



City of Boston
Mayor Martin J. Walsh
Board of Appeal

**NOTICE OF DECISION
CASE NO. BOA923297
PERMIT # ALT905430**

APPEAL SUSTAINED

In reference to appeal of

Ron Bin Zeng and Jin Fan Huang, as Trustees of the J&F Trust u/d/t August 8, 2017

concerning premises

24 Bellamy Street, Ward 22

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 8/12/2019.

FOR THE BOARD OF APPEAL



Kevin P. O'Connor, Jr.

Principal Administrative Assistant



City of Boston
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DECISION OF THE BOARD ON THE APPEAL OF

April 30, 2019
DATE

Ron Bin Zeng and Jin Fan Huang, as Trustee of the J&F Trust u/d/t August 8, 2017

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

24 Bellamy Street, Ward 22

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance
Article(s): 51(51-23) 53(53-8)

Clarify the existing building as a two family use. No work to be done.

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 BOA923297 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, March 19, 2019

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 Thursday, April 25, 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# ALT905430 and December 28, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



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This appeal seeks clarification of the existing use of the site as a two-family residence. This approval is necessary to further improve the property and to conform the property to applicable regulations of the Zoning Code. Appellant seeks variance relief, pursuant to Zoning Code Art. 7, for this purpose and for the off-street parking requirement. The specific relief required in furtherance of the proposed project is as follows:

Article 51, Section 23
Article 53, Section 8

Off-street parking insufficient
Two family dwelling unit forbidden use

The proposed project will allow the Appellant to have reasonable use of the premises by legalizing the dwelling's existing use. The dwelling already functions as a two-family with full bathrooms, kitchens and two means of egress for each unit. The dwelling is also taxed as a two-family. The project is located within a single family zoning subdistrict. The requested relief is consistent with similar uses being made at other residential properties in the immediate Brighton Neighborhood in this area which is zoned for single family use.

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.

After the Appellant filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Appellant and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held public hearings on the Appeal on April 25, 2019 and April 30, 2019. The Appellant also held a meeting on site for abutters and met with the Brighton Allston Improvement Association (BAIA).

At the hearing, representatives of the Mayor's Office of Neighborhood Services stood in support of the project. There is also a letter of support on file with the Board. There was no opposition voiced at the Board's hearing, however, there are letters of opposition on file with the Board. 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.



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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
- (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.



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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 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. None

Signed, July 30, 2019


Mark Fortune - Secretary


Mark Erlich - Acting Chair


Bruce Bickerstaff


Craig Galvin


Kerry Walsh Logue


Tyrone Kindell, Jr.