



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: October 30, 2024

RE: Planning Department Recommendations

Please find attached, for your information, the Planning Department recommendations for the November 07, 2024 Board of Appeal's Hearing.

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



Case	BOA1599485
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-11-07
Address	309 to 325 Old Colony AVE South Boston 02127
Parcel ID	0700567010
Zoning District & Subdistrict	South Boston L-1
Zoning Article	6
Project Description	Remove proviso of takeout conditional use, where permit was granted to petitioner only.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

Site is a one-story corner commercial property on Old Colony Avenue at the Columbia Rd rotary in South Boston, and was previously used as a pizza restaurant. Proponent has already applied for a common victualler license dba "Virtual Food Court" to open a location here, in addition to one other site in Brighton. Proponent seeks to remove the "this petitioner only" proviso for the takeout conditional use permit granted previously to this site and therefore to grant a new takeout use permit to the petitioner.

Restaurants and takeout uses are prevalent up and down Old Colony Avenue, and as was noted in 2015, when the previous owner themselves had the takeout use granted to them by the ZBA from the then previous owner, there was then (and is now) a continued demand for takeout restaurant uses both around this site and across the neighborhood. While the idea of virtual kitchens was not present in 2015, they are a business that meets consumer demand in Boston, and this site is a reasonable place for one. The placement at the Columbia Rd rotary is well suited to allow drivers to reach multiple different neighborhoods, and the relative unfriendliness for pedestrians around this level of car infrastructure means that the potential concerns around having a business be so takeout-focused is generally mitigated.

Zoning Analysis:



As required by Article 6, this proposal does appear to meet the requirements for a conditional use. As noted above, it is an appropriate location for the use, the use will not adversely affect the neighborhood, it will not create serious pedestrian or vehicle hazard, no nuisance will be created, and the current existence of a takeout restaurant on site suggests that adequate and appropriate facilities will be provided.

No plans were submitted with this request, but the request with the licensing board does additionally note that the facility will consist of "Take out restaurant all on one floor, full open kitchen in the back. Bathroom at the back of the restaurant. Office space in the back with a separate bathroom. Basement used for storage." This appears reasonable with respect to the provision of adequate and appropriate facilities for a virtual kitchen.

Relief via a conditional use permit is appropriate.

Recommendation:

In reference to BOA1599485, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1649103
ZBA Submitted Date	2024-09-03
ZBA Hearing Date	2024-11-07
Address	2 Michael RD Brighton 02135
Parcel ID	2204927011
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	51
Project Description	Add a four-foot bump out of the building entrance to improve door operability.
Relief Type	Variance
Violations	Front Yard Insufficient

Planning Context:

The proposed project intends to add a bump out to the existing basement entryway extending four feet from the building face into the front yard of the parcel. The addition would extend only two feet beyond the current extent of the exterior wall of the upper story of the building. The purpose of this addition is to improve the ability of the doorway to open fully. This project is proposing minor alterations to make improvements to an existing residential building.

Zoning Analysis:

Per dimensional regulations for detached single-family houses in this subdistrict, the required front yard setback is 20'. However, Section 51-9. - Dimensional Regulations Applicable in Residential Subdistricts allows for building additions into required yard space for existing non-conforming structures, stating "Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict or Three-Family Residential Subdistrict, additions to existing Detached Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Detached Dwelling or Main Building is already nonconforming with respect to that yard; provided that such non-conformity affects at least seventy percent (70%) of the total length of the wall facing such required yard."



The existing condition of the front yard is nonconforming at 17.6' to the building front, and 15.6' to the front of the overhanging upper story. The proposed addition would reduce the front yard setback along its face to 13.6'.

The following recommendation is based on plans submitted by Berdi Consulting and reviewed for the Zoning Board of Appeal on August 6, 2024.

Recommendation:

In reference to BOA1649103, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1562426
ZBA Submitted Date	2024-01-12
ZBA Hearing Date	2024-11-07
Address	30 Dwight ST Roxbury 02118
Parcel ID	0305795000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Construct a rear deck on the second story of an existing rowhouse.
Relief Type	Conditional Use
Violations	Town/Rowhouse extension into rear

Planning Context:

The proposed project would add a two story rear deck to an existing rowhouse. This area of the South End is characterized by rowhouses, often with rear decks similar to the proposed project.

Zoning Analysis:

The proposed project would trigger the need for a conditional use permit, "Town/Rowhouse extension into rear", as the proposed rear deck would further encroach on the rear yard. Section 64-9 of the zoning code states "this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves the addition of a porch or balcony, other than a roof deck, above the first story." As this project is constructing a rear deck above the first story, the need for a conditional use permit is applicable.

While it would trigger the need for a conditional use permit, many of its neighbors have rear decks that protrude further than the proposed addition. The construction of a deck would allow for better activation of a residential yard. The yard to the rear of the project has already constructed a brick patio that extends the activated area of the house and lends credence to the appropriate fit of the proposal.



Recommendation:

In reference to BOA1562426, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rand".

Planning and Zoning Director, Planning Department



Case	BOA1640461
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-11-07
Address	5 to 7 Denvir ST Dorchester 02124
Parcel ID	1601741000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Construct a rear deck with associated stairs and complete interior renovations.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proposed project would entail interior renovations as well as the addition of a rear staircase for a newly constructed deck. The existing building is a 2.5-story one-unit home with a considerable rear yard. This area of Dorchester is characterized by one-, two-, and three-unit residential buildings, often with rear decks similar to the proposed project.

Zoning Analysis:

The proposed project triggers only one violation: insufficient side yard. However, this project is making no changes to the side yard of the house, only the rear yard. This violation has already been triggered by the existing building and would have required a variance. The proposed project would not extend this violation in any material way. The existing side yard is 7.1 feet in the right side yard and 6.1 feet in the left side yard while the requirement for the area is a minimum of 10 feet. This is a case for zoning reform to have dimensional regulations that better match existing context as the neighborhood side yard standards do not reflect the built reality of the neighborhood.

Recommendation:

In reference to BOA1640461, The Planning Department recommends APPROVAL.



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CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1644118
ZBA Submitted Date	2024-08-23
ZBA Hearing Date	2024-11-07
Address	4 Cross ST Charlestown 02129
Parcel ID	0200412000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Proponent is seeking alterations to the one-unit rowhouse that would increase the total livable area in the first, second, and third floors from 2,281 to 2,354 square feet, and in the basement from 544 to 792 square feet. These alterations include adding a new space in the basement, adding a half bathroom and extending the kitchen towards part of the existing deck on the first floor, and adding a roof deck and renovating the existing bathroom on the second floor.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Located two blocks away from the Bunker Hill Monument, 4 Cross Street is a 2.5-story attached rowhouse, the predominant housing typology on the block. The surrounding neighborhood is mostly similar design historic attached houses. These additions create outside massings that are only visible from the rear. The proponent is seeking alterations that would increase the total livable area by adding a new space in the basement, adding a half bathroom and extending the kitchen towards part of the existing deck on the first floor, and adding a roof deck and renovating the existing bathroom on the second floor.

Although the lot is located in a Neighborhood Design Overlay District (NDOD), we are not recommending Design Review because the exterior additions are only visible from the rear, and most of the additional area is added to the existing basement.



The Parcel is within PLAN: Charleston in the specifically outlined historical residential area of the Original Peninsula. The plan details the importance of avoiding demolishing and preserving the existing historical context. To do so creative solutions where existing structures are preserved are encouraged for projects.

Zoning Analysis:

The project exceeds the allowable FAR limit of 2.0 for the 3F-2000 subdistrict, proposing a FAR of approximately 2.35, up from the existing 2.28—a minor increase. The block predominantly consists of 2.5- to 3-story buildings, many of which already surpass the 2.0 FAR limit. This suggests that the proposed density is consistent with the neighborhood's established character, and thus presents a case for zoning reform to align dimensional regulations with existing context.

Since several nearby buildings already match the proposed density, and the project will result in only minor exterior alterations, it should be permitted to move forward.

The plans entitled Duncan Marr House - Addition/Renovation at 4 Cross Street prepared by MASHEK MACLEAN ARCHITECTS on FEBRUARY 21, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1644118, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1640459
ZBA Submitted Date	2024-08-15
ZBA Hearing Date	2024-11-07
Address	5 to 7 Denvir ST Dorchester 02124
Parcel ID	1601741000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Build a new curb cut, driveway and two parking spots in the rear yard of an existing house.
Relief Type	Variance
Violations	Usable Open Space Insufficient

Planning Context:

The property is an existing two- and a half-story, two-unit house. It takes up the majority of the parcel mostly towards the front, while the rest is open green space mostly in the rear yard. The surrounding houses are of a similar typology and have off street parking but with additional open space in line with zoning requirements. The house is located on a corner lot at the intersection of Denvir St and Shepton St; the primary facade and front entrance is oriented to Denvir St. The proponents are proposing to build a 10'-0 wide curb cut and driveway on Shepton St, converting the side and rear yard into two car off-street parking. Based on Google Earth imagery dated October 2023, these changes may require the removal of existing trees on the site.

Zoning Analysis:

Due to the new proposed parking, the site will have a violation of insufficient open space. The property is required to have 1,500 SF (750 SF per unit). The open space presently on site according to the requirements set by Article 65 is 1,105 SF which is an existing nonconformity. With the proposed parking the open space would be decreased to 548 SF. This would be worsening the already existing violation. Additionally, the curb cut would remove a public on-street parking space for private parking. "5-7 Denvir Street" prepared by Paul Lindholm, P.E. dated April 28, 2024

Recommendation:

In reference to BOA1640459, The Planning Department recommends DENIAL.



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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1651513
ZBA Submitted Date	2024-09-11
ZBA Hearing Date	2024-11-07
Address	20 Myrtle ST Boston 02114
Parcel ID	0501884000
Zoning District & Subdistrict	Boston Proper H-2-65
Zoning Article	Underlying Zoning
Project Description	Change use of a one-story law office building to retail space.
Relief Type	Conditional Use
Violations	Nonconforming Use Change Conditional Uses

Planning Context:

The site is an existing one-story historic storefront. Most of the buildings in the neighborhood are multi-story mixed use buildings with retail spaces on the ground floor and residential uses above or residential buildings. The project proposes converting the existing building to a retail space. No construction will be done to the interior or exterior of the building.

Zoning Analysis:

The present use as a law office is a nonconforming use. The proposed retail use will also be nonconforming. Article 9 Section 2 outlines that a nonconforming use can be changed to another nonconforming use as long as it goes through public notice and hearing process and follows the terms for conditional use. The proposed use will not adversely affect the neighborhood and it will not bring any new detriment to the neighborhood. There are many other similar retail spaces existing as nonconforming uses across this neighborhood and subdistrict. This should be highlighted as a case for zoning reform and remapping in this area. "Proposed Retail Store" prepared by Stefanov Architects dated July 1st, 2024.

Recommendation:

In reference to BOA1651513, The Planning Department recommends APPROVAL.



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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1649258
ZBA Submitted Date	2024-09-04
ZBA Hearing Date	2024-11-07
Address	43 Bowdoin ST Boston 02114
Parcel ID	0300043000
Zoning District & Subdistrict	Underlying Zoning Boston Proper H-2-65
Zoning Article	13
Project Description	The proposal includes renovating the basement, first, and second floor units of an existing building, including a two-story attached extension, and converting all office space to residential.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient

Planning Context:

43 Bowdoin St is a five-story rowhouse with a ground floor commercial unit (currently office space) and eight residential units above. At the rear of the building there is an attached two-story building that currently extends the existing office space use. The lot on which the property sits is long and rectangular in shape with jagged lot lines that make the back of the parcel narrow with multiple corners. The parcel is incredibly unique in comparison to other parcels in the area. The neighborhood is mixed use with a diversity of housing types including five story row houses with ground floor commercial units and large multi-unit apartment complexes. Additionally, there is a church and approximately 30-story commercial building with an attached parking garage directly across from the property.

The property is situated in a transit rich and walkable area. It is 0.2 miles (approximately a 4 minute walk) to the MBTA Blue Line at Bowdoin Station and 0.4 miles (approximately 9 minute walk) from the MBTA Orange Line at Haymarket station. Additionally the neighborhood surrounding the property was given a 90-100 mobility score from the Boston Transportation Department.

The proposal includes renovating the basement, first, and second floor units, including the two-story attached extension, and converting all office space to residential. The renovation would



create two new multi-bedroom dwelling units at the site in an area where larger multi-bedroom units are in high demand. Additionally, in July 2023, Mayor Wu announced the launch of a Downtown Residential Conversion Incentive Program for higher vacancy office buildings with a goal of supporting owners and developers of older commercial office building space in converting to residential units. The City's program is designed to help increase economic activity in Downtown Boston by increasing the amount of people living downtown, while helping stabilize the office market. While this building is not applying for the Office to Residential program specifically, the conversion of office space to residential units at any scale is essential to further the goals of the program.

Zoning Analysis:

The subject property was cited for three violations in total, two of which are dimensional in nature. Of the two dimensional violations, two (Floor area ratio and insufficient open space) are pre-existing conformities given the age of the house (built in 1899) and the adoption of the Boston Proper regulations for H-2-65 (last amended October 12, 1988). The property was cited insufficient parking. There is currently no on site parking provided for either the existing residential units or office space and no new parking is being proposed. The conversion of the office space to residential requires a parking ratio of 0.7 per dwelling unit the Boston Proper Neighborhood (Section 23-1. - Residential Uses) for properties with a permitted FAR of 2.0.

Given the unique shape of the parcel and positioning of the property, the requirement to add parking presents a significant burden to the current and any future property owners.

Additionally, given the access to transit, walkability of the neighborhood, and neighborhood context (surrounding residential properties of a similar scale to do not offer on-site parking) zoning relief is appropriate. This is a case for zoning reform to align parking minimums and dimensional requirements with the existing built patterns of Boston.

Recommendation:

In reference to BOA1649258, The Planning Department recommends APPROVAL.



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Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1660656
ZBA Submitted Date	2024-10-09
ZBA Hearing Date	2024-11-07
Address	590 E Broadway South Boston 02127
Parcel ID	0603187000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	This proposal seeks to change the use of an existing building from a professional office with two residential units above to a professional office, fitness studio, and two residential units above.
Relief Type	Conditional Use
Violations	Use Regulations

Planning Context:

590 E Broadway is a three-story row house located just before the corner of E Broadway and Emerson St. The lot is short and wide with a perpendicular lot lines and a slanted lot line at the rear of the property abutting Emerson ST. The neighborhood has a diversity of building types including primarily residential buildings and mixed use buildings. Surrounding the property are uses such as a beauty lounge, yoga studio, professional offices, and restaurants. Additionally, the area is very walkable and well serviced by a number of bus routes including the 9 and 10 with frequent access to the Red line at Andrew and Broadway Stations.

This proposal includes exterior updates such as lighting and paint to the property and a fitness studio use to the existing professional office and two dwelling units. No plans were submitted.

Zoning Analysis:

The property is located in the South Boston Neighborhood MFR/LS district with a restricted parking district overlay. In the MFR/LS district a fitness center or gymnasium use is forbidden (TABLE A - South Boston Neighborhood District Use Regulations Residential Subdistricts).



According to section 6-3: Conditions Required for Approval, the Zoning Board of Appeal may grant a conditional use so long as the following conditions are met: " (a)the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;

(b)the use will not adversely affect the neighborhood;

(c)there will be no serious hazard to vehicles or pedestrians from the use;

(d)no nuisance will be created by the use;(e)adequate and appropriate facilities will be provided for the proper operation of the use;"

However, without adequate plans for the subject property the Planning Department cannot make a decision if the use is appropriate for the area and meets the conditions required for conditional use approval.

Recommendation:

In reference to BOA1660656, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review.

Reviewed,

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Planning and Zoning Director, Planning Department