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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: May 13, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Mildred McMullen, Applicant  
Alex DiPietro, Agent  
Barney S. Heath, Director of Planning and Development  
Jonah temple, Assistant City Solicitor

**RE: Request to allow a drive-in business and associated parking waivers**

Applicant: Mildred McMullen	
<b>Site:</b> 940 Boylston Street	<b>SBL:</b> 51026 0003
<b>Zoning:</b> BU2	<b>Lot Area:</b> 12,060 square feet
<b>Current use:</b> Restaurant	<b>Proposed use:</b> Drive-in business

### BACKGROUND:

The property at 940 Boylston Street consists of 12,060 square feet improved with a restaurant constructed in 1958. The petitioner proposes to remove a portion of the building and reconfigure the existing parking area to allow for construction of a drive in, requiring a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Alex DiPietro, Agent, submitted 3/24/2021
- Existing Conditions Site Survey, signed and stamped by Bruce Bradford, surveyor, dated 12/20/2021
- Proposed Conditions Site Survey, prepared by Pare Corporation, dated 3/24/2021
- Elevations, prepared by Aharonian & Associates, architect, dated 10/14/2020
- FAR worksheet, submitted 3/24/2021

## ADMINISTRATIVE DETERMINATIONS:

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1. The petitioner proposes to raze a portion of the building currently operating as a restaurant to allow for construction of a drive-in window. Per section 6.4.11, a drive-in business is a retail use in which all or part of the business is conducted by a customer from within a motor vehicle, including drive-in food establishments. Per sections 4.4.1 and 6.4.11, a special permit is required to allow a drive-in business in the Business 2 zoning district.
2. The restaurant is currently 2,040 square feet. A portion of the building is being removed to accommodate the drive-in, resulting in a 1,625 square foot retail space and drive-in window. Per section 5.1.4, a drive-in establishment requires one parking stall per every 600 square feet, resulting in a parking requirement of three stalls. The petitioner proposes to reconfigure the parking area, eliminating stalls to accommodate the queuing lane for the drive-in. The reconfiguration results in nine parking stalls with a queuing lane for twelve vehicles. No waiver is required.
3. Per section 5.1.9.A, outdoor parking facilities containing more than five stalls are required to provide perimeter screening from abutting properties. No perimeter landscaping or fencing is indicated on the proposed site plan, requiring a waiver per section 5.1.13.
4. Section 5.1.10.A requires outdoor parking facilities used at night provide lighting with a minimum intensity of one-foot candle on the entire surface and that the lighting does not spill onto neighboring properties. No lighting is indicated on the proposed site plan, requiring a waiver per section 5.1.13.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.4.11	Request to allow a drive-in establishment	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.10.A §5.1.13	Request to waive the outdoor lighting requirements	S.P. per §7.3.3