ZBA Report

2023 FY Q1
The Zoning Board of Appeal (ZBA)

- A quasi-judicial body of seven members who are appointed by the Mayor
- Hears requests for conditional use permits, variances, and similar zoning relief
- Housed in the Inspectional Services Department of the City of Boston
- The BPDA provides non-binding recommendations to the ZBA for their consideration
BPDA Recommendations

These letters can now be found online by scheduled ZBA hearing at bostonplans.org/zoning/zoning-board-of-appeals

<table>
<thead>
<tr>
<th>Case</th>
<th>ZBA Hearing Date</th>
<th>Address</th>
<th>Parcel ID</th>
<th>Zoning District &amp; Subdistrict</th>
<th>Zoning Article</th>
<th>Project Description</th>
<th>Relief Type</th>
<th>Violations</th>
</tr>
</thead>
</table>

Planning Context:

Zoning Analysis:

Recommendation:

Reviewed,

_______________________
Director of Planning, BPDA
This Report

- On June 15th, 2023, the BPDA Board voted to grant authorization to permit the Director to make recommendations on behalf of the BPDA
- The BPDA Board requested that Planning staff present quarterly reports which summarize and highlight trends in the recommendations and ZBA cases
- This first report includes data from (7/20/2023) through (9/26/2023)
BPDA Recommendations

- 8 ZBA hearings from 7/20/2023 through 9/26/2023
- BPDA staff includes the BPDA Board Memo for Article 80 projects as our recommendation to the ZBA (with a recommendation of approval with proviso for BPDA Design Review). During this time period, the ZBA heard 15 Article 80 cases.
- Planner’s wrote 130 recommendations for non-Article 80 projects. These 130 recommendations are the basis of the analysis to follow.
About 80% of approval with proviso/s recs included a proviso for BPDA design review. 63% were for only BPDA design review.
ZBA Hearing Results

- **Approved with Proviso/s**: 42.3%
- **Approved**: 29.2%
- **Denied**: 2.3%
- **Denied without Prejudice**: 3.1%
- **Deferred**: 22.3%
- **Withdrawn**: 0.8%
Of the 29 deferred cases, most had received recommendations for either approval for proviso/s (41% of deferred cases) or denial without prejudice (38% of deferred cases).
Decisions vs Recs

- The ZBA has made final decisions on 100 of the 130 cases
- The ZBA concurred with the BPDA recommendation for 60 cases (60%)
- Below summarizes the other 40 decisions

<table>
<thead>
<tr>
<th>BPDA recommendation</th>
<th>ZBA Decision</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval with Proviso/s</td>
<td>Approved</td>
<td>9*</td>
</tr>
<tr>
<td>Approval</td>
<td>Approved with Proviso/s</td>
<td>3</td>
</tr>
<tr>
<td>Denial without Prejudice</td>
<td>Approved with Proviso/s</td>
<td>16</td>
</tr>
<tr>
<td>Denial without Prejudice</td>
<td>Approved</td>
<td>3</td>
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<tr>
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<td>Denied without Prejudice</td>
<td>1</td>
</tr>
<tr>
<td>Approval with Proviso/s</td>
<td>Denied without Prejudice</td>
<td>2</td>
</tr>
<tr>
<td>Deferral</td>
<td>Approved with Proviso/s</td>
<td>4</td>
</tr>
</tbody>
</table>

*3 out of the 9 included recs for BPDA design review. The others were parks, landmarks, or GCOD review, or no building code relief. These reviews were likely provided before the ZBA hearing and so the provisos were not needed.
Other Trends in ZBA Cases
Zoning Districts

Planners wrote recs for projects in 17 districts.
Zoning Subdistricts

83% of projects occurred in residential subdistricts.
Zoning Violations

The top five most common violations represented 50% of total citations.

Violations

- FAR Excessive
- Rear Yard Insufficient
- Use regulations
- Side Yard Insufficient
- Height Excessive
- Parking or Loading Insufficient
- Lot Area/Additional Lot Area Insufficient
- Usable Open Space Insufficient
- Front Yard Insufficient
- IPOD Applicability
- Lot Frontage Insufficient
- Roof Structure Restrictions
- Parking design and maneuverability
- Lot Width Insufficient
- Off-Street Parking & Loading Req
- GCOD Applicability
- Existing Building Alignment
- Location of Main Entrance
- Limitation of Parking Areas
- NDOD Applicability
- Town/Rowhouse Extension into Yard
- Traffic Visibility Across Corner
- Two or More Dwellings on Same Lot
- Screening & Buffering Required
- Flood Hazard District
- Extension of Nonconforming Building
- GPOD Applicability
- Residential Use Extensions in Use
- Signs
- Two or More Buildings on Same Lot
Future Goals
Future Goals

- Improve data collection:
  - conditional vs forbidden uses
  - variances vs zoning reform
- Increase concurrence with ZBA decisions through strong planning recommendations
- Long-term: through effective zoning reform that better matches built conditions, reduce the number of ZBA cases required
Questions?