



Planning Department

MEMORANDUM

TO: Sherry Dong
Chairwoman, City of Boston Board of Appeal

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: March 10, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the March 20, 2025 Board of Appeal's Hearing.

If you have any questions please feel free to contact me.



Case	BOA1684879
ZBA Submitted Date	2025-01-21
ZBA Hearing Date	2025-03-20
Address	22B to 22 Beacon ST Boston 02108
Parcel ID	0304687000
Zoning District & Subdistrict	Government Center/Markets State House Protection Area
Zoning Article	45
Project Description	The proposed project would change the use from one coffee shop with takeout to another coffee shop with takeout.
Relief Type	Conditional Use
Violations	Use: conditional (restaurant with takeout)

Planning Context:

Located at the edge of the Boston Common, the ground floor of the four-story mixed use building at 22-22B Beacon Street is currently occupied by a Dunkin' Donuts. In February 2005, a conditional use permit for Dunkin' Donuts was granted that allowed takeout from the establishment. The proposed project would change the occupancy of the ground floor from a Dunkin' Donuts to a new coffee shop, also with takeout. While the site is within the Beacon Hill Historic District, additional review does not apply because the project does not include exterior changes. The project similarly sidesteps Ordinance 7.4.11, which requires Parks review when a project is within 100' of a public park, which is true of this site. However, since no external alterations are being proposed, additional Parks review would not be required.

Zoning Analysis:

A conditional use permit is required to extend this existing takeout use (use item 36A). The prior conditional use was granted with a proviso that limited it to the previous petitioner. This specific site continues to be an appropriate location for a coffee shop with takeout, and no additional hazards to pedestrians and drivers would result from the extension of this existing use (Section 6-3). This project represents an opportunity for zoning reform. In the updated Article 8 use tables, adopted through Squares + Streets zoning, takeout is a component of restaurant uses, simplifying approval processes for proponents.



Recommendation:

In reference to BOA1684879, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1686316
ZBA Submitted Date	2025-01-24
ZBA Hearing Date	2025-03-20
Address	853 to 855 E First ST South Boston 02127
Parcel ID	0603702000
Zoning District & Subdistrict	South Boston Neighborhood Medium Residential
Zoning Article	68
Project Description	The proposed project is a new curb cut for two cars in the backyard of a three-decker at the corner of First Street and Acadia Street in South Boston.
Relief Type	Variance
Violations	Usable Open Space Insufficient

Planning Context:

The proposed project is a new curb cut for two cars at the rear of a three-decker at the corner of First Street and Acadia Street in South Boston. 853 East First Street sits within a Parking Freeze District and the project would have to be approved by the Parks Department pursuant to Ordinance 7.4.11. The property is across the street from a park with 17 on-street public parking spaces. The street was enlarged to accommodate these angled spaces. There are no other houses with driveways on First Street.

Zoning Analysis:

The proposed project triggers a usable open space violation because it would replace a backyard with a driveway. The corner lot also presents maneuverability issues and could create a hazard to pedestrians and vehicles. As such, this project does not meet the standards for a variance.

Recommendation:

In reference to BOA1686316, The Planning Department recommends DENIAL.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen Onuta

Deputy Director of Zoning



Case	BOA1661508
ZBA Submitted Date	2024-10-11
ZBA Hearing Date	2025-03-20
Address	8 Friendship RD Mattapan 02136
Parcel ID	1801418000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	The project proposes changing the use from a single-family to a two-family dwelling. It includes a 14-foot rear extension on the first and second floors, and expanding the living space for Unit 2 in the attic by adding a dormer on the rear elevation. Additionally, new rear decks will be added on both the first and second floors.
Relief Type	Variance
Violations	Height Excessive (stories) FAR Excessive Rear Yard Insufficient

Planning Context:

This site lies within a residential neighborhood at the border of Mattapan and Hyde Park, two blocks south of River Street and within 1/4 mile of the Shops at Riverwood commercial center. This neighborhood is a mix of 1- and 2-unit buildings with uniform front yards and lot sizes. Several nearby homes on similar-sized lots that are 50' wide and 100' deep are two-unit buildings, including two of the properties immediately abutting this site.

The site is within the PLAN: Mattapan study area, but zoning has not been updated here because this area is within the Hyde Park Neighborhood Zoning article. PLAN: Mattapan calls for increasing the neighborhood's housing supply to ease demand and competition for current housing stock in Mattapan, and a large impact does not need to come from large development alone. The PLAN states that within the traditional residential fabric, like this site, infill development that is in keeping with neighborhood character will create more low-rise (1-3 unit) housing stock. Although this is not an infill development, the proposed rear addition maintains the neighborhood character from the street view and the additional massing in the rear is in line with the size and scale of nearby two-unit buildings.



Given the surrounding context of a mix of 1- and 2-unit buildings and alignment with the goals of PLAN: Mattapan, this is an appropriate addition for this site.

Zoning Analysis:

This project was previously reviewed and approved at the ZBA hearing on May 16, 2024. Since then, new changes have been made to the design and these changes have triggered a new variance which cites excessive height in stories, excessive FAR and rear yard insufficient.

The project violates the required 40' rear yard setback; the existing rear setback is 43.4' and the proposed is 35'. This is worsening the rear yard condition, but four of the surrounding properties also have rear yards between 30' and 35'. Additionally this is an adequate rear yard providing usable open space and distance to surrounding buildings which allows for the right amount of light and air.

The project violates the required 2.5 stories maximum height; the existing height is 2.5 stories and the proposed addition of the dormer would bump this up to 3 stories, because the sloped roof would now be counted as a full story. The project also violates the required FAR of 0.5.

Although the proposed project increases the number of stories and FAR beyond existing conditions, it does so to create more livable space, aligning with the area's vision outlined in the Planning Context, which emphasizes the need for additional housing stock. Additionally, the overall scale of this proposed addition and the resulting violations are similar to the surrounding context for both 1-unit and 2-unit buildings.

Plans reviewed are titled "8 Friendship Road", prepared by Design Development Consultants, and revised on August 7, 2024.

Recommendation:

In reference to BOA1661508, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1675560
ZBA Submitted Date	2024-12-03
ZBA Hearing Date	2025-03-20
Address	11 Clive ST Jamaica Plain 02130
Parcel ID	1900673000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	The proponent is seeking to build a dormer on the third floor to create new space for a new bathroom.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proponent is seeking to add a new dormer to the third floor of an existing detached, three-floor, one-family residential building. The addition will allow for a new bathroom for the third floor. The lot is located at 11 Clive Street in Jamaica Plain, in a neighborhood characterized by predominantly three- to four-story residential buildings, many of which feature dormers on their pitched roofs. Most of the lots in this area have uneven side yards, meaning that one side yard is significantly bigger than the other. In many cases this is due to one side yard having a driveway and therefore being larger than the other.

Zoning Analysis:

The project triggers a dimensional violation due to an insufficient side yard. Article 55 requires a minimum setback of seven feet from a side lot line, ten feet from an abutting structure, and a combined width of at least seventeen feet for both side yards.

The proposed project does not increase the existing sideyard of 3.9', which is lower than the required sideyard required under Article 55, as mentioned in the above paragraph. Since the proposed shed dormers do not alter the side yard width, the violation is based on an existing sideyard nonconformity. The project does not worsen current conditions, and given the minimal exterior changes, it should be allowed to proceed.



This case also underscores the need for zoning reform. Simple, contextually appropriate improvements like this should be permitted by right rather than requiring a variance.

Recommendation:

In reference to BOA1675560, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1678617
ZBA Submitted Date	2024-12-16
ZBA Hearing Date	2025-03-20
Address	62 Patten ST Jamaica Plain 02130
Parcel ID	1904808000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-4000
Zoning Article	55
Project Description	Internal alterations to existing structure
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

This project proposes interior renovations to an existing one unit structure. There is no exterior work, nor changes to the massing proposed. The project proposes to update existing housing stock, in alignment with the goals of Housing Boston 2030 and Boston Housing Strategy 2025.

Zoning Analysis:

The violations cited in the Refusal Letter persist from the existing conditions and are not worsened by the proposed project. This project represents a case for zoning reform to allow for internal changes to a structure that does not change or extend existing zoning violations.

Recommendation:

In reference to BOA1678617, The Planning Department recommends APPROVAL.

Reviewed,

Deputy Director of Zoning



Case	BOA1682689
ZBA Submitted Date	2025-01-09
ZBA Hearing Date	2025-03-20
Address	26 Whittemore ST West Roxbury 02132
Parcel ID	2006668000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-8000
Zoning Article	56
Project Description	Amendment to ALT1566831, an issued permit for zoning-compliant renovations. Additional work consisting of a small extension of living space in the basement, as well as a new front porch.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient

Planning Context:

Lot is a single-family home in West Roxbury, in a 1F-8000 subdistrict within the Corey Street Neighborhood Design Overlay District. Lot is substantially larger than parcels typical in this area, with a lot size of 18,696 square feet. Proponent seeks to build a backyard patio, to convert unfinished basement space into a sauna and bathroom, and to replace a front porch. Updating zoning to enable a by-right path for small-scale renovations on residential properties is a key goal of the City of Boston's Neighborhood Housing zoning initiative, announced in November 2024.

Zoning Analysis:

Per Article 56, Table D, the maximum FAR for a single-family house in a 1F-8000 subdistrict is 0.3. Currently with an FAR of 0.3, the additional 120 square feet would increase the site to an FAR of 0.31, which is a violation. Given that no substantial space is being created within the building, but rather simply that basement space is being reclassified as livable and thus counted in the FAR, this change is de minimis and relief is appropriate.



Per Article 56, Table D, the minimum front yard for a single-family house in a 1F-8000 subdistrict is 20 feet. The existing front porch on this property, not counting the stairs down to the sidewalk, is 17.4' from the front lot line, which is a violation. The proposed porch would be 15.2', which is a worsening of 2 feet. While the precise change in depth of the stairs is not marked on the plans, they appear to be shorter than the existing staircase, but with the expanded porch may still end a foot or two closer to the sidewalk than the existing condition. The front wall of the house is 25.3' from the front lot line, and this porch is only 21.2' wide. Many houses on this block have front yards that are as short or shorter than this single-family house's front yard, and front yard zoning in this subdistrict does not reflect existing conditions. This violation is a minor worsening of an existing condition and improves the usability of the front porch. Zoning reform should adjust dimensional regulations in residential districts to rectify this widespread nonconformity. Relief is appropriate.

Section 80E-2.1.(b).(iii) provides three conditions where properties in a Neighborhood Design Overlay District will be subject to the design component of Article 80 Small Project Review: 1) if the roof shape, cornice line, street wall height, or building height of an existing building is changed. A former widow walk is being proposed on the roof, which is a modification of the roof shape, cornice line, or building height. Additionally, a second condition is 2) the erection or extension of a building with a gross floor area of 300 or more square feet, a condition that does not apply. Finally, the final condition is 3) the exterior alteration of a building massing or door or window openings where three hundred or more square feet of wall area area are modified. Not enclosed, this front porch appears to represent approximately 200 square feet of changes to the front wall, which does not appear to meet this condition. Under the first condition of changes to the roof line, design review is appropriate.

Recommendation:

In reference to BOA1682689, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Deputy Director of Zoning



Case	BOA1685231
ZBA Submitted Date	2025-01-22
ZBA Hearing Date	2025-03-20
Address	368 to 372 W Broadway South Boston 02127
Parcel ID	0601162000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Change use to include community center in existing commercial building.
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Nonconforming Use Change Use: Conditional (Community Center)

Planning Context:

The proposed project seeks to change the use of an existing commercial building at 368-372 W Broadway to include a community center. 368-372 W Broadway is a four-story commercial building that contains a mix of commercial uses such as a dental office, a real estate office, and a credit union. The largest use belongs to the South Boston Lithuanian Citizens Association who offers a restaurant and multiple function rooms for rent. This change would allow the South Boston Lithuanian Citizens Association to open a community center with a meeting hall on the fourth floor of the building.

This area of W Broadway consists of a mix of commercial and mixed-use buildings and is easily accessible by the MBTA 9 bus. Commercial uses include a law firm, dental offices, clothing stores, opticians, and restaurants.

This project would allow the South Boston Lithuanian Citizens Association to expand their operations and continue to create a community space in South Boston for the Lithuanian-America community.

Zoning Analysis:

The refusal letter states a total of three violations: insufficient parking, nonconforming use change, and a conditional use for the community center. This area is currently zoned as MFR/LS where community centers are a conditional use and would require 1 space per 1,000



square feet of gross floor area. This project plans to add a community center with zero parking spaces.

Regarding parking, the minimum parking ratio for the community center requires 1 space per 1,000 square feet of gross floor area. However, the site currently has no off-street parking spaces and proposes none as part of this project. This is a case for zoning reform to address the discrepancy between the parking requirement and necessity. This site is well-served by public transit as it is located just 150 feet from a bus stop for MBTA 9 bus route and 0.6 miles from Broadway Station.

The last two violations are in regards to use regulations. Under Article 68, MFR/LS subdistrict, a community center is a conditional use. The previous use, a function room available for rent, was an accessory use that was also conditional. This causes the violation because an existing nonconforming use is being changed to another nonconforming use to accommodate the community center. However, since nonconforming uses are allowed under Article 9, it is recommended that this change is allowed because it would create an additional gathering space for the Lithuanian-American community without causing any negative impacts to this area of South Boston. A conditional use permit should also be granted for the community center to support the diversity in community gathering spaces.

The plans reviewed are titled ALT1672323 Z.R. decision letter updated at request of attorney with BOA hearing plan set attached 2.3.25 and were prepared by Dana Vaiciulionis Architect, LLC. They are dated November 19, 2024.

Recommendation:

In reference to BOA1685231, the Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning