parking District.

Purpose: Demolition of an existing warehouse building to allow for new construction of a ground up 7 story office building with one level of parking/basement space. Retail space on 1st floor

Case: BOA-728280, **Address:** 217 Newbury Street, **Ward 5 Applicant:** KP Group 217, LLC

Article(s): Art. 08 Sec. 07 Use: Conditional - Use Item #36A Take Out (Conditional) . Art. 08 Sec. 07 Use: Conditional - Use Item #37 (Conditional).

Purpose: Change occupancy from retail space to sit down ice cream shop with take out.

Case: BOA-737565, **Address:** 9-11 Belmont Street, **Ward 2 Applicant:** Doug MacDonald

Article(s): Art. 62. Sec. 8 Building Height Excessive - Feet; Building Height Excessive - Stories; Floor Area Ratio Excessive; Add'l Lot area insufficient.

Purpose: Erect new two (2) single-family townhouses with one (1) car garage on each townhouse on existing vacant lot.

Case: BOA#737566, **Address:** 9-11 Belmont Street, **Ward 2 Applicant:** Doug MacDonald

Purpose: Erect new two (2) single-family townhouses with one (1) car garage on each townhouse on existing vacant lot.

SECTION: 8th 780CMR1009.13.1 Roof Access - Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section1509.2 .

Case: BOA-736509, **Address:**220 Bunker Hill Street, **Ward 2 Applicant:** Ping Mandawe

Article(s): Art. 62. Sec.25 Roof Structure Restrictions. Art. 62 sec. 14 Dimensional Regulations - Rear Yard Insufficient. Art. 9 Sec. 9-1 Ext/ Recons nonconfor uses/bldg

Purpose: Proposed 2 story Addition and attached garage as per plans. Construction set to be submitted upon ZBA approval.

Case: BOA-668021, **Address:** 11 Short Street, **Ward 2 Applicant:** Timothy Sheehan

Article(s): Art. 62 Sec. 30 Appl of Dimensional Reg's - Two or more dwellings located on the same lot. Art. 62 sec. 29 Off-Street Prkg Insufficient - Off-street parking Insufficient.

Purpose: Confirm Occupancy as an existing Two family Dwelling on existing 7,603 sq ft Lot. There will be a new Two family dwelling built to the Rear of this existing Dwelling (see ERT 587445). This will be 1 of 2 dwellings on the same Lot. This will be in BOA bin

Case: BOA-668023, **Address:** 15-17 Short Street, **Ward 2 Applicant:** Timothy Sheehan

Article(s): Art. 62 Sec. 30 Appl of Dimensional Reg's - Two or more dwellings located on the same lot; Conformity with existing building alignment Art. 62 sec. 29 Off-Street Prkg Insufficient - Off-street parking Insufficient. Art. 62 Sec. 8 Dimensional Regulations - Rear Yard Insufficient; Usable Open space insufficient; Floor are ratio excessive; Lot frontage insufficient.

Purpose: Construct a new 3 story, attached Two (2) Family to the Rear of existing Two family Dwelling. Each dwelling unit will have access to a private Roof Deck. Entire Dwelling to be fully sprinklered. As per plans. See ALT 637367 (11 - 13 Short Street) BOA bin.

Case: BOA-642817, **Address:** 101A Morris Street, **Ward 1 Applicant:** Abdallah Sahraquia

Article(s): Art. 53 Sec. 57.2 Conformity Ex Bldg Alignment - Roof and upper stories projection over city side walk is >2'; Art. 53 Sec. 56 Off-Street Reg's - Insufficient parking; Art. 53 Sec. 9 Dimensional Regulations - Insufficient rear yard setback; Insufficient side yard setback; Excessive F.A.R.; Insufficient open space; Insufficient open space; Insufficient additional lot area/ area; Insufficient Lot Size.

Purpose: Build a new 3 story, Three (3) Family dwelling on Lot 101A Morris Street, East Boston, MA 02128

Case: BOA-725787, **Address:** 277 Border Street, **Ward 1 Applicant:** Two Seventy Seven Border, LLC

Article(s): Art. 56 Sec. 56.5a Parking Maneuverability - Stackers. Art.56 Sec. 56 Off-Street Parking Reg's - Insufficient parking. Art.53 Sec. 9 Dimensional Regulations - Insufficient side yard setback (5' min req.); Insufficient open space (300sf/unit req.); Maximum allowed height has been exceeded (35' max); # of allowed stories is excessive (3 story max.); Excessive F.A.R. (1.0 max); Insufficient lot area per dwelling unit (2000sf + 1000sf/ per unit for >2 units proposed); Insufficient rear yard setback (30' min req.)

Purpose: Erect a mixed use building consisting of retail on the first floor and 9 units above with parking for 8 vehicles.

RE-DISCUSSION: 11:30a.m.

Case:BOA-603585 , **Address:** 168 Bigelow Street , **Ward 22 Applicant:** Mai Phung
Article(s): 51(51-8: Two family dwelling) 51(51-9: Lot Area insufficient, Floor Area Ratio excessive, Height excessive, Front Yard insufficient & Side Yard insufficient) 51(51-56: Off-Street Parking & Loading) 10(10-1) Limitation of Area of Accessory Uses)
Purpose: Proposed to erect a two family on vacant lot (as per plans).

Case: BOA-666622, **Address:** 1607 Dorchester Avenue , **Ward 16 Applicant:** Robert Eddy
Article(s): 9(9-1: Extension of Non Conforming Use) 65(65-9: Residential Dimensional Regs. - Front Yard setback is insufficient) 65(65-8: Conditional - Pre-existing nonconforming)
Purpose: Install a canopy over pump island

Case: BOA-526603 **Address:** 33-39 Ward Street, **Ward: 7, Applicant:** Niles sutphin
Article(s): 14(14-14.2) 15(15-1) 17(17-1) 18(18-1) 19(19-1) 20(20-1) 23(23-1) 23(23-9) 80(80E-2)
Purpose: Erect new 5 story residential condominium of 24 Dwelling Units above on-grade parking garage accommodating 19 car parking spaces; New building to be primarily wood frame construction;except garage to be 2 Hr rated; All new systems; Fully sprinklered; combine two parcels into one parcel; Demolish all existing structures; as per plans.

Case: BOA-722592, **Address:** 502 East Third Street , **Ward 6 Applicant:** Patrick Mahoney, Esq
Article(s): 68(68-08: Dimensional Req. - Required rear yard setback is insufficient; In this zoning residential sub district, the main entrance of dwelling shall face the front line) 68(68-33: Off -Street parking /Loading Req's - Off Street parking design (access drive and maneuverability)
Purpose: Erect a new two family building with four spaces. ** Please transfer out of Attorney Mahoney's name prior to issuing building permit **

Case:BOA-668415 , **Address:** 231 Gold Street , **Ward 6 Applicant:** Timothy Johnson
Article(s): 14(14-14-1) 14(14-14-2) 14(14-4) 15(15-1) 17(17-1) 20(20-1) 23(23-9)
Purpose: Erect new 4-story, 2-family dwelling w/garage and roof deck as per plans submitted.

Case:BOA-697078 , **Address:** 11 Fayette Street , **Ward 5 Applicant:** Gustavo Dejo-Suarez
Article(s): 63(63-8: Rear Yard insufficient & Usable Open Space insufficient) 63(63-9: Density Limitation Regulations) 32(32-9: GCOD)
Purpose: Correct violation for Permits required to wit. New rear portico has been built at the rear entrance/exit on the first floor level without permit or inspection. Along with Installation of a fence in rear yard over 6 feet tall. Change Occupancy from single family to a 2 family.

Case: BOA-698906, **Address:** 9 Chelsea Street , **Ward 1 Applicant:** Linear Retail #18, LLC
Article(s): 53(53-12) 53(53-56) 53(53-11) 10(10-1) 53(53-57)
Purpose: Erect 2 story commercial local retailing building on newly created 18,795 sf lot. See ALT685902 for subdivision.

Case:BOA-692071 , **Address:** 265 Webster Street , **Ward 1 Applicant:** Saratoga Street Properties, LLC
Article(s): 53(53-8) 53(53-9) 53(53-56)
Purpose: Change occupancy from a three family dwelling to a four unit dwelling. Renovate with erect vertical addition and extend living space in basement and upper addition with deck as per plan.

INTERPRETATION: 12:00p.m.

Case: BOA-732946, **Address:** 38 P Street, **Ward 6 Applicant:** Nick Zaferakis
Purpose: The petitioner's seek a determination that the Inspectional Services Department erred in issuing the permit ERT705883. The permit was issued as an allowed use.

STEPHANIE HAYNES
BOARD OF APPEAL
617-635-4775

BOARD MEMBERS:

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