

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. _____

LORI A. COYNE, LORINDA P. McMORRAN
and SAMUEL SCHLITZER, as individuals and
as the TRUSTEES of the 524 EAST
BROADWAY CONDOMINIUM
ASSOCIATION, FAISAL AHMED, PETER M.
COYNE, MARTHA A. ROBINSON and
STEPHANIE L. WALKER,

Plaintiffs

v.

LOWELL MAX RANS JR., DONNA MARIE
RANS and THE CITY
OF BOSTON BOARD OF APPEAL,

Defendants

1/13/2022

COMPLAINT

Introduction

Plaintiffs Lori A. Coyne, Lorinda P. McMorrان and Samuel Schlitzer, as individuals and as the Trustees of the 524 East Broadway Condominium Association, Faisal Ahmed, Peter M. Coyne, Martha A. Robinson and Stephanie L. Walker (collectively, "Plaintiffs") bring this action, pursuant to Section 11 of the City of Boston Zoning Enabling Act, to appeal a decision of the Defendant City of Boston Board of Appeal (the "Board") granting variances and conditional uses to Defendants Lowell Max Rans, Jr., and Donna Marie Rans (collectively, "Defendants"). The variances and conditional use permits authorize the Defendants to convert an existing one-

family dwelling to a multi-family residential dwelling by constructing a four (4) story addition in the rear over a lower level garage on the property located at 520 East Broadway, Ward 06, South Boston, Massachusetts (the "Property"). Specifically, the variances and conditional use permits grant relief from the Boston Zoning Code (the "Code") relative to the following violations: Article 68, Section 8 (floor area ratio excessive), Article 68, Section 8 (side yard insufficient), Article 68, Section 8 (building height excessive); Article 68, Section 29 (reconfiguration of roof profile), Article 68, Section 29 (roof deck access); and Article 68, Section 33 (off-street parking design, access and maneuvering areas). A true and accurate copy of the Board's Decision BOA1084622 ("Decision") is attached hereto as Exhibit A. The variances and conditional use permits granted by the Board exceed the Board's authority and are otherwise contrary to law.

Parties

1. The Plaintiff, Lori A. Coyne, owns and resides at 524 East Broadway, Units 3 and 4 in South Boston and is a direct abutter to the Property.
2. The Plaintiff, Lorinda P. McMorran, owns and resides at 524 East Broadway, Unit 7 in South Boston and is a direct abutter to the Property.
3. The Plaintiff, Samuel Schlitzer, owns and resides at 524 East Broadway, Unit 6 in South Boston and is a direct abutter to the Property.
4. The Plaintiff, Faisal Ahmed, owns the property located at 524 East Broadway, Unit 8 in South Boston and is a direct abutter to the Property.
5. The Plaintiff, Peter M. Coyne, owns and resides at 524 East Broadway, Units 3 and 4 in South Boston and is a direct abutter to the Property.
6. The Plaintiff, Martha A. Robinson, owns the property located at 524 East Broadway, Unit 2 in South Boston and is a direct abutter to the Property.

7. The Plaintiff, Stephanie L. Walker, owns and resides at 524 East Broadway, Unit 5 in South Boston and is a direct abutter to the Property.

8. The Plaintiffs Lori A. Coyne, Lorinda P. McMorran and Samuel Schlitzer, the Trustees of the 524 East Broadway Condominium Association are the duly appointed members of the governing body of the 524 East Broadway Condominium Association under the provisions of the 524 East Broadway Condominium Trust under a Declaration of Trust dated June 15, 1981, and recorded with the Suffolk Registry of Deeds in Book 9789, Page 31, which Association is the organization of unit owners of the 524 East Broadway Condominium, a condominium established by Master Deed dated June 15, 1981 and recorded on June 23, 1981 with the Suffolk Registry of Deeds in Book 9789, Page 18.

9. Defendants Lowell Max Rans, Jr. and Donna Marie Rans (collectively, “Defendants”) are the applicants for the zoning relief to which Plaintiffs object. Defendants own and reside at the Property.

10. Defendant, the City of Boston Board of Appeal, is established pursuant to Section 8 of the Zoning Enabling Act, St. 1956, c. 665, § 8, as amended by St. 1966, c. 193, § 2; St. 1972, c. 802, § 66; 1973, c. 296, § 4; and St. 1994, c. 461, § 2 (the “Enabling Act”), and has its offices at 1010 Massachusetts Avenue, Boston, MA.

Jurisdiction

11. This Court has jurisdiction of this action, pursuant to Section 11 of the Enabling Act.

12. The Plaintiffs have standing to bring this action as they are direct abutters to the Property and are persons aggrieved by the Decision of the Board within the meaning of Section 11 of the Enabling Act.

Facts

13. The Property is located in South Boston in zoning subdistrict MFR/LS. A true and accurate copy of the South Boston Neighborhood Zoning District Map 4F is attached hereto as Exhibit B.

14. The Defendants' Application for variances and conditional use permits, and the Decision, together, set forth the zoning relief requested by the Defendants:

- a. Article 68, Section 8 (Dimensional Regulations - Floor Area Ratio Excessive – Conditional Use Permit needed): The gross floor area of the existing dwelling is 4,245 square feet. The proposed gross floor area is an additional 3,530 square feet (not including the garage). As the project proposes an extension which increases the gross floor area by more than 1,000 square feet, a conditional use permit is required.
- b. Article 68, Section 8 (Dimensional Regulations - Side Yard Insufficient – Variance needed): 3 feet of side yard is required. The proposed side yard at the basement level is less than 3 feet on the 518 East Broadway side. Additionally, there is a proposed stairway at the 524 East Broadway side which would leave no side yard on Plaintiffs' side.
- c. Article 68, Section 8 (Dimensional Regulations - Height Exceeded- Variance Needed): The maximum building height is 35 feet. Defendants' Application proposes a building height of 49 feet, 7 3/4 inches, not including the height of the roof deck.
- d. Article 68, Section 29 (Roof Structure Restrictions – Deck Access – Conditional Use Permit Needed): At the hearing before the Board, Defendants agreed to eliminate the elevator access and staircase headhouse access to the roof. The terraced areas on the roof will be accessed by only one staircase.
- e. Article 68, Section 29 (Roof Structure Restrictions – Conditional Use Permit Needed): The proposed construction relocates or alters the profile and/or configuration of the roof or mansard. Such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.
- f. Article 68, Section 33 (Off-Street Parking and Loading – Variance Needed): The proposed construction fails to include appropriate maneuvering areas and appropriate means of vehicular access to a street.

True and accurate copies of the Defendants' Application (including plans presented) is attached hereto as Exhibit C. True and accurate copies of Article 68, Sections 8, 29 and 33 and Table D, are attached hereto as Exhibit D.

15. The Board is authorized to grant variances under Article 7 of the Code, provided that the Board shall grant a variance only if it finds that all of the requirements set forth in Article 7, Section 7-3 are met; specifically that:

- a. That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;
- b. That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- c. That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- d. That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements.

A true and accurate copy of Article 7 is attached hereto as Exhibit E.

16. Pursuant to Section 9 of the Enabling Act, the Board may grant variances from the city of Boston Zoning Code only as follows:

- a. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, said board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning

district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public 'good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance,

- b. said board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

A true and accurate copy of Section 9 of the Enabling Act is attached hereto as Exhibit F.

17. The Board is authorized to grant conditional uses under Article 6 of the Code, provided that the Board shall grant a conditional use only if it finds that all of the requirements set forth in Article 6, Section 6-3 are met; specifically that:

- a. the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- b. the use will not adversely affect the neighborhood;
- c. there will be no serious hazard to vehicles or pedestrians from the use;
- d. no nuisance will be created by the use;
- e. adequate and appropriate facilities will be provided for the proper operation of the use;
- f. if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- g. if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

A true and accurate copy of Article 6 is attached hereto as Exhibit G.

18. By application filed March 3, 2020, Defendants sought zoning relief to convert an existing one-family dwelling to a multi-family residential dwelling with four units by renovating

the interior of the structure and constructing a four story addition in the rear of the Property over a lower level garage. The Defendants also propose an elaborate stack of rear decks and roof decks and a system of exterior stairs, a further extension of the rear addition.

19. On August 26, 2021, the Boston Inspectional Services Department (“ISD”) issued a revised Zoning Code Refusal, indicating that the proposed construction requires six variances or conditional use permits due to violations of the Boston Zoning Code. A true and accurate copy of the August 26, 2021 Zoning Code Refusal is attached hereto as Exhibit H.

20. Defendants appealed the Zoning Code Refusal to the Board and sought variances and conditional use permits to construct the multi-family dwelling through an application to the Board (“Application”).

21. On September 28, 2021, the Board opened the public hearing on Defendants’ Application. The Board continued the hearing to November 9, 2021, following which the hearing closed.

22. During the public hearing, the Defendants presented no credible evidence to indicate that the Property satisfied the requirements set forth in Article 7, Section 7-3 of the Code, Section 9 of the Enabling Act with respect to the needed variances, or Article 6 or Section 6-3 of the Code with respect to the needed Conditional Use permits.

23. At the public hearing, the Board undertook no analysis of the requirements set forth in Article 7, Section 7-3, Section 9, or Article 6 of the Code.

24. Accordingly, there is no basis to support a conclusion that if the variances were not granted, the Defendants would be deprived of the reasonable use of the Property; that they would endure "substantial hardship" within the meaning of Section 9 of the Zoning Enabling Act or endure "practical difficulty" or suffer "demonstrable and substantial hardship" such that the

granting of the variances would be "necessary for the reasonable use of the land" within the meaning of Article 7, Section 3 of the Code.

25. Further, there is no basis to support conclusions that the Property is an appropriate location for such conditional use and that the use will not adversely affect the neighborhood, or otherwise any basis to satisfy the remaining required criteria for Conditional Use Permit eligibility under Article 6, Section 3 of the Code.

26. In its Decision, the Board indicated that while “some abutters and a representative of other abutters testified in opposition” to the project, “on balance, the Board conclude[d] that the public opinion of this project supports that it will have limited detrimental impact and is in keeping with the character of the neighborhood.” The Board failed to consider the opposition testimony of the owners of three direct abutting properties as well as significant and multiple letters of opposition insofar as it did not weigh such sentiment against the variance and conditional use criteria.

27. Despite the failure of Defendants to demonstrate all of the conditions the Zoning Enabling Act and Code require for the variances and the conditional use permits, the Board, without making the necessary findings, and despite widespread opposition of direct abutters, voted following the close of the November 9, 2021 hearing to grant all the variances and conditional use permits requested.

28. The Board signed its written Decision on December 21, 2021.

29. The Board filed its Decision with the ISD on December 28, 2021.

30. The Board’s Decision contains insufficient factual evidence to support the required findings that the requirements for the variances had been met, and merely recites and

restates the requirements of Article 7, Section 7-3 and Article 6, Section 6-3. Therefore, the Board's Decision is invalid on its face.

31. The Board's bare finding that there are special circumstances with respect to the Property, such as narrowness, shallowness or shape of the lot, are not legally sufficient reasons to support a finding that the conditions are peculiar to such land but not the neighborhood, or that such conditions deprive the owner of reasonable use of the Property. Not only is the Property not unique or peculiar, it is very similar in size and shape to the surrounding lots in the neighborhood.

32. The Board's finding that the relief requested is consistent with the purpose and intent of the Code is not supported by the facts, as the proposed addition will adversely affect the neighborhood due to the precedent it will set, allowing landowners to construct additions in their undersized back yards and destroying the open space in the area.

33. The Board failed to find that the Defendants are wholly ineligible for a Conditional Use Permit for the proposed extension of residential use into the rear yard because, per Section 68-8.4 of the Code, the proposal does not "otherwise meet[] the applicable use and dimensional requirements of this Article".

34. The proposed four unit construction would adversely affect this neighborhood's character, by significantly increasing density in an already dense neighborhood. Part of the natural buffers that currently exist in the neighborhood would be dramatically reduced or destroyed by this development in direct contravention of the purpose of zoning setbacks.

35. The variances granted by the Board are certainly not the "minimum" variances necessary to make use of the Property, which is appropriate for its lot size and surrounding area.

36. The proposed construction to the existing structure will more than double the size of the dwelling. According to Defendants' Application, the existing Built Area of the Property totals 4,645 square feet and the proposed Built Area will be 11,140 square feet. The proposed building is simply too large for the lot.

37. The Plaintiffs will suffer adverse harms with respect to drainage, runoff, odor and noise caused by the construction of the proposal and use of the structure, including roof decks.

38. Construction, specifically the proposed structure's foundation and basement, will likely require significant earth removal, with related vibrations and disruptions, which will certainly cause damage to Plaintiffs' structure.

39. The Plaintiffs will further suffer adverse harms with respect to groundwater, air and soil immediately surrounding the Property during the construction process.

40. The Plaintiffs will further suffer adverse harms due to an increase in impervious surfaces due to the close proximity of the proposed development to Plaintiffs' land.

41. The Plaintiffs will further suffer adverse harms with respect to parking availability, adequate vehicle navigation on the public way immediately outside of the proposed parking area, and pedestrian safety.

42. The proposed dwelling's increased density, including height well above what is allowable under the Code, will negatively impact and lead to a loss of the Plaintiffs' privacy, a diminution of their property values, and loss of enjoyment of their property.

43. The left side of Plaintiffs' building contains windows where the addition is proposed. The proposed addition will block light and air and create shadowing on the Plaintiffs' property.

44. The Board failed to require Defendants to provide adequate screening, fencing or other visual barriers between the development and the Plaintiffs' property.

45. The closeness of the proposed dwelling to the Plaintiffs' property and dwelling creates unnecessary security and safety risks by means of possible fire safety issues, water intrusion, and loss of privacy.

46. In granting the variances and conditional uses sought by Defendants, the Board exceeded its authority under Section 11 of the Enabling Act.

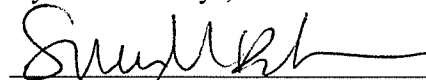
Relief Requested

WHEREFORE, Plaintiffs request that the Court:

1. As authorized and directed by Section 11 of the Enabling Act, hear all pertinent evidence and determine the facts and, upon the facts as so determined, annul the Board's Decision and enter Judgment in favor of the Plaintiffs.
2. Grant such other relief or decree as justice and equity may require.
3. Plaintiffs further request that this Court order the payment of their attorney's fees and costs.

RESPECTFULLY SUBMITTED
PLAINTIFFS,

By their attorneys,



Michael B. Cabral (BBO# 663824)

Jeffery D. Uginio (BBO# 660353)

Susan M. Benham (BBO# 676157)

Gelerman and Cabral, LLC

30 Walpole Street

Norwood, MA 02062

(781) 769-6900

mcabral@gelermancabral.com

juginio@gelermancabral.com

sbenham@gelermancabral.com

Dated: January 13, 2022

EXHIBIT A



City of Boston
Board of Appeal

NOTICE OF DECISION
CASE NO. BOA1084622
PERMIT #ALT1058818
APPEAL SUSTAINED
WITH PROVISOS

In reference to appeal of

Max & Donna Rans

Concerning premises

520 East Broadway, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, Fourth Floor, Boston, MA 02118, and is open for public inspection.

Date of entry of this decision in the Inspectional Services Department was December 28, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

FOR THE BOARD OF APPEAL

/s/Thomas J. Broom

Thomas J. Broom

Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

November 9, 2021
DATE

Max & Donna Rans

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,

at premises: 520 East Broadway, Ward - 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance, Use Permit, and/or other relief as appropriate**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art 68 Sec 8	Dim reg app in res sub dist	Extensions into rear yard gross floor area increase > 1,000sf (variance cited on newly revised and re-reviewed plans 8.26.29)
Art 68 Sec 8	Dim reg app in res sub dist	Insufficient side yard setback (6.3.21 previous new variance required based on modified plans)
Art.68 Sec 29	Roof Structure Restrictions	ROOF Deck access via head house (6.3.21 previous new variance based on modified plans/updated plans 8.26.21 show two means of stair egress from roof)
Article 68, Section 29	Roof Structure Restrictions	Reconfiguration of roof profile (i.e. four-story addition above ground story parking)
Article 68, Section 33	Off-Street Parking & Loading	Req Design, Access and maneuvering areas
Article 68, Section 8	Dimensional Regulations	Height exceeded (35' max)

Purpose: This project will convert an existing 1 family dwelling to a multi-family residential dwelling with **FOUR** units by renovating the interior of the structure and constructing a four (4) story addition in the rear over a lower level garage. See UOP#491072032 for off street parking/easement access.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1084622 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, September 7, 2021

The Board took a view of the petitioner's land, examined its location, layout and other characteristics. The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, September 28, 2021 and discussed again on Tuesday, November 9, 2021 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# **ALT-1058818** and April 26, 2021 plans submitted to the Board at its hearing and how on file in the Building Department.



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This appeal seeks permission to change occupancy to a Multi-Family Use and construct a four-story addition to the rear of the existing structure at 520 East Broadway in South Boston (the "Premises"), with four (4) residential units, roof decks and terraced open space, and four (4) off-street garaged parking spaces accessed by an existing recorded and enforceable easement over the abutting property at 518 East Broadway (the "Project"). This appeal is separate but related to the Appellant's pending Zoning Code Appeal in BOA #1084625, for the Project's vehicular access via the easement.

The appeal would allow the Appellant property owner to upgrade and expand its long-existing primary residence at an oversized and rectangular-shaped lot, with an Allowed Multi-Family Use at an appropriately scaled development in South Boston's Multi-Family Residential/Local Services Sub-district ("MFR/LS"). The Project will improve and integrate a vast amount of underutilized land area at the rear of the Premises, with a renovated and expanded structure that responds to the unique property constraints of the lot and those of its abutting non-conforming structures and related site conditions in the immediate area. The appeal is necessary as the Project requires Variances and Conditional Use Permits under the terms of the City of Boston Zoning Code ("Zoning Code"), as follows: Article 68, Section 8: Extension into the rear yard in excess of 1,000 square feet of gross floor area, Side Yard Insufficient, and Building Height Excessive; Article 68, Section 29: reconfiguration of roof profile and roof deck accessed via head house; and Article 68, Section 33: Off-Street Parking design access and maneuvering areas. In this regard, the Appellant specifically seeks, and by this decision is hereby granted, relief from the Zoning Code violations identified in the Building Commissioner's updated Zoning Code Refusal letter dated August 26, 2021 that was appealed by the Appellant on June 15, 2020. At the public hearing before the Board, the Appellant was joined by its architect and



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represented by legal counsel, attorneys Joseph P. Hanley and Thomas P. Miller of Boston, who presented and detailed the Appellant's case for the relief requested herein.

As set forth in its presentation and related documentation provided at the Board's public hearing, the Appellant submits that the Premises includes certain unique conditions and special circumstances which result in an undue hardship and justify the Board's grant of the relief required. Unique in size and geometry, it consists of approximately 5,188 square feet land at a rectangular-shaped lot, with an existing three-story structure fronting on East Broadway and vast amount of vacant land area at its rear. Originally built as a boarding house in 1890 and more recently utilized as a funeral home and single-family residence, the footprint of this long-existing building occupies most of the front lot width (on East Broadway) but less than half of its depth. Nearly two-thirds of its land area is vacant and unimproved, while the remaining front portion is burdened by its long-existing structure which must remain intact. The Project's only access route for its creation of on-site vehicular parking is by an existing easement at the rear of the Premises, which allows for vehicle passage, includes ample space for the Project's expanded structure and on-site parking program; but limits its available land area for development (at this portion of the site). The Appellant submits that, coupled with a change in grade at the rear of the Premises, these conditions are unique to the property itself and specially support the grant of the relief requested under the circumstances.

In particular, the Appellant submits that the Project meets the standards for the Board's grant of Zoning Code relief, for its required Conditional Use Permits and Variances:

a) The Conditional Use Permits

Consistent with the basis for the issuance of the necessary Conditional Use Permits ("CUP"), the Project has been carefully designed with appropriate measures and responsive modifications to help ensure that it will not negatively impact the surrounding community. As



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cited, the Project necessitates a CUP to extend its existing Residential Use into the Rear Yard of the Premises, and for its new rooftop access and related connection to an existing building under Article 68, Section 29. The Appellant makes the following arguments as to why the Project complies with the regulatory basis for the issuance of these CUPs, in each of the cited Zoning Code sections:

Extension of Residential Use (Into Rear Yard): The Project's rear addition, which requires a CUP under the Zoning Code, is necessary for the Project's creation of a compliant On-Site Parking allotment for an Allowed Multi-Family Use. The scale of its rear addition complies with the Zoning Code's required Floor Area Ratio and Rear Yard setback limitations, and it would not alter or enlarge the existing non-conforming Building Height of the structure to be expanded. It also steps down to a single-story garage section at the rear of the addition, which is partially buried in and mitigated by the change of grade at this portion of the site. Only this lower-level garage section of the addition requires relief for its Side Yard set-back violation, and it was also modified to comply with the applicable Side-Yard setback along its shared property line to the east. A green roof is then situated on top of this single-story garage section, to enhance its aesthetic and lessen impacts.

Roof Access and Connection to Existing Building: CUPs are also necessary to access the Project's new roof decks on an expanded structure under Article 68, Section 29. In compliance with the Zoning Code's Open Space requirements, the Project has been specifically designed with two (2) terraced areas on its existing and expanded roof area. Access to these compliant Open Spaces was originally proposed to be through both an elevator and staircase headhouse to the roof itself. At the hearing before the Board, the Appellant agreed to eliminate the elevator access at the ultimate roof as well as the staircase headhouse. The terraced areas on the roof will be accessed via a building code compliant staircase. Minimal in size and scale, with



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little to no visual impact on its surrounding structure, the Appellant submits that these responsive design modifications are consistent with the basis for the grant of the requested CUP. It also notes that the two adjacent and abutting structure of each side of the Premises are of greater height than that of the Project, and its reduced access design will not impact nor obstruct the view or sunlight from their respective rooftops. The addition's connection to the roofline of the existing structure is also consistent with the character of the building to remain, and it will not impede or obscure the remaining mansard section.

b) The Required Variances

To address the hardship imposed by the unique property conditions and constraints of the Premises, the Appellant again notes that it has carefully designed the Project with the minimum relief necessary (from the Zoning Code), for an appropriately expanded Multi-Family Residential Use which is Allowed by the Zoning Code. The Project would not make any changes to the existing building along East Broadway, and its rear addition has been designed to comply with the Zoning Code's Floor Area Ratio, Open Space, Building Height, Rear Yard Setback and On-Site Parking requirements at this location in South Boston's MFR-LS Zoning subdistrict. In particular, the Appellant submits the following basis for the grant of the required Variances:

Side Yard Insufficiency: Appellant submits that its required Side Yard Variance is justified by the existing non-conformity of the structure to remain (at the Premises), and the resulting impacts of a no-build access easement at the rear portion of the site. As the minimum relief necessary under the circumstances, the Project also utilizes the unique topography at the rear of the lot to partially bury its single-story garage section into the grade and lessen potential impacts at the shared property lines. Other than this single-story garage section at its end, all other portions of the Project's rear addition meet the Zoning Code's Side Yard requirements, and the entire length of the addition was reduced to comply with the applicable Side Yard setback



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limitations along the east property line with its abutter at 524 East Broadway. Since the abutter's structure is built at the shared lot line with the Premises, the Project's Side Yard compliance at this portion of the site improves upon the existing conditions thereat.

Excessive Building Height: The building to remain includes a legally existing non-conforming Building Height that predates the enactment of the Zoning Code's Article 68. Modest in deviation, this existing non-conformity is also less than that of its direct abutting structures on each side of the Premises (at 518 and 524 East Broadway), both of which are taller than the Project and include certain roof decked open space of their own. The Project's resulting gross floor area will not increase or extend the existing non-conforming Building Height at the Premises, and the rear addition also includes a compliant Building Height under the Zoning Code. It is only the Project's new roof decks on its existing structure that require a Variance for Excessive Building Height under the Zoning Code. Due to the existing mansard (to remain), and the Project's proper design and placement of its roof decks, they are not visible from the public sidewalk along this block of East Broadway, and the roof decks are beneath the elevations of both adjacent abutting structures at 518 and 524 East Broadway.

Due to the location of the existing building, and the unique land constraints for the creation of on-site parking in the rear, the Project must create its required Open Space on the roof of the expanded structure. Consistent with this required finding, the Appellant again notes that its proposed rooftop terraces are consistent with certain abutting structures at this section of East Broadway, and it has been appropriately sited and programmed to lessen potential impacts on the surrounding neighborhood. As the minimum relief required, the Project's creation of rooftop terraces will allow it to comply with the Zoning Code's Open Space requirements for an Allowed Multi-Family Use, without substantially impacting the legally existing non-conforming Building Height at the Site.



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Off-Street Parking Design and Access: Again, the Appellant notes that its available land area for the creation of on-site vehicular parking is constrained by an existing access easement and limited resulting land area at the rear of the Site. Its sole means of vehicular access is via an easement area at the rear of the lot, which also limits the available land area for the Project's design and circulation of its on-site parking program. In response to these conditions, it requires the minimum relief necessary to provide a compliant allotment of on-site parking in a garaged facility with a limited number of vehicles. Pursuant to its easement rights over an existing common driveway at 518 East Broadway, the Project's on-site parking facility is limited to no more than four (4) vehicles for the exclusive use by its residents (only). Its new parking garage also includes adequate circulation and proper access design to accommodate this limited scope of usage, without negatively impacting the nearby and abutting properties that also utilize the same easement area for their own vehicular access. Thus, the Project requires the minimum relief necessary to address the hardships imposed by the special circumstances at the Premises, for its creation of a compliant allotment of on-site vehicular parking with an appropriate design.

c) Results of Public Review and Community Outreach

In further support of the required Conditional Use Permits and Variances, the Appellant also submits that its Project will not cause undue detriment to the immediate or surrounding community. Rather, it will allow the Appellant owner-occupants to improve and expand upon their existing building and convert it into an Allowed Multi-family Use, with compliant on-site parking and new open space under the Zoning Code for family-sized units.

As part of its community outreach process for the relief requested, the Appellant also notes that it has shaped the Project to address the concerns of abutting property owners and community feedback. This included two (2) official abutter meetings with the Mayor's Office of Neighborhood Services ("MONS"), engagement with the Gate of Heaven Neighborhood



DECISION OF THE BOARD ON THE APPEAL OF

520 East Broadway, Ward 6
BOA1084622
Hearing Date: November 9, 2021
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Association (“GHNA”), local elected officials, abutting property owners and nearby residents. In response to the input received, the Appellant then reduced the size, unit density and certain setbacks of its original proposal. It subsequently returned to meet with the GHNA and discuss these changes with abutters, culminating in the revised Project before the Board at its hearing on November 9, 2021.

Due to the responsive project modifications, the Appellant submits that the Project is more in keeping with context of the immediate area and this section of East Broadway. Unlike its adjacent properties on each side, the Project complies with the Zoning Code’s Floor Area Ratio limitations, includes the same number of units as its direct abutter to the west at 518 East Broadway, and much less than the building to its east at 524 East Broadway. The revised addition along the shared property line with 524 East Broadway complies with the Zoning Code’s applicable Side Yard requirements, and the resulting Building Height is still lower than that of both of these adjacent structures. Its new roof deck structures and rear terraces have also been carefully designed, properly sited and appropriately programmed to mitigate potential impacts and ensure proper and responsible usage.

As a result of the Appellant’s public engagement process, the Board received testimony in support of the Project (at its public hearing) by the Mayor’s Office of Neighborhood Services, District City Councilor Flynn and certain nearby residents and property owners from the area, and the Boston Planning and Development Authority voted to recommend approval of the relief requested (subject to its final design review). While some abutters and a representative of other abutters testified in opposition to the 520 East Broadway Project, on balance, the Board concludes that the public opinion of this project supports that it will have limited detrimental impact and is in keeping with the character of the neighborhood.



DECISION OF THE BOARD ON THE APPEAL OF

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Based on the foregoing, the Board finds that the requested relief may be granted without substantial detriment to the public good, consistent with the intent and purpose of the Zoning Code and in the public interest.

The Board of Appeal also finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.



DECISION OF THE BOARD ON THE APPEAL OF

520 East Broadway, Ward 6
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The Board of Appeal also makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the grant of Variances under Article 7, Section 7-3, as well as Conditional Use Permits under Article 6, Section 6-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



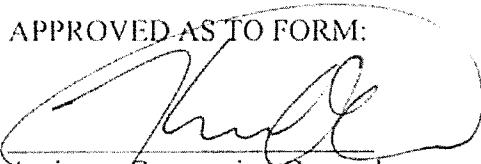
DECISION OF THE BOARD ON THE APPEAL OF

520 East Broadway, Ward 6
BOA1084622
Hearing Date: November 9, 2021
Permit No. ALT1058818
Page #11

Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) voted to grant the requested Variances and Conditional Uses annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

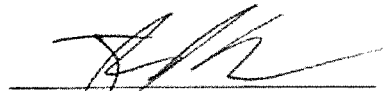
APPROVED AS TO FORM:

PROVISO(s): BPDA design review.


Assistant Corporation Counsel

Signed: _____ December 21 _____, 2021

With my affixed signature I, the Executive Secretary of the Board of Appeal, hereby certify that the signatories of this decision have given their express permission for electronic signature:


Thomas J. Broom, Esq.
Executive Secretary
Board of Appeal

/s/ Christine Araujo
Christine Araujo- Chair (Voted In Favor)
/s/ Mark Fortune
Mark Fortune – Secretary (Voted In Favor)
/s/ Mark Erlich
Mark Erlich (Voted In Favor)
/s/ Joseph Ruggiero
Joseph Ruggiero (Voted In Favor)
/s/ Kosta Ligris
Kosta Ligris (Voted In Favor)
/s/ Eric Robinson
Eric Robinson (Voted In Favor)
/s/ Sherry Dong
Sherry Dong (Voted In Favor)

EXHIBIT B

South Boston Neighborhood District Boundary

Other District Boundary

Subarea Boundary

Planned Development Area Designation

PDA - Permitted

Greenbelt Protection Overlay District

Neighborhood Subdistrict

MFR

MFR/LS

WM

WC

OS-P

U

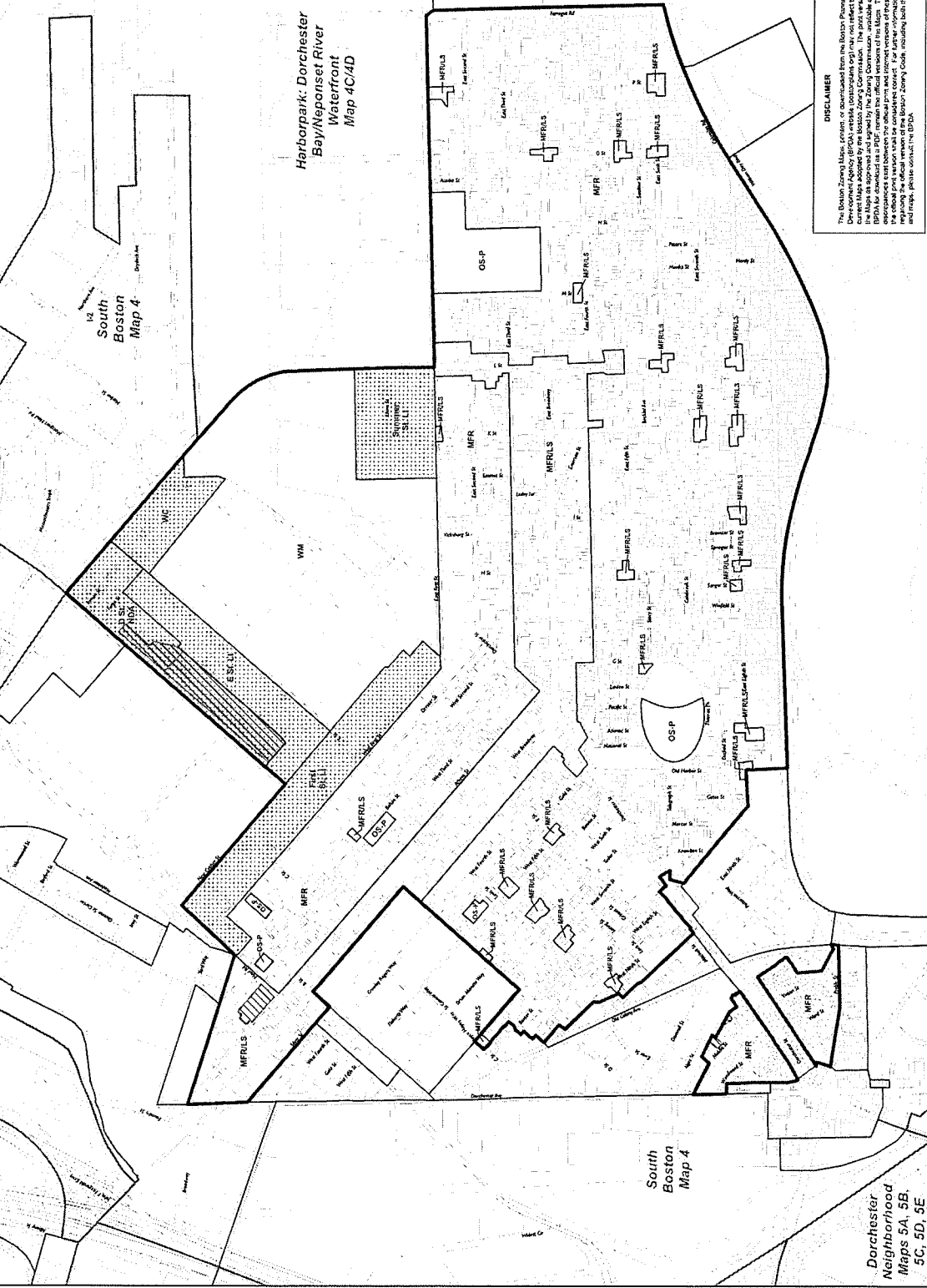
NDA

Neighborhood Development Area

The South Boston Neighborhood District is within the Restricted Parking Overlay District. See Map Amendments no. 144 and no. 201. For maximum allowed height, FAR, and other provisions, see Article 88.

Map Scale: 1" = 400 Feet

Harborpark: Dorchester Bay/Neponset River Waterfront
Map 4C/4D



DISCLAIMER

The Boston Zoning Map, printed or downloaded from the Boston Planning and Development Agency (BPDA) website, constitutes only a preliminary representation of the City of Boston's zoning regulations. The City of Boston does not warrant the accuracy or completeness of the information contained in this map. The City of Boston is not responsible for any errors or omissions in this map. The City of Boston is not responsible for any damages, including both the lead and consequential damages, arising from the use of this map. For further information regarding the official version of the Boston Zoning Code, including both the lead and maps, please contact the BPDA.

Zoning Districts City of Boston

Map 4F

South Boston Neighborhood District
(Supplemental to "Map 4, South Boston")

Adopted by the
Zoning Commission of the City of Boston

Robert F. Johnson
Chairman

Effective: May 10, 2012
Date of Public Review: April 17, 2012

As Amended
Effective: July 12, 2017
Public Notice: June 21, 2017

Dorchester
Neighborhood
Maps 5A, 5B,
5C, 5D, 5E

EXHIBIT C

RESIDENTIAL ALTERATION and ADDITION

520 EAST BROADWAY
SOUTH BOSTON, MA 02127

ALT 1058818

PISANI + ASSOCIATES
ARCHITECTS

374 CONGRESS STREET
BOSTON, MA 02210-1807
TEL: (617) 423-1022
FAX: (617) 426-0939
email: apisani@pisani.com

ARCHITECT'S PROJECT NO. 17-320

OWNER
DONNA and MAX RANS
520 EAST BROADWAY
SOUTH BOSTON, MA 02127

SURVEYOR
BOSTON SURVEY, INC
31 HAYWARD STREET UNIT 2-C
FRANKLIN, MA 02038
508-741-6086

GENERAL NOTES
1. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE BUILDING CODE OF MASSACHUSETTS AND ALL LOCAL ORDINANCES.
2. CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS.
3. CONTRACTOR SHALL TAKE ALL MEASURES REQUIRED TO KEEP DUST, DEBRIS, NOISE, AND OBSTRUCTION TO A MINIMUM.
4. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ARCHITECT FOR APPROVAL PRIOR TO FABRICATION OF WORK. NO WORK SHALL BE PROCEEDED WITHOUT ARCHITECT'S APPROVAL.
5. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER DIMENSIONS OF ARCHITECT FOR CLARIFICATIONS.

CONTRADICTORY NOTES
1. INITIAL TURN IN DATE 12/15/2021
2. UPDATE/REVISIONS TO SURVEY 01/12/2022
3. UNIT ELEVATION UPDATES 03/17/2021
4. UNIT ELEVATION UPDATES 03/17/2021
5. UNIT ELEVATION UPDATES 03/17/2021

17-320
RESIDENTIAL ALTERATION (ADDITION)
520 EAST BROADWAY
SOUTH BOSTON, MA 02127

LIST OF DRAWINGS

- COVER SHEET**
- CONTEXT**
- PH.1 PHOTO - OVERHEAD VIEW OF NEIGHBORHOOD
 - PH.2 PHOTO - EXISTING VIEW FROM EAST BROADWAY
 - PH.3 PHOTO - EXISTING VIEW FROM EAST BROADWAY
- SURVEY**
- SITE PLAN - EXISTING BOSTON SURVEY, (N.C.)
 - SITE PLAN - PROPOSED
- ARCHITECTURAL**
- EX.0.1 EXISTING SITE / SITE SECTION
 - EX.1.0 EXISTING SECOND & THIRD FLOOR PLANS
 - EX.1.2 EXISTING ELEVATIONS
 - EX.1.3 EXISTING ELEVATIONS
 - A.1.1 PROPOSED BASEMENT & GROUND FLOOR PLANS
 - A.1.2 PROPOSED 1st & 2nd FLOOR PLANS
 - A.1.3 PROPOSED 3rd FLOOR PLAN
 - A.1.4 PROPOSED LONGITUDINAL SECTION
 - A.1.5 PROPOSED FRONT & REAR SIDE ELEVATIONS
 - A.1.6 PROPOSED FRONT & REAR SIDE ELEVATIONS
 - A.2.1 PROPOSED FRONT & REAR SIDE ELEVATIONS
 - A.2.2 PROPOSED FRONT & REAR SIDE ELEVATIONS

BOSTON ZONING

ZONING USE LOT AREA

ZONING	USE	LOT AREA
RM-3	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5A	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5B	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5C	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5D	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5E	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5F	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5G	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5H	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5I	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5J	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5K	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5L	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5M	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5N	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5O	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5P	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5Q	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5R	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5S	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5T	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5U	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5V	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5W	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5X	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5Y	RESIDENTIAL MEDIUM-DENSITY	10,300 SF
RM-3.5Z	RESIDENTIAL MEDIUM-DENSITY	10,300 SF

DIMENSIONAL REGULATIONS (TABLE D)

ITEM	REQUIRED	EXISTING	PROPOSED	COMMENT
MIN. LOT AREA PER DWELLING UNIT SPECIFIED	NONE	NONE	1,118 SQ FT PER UNIT (MIN. 4 UNITS)	CONFORMS
MIN. LOT AREA PER GARAGE UNIT SPECIFIED	N/A	N/A	N/A	N/A
MIN. LOT WIDTH	20'	20'	34'	CONFORMS
MIN. LOT FRONTAGE	20'	20'	34'	CONFORMS
MINIMUM ALLOWABLE F.A.R.	1.5	0.81	38'-4" (1.97) (2)	CONFORMS
MAXIMUM ALLOWABLE F.A.R.	35'	38'-4"	38'-4"	CONFORMS
MIN. USABLE OPEN SPACE / DWELLING UNIT	200 SF / UNIT	3700 SF / UNIT	1,127 SF / UNIT (MIN. 115 SF - 4 SPACES)	CONFORMS
MIN. FRONT YARD	5' and 68-14.1' (depth of lot) or 10' or 10'	10'	10'	CONFORMS
MIN. SIDE YARD	3'	1'-0" / 7' 5"	1'-0" / 7' 5"	CONFORMS
MIN. REAR YARD	20'	100'	100'	CONFORMS
MIN. REAR YARD TO ADJACENT LOT	25'	25'	25'	CONFORMS
MIN. REAR YARD TO ADJACENT LOT	25%	25%	25%	CONFORMS

OFF-STREET PARKING (TABLE C)

TYPE OF REQUIREMENT	REQUIRED	EXISTING	PROPOSED	COMMENT
MINIMUM OFF-STREET PARKING SPACES	2 STANDARD SPACES PER 1,000 SF OF GROSS FLOOR AREA (MIN. 4 SPACES)	2 STANDARD SPACES PER 1,000 SF OF GROSS FLOOR AREA (MIN. 4 SPACES)	2 STANDARD SPACES PER 1,000 SF OF GROSS FLOOR AREA (MIN. 4 SPACES)	CONFORMS

ADDITIONAL REGULATIONS REQUIRED:
1. MINIMUM STRUCTURE HEIGHT: 10' (MINIMUM EXISTING) / 10' (MINIMUM PROPOSED)
2. MINIMUM SIDE YARD: 10' (MINIMUM EXISTING) / 10' (MINIMUM PROPOSED)

BUILDING AREA SUMMARY - ZONING

FLOOR	EXISTING		PROPOSED		COMMENT
	BUILT AREA	FAR GROSS AREA	BUILT AREA	FAR GROSS AREA	
1st FLOOR	1,118 SF	815 GSF	2,236 SF	1,735 GSF	ALL PARKING DECK
2nd FLOOR	1,118 SF	815 GSF	2,236 SF	1,735 GSF	MECH EXCLUDED AS PERMITTED BY ZONING
3rd FLOOR	1,118 SF	815 GSF	2,236 SF	1,735 GSF	MECH EXCLUDED AS PERMITTED BY ZONING
TOTAL	3,354 SF	2,445 GSF	6,708 SF	5,205 GSF	

(1) USE YEAR GROSS AREA TO DETERMINE FAR
(2) MECH STORAGE AND GARAGE AREAS EXCLUDED PER ARTICLE 16.07 OF GROSS FLOOR AREA

UNIT SUMMARY

UNIT	TYPE	UNIT AREA			TOTAL	DECKS
		BASE	1st FLR	2nd FLR		
UNIT 1	1-BR	1,118	1,118	1,118	1,118	0
UNIT 2	2-BR	1,118	1,118	1,118	1,118	0
UNIT 3	3-BR	1,118	1,118	1,118	1,118	0
UNIT 4	3-BR	1,118	1,118	1,118	1,118	0
UNIT 5	3-BR	1,118	1,118	1,118	1,118	0
UNIT 6	3-BR	1,118	1,118	1,118	1,118	0
UNIT 7	3-BR	1,118	1,118	1,118	1,118	0
UNIT 8	3-BR	1,118	1,118	1,118	1,118	0
UNIT 9	3-BR	1,118	1,118	1,118	1,118	0
UNIT 10	3-BR	1,118	1,118	1,118	1,118	0

Article 16B Section 6B.3 - Dimensional Regulations Applicable in Residential Subdistricts:
Residential Use Extensions in Rear Yard. Notwithstanding any provision of the Article or Code, any Proposed Project that complies with the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the addition of a new unit that exceeds the gross floor area of such Residential Use by one thousand (1,000) or more square feet.

ZONING DECISION

"GRIND"

BOA PLAN SET

Prepared By: **Foundation of Boston**

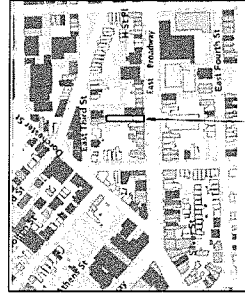
Approved By: **Foundation of Boston**

City of Boston

City of Boston



AUGUST 10, 2021 28A



PROJECT LOCATION
SOUTH BOSTON
NO SCALE

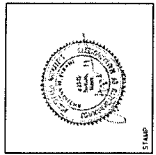
NORTH

ALSANI & ASSOCIATES
 44 C # 11111111

111 COMPANY STREET
 BOSTON, MA 02120-1007
 TEL: (617) 552-2500
 FAX: (617) 524-0230
 E-MAIL: info@alsani.com

OWNER
 DONNA & MAX RANS
 520 EAST BROADWAY
 SOUTH BOSTON MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAYS PLACE
 CHARLESTOWN, MA 02129



NO.	DATE	DESCRIPTION
030900	INITIAL FILING	
031501	LUNTS	
040701	REUSE GARAGE	
071901	BOULTERS W/O	
081001	REVISION/2BA	

ALLOCATION / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PLSHEET: 17-219

DATE: _____
 W/P: _____
 DRAWN: _____
 CHECKED: _____
 OVERHEAD PHOTO
 DRAWING:
 PH.1

DATE: _____
 W/P: _____
 DRAWN: _____
 CHECKED: _____
 OVERHEAD PHOTO
 DRAWING:
 PH.1



520 EAST BROADWAY LOCATION PHOTO

PISANI + ASSOCIATES
 ARCHITECTS

225 STATE STREET
 BOSTON, MA 02109
 PHONE: (617) 452-1234
 FAX: (617) 452-1235
 E-MAIL: info@pisani.com

OWNER
 DOMINA & MAX RANS
 520 EAST BROADWAY
 SOUTH BOSTON, MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAY PLACE
 CHARLESTOWN, MA 02129



NO.	DATE	DESCRIPTION
01/20/20		INITIAL FILING
		CONSENT LINES
		HARDY SERVICE GARAGE
		DIFFRACTION LIGHTING
		BRIDGE REVISIONS/DETAILED

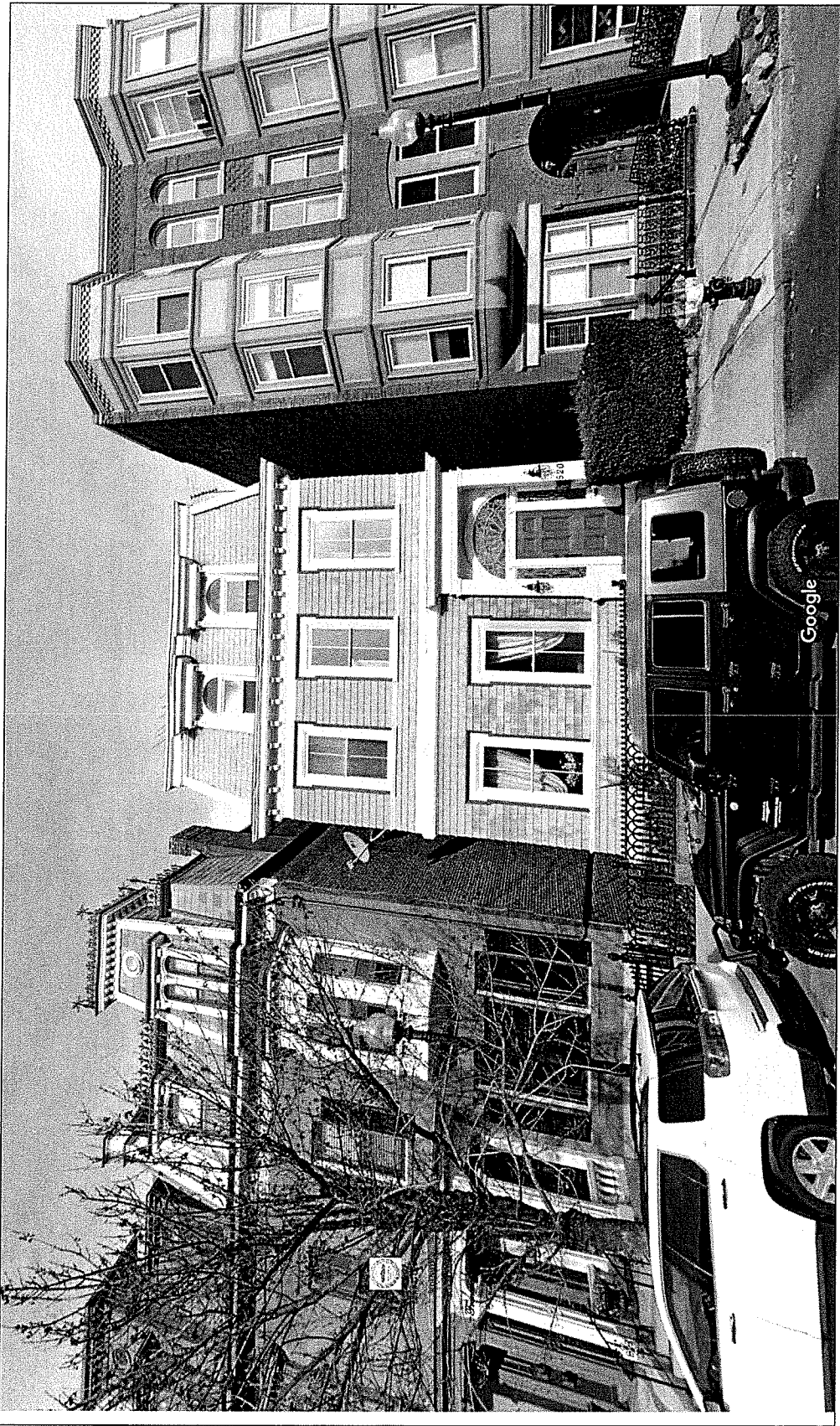
ALTERNATION / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PROJECT: 17-319

DATE **DATE** **DATE**
 W.P. **DATE** **DATE**
 DRAWN **DATE** **DATE**
 CHECKED

**VIEW OF FRONT OF
 EXISTING BUILDING**

PH.2

SCALE: AS SHOWN
 ALL DIMENSIONS IN FEET AND INCHES
 UNLESS OTHERWISE NOTED
 THIS DRAWING IS THE PROPERTY OF PISANI + ASSOCIATES
 ARCHITECTS AND IS NOT TO BE REPRODUCED OR
 COPIED IN ANY MANNER WITHOUT THE WRITTEN
 PERMISSION OF PISANI + ASSOCIATES ARCHITECTS



520 EAST BROADWAY
 VIEW OF EXISTING FROM EAST BROADWAY

ZISANI & ASSOCIATES
 ARCHITECTS

114 NEWBURY STREET
 BOSTON, MA 02116-1807
 TEL: (617) 552-3500
 FAX: (617) 524-1039
 E-MAIL: zisani@zisani.com

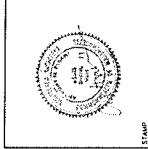
OWNER
 DONNA & MAX RANS
 520 EAST BROADWAY
 South Boston, MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAY PLACE
 CHARLESTOWN, MA 02129

ZONING DECISION
 "DENIED"
 EDA PLAN SET
 Prepared by
Thomas D. Zisani
 Licensed Professional Engineer
 No. 13276
 MA, P.E. License



520 EAST BROADWAY
VIEW OF EXISTING FROM REAR YARD



NO.	DATE	DESCRIPTION
01	01/02/00	INITIAL FILING
02	03/15/01	4 UNITS
03	04/27/01	REVISE GARAGE
04	07/19/01	ADJUSTERS MFG
05	08/10/02	REVISION 20A

PROJECT / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PROJECT 17-128

DATE
 W/D: 01/02/00
 C/APP: 03/15/01
 C/CHKD: 04/27/01

DRAWINGS
 OF BUILDING
PH.3

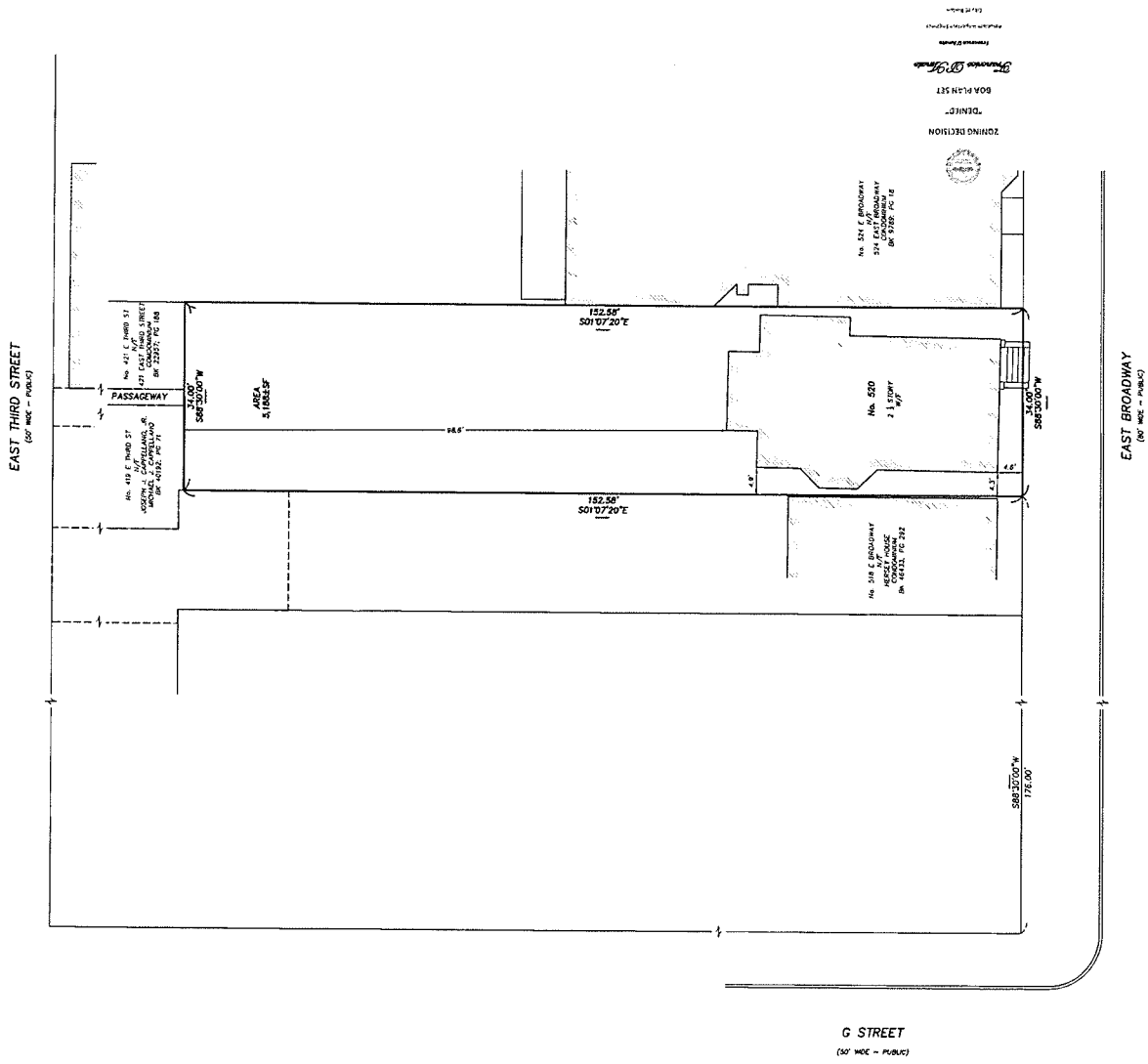
SCALE
 AS SHOWN ON DRAWINGS
 AND NOT TO SCALE

FIELD:	01/04
DRAWN BY:	GCC AMY
CHECKED:	GCC
DATE:	11/01/2019
JOB:	06-0003

SITE PLAN OF LAND

LOCATED AT
520 EAST BROADWAY
SOUTH BOSTON, MA

DATE: DECEMBER 20, 2019 SCALE: 1/8"=1'-0" FEET



I CERTIFY THAT THIS PLAN WAS MADE FROM AN
 INSPECTION OF THE RECORDS OF THE
 DEPARTMENT OF PUBLIC WORKS AND
 ALL STRUCTURES ARE LOCATED AS SHOWN
 HEREON.

MAJOR IMPROVEMENTS ON THIS PROPERTY FALL
 WITHIN THE ZONING REGULATIONS OF THE
 CITY OF BOSTON.

OFFICIAL: *[Signature]*
 SURVEYOR

PREPARED FOR:
 OWNER OF RECORD:
 200 EAST BROADWAY
 SOUTH BOSTON, MA 02107

REFERENCE: BK 25512 PG 299
 BK 48845 PG 24
 BK 18977 PG 59
 BK 4821 PG 91
 BK 1084 PG 307
 BK 20034 PG 108
 BK 32009 PG 129
 PL BK 32009 PG 129

CC: 21840 4185

CITY OF BOSTON ENGINEERING RECORDS
 78 726 PG 121-127, 244-247
 78 835 PG 131-134
 78 835 PG 131-134
 78 835 PG 131-134
 78 835 PG 131-134
 78 835 PG 131-134
 78 835 PG 131-134

PROJECT ID: 060102000

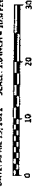
G STREET
 (50' WIDE - PUBLIC)

EAST BROADWAY
 (60' WIDE - PUBLIC)

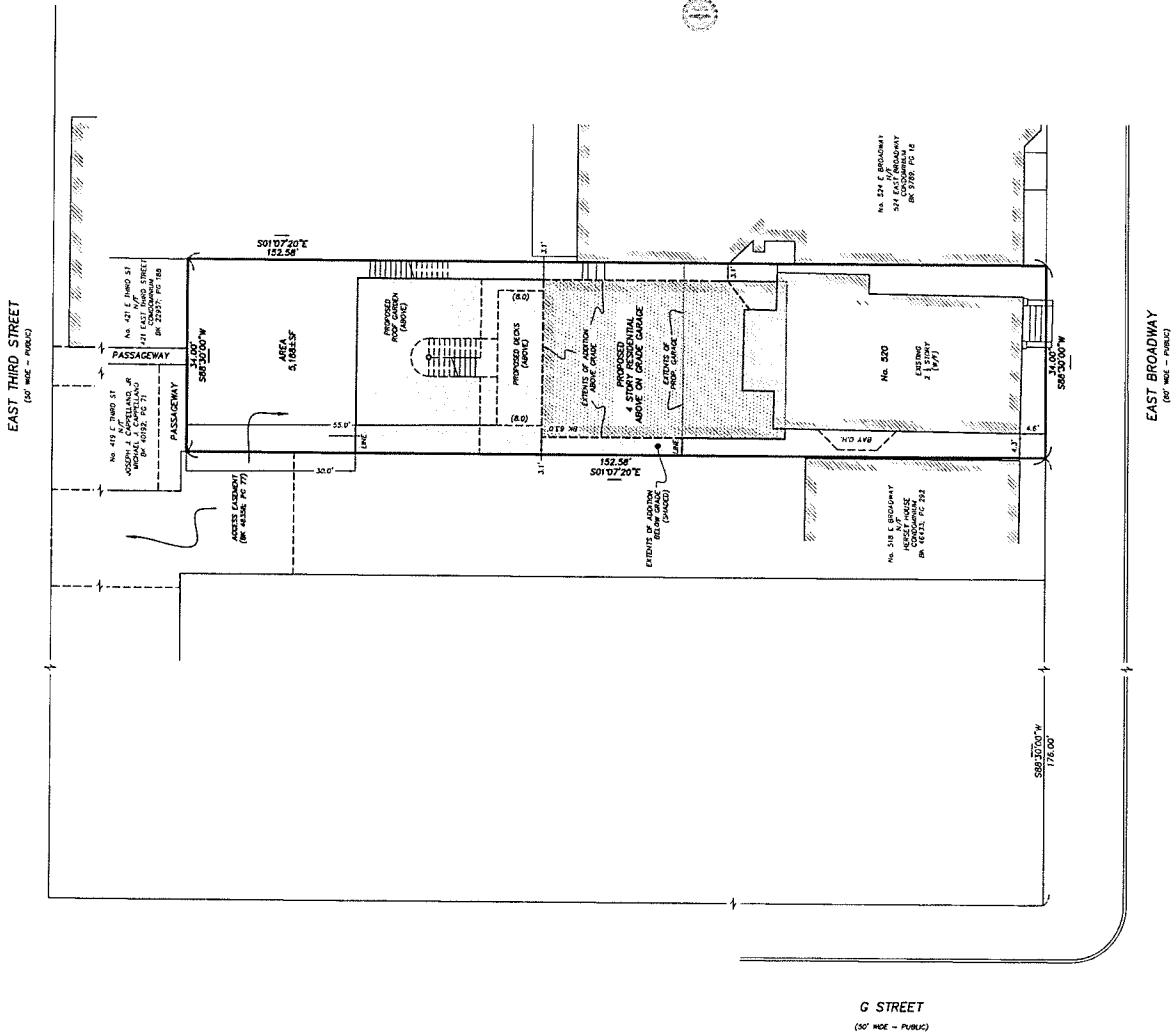
EAST THIRD STREET
 (50' WIDE - PUBLIC)

ZONING DESIGNATION
 "D1" (C-2)
 BOARD PLAN SET
 PREPARED BY
 BOSTON SURVEY, INC.

SITE PLAN OF LAND
 LOCATED AT
520 EAST BROADWAY
SOUTH BOSTON, MA
 DATE: APRIL 15, 2011 SCALE: 1/8" = 1'-0" FEET



ZONING DESIGNATION: RM-1A
 CITY OF BOSTON
 DEPARTMENT OF CITY PLANNING
 COMMUNITY DEVELOPMENT DIVISION
 225 SOUTH BOSTON STREET
 BOSTON, MA 02107



I CERTIFY THAT THIS PLAN WAS MADE FROM AN ORIGINAL SURVEY OF THE PROPERTY AND THAT THE DATES OF JULY 13, 2005, OCTOBER 10, 2005 AND ALL STRUCTURES ARE LOCATED AS SHOWN. I AM A LICENSED SURVEYOR IN THE STATE OF MASSACHUSETTS AND THIS PLAN IS MY BEST AND TRUE REPRESENTATION OF THE PROPERTY AS SHOWN AND AS I BELIEVE TO BE THE ACTUAL SITUATION ON THE DATE OF SURVEY.

- PREPARED FOR:
 OWNER OF RECORD:
 DONNA MARIE BANK
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
- REFERENCES:
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 BK 43512; PG 299

- CITY OF BOSTON ENGINEERING RECORDS
 PROJECT NO. 0603010000
 SHEET NO. 1 OF 1

- NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DISTANCES ARE TO THE CENTER OF THE STREET UNLESS OTHERWISE NOTED.
 3. ALL DISTANCES ARE TO THE CENTER OF THE LOT UNLESS OTHERWISE NOTED.
 4. ALL DISTANCES ARE TO THE CENTER OF THE CURB UNLESS OTHERWISE NOTED.
 5. ALL DISTANCES ARE TO THE CENTER OF THE SIDEWALK UNLESS OTHERWISE NOTED.
 6. ALL DISTANCES ARE TO THE CENTER OF THE PARKWAY UNLESS OTHERWISE NOTED.
 7. ALL DISTANCES ARE TO THE CENTER OF THE DRIVE UNLESS OTHERWISE NOTED.
 8. ALL DISTANCES ARE TO THE CENTER OF THE ALLEY UNLESS OTHERWISE NOTED.
 9. ALL DISTANCES ARE TO THE CENTER OF THE PASSAGEWAY UNLESS OTHERWISE NOTED.
 10. ALL DISTANCES ARE TO THE CENTER OF THE ACCESSORY DRIVE UNLESS OTHERWISE NOTED.

PISANI & ASSOCIATES
 ARCHITECTS
 125 STATE STREET
 BOSTON, MA 02109-1807
 TEL: (617) 552-1212
 FAX: (617) 552-1202
 www.pisani-associates.com

OWNER
 DONNA & MAX HANS
 520 East Broadway
 South Boston MA

SUBSEVOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAYS PLACE
 CHARLESTOWN, MA 02129

PROJECT
 19-130

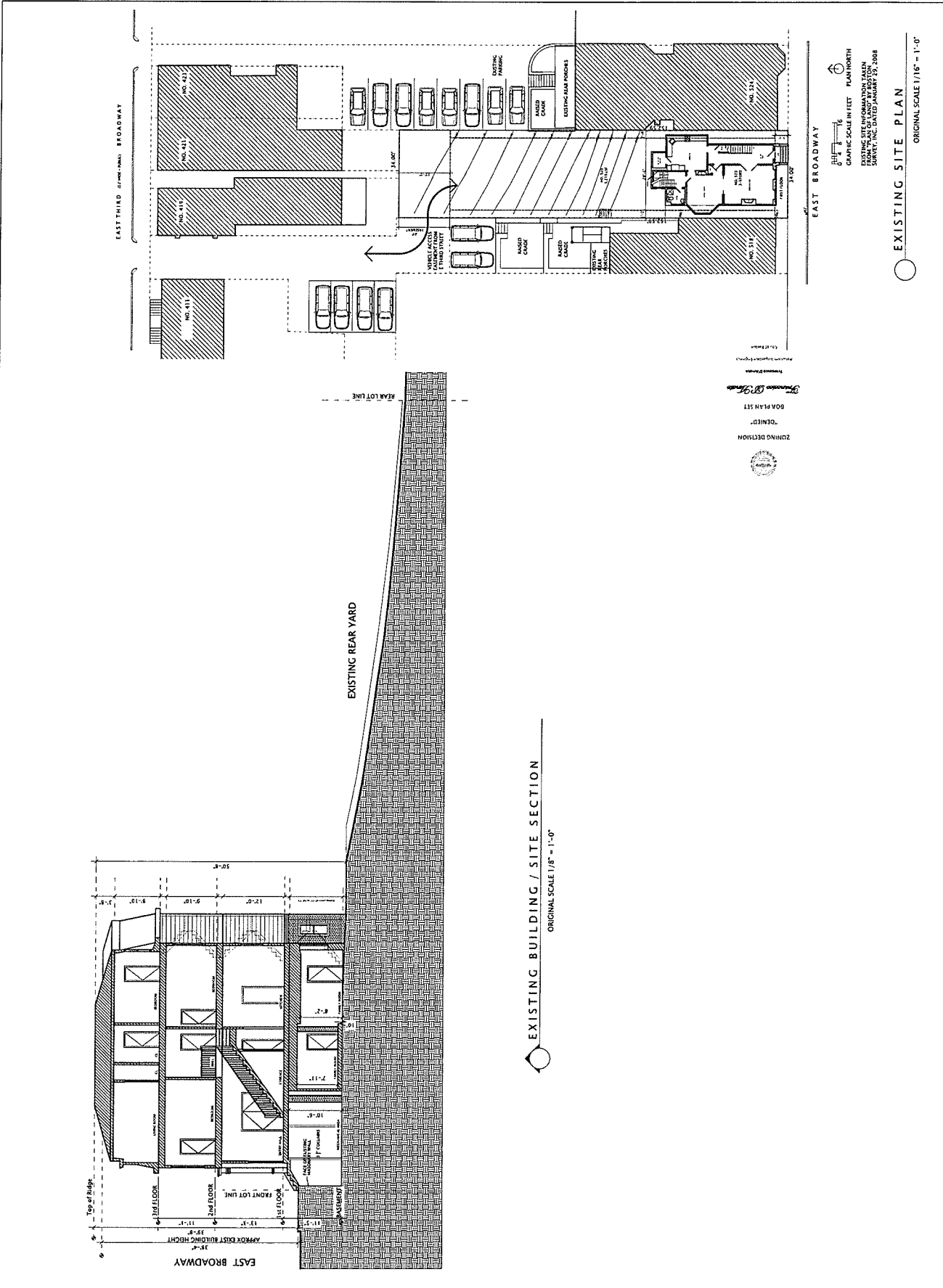
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02		CONCEPT PLAN
03		CONCEPT GARAGE
04		UNITZ/ JANITORS MITO
05		BRIDGE REVISION/20A

ALTERNATION / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PROJECT 19-130

DATE: 12/11/20
 WAP: PHAM
 AMP: CHEDIE

EXISTING SITE INFORMATION TABLE
 SHEET PLAN 16 SITE SECTION
 SURVEY, INC. DATED JANUARY 23, 2008

Ex0.1
 DATE: 12/11/20



EXISTING BUILDING / SITE SECTION
 ORIGINAL SCALE 1/8" = 1'-0"

EXISTING SITE PLAN
 ORIGINAL SCALE 1/16" = 1'-0"

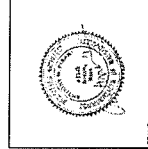
SEAL OF PHAM
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL
 MASSACHUSETTS
 LICENSE NO. 10796
 EXISTING SITE INFORMATION TABLE
 SHEET PLAN 16 SITE SECTION
 SURVEY, INC. DATED JANUARY 23, 2008

PISANI ASSOCIATES
 ARCHITECTS

274 CORNWELL STREET
 BOSTON, MA 02116
 TEL: (617) 452-0022
 FAX: (617) 452-0023
 WWW.PISANIASSOCIATES.COM

OWNER
 DORRINA & MAX RAINS
 520 East Broadway
 South Boston MA

SURVEYOR
 BOSTON SURVEY, INC.
 100 STATE STREET
 CHALLESTOWN, MA 02128



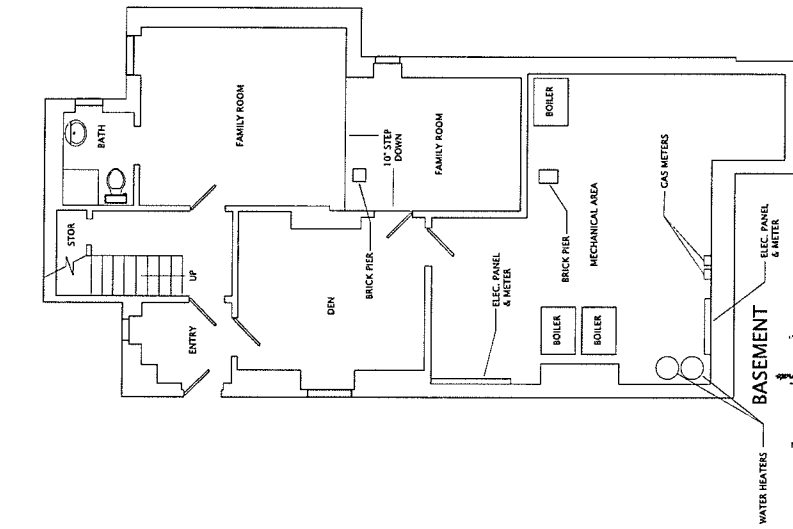
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1	03/19/21	STAMPED INITIAL FILE
2	03/19/21	4 UNITS
3	04/07/21	REVISE GARAGE
4	07/19/21	ADDITERS MTG
5	08/10/21	REVISION 2BA
6		
7		
8		
9		
10		

ALTERATION / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PROJECT 17-118

DATE 11/11/21
WSP DMH
ALP DMH
CHECKED

EXISTING
BASEMENT & 1ST FLOOR PLAN
 DRAWING

Ex1.1



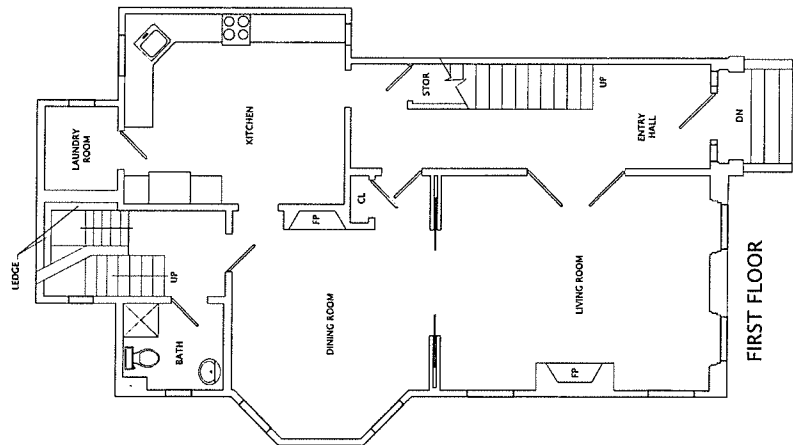
BASEMENT

WATER HEATERS

ZONING DESIGN
 TOWN OF BOSTON

BOA PLAN SET
 TOWN OF BOSTON

PREPARED BY
 PISANI ASSOCIATES



FIRST FLOOR

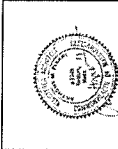
PISANI & ASSOCIATES
ARCHITECTS

320 COMMERCIAL STREET
BOSTON, MA 02108-7647
TEL: (617) 452-2975
FAX: (617) 452-1978
E-MAIL: info@pisani.com

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We are an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, sex, religion, age, disability, sexual orientation or gender identity.

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South Boston MA

SURVEYOR
ROSTON SURVEY, INC.
159 WASHINGTON ST.
SUITE 2-4 SHERMAN ST.
CHARLESTOWN, MA 02129



STAMP	DATE / REVISION	DESCRIPTION
	03/20/20	INITIAL FILE
	03/23/20	4 UNITS
	04/07/20	REVISE GARAGE
	07/16/20	ADDITIONS MITG
	08/02/20	REVISION ZBA

ALTERATION / ADDITION
520 EAST BROADWAY
SOUTH BOSTON, MA 02127
PROJECT: 17-312

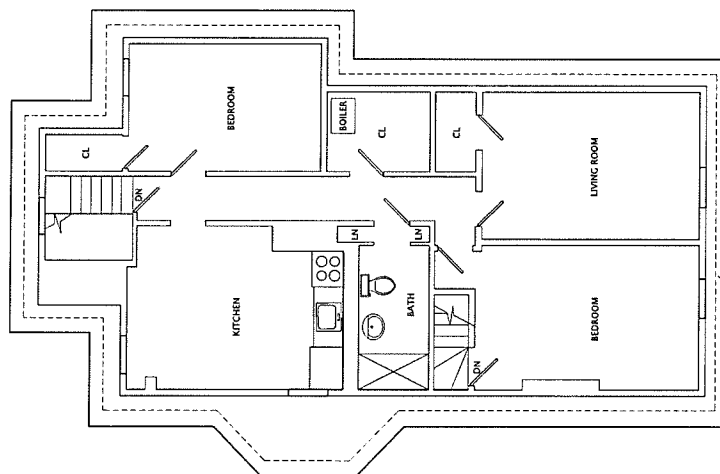
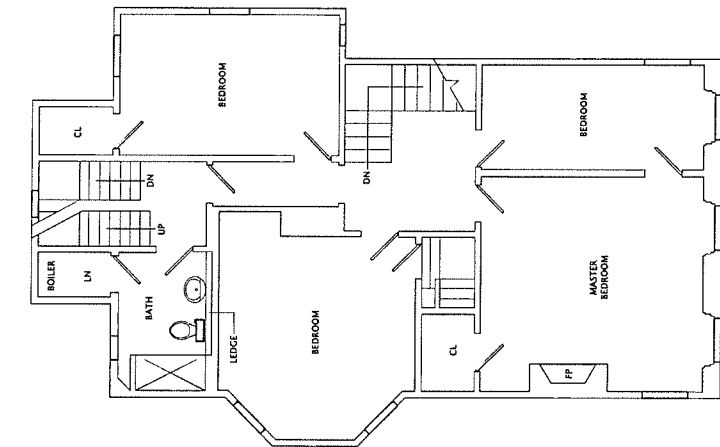
DRAWN
DATE: 08/02/20
WAP
CHECKED
DATE: 08/02/20
AMW

EXISTING
EXISTING 3RD FLOOR PLANS
DATE: 08/02/20

Ex1.2

DATE: 08/02/20

SCALE
AS SHOWN



PISANI & ASSOCIATES
 ARCHITECTS

220 BROADWAY, SUITE 1200
 BOSTON, MA 02109-3027
 TEL: (617) 552-8100
 FAX: (617) 552-8091
 E-MAIL: P&A@PISANI.COM

Professional Seal of the State of Massachusetts
 No. 003220
 PISANI & ASSOCIATES ARCHITECTS
 100 STATE STREET, SUITE 1200
 BOSTON, MASSACHUSETTS 02109
 REGISTERED PROFESSIONAL ARCHITECTS
 LICENSE NO. 003220

OWNER
 DONNA & MAX RANS
 520 East Broadway
 South Boston MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHAWMS PLACE
 CHARLESTOWN, MA 02129



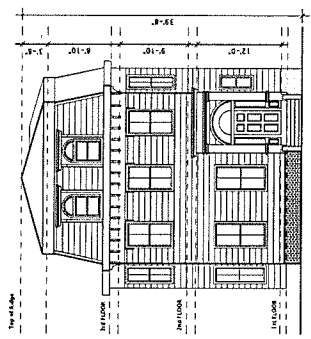
DATE / REVISION	DESCRIPTION
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03/04/03	4 UNITS
04/07/03	REMOVE GARAGE
07/02/03	ADJUSTERS MID
09/02/03	REVISOR/TBA

ALTERATION / ADDITION
 TO EXISTING
 SOUTH BOSTON, MA 02127
 PROJECT 12-210

DATE: WAP: AMP:
 DRAWN: CHECKED:
 ELEVATIONS
 DRAWING

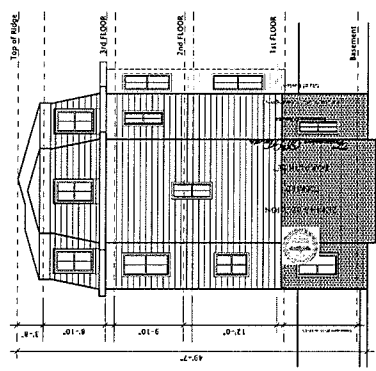
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DATE: WAP: AMP:
 DRAWN: CHECKED:
 ELEVATIONS
 DRAWING

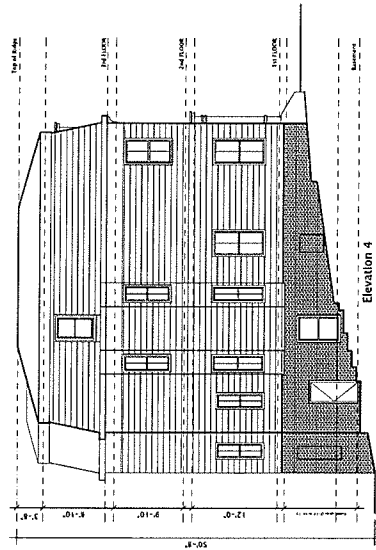


EAST BROADWAY

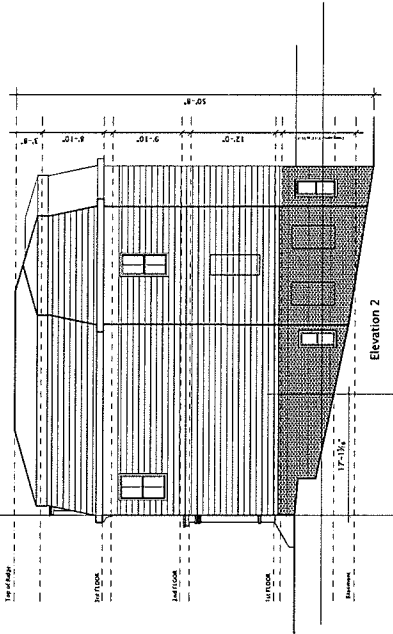
1 EXISTING FRONT ELEVATION



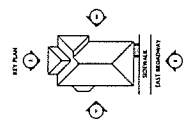
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2 EXISTING LEFT SIDE ELEVATION



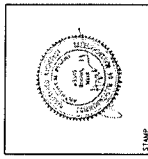
4 EXISTING RIGHT SIDE ELEVATION



PISANI ASSOCIATES
 ARCHITECTS
 127 BROADWAY, SUITE 1207
 BOSTON, MA 02109-1807
 TEL: (617) 542-7979
 FAX: (617) 542-7978
 www.pisaniassociates.com

OWNER
 DONNA & MAX RAMS
 520 East Broadway
 South Boston, MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIMMAYS BLVD.
 CHARLESTOWN, MA 02129

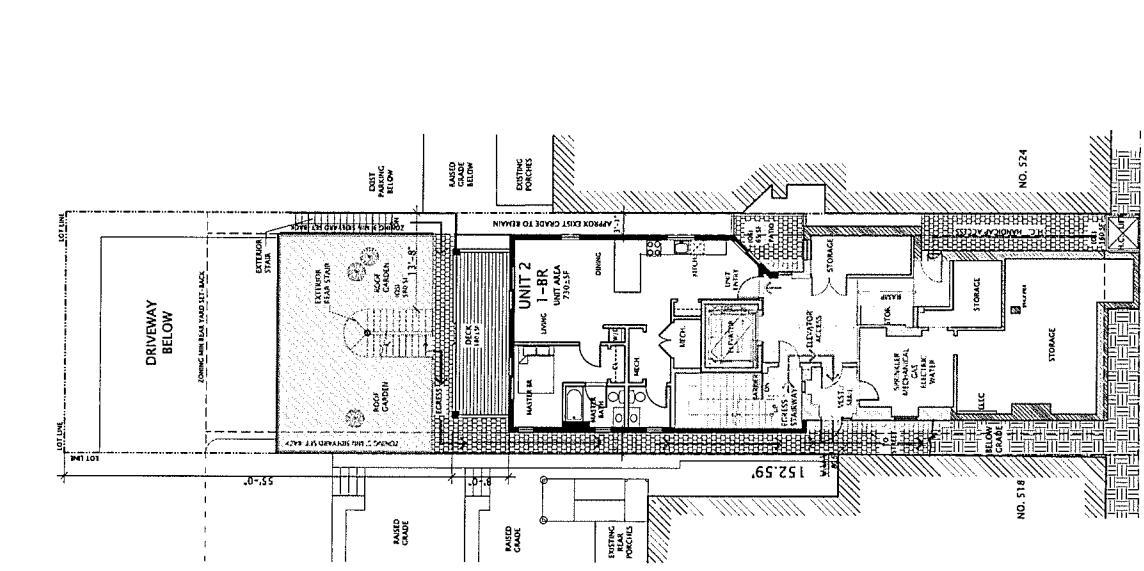
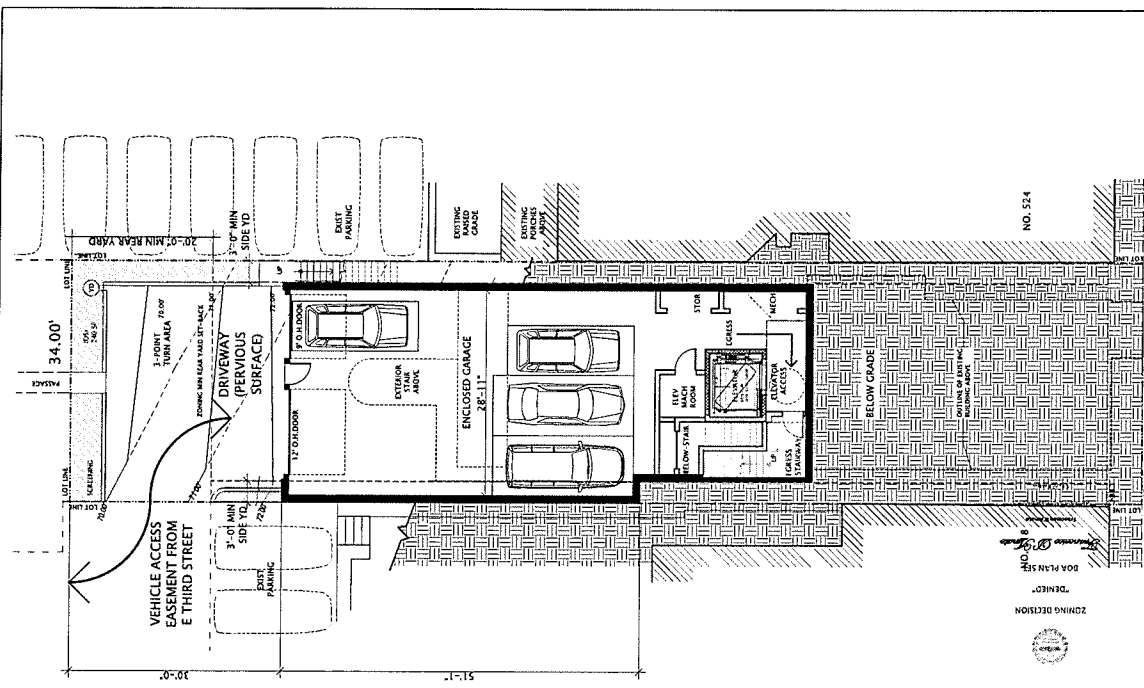


DATE	DESCRIPTION
01/10/20	INITIAL FILE
03/10/21	4 UNITS
04/07/21	REVISE GARAGE
07/10/21	ADJUSTERS MITG
08/10/21	REVISION/2BA

ALTERNATION / ADDITION
 SOUTH BOSTON, MA 02127
 PROJECT: 17-118

DATE: 08/10/21
DRAWN: CHECKED:
APP/APP'D: AWP
PARKING / BASEMENT ARE AND FLOOR PLANS
DRAWING:

A1.1
 SHEET NO. 1 OF 1
 TOTAL SHEETS: 1
 DRAWING NO. 17-118-01



FLOOR PLANS
 17'8"=1'-0"

LEGEND

- COMMON CIRCULATION SPACE: STAIRS, CORRIDORS, ETC.
- EXISTING CONSTRUCTION
- NEW EXTERIOR CONSTRUCTION
- NEW INTERIOR CONSTRUCTION
- LOT LINE

GRAPHIC SCALE IN FEET
 0 5 10 15 20
 1" = 10'

PLAN NORTH

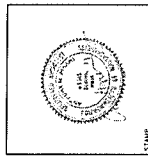
RESANI ASSOCIATES
 ARCHITECTS

121 COMMERCIAL STREET
 BOSTON, MA 02110-4827
 TEL: (617) 452-0033
 FAX: (617) 452-0033
 E-MAIL: RESANI@RESANI.COM

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SURVEYOR
 ROSTON SURVEY, INC.
 UNIT 2-4 500 MASS AVE
 CHARLESTOWN, MA 02129



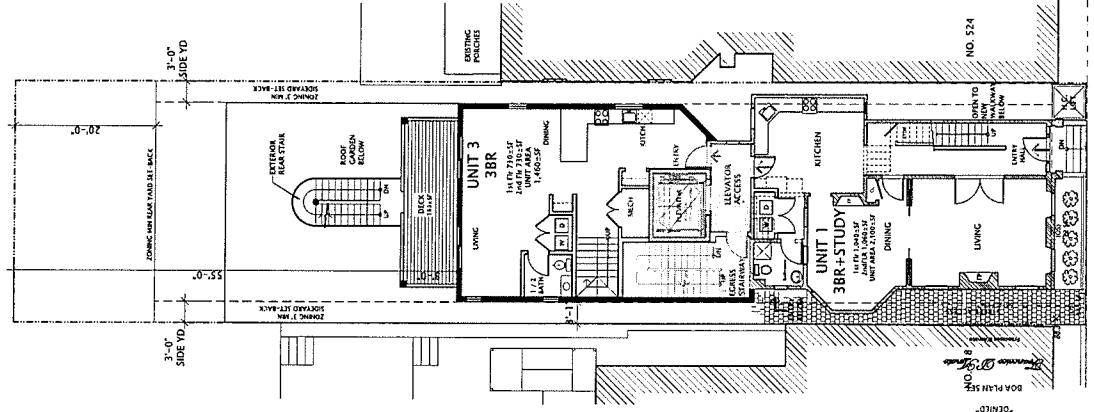
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01/20/20	INITIAL FILING
01/20/21	4 UNITS
04/07/21	REVISE GARAGE
07/02/21	AUDITERS MFG
09/02/21	REVISION/2BA

ALTERNATION / ADDITION
 SOUTH BOSTON, MA 02127
 PROJECT: 17-120

DATE: WAP: AMP: CHECKED:
 DRAWN: 1st & 2nd FLOOR PLANS
 DRAWING

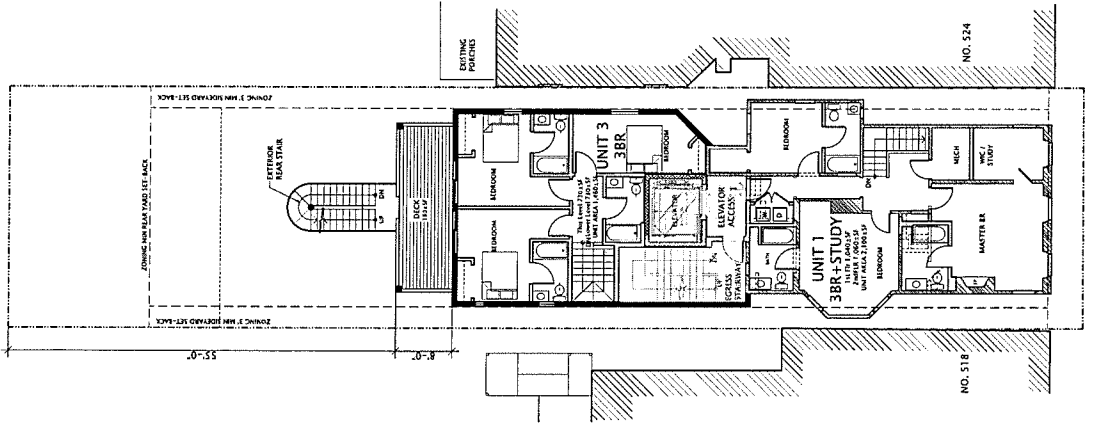
A1.2

1/8" = 1'-0"



FIRST FLOOR PLAN

EAST BROADWAY



SECOND FLOOR PLAN

FLOOR PLANS

1/8" = 1'-0"



- LEGEND**
- COMMON CIRCULATION SPACE: STAIRS, CORRIDORS, ETC.
 - EXISTING CONSTRUCTION
 - NEW EXTERIOR CONSTRUCTION
 - NEW INTERIOR CONSTRUCTION
 - LOT LINE

PIRANI & ASSOCIATES
ARCHITECTS

127 COMMERCIAL STREET
ROSLINDEN, MA 02131-2607
TEL: (617) 452-1000
FAX: (617) 452-1003
E-MAIL: info@pirani.com

OWNER
DONNA & MAX RANS
520 East Broadway
South Boston MA

SURVEYOR
ROSTON SURVEY, INC.
UNIT 2-A SHERWAY ST.
CHARLESTOWN, MA 02129

PROJECT / SUBPROJECT
NO. DATE DESCRIPTION
100020 INITIAL PERMITS
03/10/21 4 UNITS
04/07/21 REVISE GARAGE
07/09/21 ADAPTERS RIG
08/10/21 REVISION ZBA

STAMP

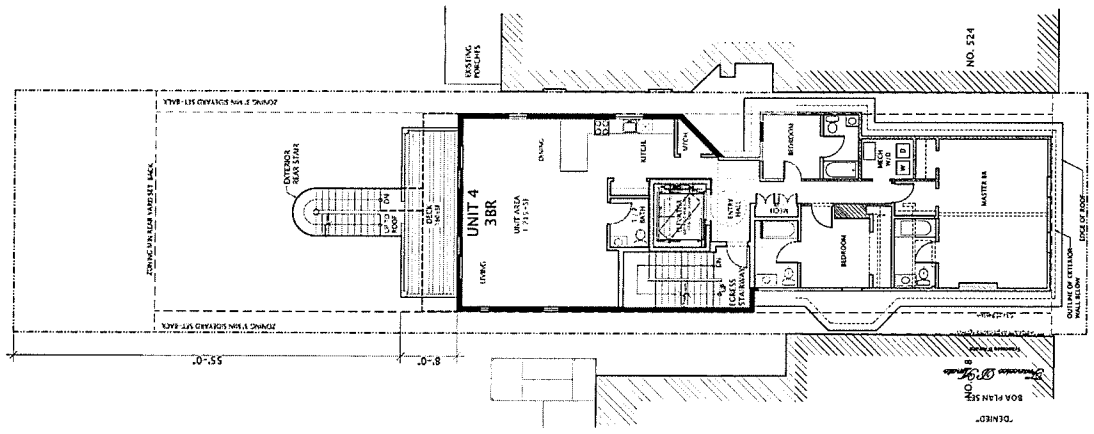
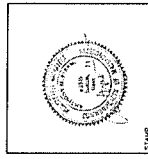
SEAL

DATE 12/17/20
PROJECT 17-100
ATTENTION / ADDITION
3RD FLOOR & ROOF PLAN
PROJECT SOUTH BOSTON, MA 02127

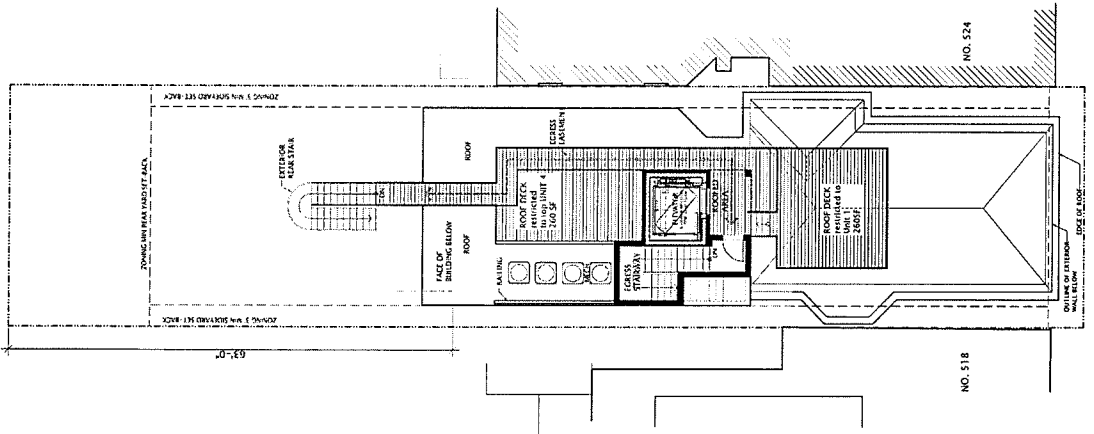
DATE 12/17/20
WAP DWG
APP CHECKED
DATE 12/17/20
DRW DWG

A1.3

DRWG. NO.
DATE 12/17/20
PROJECT SOUTH BOSTON, MA 02127
ATTENTION / ADDITION
3RD FLOOR & ROOF PLAN



THIRD FLOOR PLAN

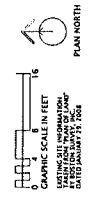


ROOF PLAN

FLOOR PLANS

1/8" = 1'-0"

- LEGEND**
- COMMON CIRCULATION SPACE: STAIRS, CORRIDORS, ETC.
 - EXISTING CONSTRUCTION
 - NEW EXTERIOR CONSTRUCTION
 - NEW INTERIOR CONSTRUCTION
 - LOT LINE



PISANI & ASSOCIATES
ARCHITECTS

211 BRIMLEY STREET
BOSTON, MA 02114-1667
TEL: (617) 552-1100
FAX: (617) 552-1029
www.pisani-associates.com

OWNER
DORRIS & MAX RANS
520 EAST BROADWAY
SOUTH BOSTON MA

SURVEYOR
BOSTON SURVEY, INC.
UNIT C-4 SHIMMAYS PLACE
CHARLESTOWN, MA 02129

ALTEATION / ADDITION
SOUTH BOSTON, MA 02127
PROJECT: 17-219

DATE: 12/20/2017
STATUS: PERMITS
SECTION: A.3.1

SCALE: 1/8"=1'-0"

STAMP

DATE: 12/20/2017

DESCRIPTION: INITIAL FILE

DRAWN BY: J. PISANI

CHECKED BY: J. PISANI

PROJECT: 17-219

REVISIONS:

NO.	DATE	DESCRIPTION
01	12/20/2017	INITIAL FILE
02	01/02/2018	4 UNITS
03	01/02/2018	REUSE GARAGE
04	01/02/2018	ADDITIONAL MTD
05	01/02/2018	REVISION ZBA

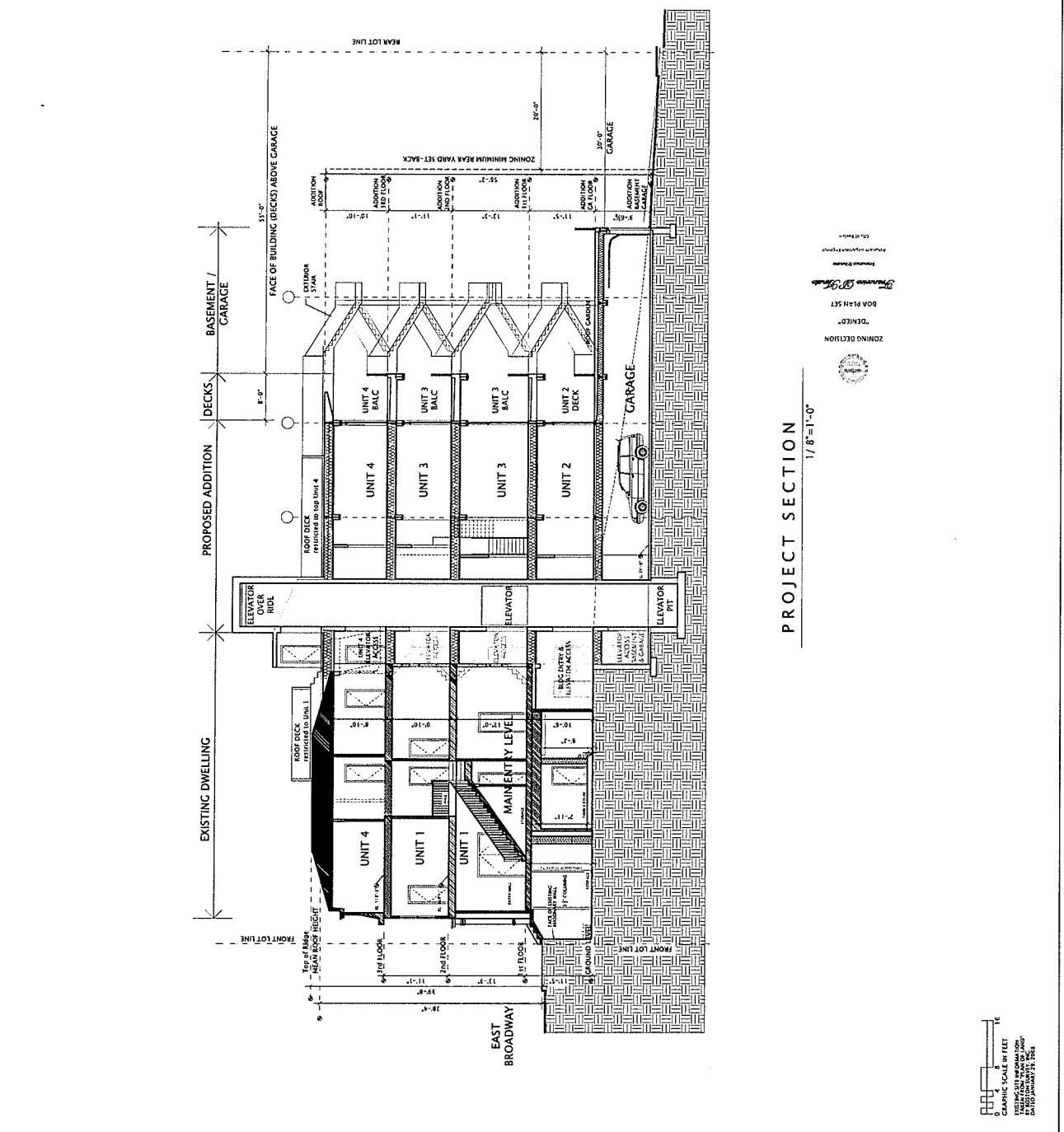
PROJECT SECTION
1/8"=1'-0"

ZONING DECISION: "DENIED"

BOA PLAN SET: "DENIED"

Permitted by: [Signature]

City of Boston: [Signature]



LEGEND

COMMON CIRCULATION SPACE
STAIRS, CORRIDORS, ETC.

EXISTING CONSTRUCTION

NEW CONSTRUCTION

LOT LINE

REQUIRED SETBACK - ZONING

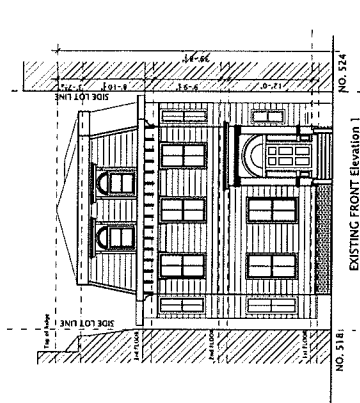
GRAPHIC SCALE IN FEET

1"=10'

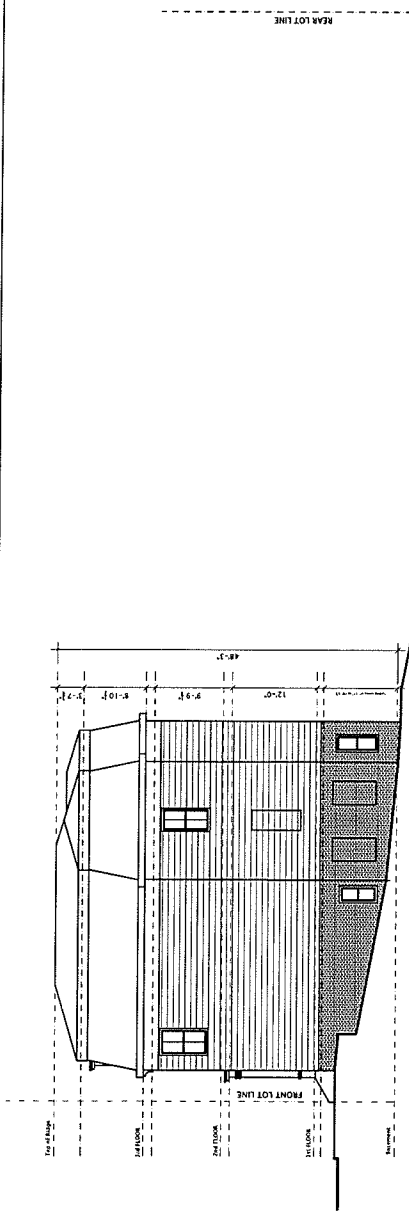
DATE: 12/20/2017

DRAWN BY: J. PISANI

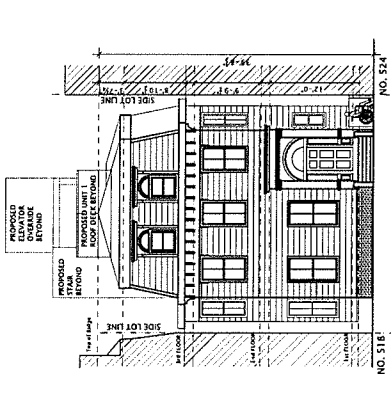
CHECKED BY: J. PISANI



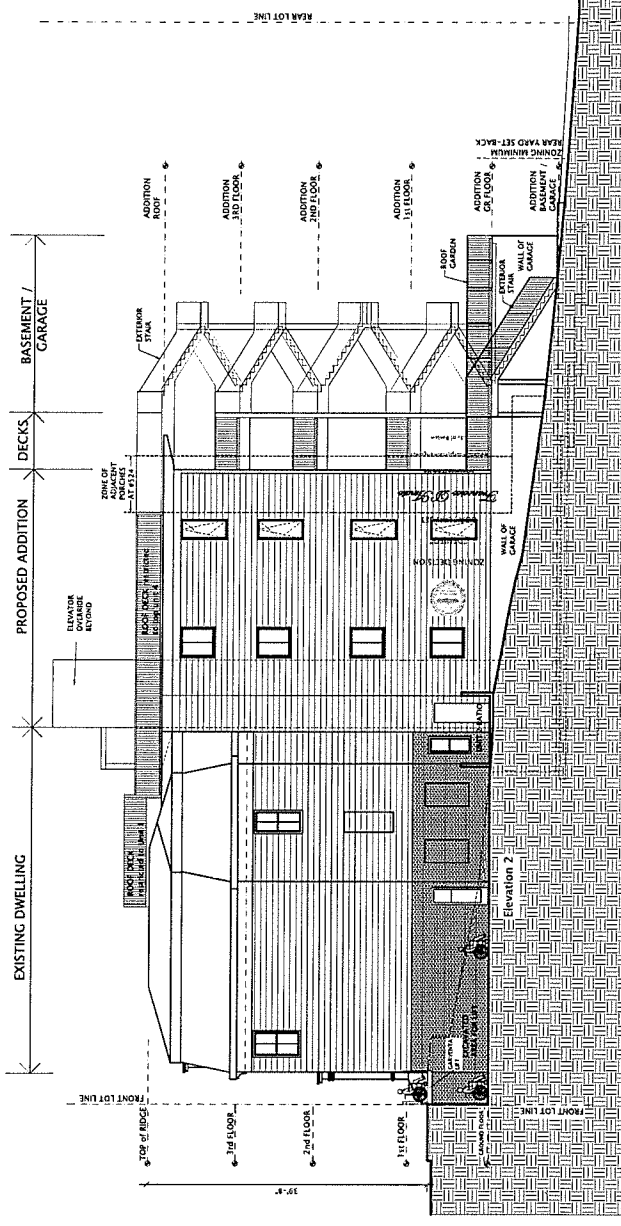
EXISTING FRONT ELEVATION
1/8"=1'-0"



EXISTING RIGHT SIDE ELEVATION
1/8"=1'-0"



PROPOSED FRONT ELEVATION
1/8"=1'-0"



PROPOSED RIGHT SIDE ELEVATION
1/8"=1'-0"

PISANI ASSOCIATES
ARCHITECTS
100 STATE STREET
BOSTON, MA 02109
TEL (617) 452-1000
WWW.PISANIASSOCIATES.COM

OWNER
DONNA & MAX RANS
520 East Broadway
South Boston MA

SUPERVISOR
BOSTON SURVEY, INC.
100 STATE STREET
CHARLESTOWN, MA 02129

NO.	DATE	DESCRIPTION
010000		INITIAL FILE
020000		REVISED PLANS
030000		REVISED GARAGE
040000		REVISIONS TO
050000		REVISIONS TO

ALTERNATION / ADDITION
520 EAST BROADWAY
SOUTH BOSTON, MA 02127
PROJECT NUMBER

A4.1
DATE: 01/24/2018
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 01/24/2018

GRAPHIC SCALE IN FEET
DRAWING NOT TO BE USED FOR CONSTRUCTION
DATE: JANUARY 24, 2018



DATE / REVISION	
ISSUED FOR EXAMINATION	01/20/20 INITIAL ELEV
	03/15/21 LUMES
	06/07/21 REVISE GARAGE
	07/19/21 REVISE MITG
	08/01/21 REVISION 2/A

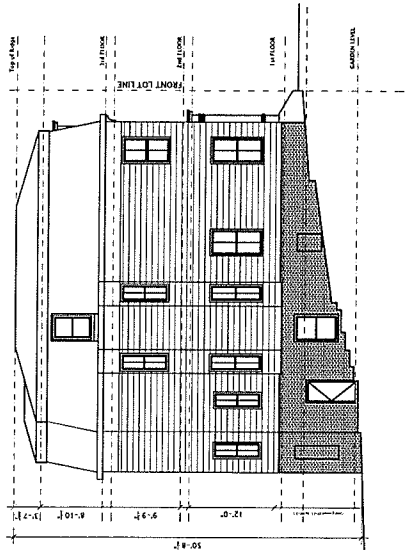
ALTERNATION / ADDITION
 SOUTH BOSTON, MA 02127
 PROJECT 19-230

DATE: **WARPAID** / **ASP**
 DRAWN: **BAWBY** / **ENCLERD**

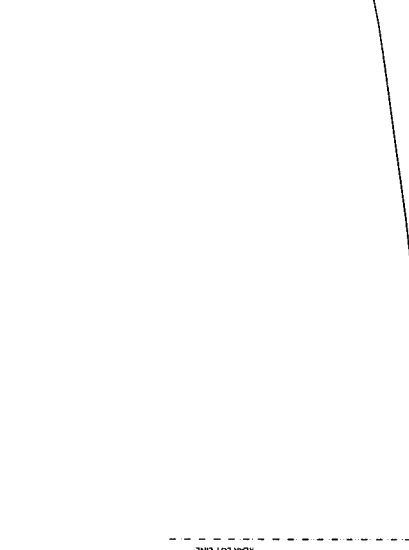
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DATE: _____
 DRAWING: _____

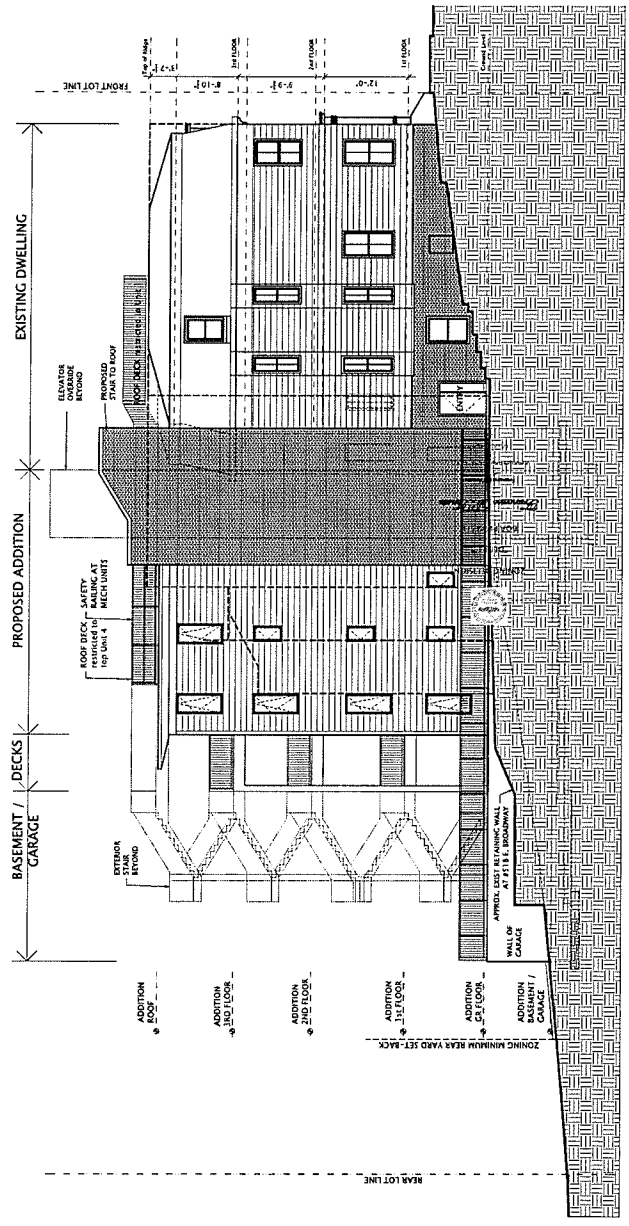
GRAPHIC SCALE IN FEET
 SYSTEM: SEE INFORMATION ON
 DRAWING SHEET A4.1 FOR
 EXPLANATION OF SYMBOLS AND
 CONVENTIONS



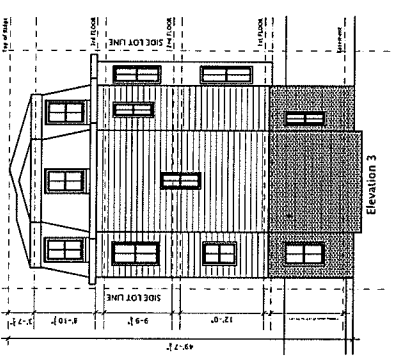
EXISTING REAR ELEVATION
 1/8"=1'-0"



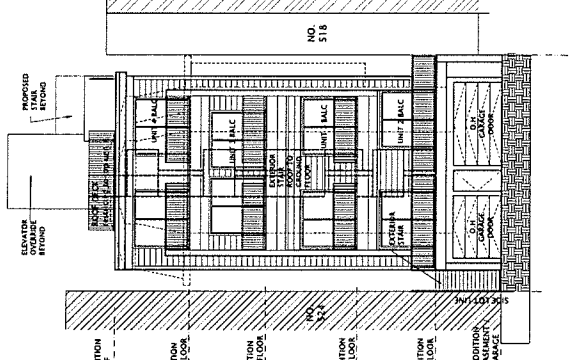
EXISTING LEFT SIDE ELEVATION
 1/8"=1'-0"



PROPOSED LEFT SIDE ELEVATION
 1/8"=1'-0"



PROPOSED REAR ELEVATION
 1/8"=1'-0"



PROPOSED REAR ELEVATION
 1/8"=1'-0"



**Boston Inspectional Services Department
Planning and Zoning Division**

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Kim Janey
Mayor

ZONING CODE REFUSAL

Marc Joseph
Inspector of Buildings

THOMAS MILLER
28 STATE STREET
SUITE 802
BOSTON, MA 02109

June 03, 2020

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: ALT1058818
Date Filed: March 03, 2020
Purpose: This project will convert an existing 1 family dwelling to a multi-family residential dwelling with ~~six(6)-SEVEN(7)~~ **FOUR units** by renovating the interior of the structure and constructing a four (4) story addition in the rear **over a lower level garage**. See UOP#491072032 for off street parking/easement access. See new letter dated 8.26.21

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art 68 Sec 8	Dim reg app in res sub dist	Insufficient side yard set back (6.3.2021 New variance)
Art.68 Sec 29	Roof Structure Restrictions	Roof Deck access via head house (New variance 6.3.2021)
Article 68, Section 29	Roof Structure Restrictions	Addition (4 story residential over 1 story garage)
Article 68, Section 33	Off-Street Parking & Loading Req	Insufficient parking (1.5 spaces/unit required) Corrected 6.3.21
Article 68, Section 33	Off-Street Parking & Loading Req	/ Design (Size and Maneuvering areas of garages tandem parking) Corrected 6.3.21
Article 68, Section 8	Dimensional Regulations	/ Insufficient lot area per unit (200sf/unit req.) Corrected 6.3.21
Article 68, Section 8	Dimensional Regulations	/ Excessive F.A.R. (1.5 ratio max.) Corrected 6.3.21
Article 68, Section 8	Dimensional Regulations	Height Exceeded (35' Max.)
Notes		The Zoning appeal of this application is to be filed concurrently with other variance required on Application #U491072032(Access via easment), then subject to ZBA variance approval, two complete sets of stamped construction documents shall be required. Building code review has been deferred at this time per nominal fee letter.. (i.e 780 CMR Ch 10 variance shall be required if not corrected. Zoning decision letter updated based on further info

THOMAS MILLER
28 STATE STREET
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BOSTON, MA 02109

June 03, 2020

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: ALT1058818
Date Filed: March 03, 2020
Purpose: This project will convert an existing 1 family dwelling to a multi-family residential dwelling with ~~six (6)~~ **SEVEN (7) FOUR units** by renovating the interior of the structure and constructing a four (4) story addition in the rear over a lower level garage. See UOP#4910032 for off street parking/easement access.



QA plan set

THIS DECISION IS APPEALABLE TO THE BOARD OF APPEAL WITHIN 45 DAYS
PURSUANT TO CHAPTER 80A OF THE ACTS OF 1956, AS AMENDED. APPEALS MUST BE FILED WITHIN THAT TIME FRAME OR THEY WILL BE DEEMED ABANDONED. IF YOU HAVE COMMENTS REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zna-appeal.

Francesco D'Amato

Francesco D'Amato
(617)961-3265
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

RESIDENTIAL ALTERATION and ADDITION

520 EAST BROADWAY SOUTH BOSTON, MA 02127

ALT 1058818

PISANI + ASSOCIATES
ARCHITECTS

374 CONGRESS STREET
BOSTON, MA 02210-1807
TEL: (617) 423-1022
FAX: (617) 426-0939
email: apisani@pisani.com

ARCHITECT'S PROJECT NO. 17-230

OWNER
DONNA and MAX RANS
520 EAST BROADWAY
SOUTH BOSTON, MA 02127

SURVEYOR
BOSTON SURVEY, INC
31 HAYWARD STREET UNIT 3-C
FRAMINGHAM, MA 01903
783-341-6694



AMEND FILING
04/07/2021

GENERAL NOTES

- ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE STATE BUILDING CODE OF MASSACHUSETTS AND ALL LOCAL ORDINANCES.
- CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS.
- CONTRACTOR SHALL TAKE ALL MEASURES REQUIRED TO KEEP DUST, DEBRIS, NOISE, AND DISTURBANCE TO A MINIMUM.
- CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT EXISTING OR ADJACENT PROPERTY. NO WORK SHALL PROCEED WITHOUT ARCHITECT'S APPROVAL.
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER DIMENSIONS OF CONFLICT IN DIMENSIONS. CONTACT THE ARCHITECT FOR CLARIFICATIONS.

DATE	DESCRIPTION
01/26/2020	INITIAL FILING
02/17/2021	UPDATE CODE BY SURVEY
07/15/2021	4 UNIT SETBACK UPDATES
08/02/2021	4 UNIT SETBACK AMEND FILING

17-230
RESIDENTIAL ALTERATION / ADDITION
520 EAST BROADWAY
SOUTH BOSTON, MA 02127

LIST OF DRAWINGS

COVER SHEET

SURVEY

SITE PLAN - EXISTING

SITE PLAN - PROPOSED

ARCHITECTURAL

EN1.1 EXISTING SECOND & THIRD FLOOR PLANS

EN1.2 EXISTING ELEVATIONS

EN1.3 EXISTING SECOND & THIRD FLOOR PLANS

EN1.4 EXISTING ELEVATIONS

EN2.1 PROPOSED BASEMENT & 1st FLOOR PLANS

EN2.2 PROPOSED BASEMENT & 1st FLOOR PLANS

EN2.3 PROPOSED CONSTRUCTION SECTION

EN2.4 PROPOSED FRONT & RIGHT SIDE ELEVATIONS

EN2.5 PROPOSED REAR & LEFT SIDE ELEVATIONS



PROJECT LOCATION
SOUTH BOSTON
NO SCALE

BOSTON ZONING

ZONING, USE, LOT AREA

REGULATORY DISTRICT: URBAN SUBURBAN SOUTH BOSTON MA

APPLICABLE ZONING: URBAN SUBURBAN SOUTH BOSTON MA

EXISTING USE: RESIDENTIAL SINGLE-FAMILY (S-F)

PROPOSED USE: RESIDENTIAL MULTIFAMILY (M-F)

LOT AREA: 10,125 SF

DIMENSIONAL REGULATIONS (TABLE D)

ITEM	REQUIRED	EXISTING	PROPOSED	COMMENT
MIN. LOT AREA PER DWELLING UNIT SPECIFIED	NONE	NONE	1,183 SF PER UNIT FOR 4 UNITS	CONFORMS
MIN. LOT AREA / ACRES PER DWELLING UNIT	NONE	NONE	1.183 ACRES PER UNIT FOR 4 UNITS	CONFORMS
MIN. LOT WIDTH	30'	34'	34'	CONFORMS
MIN. LOT FRONTAGE	20'	34'	34'	CONFORMS
MAXIMUM ALLOWABLE FAR	1.5	0.81	0.81	CONFORMS
MAXIMUM ALLOWABLE HEIGHT	35'	35'	35'-4"	CONFORMS
MIN. USABLE OPEN SPACE / DWELLING UNIT	200 SF / UNIT	3300 SF / UNIT	1,183 SF / UNIT (4 UNITS)	CONFORMS
MIN. FRONT YARD SETBACK	5'-0" (4.5'-0" for 1st story)	5'-0"	5'-0"	CONFORMS
MIN. SIDE YARD SETBACK	3'	1'-6" / 5'	1'-6" / 5'	CONFORMS
MIN. REAR YARD SETBACK	30'	100'	30'	CONFORMS
MIN. FRONT YARD SETBACK BY ACCESSORY BLDG.	31%	N/A	N/A	CONFORMS

OFF-STREET PARKING (TABLE C)

MINIMUM REQUIRED: 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA

PROPOSED: 1.5 SPACES PER 1,183 SF OF GROSS FLOOR AREA = 1.775 SPACES

COMMENTS: 1.5 STANDARD SPACES (1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA) + 0.275 SPACES (0.275 SPACES PER 1,183 SF OF GROSS FLOOR AREA)

UNDEVELOPED AREAS REQUIRED:

MINIMUM REQUIRED: 10% OF GROSS FLOOR AREA

PROPOSED: 10% OF GROSS FLOOR AREA = 118.3 SF

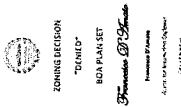
BUILDING AREA SUMMARY - ZONING

FLOOR	NET AREA (SF)	GROSS AREA (SF)	NET AREA (SF)	GROSS AREA (SF)	COMMENTS
GROUND	1,183	1,183	1,183	1,183	ALL FLOORING EXCEPT STAIRS, HALLWAYS & MECH. EXCLUDED AS PERMITTED BY ZONING CODE
1st FLOOR	1,183	1,183	1,183	1,183	
2nd FLOOR	1,183	1,183	1,183	1,183	
3rd FLOOR	1,183	1,183	1,183	1,183	
4th FLOOR	1,183	1,183	1,183	1,183	
TOTAL	4,732	4,732	4,732	4,732	

UNIT SUMMARY

UNIT	TYPE	BASE	CEILING	FLOOR	2nd FLOOR	3rd FLOOR	4th FLOOR	TOTAL	CHECKS	COMMENTS
UNIT 1	1-BR	118.3	118.3	118.3	118.3	118.3	118.3	473.2	118.3	118.3
UNIT 2	1-BR	118.3	118.3	118.3	118.3	118.3	118.3	473.2	118.3	118.3
UNIT 3	1-BR	118.3	118.3	118.3	118.3	118.3	118.3	473.2	118.3	118.3
UNIT 4	1-BR	118.3	118.3	118.3	118.3	118.3	118.3	473.2	118.3	118.3

6/20/21: Appeal to the reviewing authority of record authority that with this ZBA for a building recovery. Additional updates review requested on behalf of EA/R regarding to the BOA plan set submission.



ZONING DECISION
"GRANTED"
BOA PLAN SET
Approved by the Zoning Board
Date: 04/07/2021

PISANI ASSOCIATES
ARCHITECTS

375 WASHINGTON STREET
BOSTON, MA 02108
TEL: (617) 452-0822
FAX: (617) 452-0823
WWW.PISANIASSOCIATES.COM

OWNER
DONNA & MAX BANS
520 East Broadway
South Boston MA

SURVEYOR
BOSTON SURVEY, INC.
100 WASHINGTON STREET
CHARLESTOWN, MA 02129

PROJECT / ALLOCATION
NO. 200200
DATE: 06/20/14
SUBJECT: UNITS
PROJECT: REUSE GARAGE

ALTERATION / ADDITION
SOUTH BOSTON, MASSACHUSETTS
SOUTH BOSTON, MA 02127
PROJECT: 17-112

DATE: 11/12/14
DRAWN: [Signature]
CHECKED: [Signature]

EXISTING
FLOOR AND 3rd FLOOR PLANS
DATE: 06/20/14

Ex1.2

TYPE: NO.

SCALE: 1/8" = 1'-0"

DATE: 11/12/14

PROJECT: 17-112

NO. 200200

DATE: 06/20/14

SUBJECT: UNITS

PROJECT: REUSE GARAGE

ALTERATION / ADDITION

SOUTH BOSTON, MASSACHUSETTS

SOUTH BOSTON, MA 02127

PROJECT: 17-112

DATE: 11/12/14

DRAWN: [Signature]

CHECKED: [Signature]

EXISTING

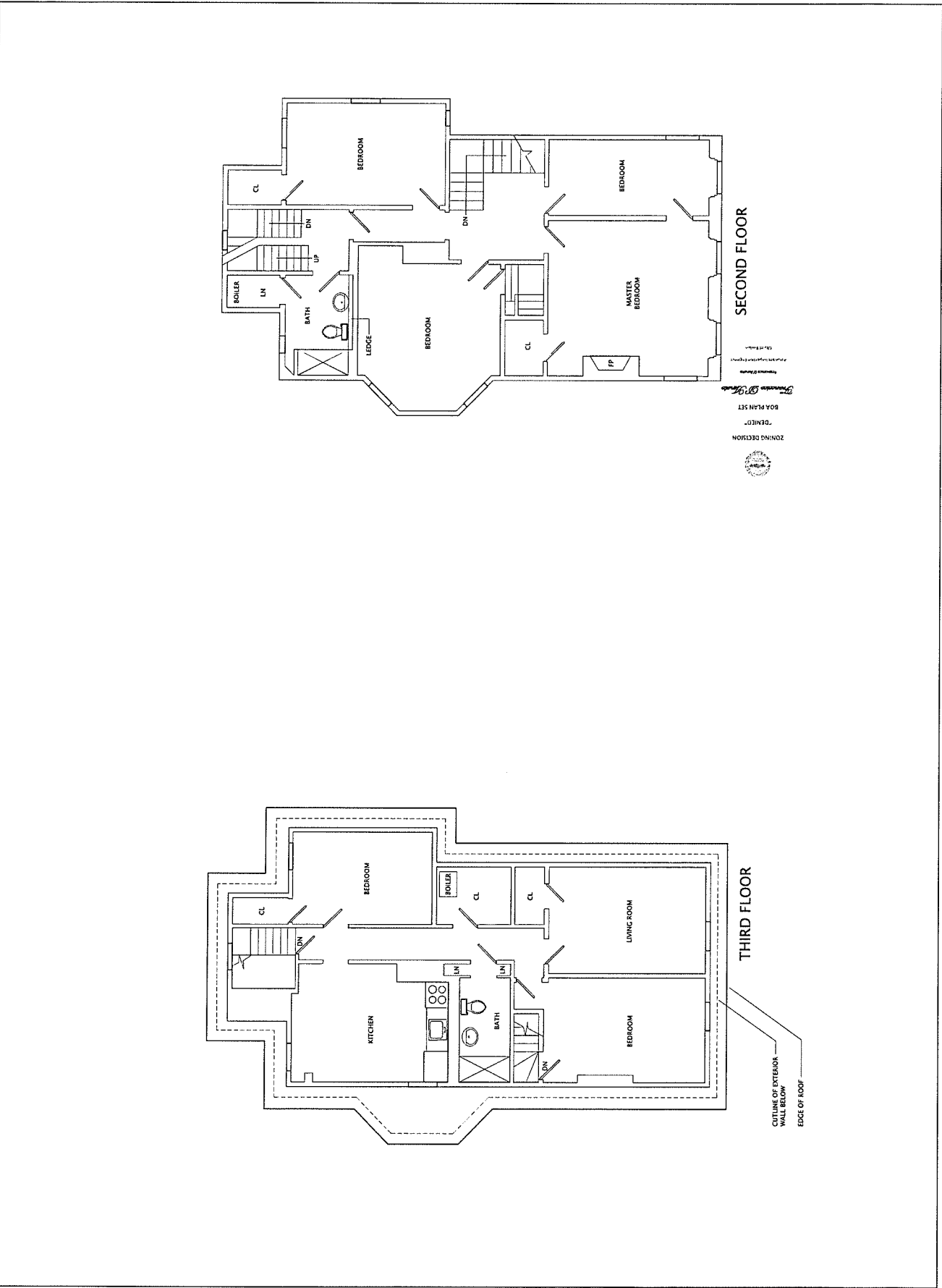
FLOOR AND 3rd FLOOR PLANS

DATE: 06/20/14

Ex1.2

TYPE: NO.

SCALE: 1/8" = 1'-0"



Consent of the Board of Building and Construction Regulation, State of Massachusetts, is hereby granted for the use of the above information for the purposes stated herein. The use of this information for any other purpose is strictly prohibited.

PISANI + ASSOCIATES
 ARCHITECTS

175 BOWDOIN STREET
 BOSTON, MA 02116-1067
 TEL: (617) 552-1000
 FAX: (617) 552-0978
 E-MAIL: info@pisaniarch.com

OWNER
 DONNA & MAX RANS
 520 East Broadway
 South Boston MA

SURVEYOR
 BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAYS PLACE
 CHARLESTOWN, MA 02129

DATE 11/1/10
PROJECT ALTERNATION / ADDITION
 SOUTH BOSTON, MA 02127
DESCRIPTION REUSE GARAGE
SCALE 1/8" = 1'-0"

DATE 11/1/10
PROJECT ALTERNATION / ADDITION
 SOUTH BOSTON, MA 02127
DESCRIPTION REUSE GARAGE
SCALE 1/8" = 1'-0"

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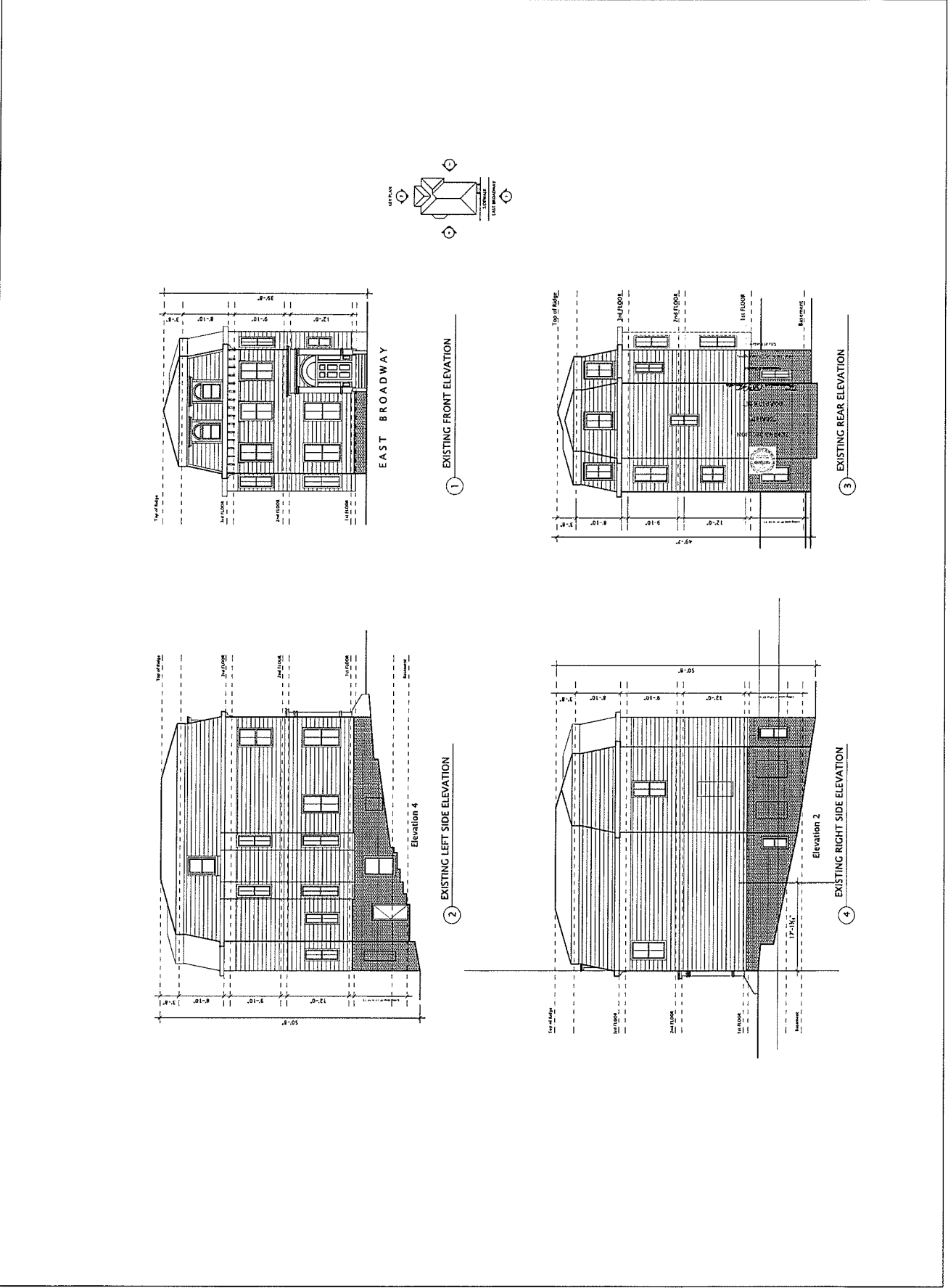
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 SOUTH BOSTON, MA 02127
DESCRIPTION REUSE GARAGE
SCALE 1/8" = 1'-0"



8/3/2011 Approved on behalf of DCA regarding a record already filed with the ZBA for a hearing however, Addressed (redacted) request on behalf of DCA regarding the DCA plan set submission.

6/25/2023: Updated to the completed dimensions of records already filed with the ZBA for a building footprint. Additions updated to be in compliance with the ZBA plan set submission.

ATTN: BOA-Revised Plans have a different description above the caption of the BOA plan set, requiring an additional variance. The project description, including the existing One Family Dwelling with four (4) units to be converted to a Main Family Dwelling with four (4) units by reworking the existing structure and constructing a new (4) story addition on the rear yard parking for four (4) vehicles and one (1) unit.

The Revised Project has reduced the total number of units from seven (7) to four (4), thereby reducing the total number of required off-street parking spaces. The Revised Project requires 4 (4) units of parking spaces for the four (4) new units, one (1) unit for the existing structure, and one (1) unit for the new (4) story addition. The Revised Project has reduced the total number of parking spaces from seven (7) to four (4) units. Therefore, we are complying with the required off-street parking spaces for the Revised Project. The Revised Project has reduced the total number of parking spaces from seven (7) to four (4) units. Therefore, we are complying with the required off-street parking spaces for the Revised Project.

In order to accommodate the new parking program for the Revised Project, the addition at the rear of the existing structure will be reworked to include four (4) units on other lots. As a result, the addition will be required to meet the total number of parking spaces required for the Revised Project. Therefore, we are complying with the required off-street parking spaces for the Revised Project. The Revised Project has reduced the total number of parking spaces from seven (7) to four (4) units. Therefore, we are complying with the required off-street parking spaces for the Revised Project.

Therefore, we are requesting that you re-evaluate the reduced number of units and the addition at the rear of the existing structure. We are requesting that you re-evaluate the reduced number of units and the addition at the rear of the existing structure. We are requesting that you re-evaluate the reduced number of units and the addition at the rear of the existing structure.

Accurately reflect us in current form. As always, please forward to heading from the BOA.

Respectfully,
2023

Thomas P. Mink, Esq., Associate Attorney

PSANI & ASSOCIATES
ARCHITECTS
100 STATE STREET
SUITE 200
BOSTON, MA 02109
TEL: (617) 435-1000
WWW.PSANIARCHITECTS.COM

OWNER
DORRA & MAX BAIS
520 East Broadway
South Boston MA

SURVEYOR
BOSTON SURVEY, INC.
100 STATE STREET
CHALLESTOWN, MA 02138

SCALE	AS SHOWN
DATE	2023.06.25
PROJECT	REVISION GARAGE
DATE	2023.06.25
PROJECT	REVISION GARAGE

ALTERATION / ADDITION
SOUTH BOSTON, MA 02127
PROJECT: 12-10

DATE 6/25/23
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ALTERATION / ADDITION
SOUTH BOSTON, MA 02127
PROJECT: 12-10

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ALTERATION / ADDITION
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PROJECT: 12-10

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FLOOR PLANS

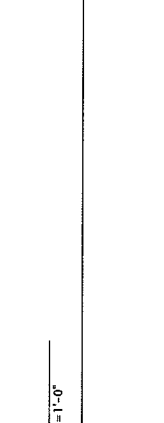
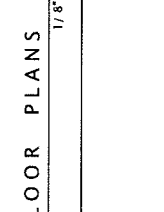
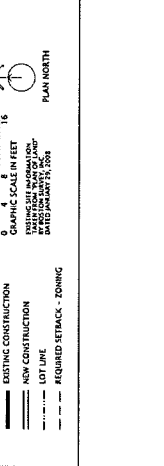
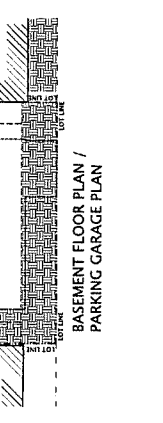
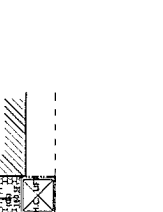
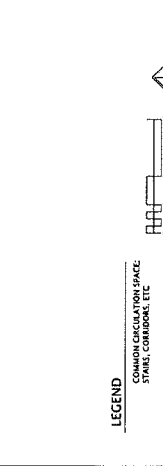
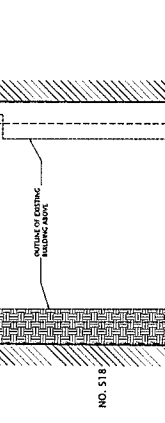
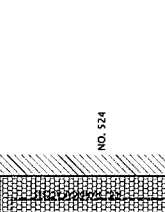
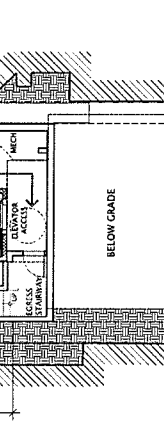
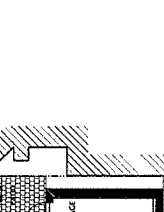
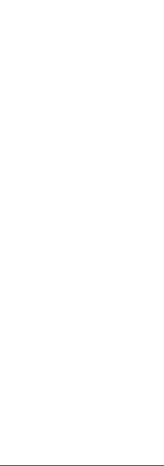
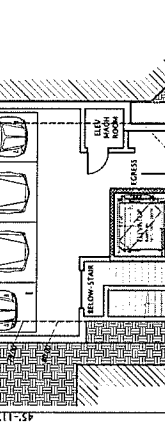
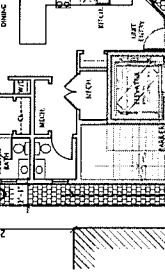
1/8" = 1'-0"

GROUND FLOOR PLAN
LEVEL OF EXIT DISCHARGE

BASEMENT FLOOR PLAN /
PARKING GARAGE PLAN

- (a) Such facilities shall have car spaces and loading docks in the number specified by the Article, provide appropriate maneuvering areas located within the lot and appropriate means of vehicular unobstructed access to such facilities. Such facilities shall be accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to allow driveway and entry from streets and residences.
- (b) The identification and visibility of loading entrances and exits shall be addressed by the use of signs, curb cuts, and landscaping.
- (c) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and mud flow from them upon any street or another lot.
- (d) Such facilities shall not be used for automobile sales, drive through, or repair work, repair shop, or servicing of any kind.
- (e) Entry car space shall be located entirely on the lot. If the parking spaces are on the street or in a space that is less than eight feet wide from 8:00 AM to 6:00 PM, the width shall be at least 10 feet. The width of such spaces shall be no less than twelve feet. The width of such spaces shall be no less than twelve feet. The width of such spaces shall be no less than twelve feet. The width of such spaces shall be no less than twelve feet.

ZONING REGION
"D100"
BOA PLAN SET
PROJECT: 12-10
DATE: 6/25/23



03/2023: Appointed to the reviewed documents in connection with the ZBA for a building alteration. Additional updates
 neither requested nor behalf of ECA regarding the BOD plan set submission.

PISANI ASSOCIATES
 ARCHITECTS

274 COMMONWEALTH STREET
 FLOOR 10
 BOSTON, MA 02116
 TEL: (617) 452-1022
 FAX: (617) 452-1023
 WWW.PISANIASSOCIATES.COM

OWNER
DOIRNA & MAX RAINS
 520 East Broadway
 South Boston MA

SURVEYOR
BOSTON SURVEY, INC.
 100 STATE STREET
 CHARLESTOWN, MA 02129

PROJECT NO. 23-87-00000
 SHEET NO. A1.2

NO.	DATE	DESCRIPTION
01	03/2023	ISSUE FOR PERMIT
02	03/2023	ISSUE FOR PERMIT
03	03/2023	ISSUE FOR PERMIT
04	03/2023	ISSUE FOR PERMIT
05	03/2023	ISSUE FOR PERMIT
06	03/2023	ISSUE FOR PERMIT
07	03/2023	ISSUE FOR PERMIT
08	03/2023	ISSUE FOR PERMIT
09	03/2023	ISSUE FOR PERMIT
10	03/2023	ISSUE FOR PERMIT

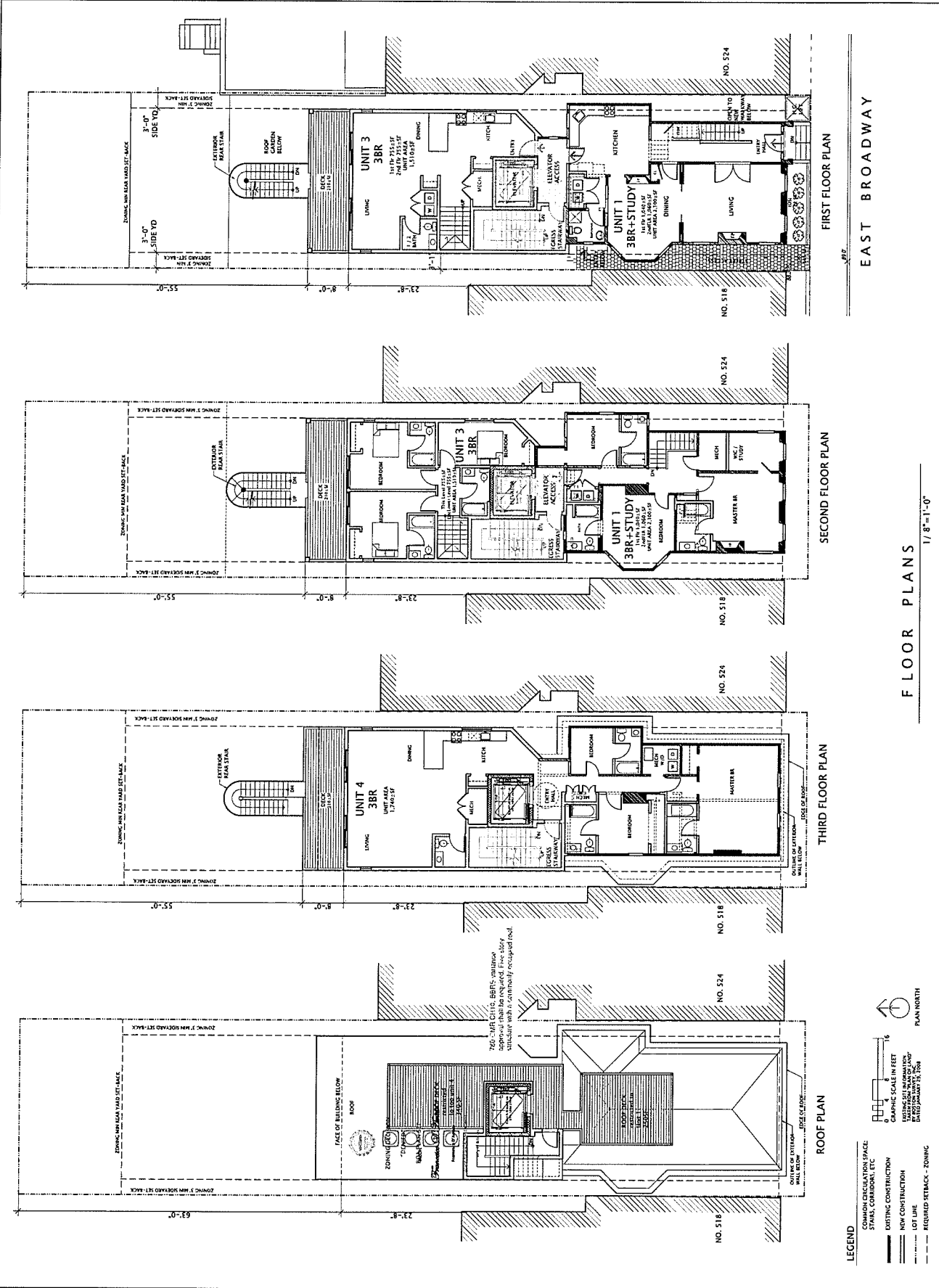
ALTERNATION / ADDITION
 520 EAST BROADWAY
 SOUTH BOSTON, MA 02127
 PROJECT 23-87-00000

DATE: 03/2023
 DRAWN: [Name]
 CHECKED: [Name]

1st, 2nd and 3rd
 FLOOR PLANS & ROOF PLAN
 DRAWING

A1.2

DATE: NO.
 DRAWN: NO.
 CHECKED: NO.
 APPROVED: NO.



6/20/21 Approval to the respective provisions of the submittal ZBA for a building footprint. Additional updated number requested in appeal of EOA regarding the EOA plan set submission.

PISANI & ASSOCIATES
ARCHITECTS

100 STATE STREET
BOSTON, MA 02109-1007
TEL: (617) 432-0075
WWW: pisaniassociates.com

OWNER
DONNA & MAX RANS
520 East Broadway
South Boston MA

SURVEYOR
BOSTON SURVEY, INC.
100 COLUMBIA STREET
CHARLESTOWN, MA 02115



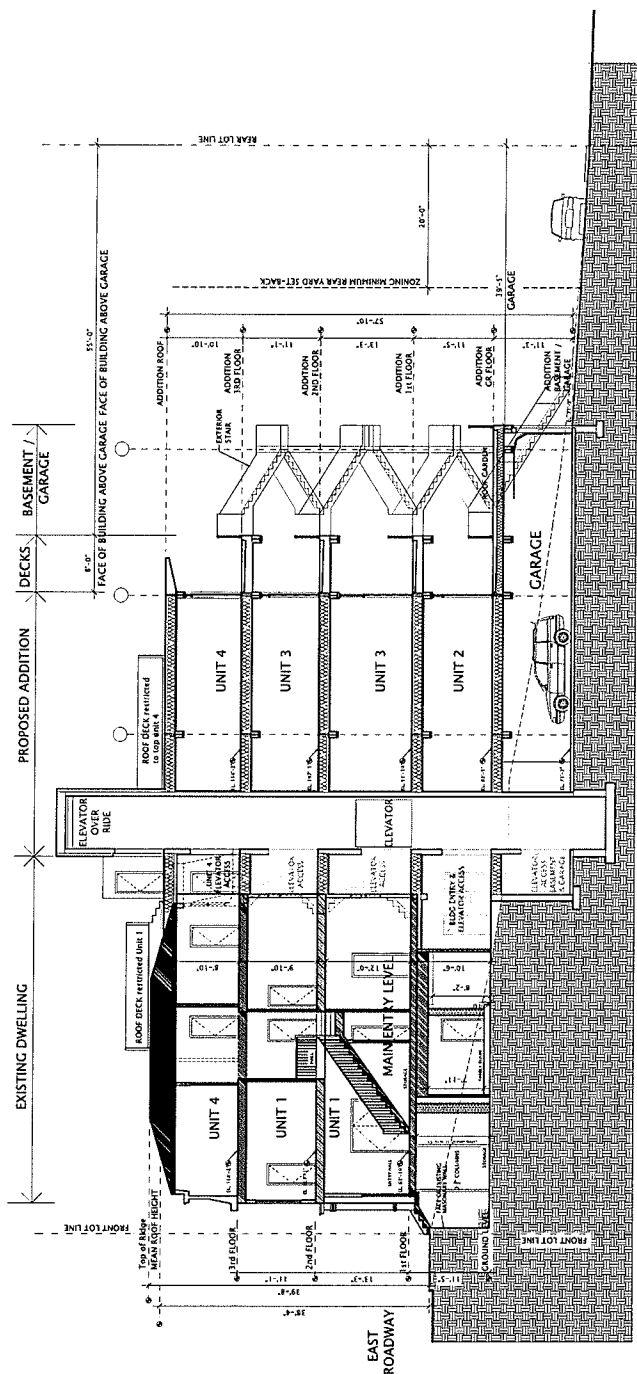
NO.	REVISION	DATE	DESCRIPTION
01	INITIAL FILE		
02	UNITS		
03	REVISE GARAGE		

ALTERNATION / ADDITION
520 EAST BROADWAY
SOUTH BOSTON, MA 02127
PROJECT 17215

DATE: 10/20/21
DRAWN: [Name]
CHECKED: [Name]
SECTION: A3.1

A3.1

DATE: 10/20/21
DRAWN: [Name]
CHECKED: [Name]
SECTION: A3.1



PROJECT SECTION
1/8"=1'-0"



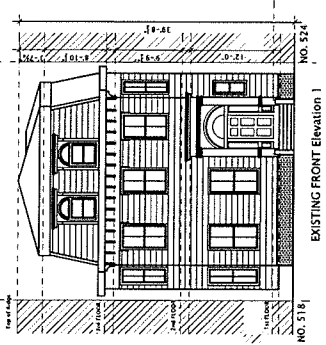
ZONING DECISION
"DENIED"
BOR PLAN SET
Pisani & Associates
100 STATE STREET
BOSTON, MA 02109-1007
TEL: (617) 432-0075
WWW: pisaniassociates.com

LEGEND

- COMMON CIRCULATION SPACE
STAIRS, CORRIDORS, ETC
- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- LOT LINE
- REQUIRED SETBACK - ZONING

GRAPHIC SCALE IN FEET
0 4 8
DATE: 10/20/21

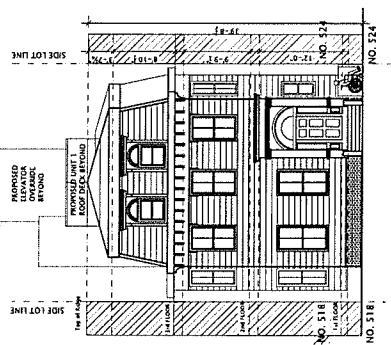
6/25/2021: Appaled to the architect drawings as received already filed with the ZBA for a Planning Commission. Additional approval review requested in behalf of BCR preparatory to the BCR plan set submission.



EXISTING FRONT ELEVATION
1/8"=1'-0"

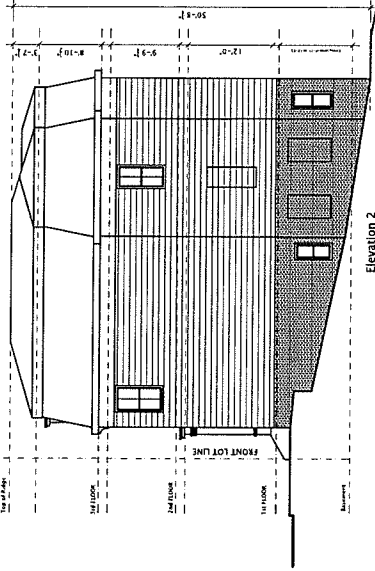


ZONING REGION
"DENSE"
BOA PLAN SET
Thomas D. Pisanelli
Professional Engineer
No. 12345, State of Massachusetts

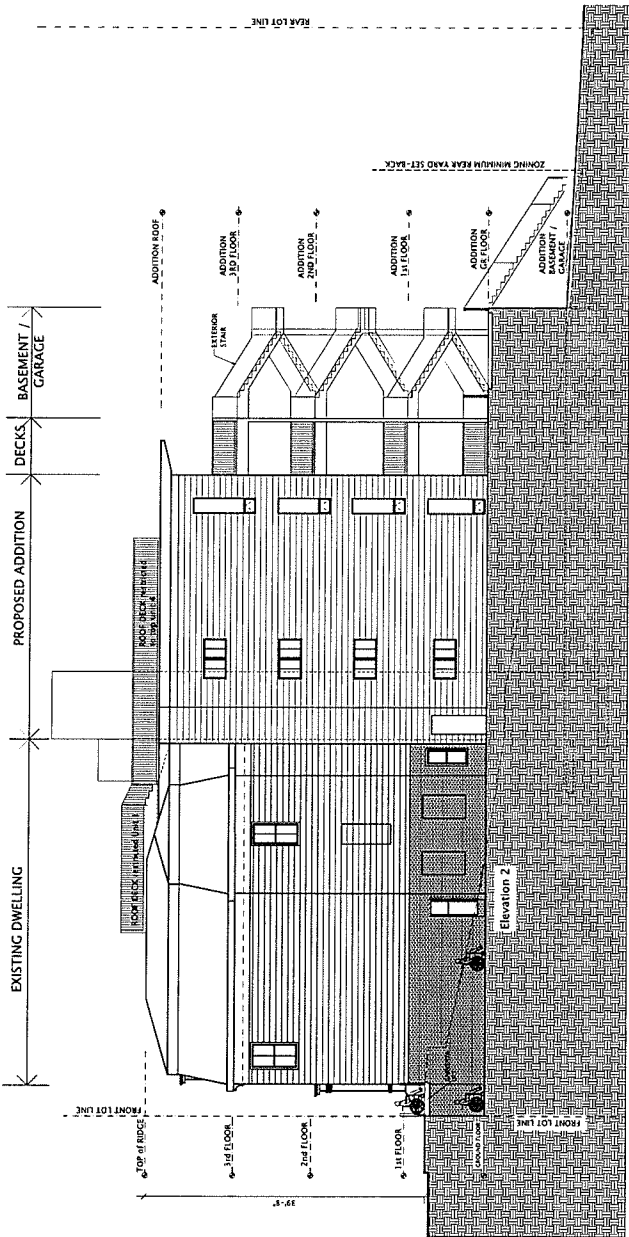


PROPOSED FRONT ELEVATION
1/8"=1'-0"

GRAPHIC SCALE IN FEET
EXISTING SITE INFORMATION
PROPOSED SITE INFORMATION
PROPOSED PLAN SET NO. 524
DATE: JANUARY 01, 2021



EXISTING RIGHT SIDE ELEVATION
1/8"=1'-0"



PROPOSED RIGHT SIDE ELEVATION
1/8"=1'-0"

PISANELLO ASSOCIATES
ARCHITECTS
275 COMMERCIAL STREET
BOSTON, MA 02110-1907
TEL: (617) 426-0929
WWW: pisanelloassociates.com

OWNER
DONNA & MAX MANS
320 East Broadway
South Boston MA

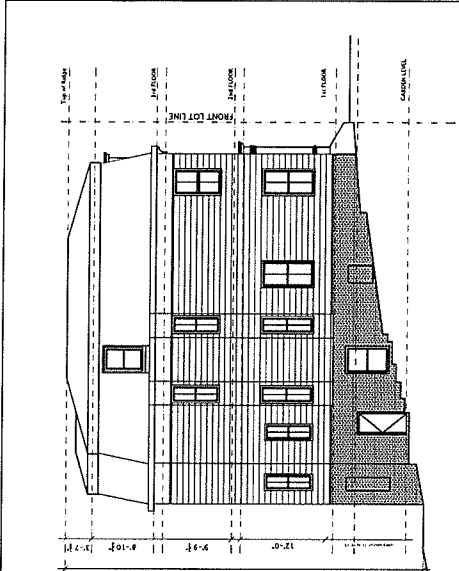
SURVEYOR
BOSTON SURVEY, INC.
UNIT C-4 SHIPWAYS PLACE
CHARLESTOWN, MA 02129



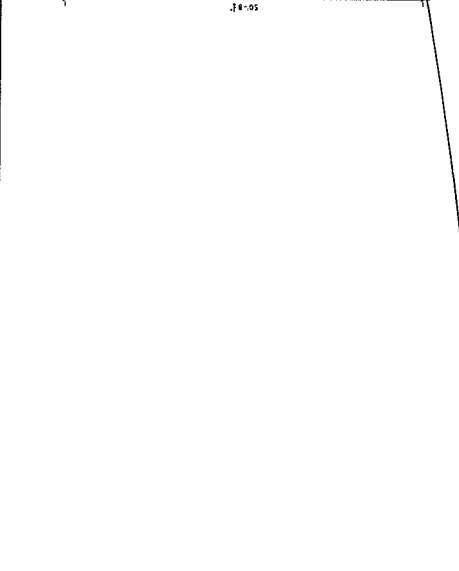
NO.	DATE	DESCRIPTION
010000	INITIAL FILE	
010501	PLANS	
010701	REVISE GARAGE	

ALTERNATION / ADDITION
320 EAST BROADWAY
SOUTH BOSTON, MA 02117
PROJECT: 17-2348
DATE: 1/1/2021
DRAWN BY: [Name]
CHECKED BY: [Name]

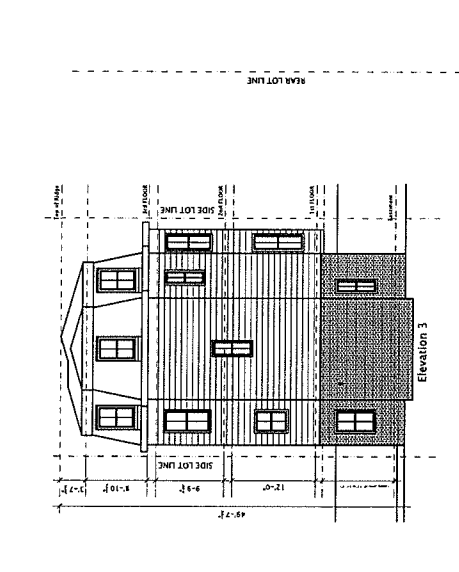
A4.1
SIDE ELEVATIONS
DATE: [Date]



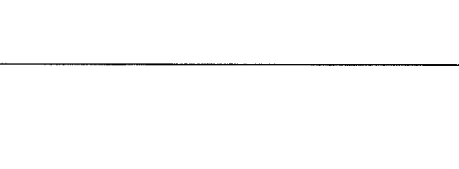
EXISTING LEFT SIDE ELEVATION
 1/8" = 1'-0"



PROPOSED LEFT SIDE ELEVATION
 1/8" = 1'-0"



EXISTING REAR ELEVATION
 1/8" = 1'-0"



PROPOSED REAR ELEVATION
 1/8" = 1'-0"

NOT TO SCALE. APPROVED BY THE BOARD OF ARCHITECTS IN THE STATE OF MASSACHUSETTS. APPROVED 11.20.16.

GRAPHIC SCALE IN FEET
 1" = 10'-0"

GRAPHIC SCALE IN FEET
 1" = 10'-0"

GRAPHIC SCALE IN FEET
 1" = 10'-0"

GRAPHIC SCALE IN FEET
 1" = 10'-0"



Boston Inspectional Services Department

Planning and Zoning Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Kim Janey
Mayor

ZONING CODE REFUSAL

Marc Joseph
Inspector of Buildings

THOMAS MILLER
28 STATE STREET
SUITE 802
BOSTON, MA 02109

June 3, 2021

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: U491072032
Date Filed: May 11, 2020
Purpose: Construct a single surface parking space accessed via 518 East Broadway secured by an Easement recorded in the Suffolk County Registry of Deeds Book 43841, Page 148
*Application filed in conjunction with ALT1058818 for appeal (Clarification easement deed provided 5.13.20 Book 46358, Page 77)- EPLAN

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 68, Section 33	Off-Street Parking & Loading Req	Access (Clarification: Maneuvering areas/access to a street <u>on own lot 6.3.21</u>)

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zba-appeal.

Francesco D'Amato

Francesco D'Amato
(617)961-3265
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

McDERMOTT
QUILTY &
MILLER LLP

28 STATE STREET, SUITE 802
BOSTON, MA 02109

April 27, 2021

VIA ELECTRONIC MAIL

Zoning Board of Appeals
Inspectional Services Department
1010 Massachusetts Avenue, 5th Floor
Boston, MA 02118

To Whom it May Concern:

As permitting counsel to the applicant for BOA#1084622 and BOA#1084625 for the property located at 520 East Broadway in South Boston, we are submitting revised plans for the two Appeals referenced above. This Project initially conceived of converting a One Family Dwelling with a Funeral Home Use to a Multi-family Dwelling with seven (7) Units, constructing a four (4) story addition in the rear of the structure with garage and surface parking. The community process for this project has resulted in revised plans that now convert the existing One Family Dwelling with a Funeral Home Use to a Multi-family dwelling with four (4) units, constructing a four (4) story addition in the rear of the property and garage parking for 4 vehicles. The surface parking space has been removed. Attached please find the revised plans for this project.

We request that the Board of Appeal conduct a preliminary review of the revised plans and return them to the assigned Plans Examiner to issue a new refusal letter based on those plans. Thank you for your time and consideration. Please do not hesitate to reach out with any questions that you may have.

Sincerely,

Thomas P Miller

Thomas P. Miller, Esq.

Enclosures

McDERMOTT
QUILTY &
MILLER LLP

28 STATE STREET, SUITE 802
BOSTON, MA 02109

August 12, 2021

VIA ELECTRONIC MAIL

Zoning Board of Appeals
Inspectional Services Department
1010 Massachusetts Avenue, 5th Floor
Boston, MA 02118

To Whom it May Concern:

As permitting counsel to the applicant for BOA#1084622 and BOA#1084625 for the property located at 520 East Broadway in South Boston, we are submitting revised plans for the two Appeals referenced above. This Project initially conceived of converting a One Family Dwelling with a Funeral Home Use to a Multi-family Dwelling with seven (7) Units, constructing a four (4) story addition in the rear of the structure with garage and surface parking.

The community process for this project has resulted in multiple revisions to the plans. The first revision changed the project to convert the existing One Family Dwelling with a Funeral Home Use to a Multi-family dwelling with four (4) units, constructing a four (4) story addition in the rear of the property, garage parking for four (4) vehicles and the surface parking space has been removed. Those plans are attached with the resulting revised refusal letter.

The second revision for this project has pulled the new addition back from the lot line on the East side of the property so that it complies with the Side Yard Setback on that side, the rear decks have been narrowed, the rear exterior stairs have been brought to the roof of the new addition and the windows have been adjusted along the East side of the new addition so as not to align with the abutter's deck or windows. The second revised plans for this project have been included.

We request that the Board of Appeal conduct a preliminary review of the revised plans and return them to the assigned Plans Examiner to confirm that a new refusal letter is not needed based on those plans.

Additionally, we request clarification on the Plans Examiner's note on the Refusal Letter for ALT1058818 stating that a variance for 780 CMR Ch. 10 will be required.

See 780 CMR ch 10 Code compliance related to roof access 1011.... TWO means of egress required from an occupied roof with penthouse access. Secondary is required. Per most recent plans secondary egress is present accessing what is being deemed as private deck areas accessed from commonly accessible secondary stair. Four story or above requires enclosed penthouses and shall be reviewed further at a later time for further code compliance requirements subject to Zoning variance approvals.

Thank you for your time and consideration. Please do not hesitate to reach out with any questions that you may have.

Sincerely,

Thomas P Miller

Thomas P. Miller, Esq.

Enclosures



Boston Inspectional Services Department Planning and Zoning Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Kim Janey
Mayor

ZONING CODE REFUSAL

Marc Joseph
Inspector of Buildings

June 3, 2021

THOMAS MILLER
28 STATE STREET
SUITE 802
BOSTON, MA 02109

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: U491072032
Date Filed: May 11, 2020
Purpose: Construct a single surface parking space accessed via 518 East Broadway secured by an Easement recorded in the Suffolk County Registry of Deeds Book 43841, Page 148
*Application filed in conjunction with ALT1058818 for appeal (Clarification easement deed provided 5.13.20 Book 46358, Page 77)- EPLAN

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 68, Section 33	Off-Street Parking & Loading Req	Access (Clarification: Maneuvering areas/access to a street <u>on own lot 6.3.21</u>)

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zba-appeal.

Francesco D'Amato

Francesco D'Amato
(617)961-3265
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

EXHIBIT D

Section 68-8. - Dimensional Regulations Applicable in Residential Subdistricts.

1. **Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements.** The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum Allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.
2. **Lot Frontage.** Within the Multifamily Residential Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table D of this Article for such Lot.
3. **Location of Main Entrance.** Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.
4. **Residential Use Extensions in Rear Yard.** Notwithstanding any provision of the Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Residential Use into a rear yard, where such extension increases the gross floor area of such Residential Use by one thousand (1,000) or more square feet.

(Text Amd. No. 442, § 1, 10-15-2019)

Section 68-29. - Roof Structure Restrictions.

No roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing residential Building, or on the roof of a Building not in residential use but originally built as a residential Building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

The height of any building existing on (the existing date of this amendment [October 15, 2019]), shall determine that allowed building height on that lot subsequent to total or partial demolition of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 68-29 and the height limits applicable to the Subdistrict in which the lot is located. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

(Text Amd. No. 442, § 2, 10-15-2019)

Section 68-33. - Off-Street Parking and Loading Requirements.

For any Proposed Project that is subject to or has elected to comply with Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table F, and the minimum required off-street loading spaces are as set forth in Table G.

1. **Outdoor Uses.** For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
2. **Pre-Code Structures.** If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. **Mixed Uses.** If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. **Location.**
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 68-33. If a Lot is located in a

Residential Subdistrict, a driveway may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line provided that such driveway provides access to parking spaces located in the side or rear yards and that such parking is accessory to a residential use on the Lot. In no case shall that portion of such driveway located in the front yard be used for parking. Accessory parking may be located in the Front Yard only if it is located immediately in front of a garage, provided that such garage is at least twenty (20) feet from the Lot Line.

- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 68-33 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the

following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; or (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.

- (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. **Design.** All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces and loading bays in the number specified by this Article, provide appropriate maneuvering areas located within the Lot and appropriate means of vehicular access to a Street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
- (b) The identification and visibility of loading entrances and exits shall be achieved by the use of signs, curb cuts, and landscaping.
- (c) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
- (d) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
- (e) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required car spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives. All loading spaces shall be no less than twelve (12) feet in width and twenty-five (25) feet in length, and shall have a vertical clearance of not less than fourteen (14) feet.
6. **Maintenance.** All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them

exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

TABLE D - South Boston Neighborhood District Residential Subdistricts Dimensional Regulations

Multifamily Residential Subdistrict

	Lot Area Minimum (Sq. Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq. Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height Maximum (Feet)	Usable Open Space Minimum Sq. Ft. Per Dwelling Unit	Front Yard Min. Depth (Feet)	Side Yard Min. Depth (Feet)	Rear Yard Min. Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Building (Percent)
MFR	2,000	1,000	20	20	2.0	40	200	5 ⁽¹⁾	3	20	25
MFR/LS	5,000	1,000	20	20	1.5	35	200	5 ⁽¹⁾	3	20	25

Footnotes to Table D

1. The Front Yard Setback shall be determined through Small or Large Project Review if applicable, but shall be a minimum of 5 feet along First Street to provide additional pedestrian right of way, or the modal front yard depth as calculated by the method provided in Section 18-2 of this Code, whichever is greater.
2. Where a lot is less than 1,000 square feet in area, the maximum number of dwelling units shall be one (1).

(Text Amd. No. 423, § 2(a), 11-18-16; Text Amd. No. 442, § 3, 10-15-2019)

EXHIBIT E

ARTICLE 7 - VARIANCES

Section 7-1. - Authorization for Variance.

As provided for in Section 9 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 7-2, 7-3 and 7-4, the Board of Appeal may, in a specific case after public notice and hearing, grant a variance from the terms of this code; provided, however, that such grant shall lapse and become null and void unless such variance is used within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

Section 7-2. - Procedure for Appeal.

Each appeal for a variance shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.

In each of the following cases, the Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special limitations and safeguards:

- (a) an appeal for the erection or alteration of a building to a height greater than that authorized by this code;
- (b) an appeal for a nonconforming use of land with an area of more than 20,000 square feet;
- (c) an appeal for a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it or they are located; and
- (d) an appeal for a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose.

In any other case, the Boston Redevelopment Authority may, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations in connection with the appeal for variance therein.

The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a variance until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(As amended on May 26, 1970)

Section 7-3. - Conditions Required for Variance.

The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;
- (b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (d) That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements.

In determining its findings, the Board of Appeal shall take into account:

- (1) the number of persons residing or working upon such land or in such structure;
- (2) the character and use of adjoining lots and those in the neighborhood; and
- (3) traffic conditions in the neighborhood.

(As amended on December 29, 1983, February 27, 1986, and May 9, 1996.)

Section 7-4. - Other Conditions Necessary as Protection.

In approving a variance, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) a requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or

from the street by walls, fences, planting, or other devices;

- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of the size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

EXHIBIT F

Notice of such decision shall be mailed forthwith to each party in interest as aforesaid, to the Boston Redevelopment Authority, to every person receiving notice of the hearing, and to every person present at the hearing who requests that notice be sent to her or him and states the address to which such notice is to be sent.

SECTION 9. Upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation as adopted and amended under this act, said board of appeal may authorize with respect to a particular parcel of land or to an existing building thereon a variance from the terms of such zoning regulation where, owing to conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of such zoning regulation would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such zoning regulation, but not otherwise. In authorizing such variance, said board may impose limitations both of time and of user, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

SECTION 10. A zoning regulation or amendment thereof may provide that exceptions may be allowed to the regulations and restrictions contained therein, which shall be applicable to all of the districts of a particular class and of a character set forth in such zoning regulation or amendment. Such exceptions shall be in harmony with the general purpose and intent of the zoning regulation or amendment, and may be subject to general or specific limitations therein contained. If exceptions are so provided for, said board of appeal may, subject to appropriate conditions and safeguards, allow such an exception upon an appeal from the refusal of the building commissioner or other administrative official to issue a permit under this act or under a zoning regulation or amendment thereof adopted under this act.

SECTION 10A (as inserted by St. 1987, c. 371, s. 2). Any persons aggrieved by a decision of the zoning commission approving a zoning map amendment or a zoning regulation or amendment thereof, or by any procedural defect therein, or any municipal board or officer, may appeal such decision to the superior court in the county of Suffolk or to the land court; provided, however, that such appeal is filed in said court within thirty days after such decision became effective in accordance with the provisions of section three. Upon an appeal pursuant to this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such action if found to exceed the authority of such commission, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

EXHIBIT G

ARTICLE 6 - CONDITIONAL USES

Section 6-1. - Permit for Conditional Uses.

As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and in Section 8-3 of this code, and subject to the provisions of Sections 6-2, 6-3, 6-3A and 6-4, the Board of Appeal may, in a specific case after public notice and hearing, grant permission for a use specified in Table A of Section 8-7 or other provision of this code as a conditional use; provided, however, that such permission shall lapse and become null and void unless such conditional use is commenced within two years after the record of said Board's proceedings pertaining thereto is filed in the office of the Building Commissioner pursuant to Section 8 of said Chapter 665.

(As amended on September 27, 1973 and April 27, 1990)

Section 6-2. - Procedure for Appeal.

Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(As amended on May 26, 1970)

Section 6-3. - Conditions Required for Approval.

The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use;
- (f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District

as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

(As amended on December 29, 1983, February 27, 1986, June 1, 1987 and May 9, 1996.)

Section 6-3A. - Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District.

In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal.

(As inserted on September 27, 1973, and amended on September 2, 1976)

Section 6-4. - Other Conditions Necessary as Protection.

In approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code, such as, but not limited to, the following:

- (a) requirement of front, side, and rear yards greater than the minimum required by this code;
- (b) requirement of screening of parking areas and other parts of the lot from adjoining lots or from the street, by walls, fences, planting, or other devices;
- (c) modification of the exterior features or appearance of the structure;
- (d) limitation of size, number of occupants, method and time of operation, and extent of facilities;
- (e) regulation of number, design, and location of access drives and other traffic features; and
- (f) requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.

Section 6-5. - Effect of Non-Use of Conditional Use.

If a structure or land is being lawfully used for a conditional use, whether lawfully existing on the date of this code, made conditional by amendment thereof, or granted by the Board of Appeal under Sections 1 through 4 of this article, in order not to unduly prolong the life of such conditional use, subsequent non-use of such

conditional use for a period of twenty-four consecutive calendar months shall terminate the right to use such structure or land for such conditional use. For purposes of this section, whenever a structure or land is not being actively used for such conditional use, there shall be deemed to be a non-use of such conditional use.

(Inserted on May 13, 1976)

Former Section 6-5, entitled Exceptional Relief within Urban Renewal Areas and Public Housing Projects, was inserted on September 7, 1967 and repealed on July 2, 1968.

ARTICLE 6A - OTHER EXCEPTIONS

Footnotes:

Section 6A-1. - Authorization for Exceptions.

Authorization for Exceptions in Planned Development and Urban Renewal Areas; in Downtown Districts, Special Districts, and the Harborpark District as Specified in the Articles Governing Such Districts; to Setback of Parapet Requirements in B-6-90a, B-6-90b, B-8-120a, and B-8-120c Districts; to the Requirements of Section 16-6(f) in a B-8-120c District, and to the Requirement of Section 25-5.8 in a V Zone Flood Hazard District.

As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Section 6A-2, 6A-3, and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless

- (a) such exception is used within two years after the record of said Board's proceedings thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or
- (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Boston Redevelopment Authority files with the Building Commissioner a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter said Authority files with the Building Commissioner a certificate that such work is not diligently proceeding.

(As amended on December 29, 1982, April 2, 1987, March 20 and September 13, 1989, March 20, April 27, and December 6, 1990, and June 7, 1991)

Section 6A-2. - Procedure for Appeal.

Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. Said Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not hold a hearing nor render any

decision on an appeal for an exception until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

(As amended on May 26, 1970)

Section 6A-3. - Conditions Required for Approval.

The Board of Appeal shall allow an exception only if it finds:

- (a) That such exception is in harmony with the general purpose and intent of this code;
- (b) The exception requested is in conformity with one or more of the following, as applicable:
 - (i) the development plan for the planned development area or
 - (ii) the land assembly and redevelopment or urban renewal plan, or the low rent housing project or housing project for elderly persons of low income for the urban renewal area, or
 - (iii) the plan adopted by the Boston Redevelopment Authority for the downtown district involved, or for the Harborpark District, and such conformity has been certified to by the Boston Redevelopment Authority; or if the exception relates to a setback of parapet requirement in a B-6-90a, B-6-90b, B-8-120a, or B-8-120c district, the Boston Redevelopment Authority has certified to the Board of Appeal that the proposed project has been subject to design review; or if the exception relates to the requirement of Section 25-5.8 concerning the location of a structure in a high hazard coastal (V zone) district, the project has received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency; and
- (c) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and

(As amended on December 29, 1983, February 27, 1986, April 2, 1987, March 20 and September 13, 1989, April 27 and December 6, 1990, and May 9, 1996.)

Section 6A-4. - Other Conditions Necessary as Protection.

In allowing an exception, the Board of Appeal may attach such conditions and safeguards as it deems necessary to insure harmony with the general purposes and intent of this code.

EXHIBIT H



**Boston Inspectional Services Department
Planning and Zoning Division**

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

Kim Janey
Mayor

ZONING CODE REFUSAL

Marc Joseph
Inspector of Buildings

THOMAS MILLER
28 STATE STREET
SUITE 802
BOSTON, MA 02109

August 26, 2021

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: ALT1058818
Date Filed: March 03, 2020
Purpose: This project will convert an existing 1 family dwelling to a multi-family residential dwelling with ~~six(6)-SEVEN(7)~~ **FOUR** units by renovating the interior of the structure and constructing a four (4) story addition in the rear **over a lower level garage. See UOP#491072032 for off street parking/easement access.**

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art 68 Sec 8	Dim reg app in res sub dist	Extensions into rear yard gross floor area increase > 1,000sf (variance cited on newly revised and re-reviewed plans 8.26.29)
Art 68 Sec 8	Dim reg app in res sub dist	Insufficient side yard setback (6.3.21 previous new variance requiredd based on modified plans)
Art.68 Sec 29	Roof Structure Restrictions	ROOF Deck access via head house (6.3.21 previous new variance based on modified plans/updated plans 8.26.21 show two means of stair egress from roof)
Article 68, Section 29	Roof Structure Restrictions	Reconfiguration of roof profile (i.e. four story addition above ground story parking)
Article 68, Section 33	Off-Street Parking & Loading Req	Design, Access and maneuvering areas
Article 68, Section 8	Dimensional Regulations	Height exceeded (35' max)
Notes		The Zoning appeal of this application is to be filed concurrently with any other zoning appeals required on Application #U491072032, then subject to ZBA variance approval, a complete set of stamped construction documents shall be required. Building code review has been deferred at this time subject to the rendering of the BOA's zoning decision.

THOMAS MILLER
28 STATE STREET
SUITE 802
BOSTON, MA 02109

August 26.2021

Location: 520 E BROADWAY SOUTH BOSTON, MA 02127
Ward: 06
Zoning District: South Boston Neighborhood
Zoning Subdistrict: MFR/LS
Appl. #: **ALT1058818**
Date Filed: March 03, 2020
Purpose: This project will convert an existing 1 family dwelling to a multi-family residential dwelling with ~~six(6)-SEVEN(7)~~ **FOUR units** by renovating the interior of the structure and constructing a four (4) story addition in the rear **over a lower level garage. See UOP#491072032 for off street parking/easement access.**

Original Zoning decision of record maybe found on file with the ZBA .

This updated decision with plans attached for hearing replaces all other previous decisions and drawings filed with the ZBA and for the scheduled BOA hearings. 8.26.21 New set of plans again provided to the BOA by applicant revisions resulted in the citing of another new variances that was not previously advertised.

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zba-appeal.

Francesco D'Amato

Francesco D'Amato
(617)961-3265
for the Commissioner

Francesco D'Amato
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Francesco D'Amato
Date: 2021.08.26
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Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.