

BEACON HILL CIVIC ASSOCIATION
Zoning and Licensing Committee - Wednesday, November 2, 2016
NOTICE/AGENDA

The Zoning and Licensing Committee of the Beacon Hill Civic Association will meet on **Wednesday, November 2 at 7:30 p.m. at 74 Joy Street**. All meetings are open to the public. If you have any questions or comments regarding the matter to be heard, please attend. If you are unable to attend but would like to express an opinion, please call (617.227.1922), write (74 Joy Street, Boston, MA 02114) or send an email to the BHCA office (patricia.tully@bhcivic.org) prior to the meeting. **Design plans and additional information and updates on these matters are posted on the BHCA website at www.bhcivic.org**

104 CHESTNUT STREET – *Seeking to appeal a refusal letter from the Inspectional Services Department on the grounds that the area in question is grandfathered for use as livable space (i.e., constitutes a preexisting nonconforming condition). If the Committee votes not to support the applicant's position, on the Chair's initiative, the Committee may determine whether grounds for a FAR variance exist.*

The subject property is a two-family townhouse on the south side of Chestnut Street. The owner/applicant applied for a building permit to perform substantial renovations, including reconfiguration of the basement to add a second bedroom and second bathroom, and was refused by ISD because the present building Floor Area Ratio (FAR), exceeds the 2.0 maximum allowed in the H-2-65 zoning district. According to ISD, the applicant needs a variance under Article 15, Section 15-1 of the Zoning Code. The applicant has filed an appeal with the Zoning Board of Appeal requesting a finding that a variance is not required because the finished basement constitutes a preexisting nonconforming condition. The ZBA hearing is scheduled for the 10:30 a.m. session on Tuesday, November 15, in Room 801 at City Hall.

The applicant has evidence that the basement has been used as living space at least since 1954 when the building was legally converted from single family to two-family use. In addition, the applicant's plans indicate that, since the property has a substantial rear yard, the FAR of the building – counting the three upper stories and the basement – only exceeds the 2.0 FAR limit by 114 feet. (See website materials for details).

The applicant's representatives will appear to explain the details of the project and the grounds for the zoning appeal and to respond to questions and comments from the Committee and neighbors.

APPLICANT'S REQUEST: That BHCA vote not to oppose the applicant's claim that a preexisting nonconforming condition permits use of the basement as living space.

In the event the Committee declines the applicant's requested finding, the Chair may pose the question whether the circumstances justify non-opposition to an FAR variance. This would require an exception to the BHCA policy of opposition to such variances (see Zoning & Licensing Policies #4 & 5). In addition to the standard variance issues of hardship, special circumstances and precedent, concerns commonly raised when basement space is being converted to living area include: 1) adequacy of storage for residents' trash as well as bicycles, baby buggies, ladders, etc.; 2) impact on neighbors when utilities (heat pumps, condensers, etc.) are relocated to gardens and rooftops.

204 CAMBRIDGE STREET – Change of restaurant use – informational session.

The former Griddler's location near the Cambridge Street fire station is being converted to an All Star Pizza restaurant. The manager will appear to present plans and respond to questions.