



City of Boston
Board of Appeal

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THURSDAY, March 16, 2023

BOARD OF APPEAL

1010 MASS. AVE, 5th FLOOR

ZONING ADVISORY SUBCOMMITTEE

PLEASE BE ADVISED OF THE FOLLOWING APPEALS TO BE HEARD ON MARCH 16, 2023 BEGINNING AT 5:00PM AND RELATED ANNOUNCEMENTS.

ALL MATTERS LISTED ON THIS MARCH 16, 2023 HEARING AGENDA HAVE BEEN NOTICED IN ACCORDANCE WITH THE ENABLING ACT.

PLEASE BE ADVISED OF THE FOLLOWING PARTICIPATION INSTRUCTIONS:

THE MARCH 16, 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/SubcommitteeZBA>. You may also participate by phone by calling into the Zoom Webinar at (301) 715-8592 and entering the Webinar ID: 832 9388 9736 followed by # when prompted.

If you wish to offer testimony on an appeal, please click <https://bit.ly/March16Comment> 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/March16Comment>, 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



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

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

IF YOU WISH TO OFFER TESTIMONY ON AN APPEAL, PLEASE LOG IN TO THE HEARING NO LATER THAN 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-1387141 Address: 436 Western Avenue Ward: 22 Applicant: Navdeep Singh

Article (s): Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso

Purpose: Proviso (Take out) to be removed and granted to current new ownership.

Case: BOA- 1359819 Address: 21 Capen Street Ward: 17 Applicant: Rosa Design and Construction LLC

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

Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Bldg Height Excessive (Stories) Art. 65 Sec. 42 Off Street Parking Insufficient

Purpose: Renovation and living space addition to change occupancy from single family to two family dwelling per plans.

Case: BOA-1382316 Address: 1486-1492 Dorchester Avenue Ward: 16 Applicant: Rosa Design and Construction LLC

Article (s): Art.65 Sec.15 Use: Conditional - Beauty shop on 1st Flr/basement conditional

Purpose: 1488 Dorchester Ave. Change of occupancy from beauty salon to nail salon. All work done under SF1285424.

Case: BOA-1411164 Address: 31 Hallet-Davis Street Ward: 16 Applicant: Joseph & Caitilin Renehan

Article (s): Art. 65 Sec. 65 8 Floor Area Ratio excessive Article 65, Section 9 Bldg Height Excessive (Stories)

Article 65, Section 9 Front Yard Insufficient Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Rear Yard Insufficient

Purpose: Take of roof and adding second floor with an attic.

Case: BOA-1416253 Address: 62 Capen Street Ward: 17 Applicant: Divo Monteiro

Article (s) Article 65, Section 9 Floor Area Ratio Excessive Article 65, Section 9 Rear Yard Insufficient

Article 65, Section 9 Side Yard Insufficient Article 65, Section 9 Usable Open Space Insufficient

Purpose : Legalize occupancy as a single family residence. Along with adding an addition to the rear of the house for extending the kitchen and adding 2 bedrooms and 2 bathroom.

Case: BOA-1394800 Address: 705 Massachusetts Avenue Ward: 8 Applicant: Russell Chin

Article (s): Art. 50, Section 19 Use: Forbidden - Refusal to satisfy Proviso BOA decision 4/29/2008

Purpose: No construction to be conducted. The Applicant is buying existing restaurant with Take-Out Proviso. The Applicant needs to remove food take-out restriction Proviso on Premises. See: BZC 29186 Date of Hearing July 1, 2008 PERMIT NO. 08 2933

Case: BOA-1429388 Address: 152-156 Dudley Street Ward: 8 Applicant: Ethiopian Cafe

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

Purpose: Remove provisos granted to this petitioner only under BZC32521

Case: BOA-1424183 Address: 31 Telegraph Street Ward: 7 Applicant: AKG Realty LLC

Article (s) Article 68, Section 8 Rear Yard Insufficient Article 68, Section 8 Lot Area Insufficient

Article 68, Section 8 Add'l Lot Area Insufficient Art. 68 Sec. 33 Off Street parking Req.

Purpose : Confirm occupancy as a one family and change to a two family dwelling, renovate and add new rear stairs.



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Case: BOA-1405291 Address: 924 East Fourth Street Ward: 6 Applicant: Michael Gallahue

Article (s): Art 68 Sec 29 Roof Structure Restrictions - Reconfiguration of roof profile Art 68 Sec 29 Roof Structure Restrictions - Max. height allowed on parcel exceeded Art 68 Sec 8 Max allowed height in sub district exceeded Art 68 Sec 8 Insufficient side yard setback Art.68 Sec. 34 Insufficient rear yard setback to shallow lot. Art 68 Sec 8 Dim reg app in res sub dist - Extensions into rear yards of existing structures >1,000sf Art. 68 Sec. 33 Off Street parking Req. - Access drive width is less than 10' Art. 68 Sec. 33 Off Street parking Req. – maneuvering areas on own lot (Registered Deed Required granting motorvehicle access to this parcel via passage way)

Purpose : Confirm occupancy as one family. Full gut renovation of an existing single family house. Garage extension and fourth floor sun room addition.

Case: BOA-1415359 Address: 457-469A West Broadway Ward: 6 Applicant: 463 West Broadway, LLC

Article (s): Art. 68 Sec. 07 Gym/Fitness center- Forbidden Art. 68 Sec. 07 Bank- Conditional Art. 68 Sec. 07 Bakery-Conditional

Purpose: 11.9.22 Updated scope: Change occupancy from 44 res. units, 48 parking spaces and 3 retail spaces to 44 res. units, 48 parking spaces with ground level GYM/Fitness studio (right side), BANK w/ATM(left side) and retail/Bakery (middle) (CORE SHELL ONLY).

Case: BOA-1387131 Address: 359-369 Huntington Avenue Ward: 4 Applicant: Millennial Foods Inc, DBA Bgood

Article (s): Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso

Purpose: Looking to remove any provisos Need to change ownership from Bgood LLC to Millennial Foods Inc. dba Bgood.

Case: BOA-1387128 Address: 84 Summer Street Ward: 3 Applicant: Millennial Foods Inc, DBA Bgood

Article (s): Art. 06 Sec. 04 Other Protectional Conditions - Removal of Proviso

Purpose: Looking to remove proviso Need to change ownership from Bgood LLC to Millennial Foods Inc. dba Bgood.

Case: BOA-1414388 Address: 152 Canal Street Ward: 3 Applicant: J & O Parking, Inc

Article (s): Article 6 Section 4 Other Cond Necc as Protection - Change to a Previous Decision of the Board of Appeal (BOA # 974070)

Purpose: Application to extend ZBA proviso in case no. BOA 974070 (Permit no. U49971767) from December 2022 to December 2025, or longer; and continue use of premises as a commercial parking lot for 35 motor vehicles.

Case: BOA-1421227 Address: 331 Hanover Street Ward: 3 Applicant: Kakada Ly

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

Purpose: Remove proviso from China House and grant to this petitioner only .Sweet Boba.

Case: BOA-1421272 Address: 23-27 Tyler Street Ward: 3 Applicant: Nancy Lo

Article (s) Art. 43, Section 19 Use: Conditional - Restaurant will be located in the basement of 25H Tyler Street and have Take Out use only.

Purpose: Change of occupancy from one of the beauty salons to a restaurant with take out to be located at 25H Tyler St

Case: BOA-1432015 Address: 230-230A Tremont Street Ward: 3 Applicant: Kwong Chan/Vivi Cafe

Article (s) Art. 38 Section 18 Use: Conditional - Take out is a Conditional Use

Art. 07 Sec. 4 Other Protectional Conditions - Extension of non conforming use take out in the Occupancy, also an increase of operating hours from 11 AM to 2 AM.

Purpose: Remove proviso from subway to Vivi Cafe and extend business hours to 11am 2am. Build out of space on permits: ALT1279210 & SF1277967.



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Case: BOA-1408708 Address: 118 Bartlett Street Ward: 2 Applicant: Joseph Zappulla

Article (s): Article 62, Section 25 Roof Structure Restrictions Art. 62 Sec. 30.1 Conformity of Bldg. Alignment
Art. 62 Sec. 19 Neighborhood Design Overlay Districts

Purpose: The renovation of a third floor. The addition of front and rear shed dormers which will allow for a new master bathroom and master bedroom and closet on the third floor. Minor floor plan changes on the second floor.

Case: BOA-1412802 Address: 17 Allston Street Ward: 2 Applicant: Eric Zachrison

Article (s): Article 62, Section 8 Bldg Height Excessive (Stories) Article 62, Section 8 Bldg Height Excessive (Feet)
Article 62, Section 8 Side Yard Insufficient Article 62, Section 8 Rear Yard Insufficient

Purpose: Nominal fee requested, repair, renovations and addition to an existing single family home that was damaged by fire.

Case: BOA-1434811 Address: 18-20 Meridian Street Ward: 1 Applicant: Antinea Noguera

Article (s) Art. 53 Sec. 11 Conditional - Large Take Out Restaurant Conditional

Purpose: Remove Proviso and grant to this Petitioner only (Notice of Decision 03-30-2021 BOA 1158518).



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NORM STEMBRIDGE-SECRETARY

SUBSTITUTE MEMBER:

JEANNE PINADO

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