



Planning Department

CITY of BOSTON

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: August 14, 2024

RE: Planning Department Recommendations

Please find attached, for your information, The Planning Department recommendations for the August 22, 2024 Board of Appeal's Sub Committee Hearing.

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



Case	BOA1606982
ZBA Submitted Date	2024-05-29
ZBA Hearing Date	2024-08-22
Address	147 W Eighth ST South Boston 02127
Parcel ID	0700294000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Demolish existing single family house to build new larger single family house.
Relief Type	Variance
Violations	Rear Yard Insufficient Front Yard Insufficient Lot Frontage Insufficient Lot Area Insufficient Lot Width Insufficient

Planning Context:

BOA1606982 is located at 147 West 8th St in South Boston. The proposal seeks to demolish an existing single family house (not identified by the Massachusetts Historical Commission) and build a new larger single family house. The proponents seek to make a larger and more suitable living space compared to the limited one existing now. The parcel in question has its main portion of 35.74' x 30.02' located behind another parcel that separates it from direct access to the street except for a 12' wide connection running 45' to streetside. Next to the parcel is a 3-story single family house in a similarly sized parcel also separated from the street by developed parcels that reside streetside. The parcel that lies between the proposal and the streetside is a 4-story multi-family condominium building. The other residences along W 8th Street are mostly 3-story, 3-family or multifamily homes. The proposed new house is larger in size, taking up more of the lot. The only remnant of the existing smaller house would be a portion of the basement that would be used for utilities. The site is located in the Coastal Flood Resilience Overlay District (CFROD), which identifies areas vulnerable to future flooding risk under sea level rise. While the project is not currently subject to the provisions of the CFROD, which apply to projects undergoing Article 80 review, it provides important context for new construction, which should locate new living area above the Sea Level Rise Design Flood Elevation.



Zoning Analysis:

The proposed project has 5 dimensional violations: insufficient lot width, insufficient lot frontage, insufficient lot area, insufficient front yard, and insufficient rear yard. The required lot width is 20' and the proposal was found insufficient due to its street facing edge being 12', however this measurement is only the pathway to the site as mentioned in the context while the full width would be 35.74'. As this violation is extant and intrinsic to the configuration of the lot, it is recommended for relief. The required lot frontage was also found insufficient due to the extant configuration of this site. As previously detailed, the parcel has a narrow access from the street. The code specifies the lot frontage should be a minimum of 20' while the frontage on the site is 12'. This is an impossible requirement to be met due to the shaping of the site. This violation can be recommended for relief. The lot area was found insufficient due to the requirement being 2,000 SF and the site being 1,615 SF. This is also an impossible condition to change or adapt due to the sizing of the parcel therefore this can also be recommended for relief.

The front yard would be insufficient due to the requirement being 5' while the proposal is showing 3'. The proponent should meet this requirement by adapting the design to add an additional 2' in the front yard distance. The last violation is the insufficient rear yard setback at 3' while the requirement is 20'. This requirement can not be met on this site due to the overall depth of the site being only 30' and the proposed 3' setback would also be contextual due to the neighboring house having a similar rear yard dimension. This should be recommended for relief.

Recommendation:

In reference to BOA1606982, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to increasing the front yard setback and ensuring that new living area is elevated above the Sea Level Rise Design Flood Elevation.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1618828
ZBA Submitted Date	2024-06-25
ZBA Hearing Date	2024-08-22
Address	722A to 724A Shawmut AVE Roxbury 02119
Parcel ID	0902441000
Zoning District & Subdistrict	Roxbury Neighborhood MFR
Zoning Article	50
Project Description	The proponent is seeking the removal of a petitioner-only takeout proviso.
Relief Type	Conditional Use
Violations	Use: conditional - remove takeout proviso 36A ("Other Protectional Provisions")

Planning Context:

722A to 724A Shawmut Avenue is a three-story building at the corner of Williams Street and Shawmut Avenue. One commercial space (Dayib Cafe) and one religious space (Mosque for Praising Allah) comprise the ground floor, with residences above. It is surrounded by both entirely residential uses and mixed-use buildings with ground-floor retail. The proponent is seeking to remove the proviso that grants the takeout restaurant use to the former petitioner only. No plans were provided.

Zoning Analysis:

Small takeout restaurants are a conditional use in multifamily residential (MFR) subdistricts within the Roxbury Neighborhood Zoning District (Section 50, Table B). While not explicitly stated, it is likely that the application refers to the space occupied by Dayib Cafe because of the use item that is cited in the refusal letter. That means that the site is already an adequate and appropriate site for the use (Section 6-3(a)).

In either case, the proposed project is essentially a request to continue with an existing use. As described in the “Reforming the Boston Zoning Code” report, the City has an inherent interest in legalizing existing uses as it seeks to simplify and modernize the Code (Bronin, 2023). For this reason, this project could be considered a case for zoning reform. Offering a more efficient way



to remove petitioner-only takeout provisos would reduce time and cost burdens for small business owners.

Recommendation:

In reference to BOA1618828, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1607331
ZBA Submitted Date	2024-05-29
ZBA Hearing Date	2024-08-22
Address	34 Olmstead ST Jamaica Plain 02130
Parcel ID	1102444000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-5000
Zoning Article	55
Project Description	As part of a home renovation, replace select windows and doors, add insulation to exterior wall and basement, and add new vinyl siding. Extend living space into the existing attic.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Parcel contains an existing two-family residential structure, with two and a half stories and a basement. Sited within a 1F-5000 subdistrict, the presence of two units on this parcel is a pre-existing nonconformity. The parcel is in Jamaica Plain in the middle of a residential area on the corner of Park Lane and Olmstead Street, approximately one block west of White Stadium and the northern end of Franklin Park. Proponent seeks to perform interior renovations and improvements on the building, affecting all floors, replacing some windows and doors, and residing the building. The renovations do not change the number of units nor their overall distribution throughout existing floors and basement. Each unit currently has an unfinished attic, and the proponent seeks to convert each attic into living space, each with a bathroom and a bedroom. These changes do fall into the principle of creating "diverse housing options" from Housing a Changing City, Boston's citywide housing plan. More specifically, by continuing to improve existing housing units to maintain their continued viability, especially by increasing the stock of units that can accommodate larger households, this proposed improvement does advance planning goals.

Zoning Analysis:

Per Article 55, Table E, the maximum FAR for a use other than a single-family home in a 1F-5000 subdistrict is 0.5. The existing structure has an FAR of 0.67, which is a pre-existing



nonconformity. This proposal would worsen that nonconformity by increasing it to 0.82. This increase is entirely due to the reclassification of the attic space into living space, with no actual increase of bulk or intensity of the building itself. A number of similar properties in the vicinity have floor-area ratios that easily exceed 0.82, with some approaching 1.0. This FAR requirement is not reflective of existing conditions in Jamaica Plain, and zoning reform should consider either removing FAR as a dimensional regulation or at a minimum adjusting the requirements to reflect existing planning and design typologies found in Boston. Relief is appropriate.

While the site is within a Neighborhood Design Overlay District, the lack of exterior changes to the structure (beside replacing windows and siding) mean that the design component of Article 80 Small Project Review do not apply.

Per Section 80-E.2.1.b.iii, the triggers where small project design review would be required are:

- (1) Any exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building: these are unchanged;
- (2) Any Proposed Project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet: this building is not being extended; and
- (3) Any exterior alteration to change the building massing or the size or location of door or window openings, where such alteration affects three hundred (300) or more square feet of exterior wall area, or a smaller exterior wall area if expressly provided in the underlying zoning; and in this case, the location and size of doors and windows are not being changed.

Recommendation:

In reference to BOA1607331, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1609099
ZBA Submitted Date	2024-06-04
ZBA Hearing Date	2024-08-22
Address	376 to 382 Warren ST Roxbury 02119
Parcel ID	1200968000
Zoning District & Subdistrict	Roxbury Neighborhood MFR/LS
Zoning Article	50
Project Description	Change occupancy on ground floor commercial space from tavern to coffee shop / cafe, including interior renovations of commercial space.
Relief Type	Conditional Use
Violations	Use Regulations Applicable in Residential Subdistricts

Planning Context:

Parcel contains a four story mixed use building, with commercial space on the ground floor and three stories of residential above. It sits in Roxbury at the intersection of Warren Ave and the eastern terminus of MLK Jr Boulevard, across the street from the Roxbury YMCA. Proponent seeks to change the ground floor use from a tavern to a restaurant, which requires a conditional use permit. No zoning relief for exterior changes are otherwise required. Restaurants and retail exist up and down Warren Street, and the high visibility of this intersection makes this an ideal site for additional restaurant and retail usage. In the 2004 Roxbury Strategic Master Plan, Warren Street is repeatedly noted as a key corridor for the community, requiring urban design and transportation care and improvements. While it does not directly address commercial properties, the ongoing improvement of retail spaces is in the same spirit of recognizing the importance of the vitality of this part of Roxbury.

Zoning Analysis:

Per Article 50, Table B, restaurants and takeout uses, both requested for this proposal, are conditional uses in multifamily residential/local services subdistricts. This project is an extension of an existing retail space and represents a case for zoning reform. The City has an inherent



interest in legalizing existing uses and lessening administrative burdens for small business owners, especially in cases where the use clearly supports the stated goals of the subdistrict.

Recommendation:

In reference to BOA1609099, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1575999
ZBA Submitted Date	2024-02-29
ZBA Hearing Date	2024-08-22
Address	165 River ST Mattapan 02126
Parcel ID	1800076000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 1F-5000
Zoning Article	60
Project Description	Demolish the existing deck and erect addition, to include 2 rooms - a dining/entertainment room and a bedroom - with an accessible ramp for access.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient

Planning Context:

The proposed project sits in an existing low-density residential area along Mattapan's River Street corridor, lying just east of Mattapan Square. The project's surroundings consist of 1-3 story residential structures with single-family to multi-family occupancies. The site sits immediately adjacent to bus stops for the MBTA's 12, 15, and 24 routes, and is within a quarter-mile walk of the Lower Neponset River Trail as well as the MBTA's Central Avenue redline stop. The proposed project seeks to erect a rear addition to an existing 1.5 story single-family residence to create additional living space for the owner-occupant. This project scope aligns with PLAN: Mattapan's outlined housing recommendations for the neighborhood's residential fabric (adopted May 2023). These recommendations include: (1) that existing Mattapan residents are given the tools and flexibility to adapt and remain in their homes; and (2) that renovations and infill development respect and preserve Mattapan's existing architectural character and low-rise residential context.

Zoning Analysis:

The proposed project has been cited with 2 zoning violations, relating to FAR and side yard requirements of the project's previous 1F-5000 zoning subdistrict. These citations are listed



upon the project's most recent refusal letter, dated 1/26/24. Since then, updated zoning for the Mattapan neighborhood was adopted by the Zoning Commission (on 2/7/24).

Mattapan's updated zoning places the proposed project within a Residential-2 (R2) subdistrict. R2 subdistricts introduce maximum building lot coverage and minimum permeable surface area as dimensional regulators for proposed projects. They also set forth both cumulative and individual minimum side yard setback requirements for the area. These items replace the area's FAR and Usable Open Space regulations listed under past zoning, and update the requirements for side yard setbacks (previously no cumulative total setback figure existed).

The proposed project's side yard violation relates to the extension of an existing side yard dimension, nonconforming under Mattapan's old zoning regulations (10' required for each side yard). Updated Mattapan zoning sets the minimum cumulative side yard setback at 14' with a minimum setback of 3' from each side lot line. The proposed project, with left and right side yard setbacks of 7' and 8', complies with both of these updated requirements and is an appropriate extension of the existing building.

The project's FAR violation is incorrectly cited on its refusal letter. The proposed addition of living space only increases the site's FAR to 0.53, which falls below the maximum (0.6) outlined under Mattapan's old zoning. Updated Mattapan zoning removes FAR as a dimensional requirement for projects in R2 subdistricts, and instead establishes building lot coverage maximums as a means of regulating building scale therein. The proposed project's building lot coverage, while not specifically noted in the drawing set, sits approximately equal to the maximum permitted dimension for the lot (30%).

Recommendation:

In reference to BOA1575999, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department

or



Case	BOA1614614
ZBA Submitted Date	2024-06-12
ZBA Hearing Date	2024-08-22
Address	77 Cummins HWY Roslindale 02131
Parcel ID	1904179000
Zoning District & Subdistrict	Roslindale Neighborhood Local Commercial
Zoning Article	67, 6
Project Description	Allow use of a take out option for the existing restaurant. No Construction necessary.
Relief Type	Conditional Use
Violations	Other Protectional Conditions: Request to remove proviso order "to petitioner only"

Planning Context:

The proposed project would reopen a previously operating take out restaurant use on the property. The restaurant is already in operation and has been for over a decade and no new construction would be necessary. The take out operation within the restaurant required a conditional use and was previously granted. After the property changed hands, the new proponent was no longer the original petitioner who was granted the variance. The project needs to go before the Zoning Board of Appeal in order to change the restriction that limits the take out operations to the previous owner. The use is staying consistent with the previous use, the only change is the petitioner.

Zoning Analysis:

The only violation is due to the fact that there is a protectional condition on the previously granted variance. If the proviso order "to petitioner only" was changed, there would be no other violations associated with this project. The take out operation was previously in operation which demonstrates the appropriate fit of this project as it would be continuing on as it previously was with no demonstrable changes. The restaurant has not closed or ceased operations at any point



in this process, which further demonstrates why this change is appropriate for the neighborhood.

Recommendation:

In reference to BOA1614614, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1576555
ZBA Submitted Date	2024-03-04
ZBA Hearing Date	2024-08-22
Address	33 Bexley RD Roslindale 02131
Parcel ID	1903136000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Construct a pergola in the rear yard over existing concrete patio.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project would construct a 11.4 by 15.6 foot pergola over an existing cement patio, attached to the house in the rear yard. The area in question is already paved, and this pergola would make the rear year a more attractive gathering space for the property.

This section of Roslindale is dominated by single and multi family residential buildings, with commercial uses increasing as one approaches Washington street to the Northwest. The block bound by Bexley Road and Murray Hill road is characterized by the large rear yards that provide open space for their occupants. Many of the properties along the street have covered rear yard patios, or even completely detached ADU's or garages. This points to the appropriate fit of the proposed pergola.

Zoning Analysis:

The proposed project would trigger two dimensional violations in accordance with the zoning code. The first violation is the insufficient side yard. The zoning calls for a side setback of 10 feet while the proposed project only provides for a 3.4 foot setback. However, this violation is already triggered by the main structure on the property. The proposed pergola has the same setback as the main house, and does not decrease the buffer area. There will be no increase in horizontal space occupied by structures on the property. In addition, the concrete patio is already built. the pergola would just add a vertical element to the structure.



The second violation is triggered by the lack of rear yard setback. The zoning has a 40 foot minimum while the structure would leave a 24.3 foot setback. This type of protrusion into the rear yard is common for this area of Roslindale. By allowing structures such as pergolas and shade covers, the open space that each of these properties allows for a higher level of utilization of the property. As the concrete patio already exists, there will be no actual impact on the usable open space. The concrete pad will instead be activated for more potential use.

Recommendation:

In reference to BOA1576555, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1607521
ZBA Submitted Date	2024-05-30
ZBA Hearing Date	2024-08-22
Address	26 to 28 Raymond ST Allston 02134
Parcel ID	2201046000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Renovate an existing 2-unit dwelling to expand the third floor living space by adding new dormers, and replace the roof.
Relief Type	Variance
Violations	Front Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project seeks to renovate an existing 2-family residential dwelling at 26-28 Raymond Street in Allston. This project will primarily expand the living space on the existing third floor and replace the roof to add new dormers on both the left and right side of the pitched roof. No changes to the existing floor plate will be made with this proposal. This section of Raymond Street, before it intersects with Westford Street, contains two-family residential dwellings that have comparable front yard and side yard patterns. The front yards on 22-24 Raymond Street, 26-29 Raymond Street, and 30-32 Raymond Street all have front porches with stairs that are a similar distance from the front property line. The side yards between the properties all appear to be similar distances of between 5-7 feet from the property line. This project falls under the study area of the Allston-Brighton Needs Assessment (January 2024), which noted that access to quality housing is a key issue for the community. This project would help fulfill this by investing in the existing housing stock and buildings, including expanding living areas to accommodate larger households.

Zoning Analysis:

The violation letter stated two violations: an insufficient front yard and an insufficient side yard. Under Article 51 for an area zoned as 3F-4000, the minimum front yard setback is 20' or



conformity with the existing building alignment, and a minimum side yard of 5' from the side lot line and 10' from an existing structure on an abutting lot with an aggregate side yard minimum of 15'. Both the front yard and side yard setbacks were already non-conforming with the Code. However, while the existing front yard setback is 10.1' which falls below 20', this aligns with the front yard of the abutting properties. Article 51 Section 57.2 notes the Conformity with Existing Building Alignment which notes that instead of the Front Yard depth specified in the Article, the minimum Front Yard depth shall conform with the Existing Building Alignment of the block which this structure already meets and will not be changed with the proposal.

For the side yard, the west side yard is 7.6' and the east side yard is 5.2' with a cumulative side yard of 12.8'. While this meets the minimum of 5 feet from the side lot line, it does not meet the minimum required cumulative side yard requirement of 15'. However, this was also an existing non-conformity. This is a case for zoning reform to allow the extension of non-conformities, when the structure otherwise conforms to dimensional requirements and the existing non-conformities are not increasing, to incentivize retention and improvement of existing structures.

The plans reviewed are titled 26-28 Raymond Street and are dated January 21, 2024. They were prepared by HR Design.

Recommendation:

In reference to BOA1607521, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department