

ZBA REPORT

2023 FY Q4



Planning Department

CITY of BOSTON

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 Planning Department provides non-binding recommendations to the ZBA for their consideration**

PLANNING DEPARTMENT RECOMMENDATIONS



- These letters can now be found online, by scheduled ZBA hearing, at <https://bostonplans.org/zoning/zoning-board-of-appeals>

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,

THIS REPORT



- **On June 15, 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 April 9, 2024 through June 25, 2024.**

PLANNING DEPARTMENT RECOMMENDATIONS

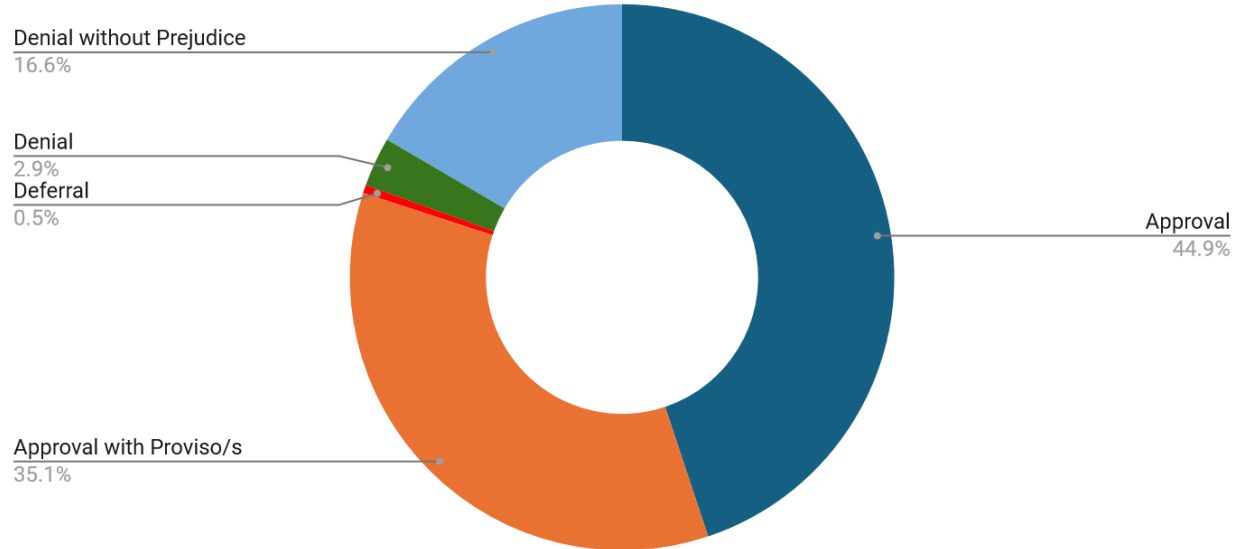


- 6 ZBA hearings from April 9, 2024 through June 25, 2024
- Planning Department staff includes the Board memo for Article 80 projects as our recommendation to the ZBA, which a recommendation of approval with proviso for Planning Department Design Review. During this time period, ZBA heard 12 Article 80 cases.
- Planners wrote 205 recommendations for non-Article-80 projects. These 205 recommendations are the basis of the analysis to follow.

PLANNING DEPARTMENT RECOMMENDATIONS



Planning Department Recommendations for Q4

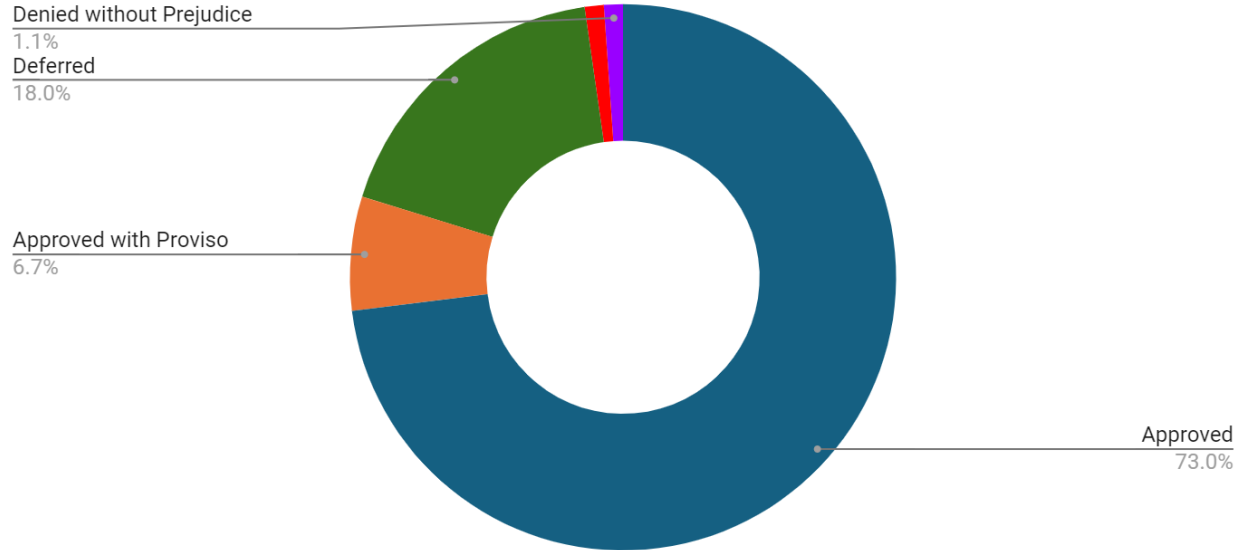


- **About 12.6% of approval with proviso/s recs included a proviso for Planning Department design review. 87% were for only Planning Department design review.**

ZBA HEARING RESULTS

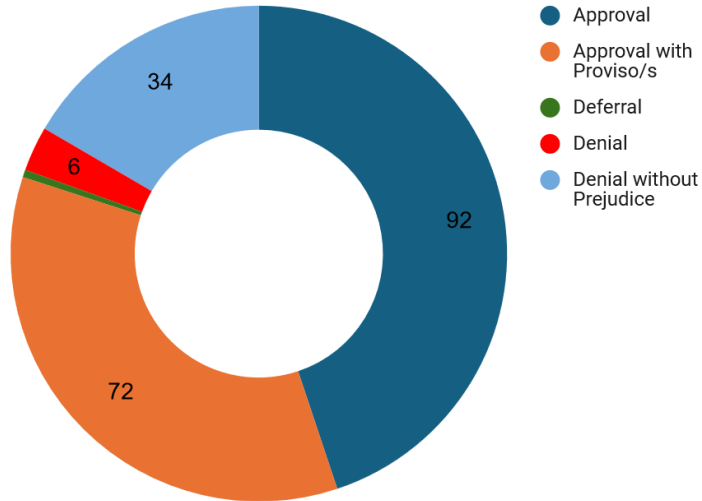


ZBA Decisions for Q4

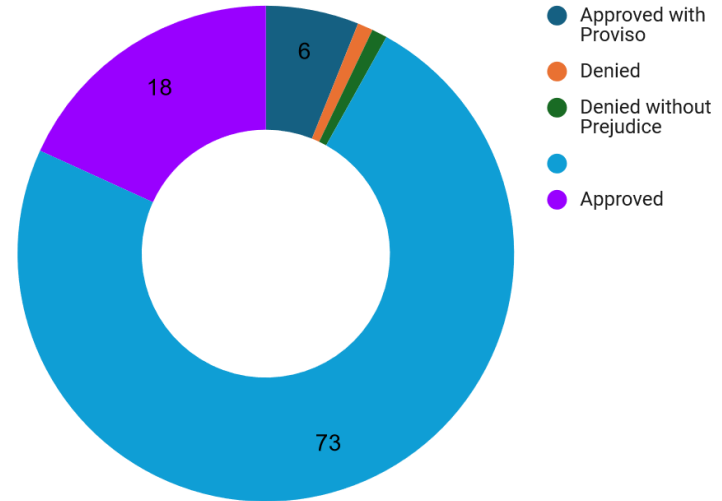


RESULTS VS RECS

Planning Department Recommendations for Q4



ZBA Decisions for Q4



- **Of the 16 deferred cases at the ZBA, most had received staff recommendations for either denial without prejudice (3 of deferred cases) or approval with proviso(s) (38 of deferred cases).**

DECISIONS VS RECS

- The ZBA has made final decisions on 205 of the 232 cases
- The ZBA concurred with the Planning Department recommendation for 65 cases (58%)
- Below summarizes the other 54 decisions.

Planning Department recommendation	ZBA Decision	Count
Approval	Approved with Proviso(s)	6
Approval	Denied	1
Approval	Denied without Prejudice	1
Approval with Proviso(s)	Approved*	18
Approval with Proviso(s)	Denied	0
Approval with Proviso(s)	Denied without Prejudice	3
Denial	Approved	1
Denial	Approved with Proviso(s)	1
Denial without Prejudice	Approved	6
Denial without Prejudice	Approved with Proviso(s)	17

OTHER TRENDS AND FUTURE GOALS

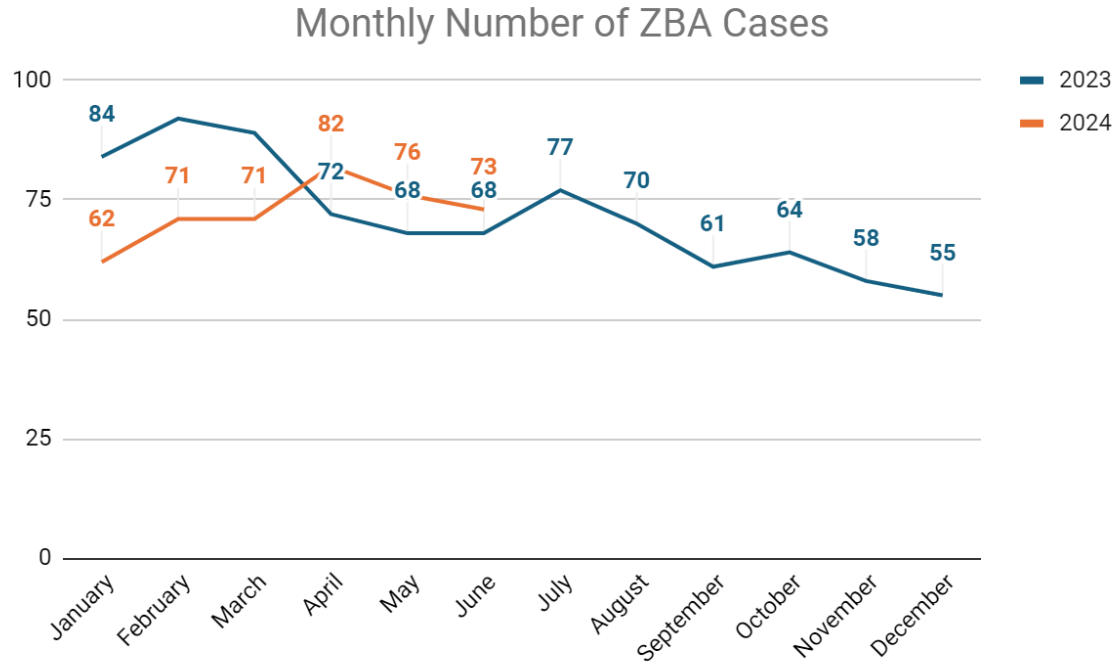
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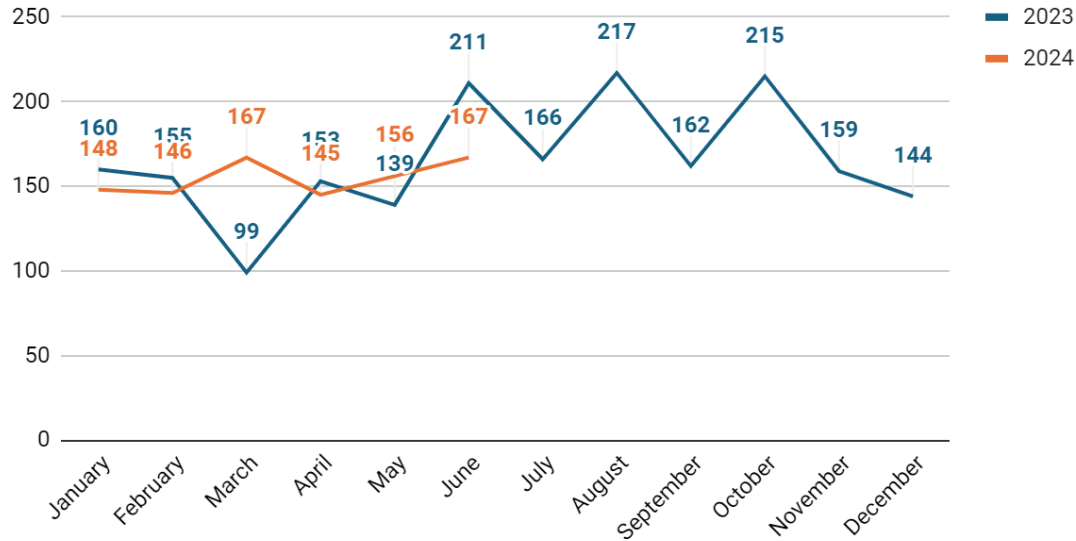
MARKET FORCES



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

REGULATORY RED TAPE

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



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

FUTURE GOALS

- **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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