

# ZBA Report

*2023 FY Q3*

# 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,

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Director of Planning, BPDA

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

# This Report

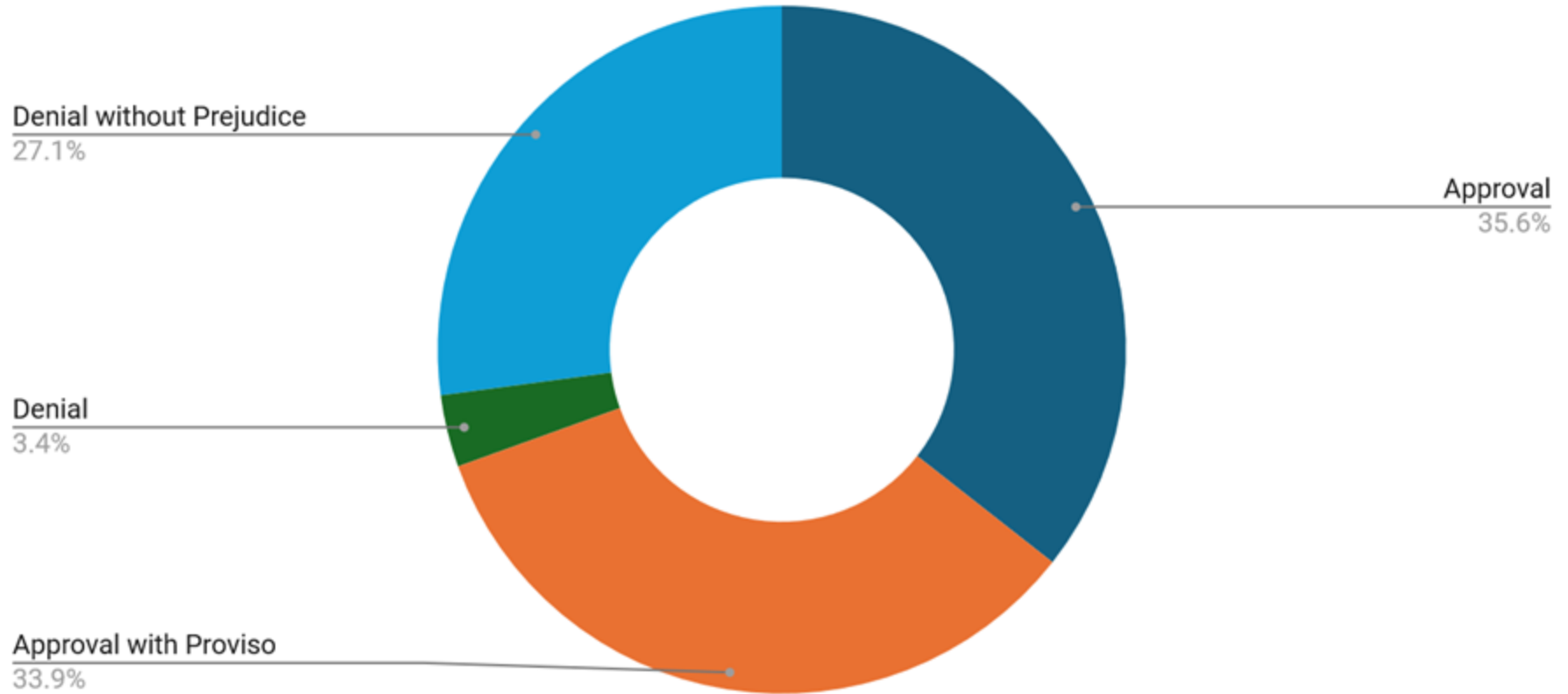
- On June 15th, 2023, the BPDA Board voted to grant authorization to permit the Director to make recommendations on behalf of the BPDA
- The BPDA Board requested that Planning staff present quarterly reports which summarize and highlight trends in the recommendations and ZBA cases
- This third report includes data from (1/9/2024) through (3/26/2024)

# BPDA Recommendations

- 6 ZBA hearings from 1/9/2024 through 3/26/2024
- 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 8 Article 80 cases.
- Planners wrote 118 recommendations for non-Article 80 projects. These 118 recommendations are the basis of the analysis to follow.

# BPDA Recommendations

## BPDA Recommendations for Q3



About 78% of approval with proviso/s recs included a proviso for BPDA design review. 70% were for only BPDA design review.

# ZBA Hearing Results

## ZBA Decisions for Q3

Denied without Prejudice

10.2%

Denied

4.2%

Deferred

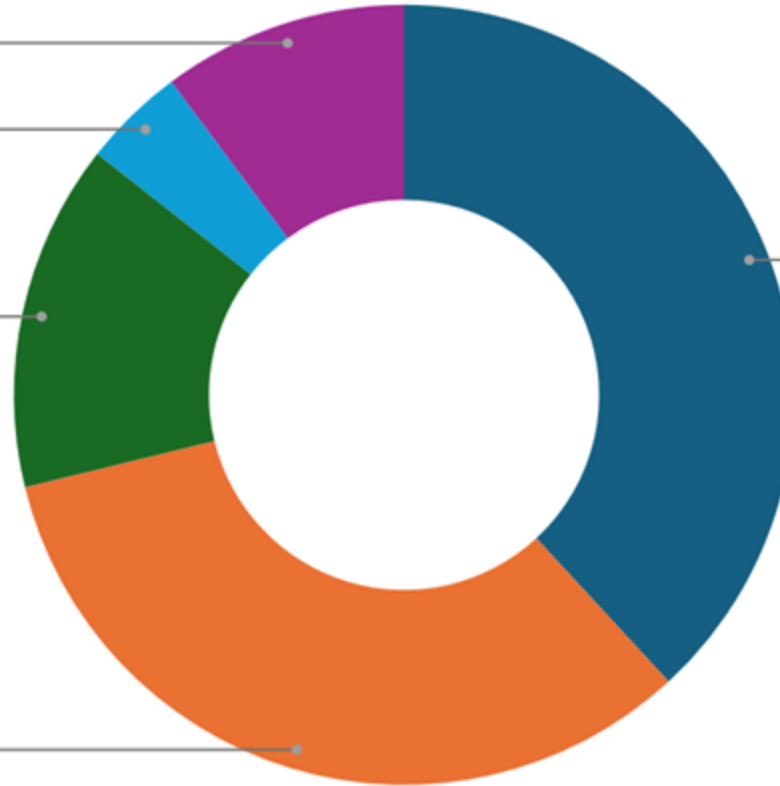
14.4%

Approved with Proviso

33.1%

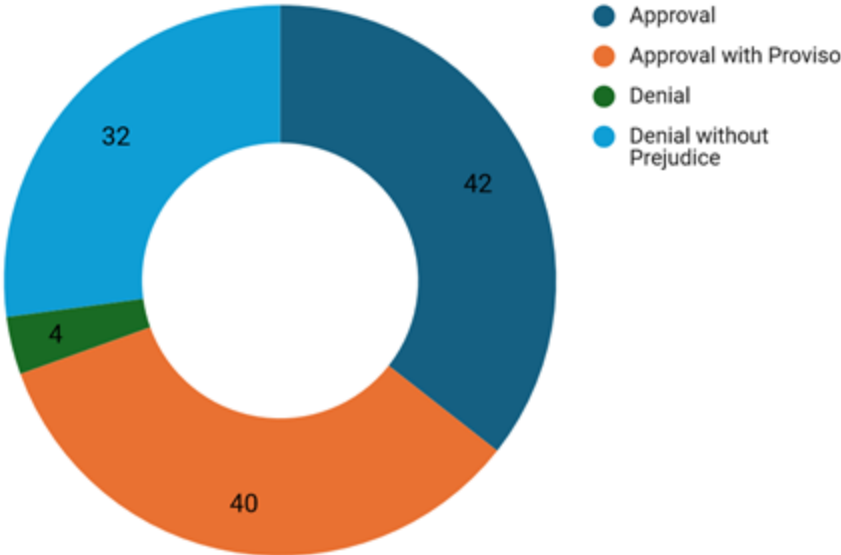
Approved

38.1%

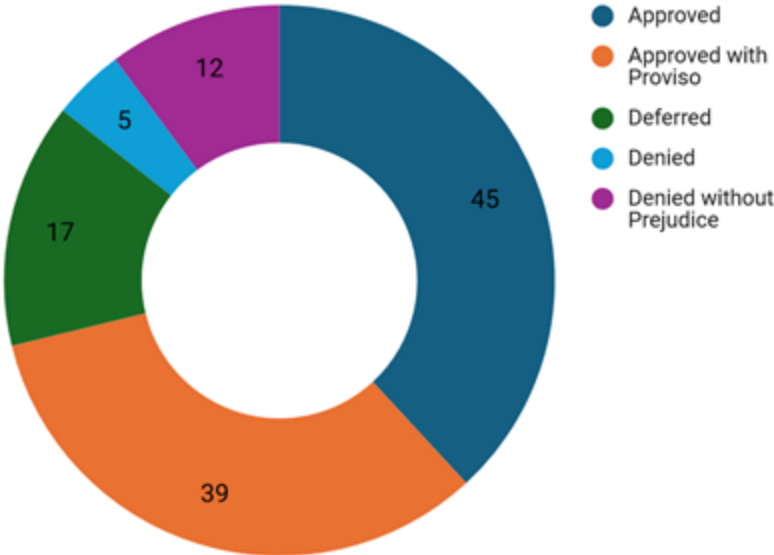


# Results vs Recs

BPDA Recommendations for Q3



ZBA Decisions for Q3



Of the 21 deferred cases at the ZBA, most had received staff recommendations for either denial without prejudice (38% of deferred cases) or approval with proviso(s) (24% of deferred cases).



# Decisions vs Recs

- The ZBA has made final decisions on 101 of the 120 cases
- The ZBA concurred with the BPDA recommendation for 58 cases (58%)
- Below summarizes the other 43 decisions

BPDA recommendation	ZBA Decision	Count
Approval	Approved with Proviso(s)	7
Approval	Denied	2
Approval	Denied without Prejudice	2
Approval with Proviso(s)	Approved*	11
Approval with Proviso(s)	Denied	1
Approval with Proviso(s)	Denied without Prejudice	2
Denial	Approved	1
Denial	Approved with Proviso(s)	1
Denial without Prejudice	Approved	6
Denial without Prejudice	Approved with Proviso(s)	10

\*8 out of the 11 approved included recs for BPDA design review. The others were other departments, or no building code relief. These reviews were likely provided before the ZBA hearing and so the provisos were not needed.

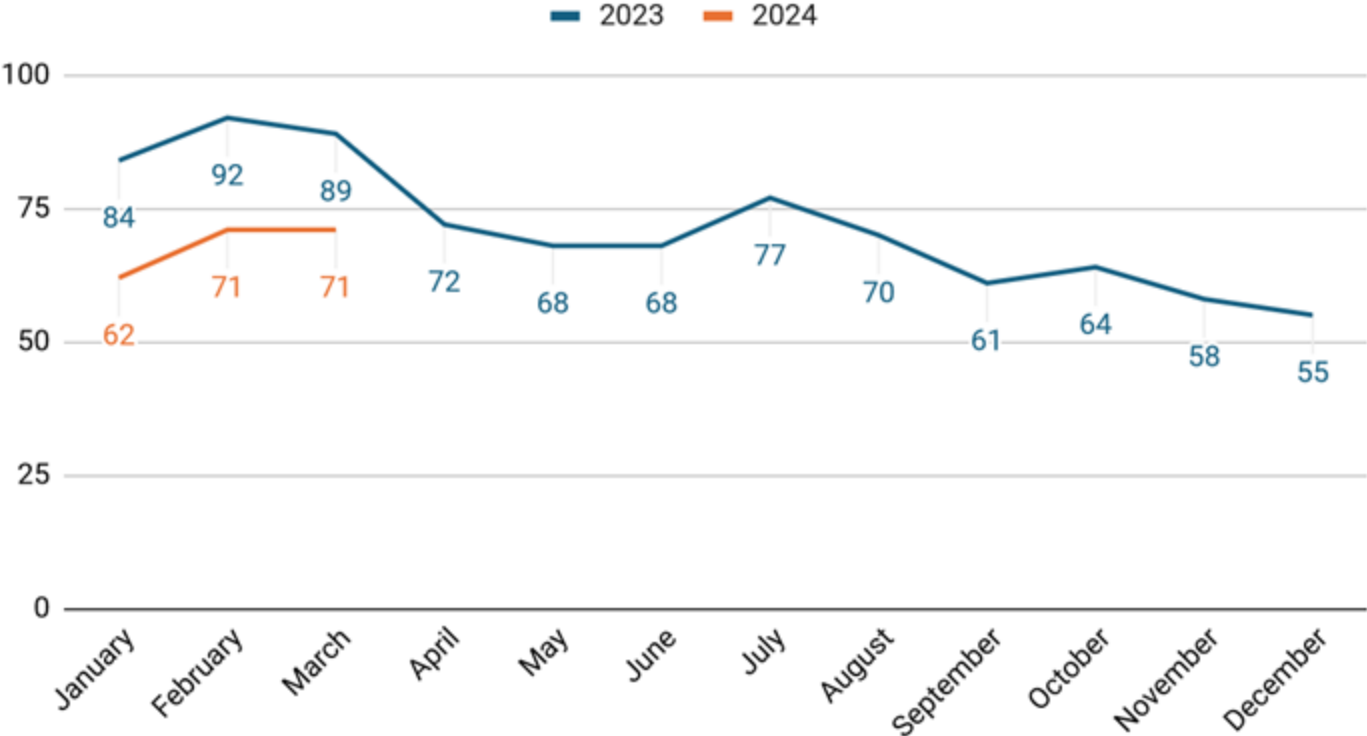


# Other Trends in ZBA Cases

# Market Forces

Recent changes to the development environment have led to a steady decrease in ZBA cases, both in 2023 and continuing into 2024.

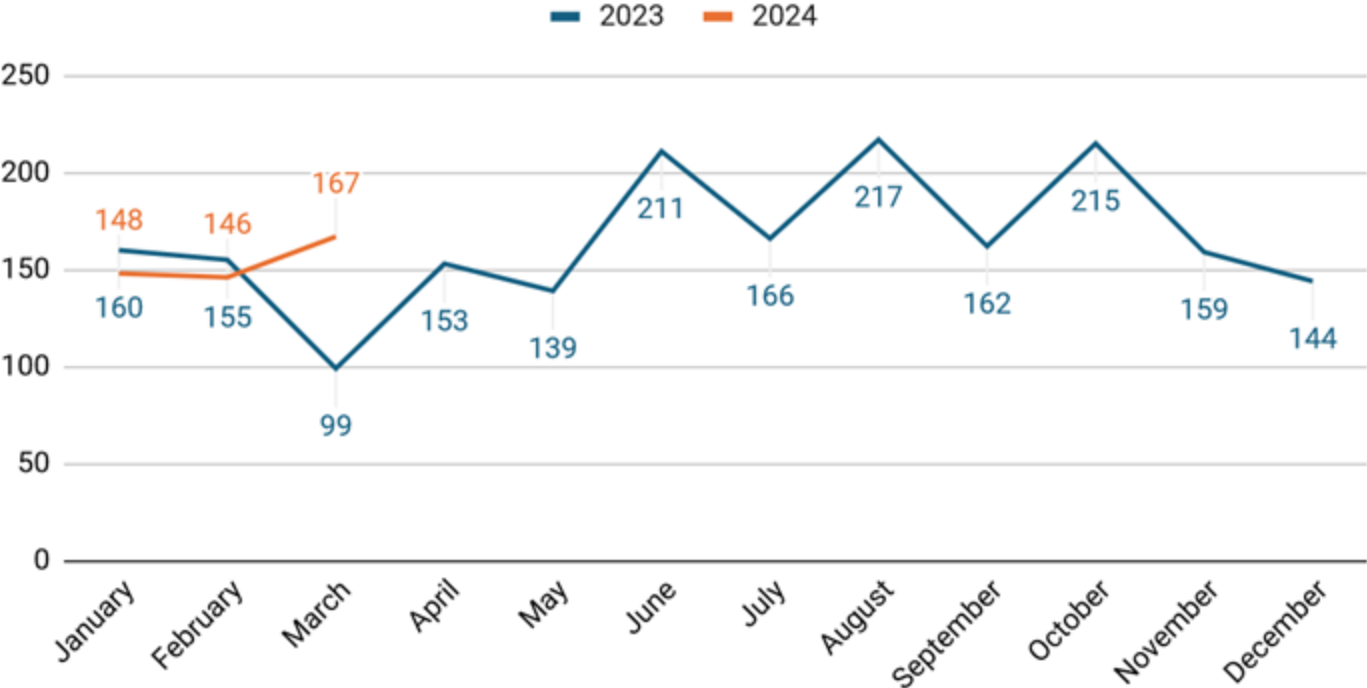
### Monthly Number of ZBA Cases



# Regulatory Red Tape

The average number of days from ZBA filing to hearing date has remained fairly consistent, at approximately six months from start to finish.

Mean Days Between Filing and Hearing Date, by Hearing Date Month





# Future Goals

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- Better track year-over-year changes of actual variance requests, as second-year data becomes more filled out
- Look for initial signs of zoning reform, given the long lag time between project conception and actual ZBA filing (not to mention final hearing!)
- 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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