

# ZBA Report

*2023 FY Q1*

# The Zoning Board of Appeal (ZBA)

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

# BPDA Recommendations



Case	
ZBA Hearing Date	
Address	
Parcel ID	
Zoning District & Subdistrict	
Zoning Article	
Project Description	
Relief Type	
Violations	

Planning Context:

Zoning Analysis:

Recommendation:

Reviewed,

\_\_\_\_\_  
Director of Planning, BPDA

These letters can now be found online by scheduled ZBA hearing at [bostonplans.org/zoning/zoning-board-of-appeals](http://bostonplans.org/zoning/zoning-board-of-appeals)

# This Report

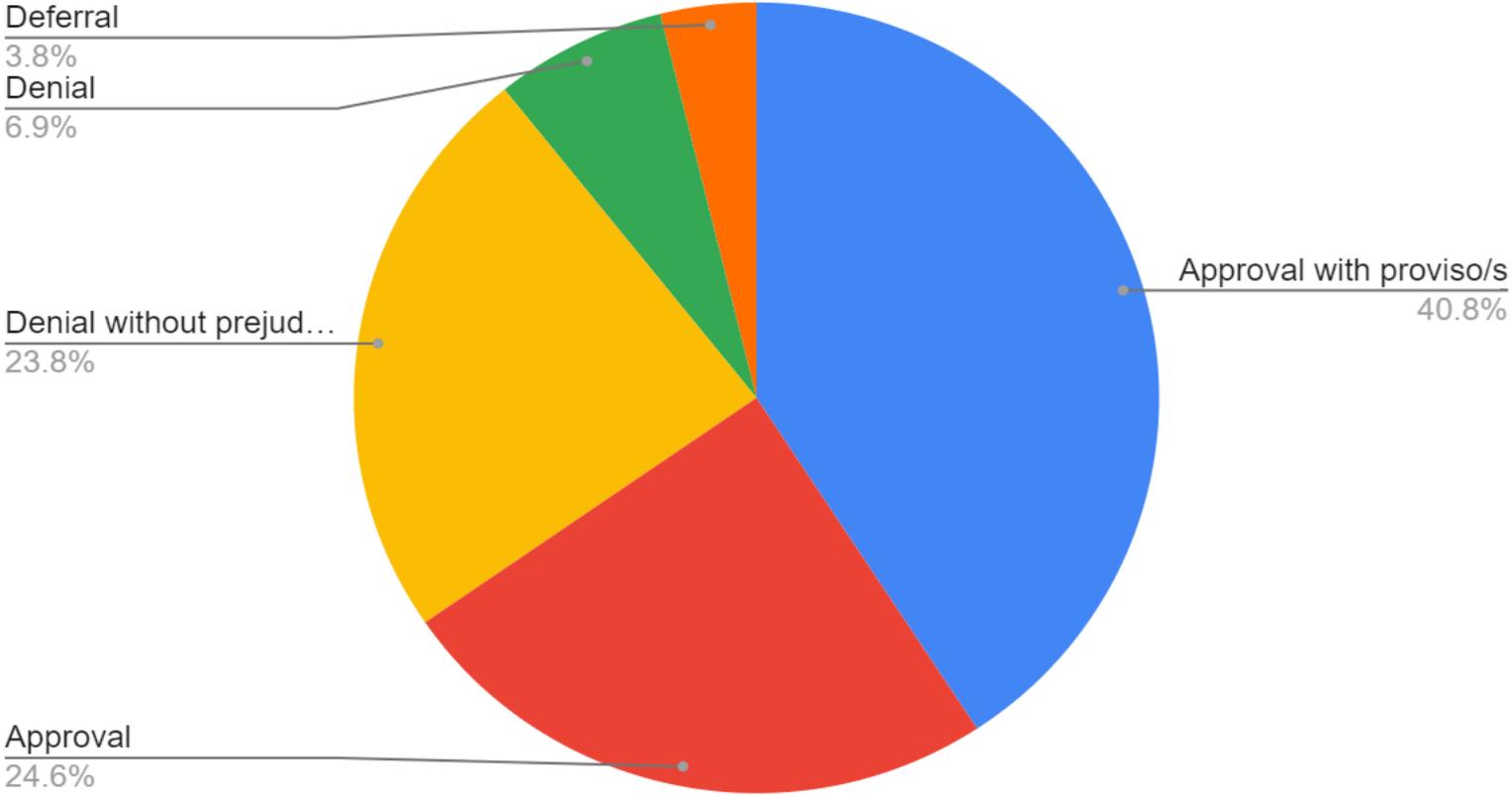
- On June 15th, 2023, the BPDA Board voted to grant authorization to permit the Director to make recommendations on behalf of the BPDA
- The BPDA Board requested that Planning staff present quarterly reports which summarize and highlight trends in the recommendations and ZBA cases
- This first report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

# BPDA Recommendations

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

# BPDA Recommendations

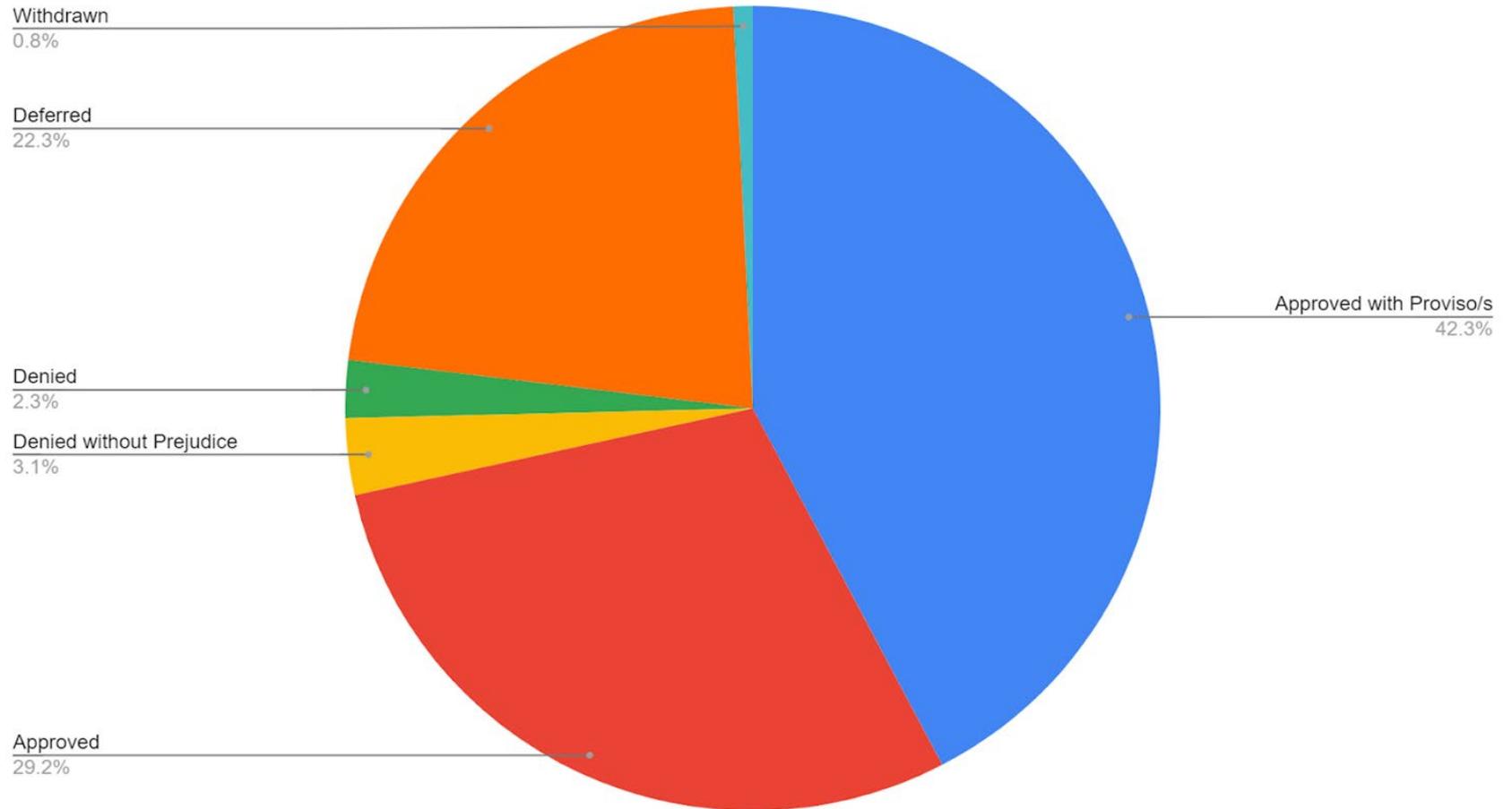
## BPDA Recommendations



About 80% of approval with proviso/s recs included a proviso for BPDA design review. 63% were for only BPDA design review.

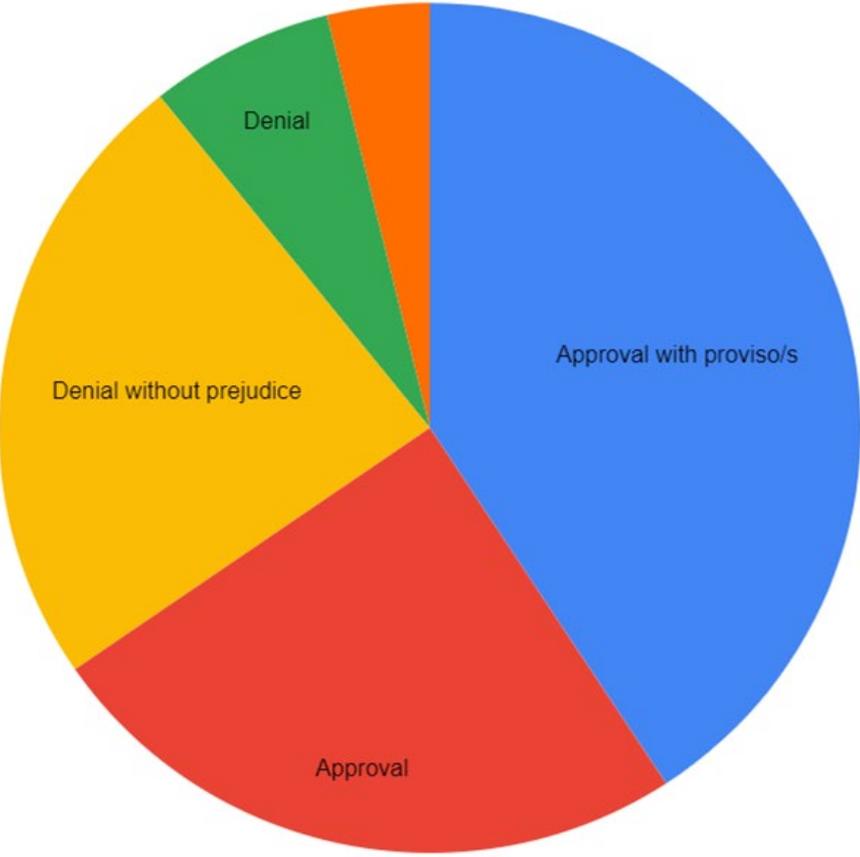
# ZBA Hearing Results

ZBA Hearing Results

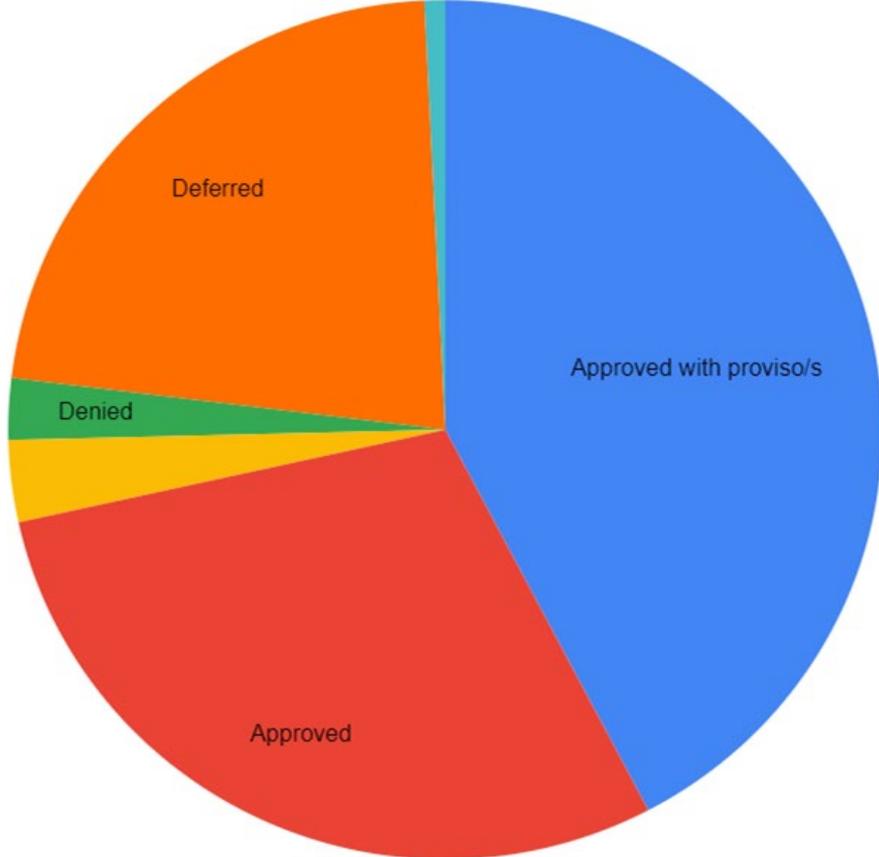


# Results vs Recs

## BPDA Recommendations



## ZBA Hearing Results



Of the 29 deferred cases, most had received recommendations for either approval for proviso/s (41% of deferred cases) or denial without prejudice (38% of deferred cases).

# Decisions vs Recs

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

BPDA recommendation	ZBA Decision	Count
Approval with Proviso/s	Approved	9*
Approval	Approved with Proviso/s	3
Denial without Prejudice	Approved with Proviso/s	16
Denial without Prejudice	Approved	3
Denial	Approved with Proviso/s	2
Denial	Denied without Prejudice	1
Approval with Proviso/s	Denied without Prejudice	2
Deferral	Approved with Proviso/s	4

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

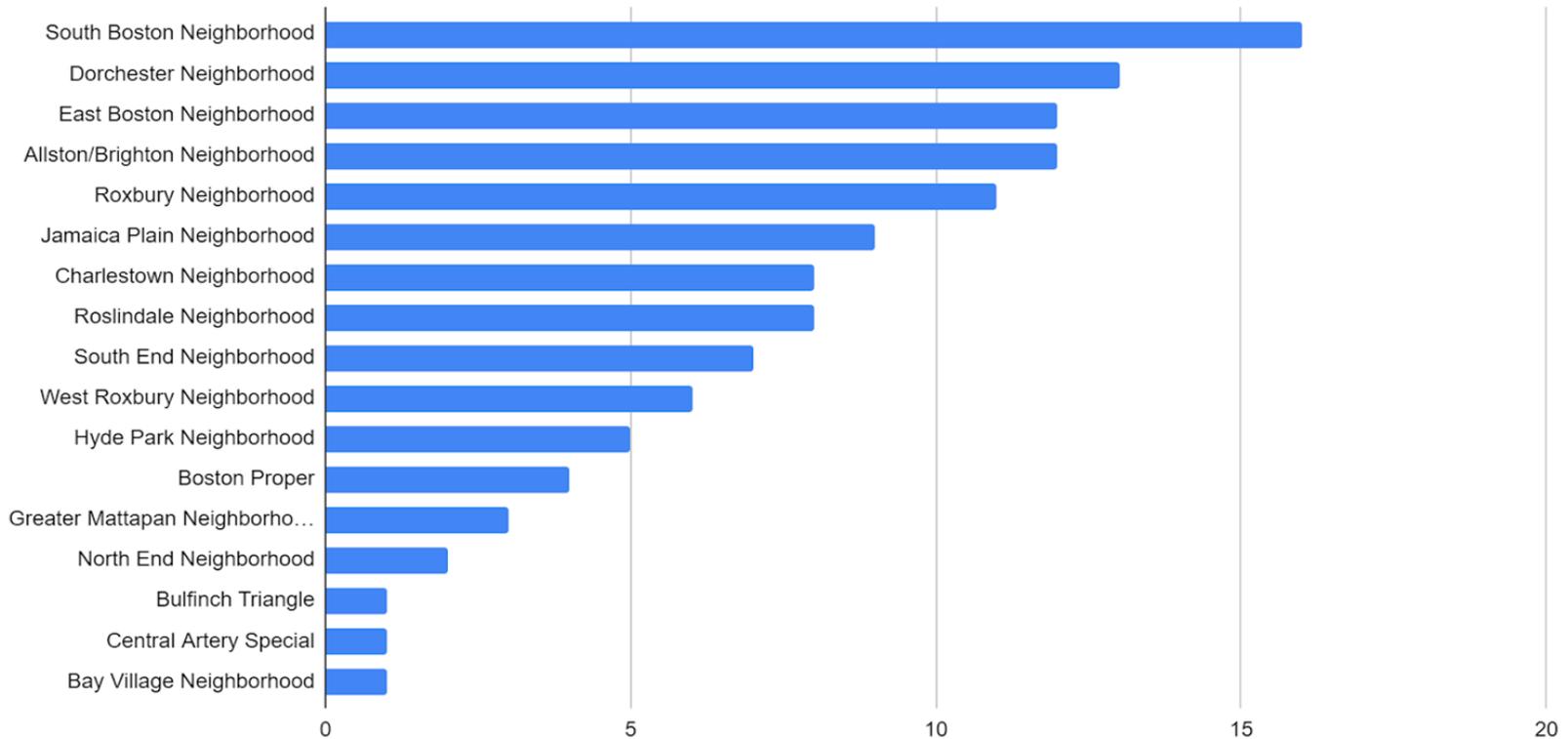


# Other Trends in ZBA Cases

# Zoning Districts

Planners wrote recs for projects in 17 districts.

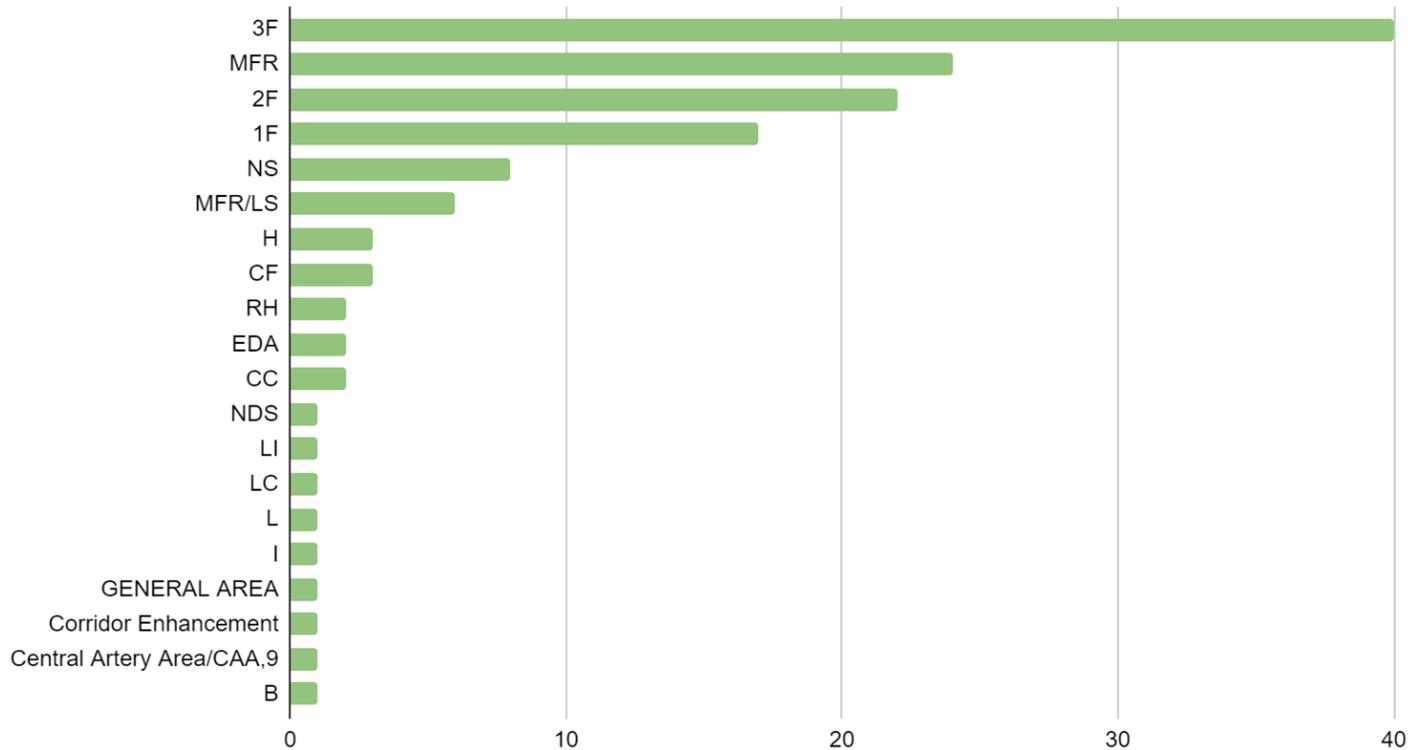
## Zoning Districts



# Zoning Subdistricts

83% of projects occurred in residential subdistricts.

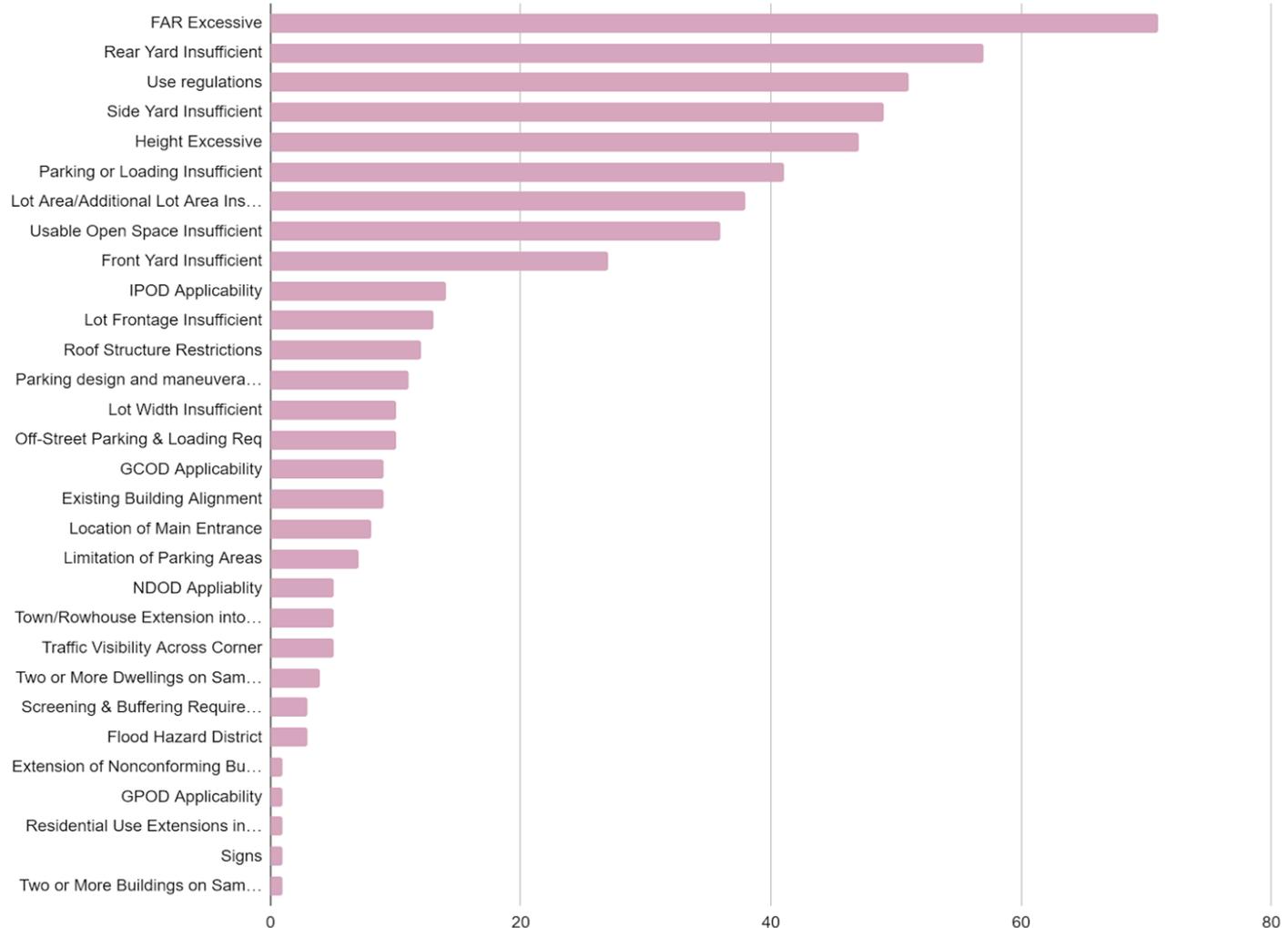
Zoning Subdistricts



# Zoning Violations

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

Violations





# Future Goals

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

# Questions?

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