



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

NOTICE OF DECISION  
CASE NO. BOA889398  
PERMIT # ALT812207

APPEAL SUSTAINED  
WITH PROVISOS

In reference to appeal of

K & K Development

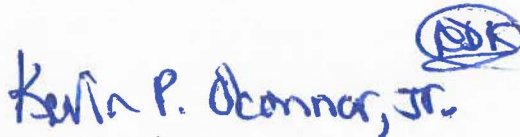
concerning premises

18A Rockville Park, Ward 12

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, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 6/14/2019.

FOR THE BOARD OF APPEAL

  
Kevin P. O'Connor, Jr.  
Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

April 30, 2019  
DATE

K & K Developoment

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

18A Rockville Park, Ward 12

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance & Conditional Use

Article(s): 50(50-28) 50(50-43) 50(50-29: Add'l lot area insufficient, Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet), Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Change occupancy from a three to a four family. Also to add dormers and extend rear staircase to the fourth floor.

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 BOA889398 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 Monday, December 31, 2018

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA 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, January 29, 2019 and discussed on Tuesday, April 30, 2019 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# ALT812207 and March 22, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

18A Rockville Park, Ward 12

BOA-889398

Date of Hearing: April 30, 2019

Permit: #ALT812207

Page: # 2

This appeal seeks permission to change the occupancy of the existing three-family residential building to a four-family residential building. Also, to add dormers and extend the rear staircase to the fourth floor.

The purpose of this Appeal is to allow the Appellant to change the occupancy of the existing three-family residential building to a four-family residential building. Also, to add dormers and extend the rear staircase to the fourth floor. The overall objective of this project is to allow the Appellant to have reasonable use of the property, while creating an additional housing unit for the Roxbury community. The project is located within a Three-Family Residential Subdistrict (3F-4000). The appeal is necessary as the proposal requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 50, Section 43: Off-Street parking & Loading Req. (Off Street Parking is Insufficient);  
Article 50, Section 28: Use Regulations (4 Apartments is a Conditional Use in a 3F-4000 Subdistrict);  
Article 50, Section 29: Dimensional Regulations (Additional Lot Area Insufficient);  
Article 50, Section 29: Dimensional Regulations (Floor Area Ratio Excessive);  
Article 50, Section 29: Dimensional Regulations (Building Height Excessive (Stories));  
Article 50, Section 29: Dimensional Regulations (Building Height Excessive (Feet));  
Article 50, Section 29: Dimensional Regulations (Usable Open Space Insufficient);  
Article 50, Section 29: Dimensional Regulations (Front Yard Insufficient);  
Article 50, Section 29: Dimensional Regulations (Side Yard Insufficient);  
Article 50, Section 29: Dimensional Regulations (Rear Yard Insufficient).

The requested relief will allow the Appellant to change the occupancy of the existing three-family residential dwelling to a four-family residential dwelling and install dormers to the existing fourth floor, allowing for increased head height throughout the unit. In addition, the requested relief will allow the Appellant to extend the existing rear staircase to the fourth floor and install a fire suppression system, which will allow for greater safety and security for future residents. This project will provide a much needed additional residential housing unit in an area that is currently facing a housing shortage. This project will also improve the aesthetics of the lot, as well as the neighborhood as a whole.



DECISION OF THE BOARD ON THE APPEAL OF

18A Rockville Park, Ward 12  
BOA-889398  
Date of Hearing: April 30, 2019  
Permit: #ALT812207  
Page: # 3

This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents. For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Appellant went through an extensive community outreach process by attending an abutters meeting and a Roxbury Path Forward Neighborhood Association Meeting, who voted to support the project. At each of these meetings, the Appellant discussed the proposal and answered questions from members of the community.

At the subsequent Zoning Board of Appeal hearing on April 30, 2019, a representative from the Mayor's Office of Neighborhood Services stood in support of the project. While there was some opposition voiced at the hearing, by a representative from the office of City Councilor Janey and multiple abutters, the Board ultimately determined that the support for the proposal outweighed the opposition presented. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal 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



DECISION OF THE BOARD ON THE APPEAL OF

18A Rockville Park, Ward 12

BOA-889398

Date of Hearing: April 30, 2019

Permit: #ALT812207

Page: # 4

- (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.

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.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 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.

The Board of Appeal also makes the following findings under Article 6:

- 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 granting of a variances under Article 7-3 and the Conditional Use Permit under Article 6-3 and 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.



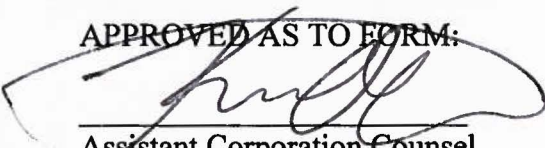
City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

18A Rockville Park, Ward 12  
BOA-889398  
Date of Hearing: April 30, 2019  
Permit: #ALT812207  
Page: # 5

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested variances and conditional use permit as described above, 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:

  
Assistant Corporation Counsel

PROVISO:

1. Subject to design review by BPDA.

Signed, June 11, 2019

  
Mark Fortune - Secretary

  
Mark Erlich - Acting Chair

  
Bruce Bickerstaff

  
Craig Galvin

  
Kerry Walsh Logue

  
Tyrone Kindell, Jr.