



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: July 17, 2024

RE: Planning Department Recommendations

Please find attached, for your information, The Planning Department recommendations for the July 25, 2024 Board of Appeal's Sub Committee Hearing.

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



Planning Department

Case	BOA1602850
ZBA Submitted Date	2024-05-08
ZBA Hearing Date	2024-07-25
Address	358 to 360 Hanover ST 03 Boston MA 02113
Parcel ID	0302076000
Zoning District & Subdistrict	North End Neighborhood Community Commercial
Zoning Article	54
Project Description	The proponent seeks to extend their restaurant into the first floor of what is currently an office building, creating a change in use.
Relief Type	Conditional Use
Violations	Use - Conditional

Planning Context:

BOA1602850 is located at 360 Hanover Street in the North End neighborhood. This particular area of the North End around Hanover Street holds a wide variety of retail, restaurant, and multifamily residential uses. The proponent seeks to extend their restaurant into the first floor of what is currently an office building, creating a change in use. Demolition is limited to two new internal wall openings to add doors. There are no external changes. Ground-floor restaurants are common in the neighborhood, and three are located across the street from the building. The proposed use fits within that existing context. The site is also within the Community Commercial (“CC”) zoning subdistrict. Section 54-11 lays out one of the goals of this subdistrict: “[to] encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the North End community.”

The project also abuts the Paul Revere Mall, a major green space in the neighborhood. This triggers Parks Design Review. While the parcel is within the Neighborhood Design Overlay District (NDOD), the proposed internal-only changes do not require the project to go through Design Review.



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Zoning Analysis:

The proposed plans have one zoning violation related to use. In the North End neighborhood zoning district, basement and first-floor restaurants are conditional uses. To move forward, the project requires a conditional use permit (Article 7-3). Given the concentration of ground-floor restaurants in this area and alignment with the subdistrict's economic development goal, the project is an appropriate location for the use. Similarly, it is unlikely that the use will adversely affect the area, which is known as a location that has many restaurants to both residents and tourists. No serious hazard is apparent to vehicles or pedestrians resulting from the use. The facilities provided for the use appear to be adequate and appropriate, and no nuisances are likely to result from a relatively minor expansion of an existing restaurant.

Recommendation:

In reference to BOA1602850, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1603917
ZBA Submitted Date	2024-05-20
ZBA Hearing Date	2024-07-25
Address	55 to 59 Causeway ST Boston 02114
Parcel ID	0301681000
Zoning District & Subdistrict	Bulfinch Triangle General Area
Zoning Article	46
Project Description	The proponent is seeking removal of a 2006 proviso granting a takeout use to a former petitioner. No interior work or construction is being proposed.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

55 to 59 Causeway Street is a corner parcel fronting a major commercial corridor in the Bulfinch Triangle. The application is for the removal of a petitioner-only proviso for a conditional takeout use issued by the Zoning Board of Appeals to Adel Alhaddad in the appeal application dated February 1, 2006. No changes are planned to the layout or interior of the space. Submitted plans indicate this project will include a “proposed name change to [the] existing restaurant” and the continuation of an existing takeout restaurant use.

Zoning Analysis:

While ground-floor restaurants are an allowed use in the Bulfinch Triangle District, takeout uses are described as conditional "as provided in Section 46-9.3" within Appendix A of Article 46. This project represents a case for zoning reform because the project would extend a pre-existing takeout restaurant use. Future reform efforts could address this issue by allowing these provisos to be removed without ZBA intervention or by allowing takeout as a component of restaurant uses. Either change would save time and money— critical resources for Boston’s small business owners.



Planning Department

Recommendation:

In reference to BOA1603917, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning
Director, Planning
Department



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Case	BOA1599266
ZBA Submitted Date	2024-05-07
ZBA Hearing Date	2024-07-25
Address	767 E Broadway South Boston 02127
Parcel ID	0602609000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	The project is seeking to add two new shed dormers to the third floor of an existing detached, three-floor, two-family residential building. The addition will allow for a bathroom and extra closet space for the third floor. The proponent also seeks to remove the flat roof in the rear of the building and replace it with a gabled roof.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The project is seeking to add two new shed dormers to the third floor of an existing detached, three-floor, two-family residential building. The addition will allow for a bathroom and extra closet space for the third floor. This addition will alter the existing roofline of the rear portion of the building, but will comply with zoning requirements for building height. The proponent will also seek to convert the building from a two-family residential building into a single-family residential building, which complies with allowable uses in the existing subdistrict.

The project is located in the South Boston neighborhood, along E Broadway, a major transit corridor. The area largely consists of primarily residential buildings of varying densities, including one-family (761 E Broadway), two-family (769 E Broadway), and three-family (776 E Broadway) buildings. These residential properties are on relatively long and narrow parcels, with many being roughly 30 feet in width and 125 feet in depth, and this characteristic spans the majority of properties on the southern side of E Broadway along this block. The block with which



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the project site is located has a mix of both detached and semi-detached residential buildings, and most of the properties with detached residential buildings include a driveway despite the already limited width of the parcels. Due to the existing characteristics of these properties, including the properties directly adjacent to the project site (765 and 769 E Broadway), the side yards for these properties are very narrow.

Zoning Analysis:

The property is zoned MFR, which provides flexibility for various types of housing development, including single-family housing. The project raises a dimensional violation due to insufficient side yard. The existing property has an eight-foot side yard to its east, which is used as a driveway, and a one-foot side yard to the west. The project is proposing the addition of two new shed dormers on the third floor, and this addition will not affect the side yard.

Article 68 requires a minimum of three feet in side yard depth. The proposed shed dormer addition will not change the depth of the existing side yards of the property. Given the narrow characteristics of the parcel, the existing driveway, and the existing non-conforming side yard, it could present difficulty for the proponent to meet the requirements for the side yard depth.

Given the limited scope of exterior changes to the existing building affecting the side yards, the project should be allowed to proceed.

The plans entitled 767 EAST BROADWAY, BOSTON MA 02127 prepared by TODD AND KELLY DEANGELO on FEBRUARY 28, 2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1599266, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



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Case	BOA1588821
ZBA Submitted Date	2024-04-09
ZBA Hearing Date	2024-07-25
Address	12 Marmion ST Jamaica Plain 02130
Parcel ID	1102098000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	Article 55
Project Description	3-story addition to the back of an existing 2-Family house.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient

Planning Context:

BOA1588821 is located at 12 Marmion Street in Jamaica Plain. The proposal seeks to add an extension to the back of the existing 3-story 2-family structure. The parcel is similar in size to its surrounding parcels on Marmion St, although the house itself is one of the smaller houses on the street and in the area. The extension would be an addition of 12' enclosed space and 6'-6" of a new deck/stairs, leading to a total of 18'-6". The enclosed space in the extension would include a new bedroom on the ground floor, a new dining room on the second floor, a new laundry room on the second floor, and new bathrooms on all three floors. This will feature no change in the existing unit count.

Zoning Analysis:

BOA1588821 is proposed in a 3F-4000 zoning subdistrict under Article 55 and is currently noncompliant with three regulations requiring variances to be completed. The first violation in question is the side yard setback is insufficient. The required setback is 7' with the aggregate width of the two side yards needing to be 17'. The proposal side yards would be 4.4' and 4.6' totaling to an aggregate of 9'. Although this is a violation, the existing house side yard



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measurements are 3.2' and 3.6' totalling to 6.8' which is also a violation. Due to the proposal not worsening the existing conditions setback this can be recommended for relief. The next violation in question is an insufficient rear setback. The proposed rear setback is 20.1' but this does not include the deck and stairs which would make it 13.7'. The existing setback is 25.9 in coordination with code, however due to the surrounding context featuring homes that exceed the setback in similar manners and the nature of this construction does not present a negative impact to the neighborhood or parcel, a relief should be granted in lines with Section 7-3 C. The final violation being excessive FAR. This should also be relieved on the grounds that it does not present a harm to the neighboring context as homes adjacent to the site also exceed the set FAR.

Recommendation:

In reference to BOA1588821, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1589188
ZBA Submitted Date	2024-04-10
ZBA Hearing Date	2024-07-25
Address	1362 to 1378 Dorchester AVE Dorchester 02122
Parcel ID	1500255000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	65
Project Description	Change of use to add tattoo and body art store
Relief Type	Conditional Use
Violations	Use: Conditional (Tattoo and Body Art)

Planning Context:

The proposed project intends to add a tattoo and body art shop to an existing three-story mixed use building with current uses that include a restaurant with live entertainment, offices, and a driving school. The proposal includes no construction work to be done on site, only the addition of furniture appropriate to the use. This area of Dorchester Avenue contains a variety of ground floor active uses fitting of the Neighborhood Services subdistrict. The addition of a body art and tattoo shop aligns with the diversity of existing services offered in the area.

Zoning Analysis:

The proposed project is located in the Dorchester Neighborhood District, in a Neighborhood Shopping (NS) subdistrict, pursuant to Article 65 of the Zoning Code. The use of tattoo and body art shop is a conditional use for this neighborhood. Per Article 6 - Condition Uses, this project meets the following conditions required for approval:

- a) The specific site is an appropriate location for such use
- b) The use will not adversely affect the neighborhood
- c) There will be no serious hazard to vehicles or pedestrians from this use
- d) No nuisance will be created by the use



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e) Adequate and appropriate facilities will be provided

As mentioned in the Planning Context, this area of Dorchester Avenue contains a wide variety of ground floor active uses, including a diversity of retail spaces. A body art and tattoo shop is contextual with and will add to this diversity. As the project contains no external work, there are no proposed changes that would impact pedestrian or vehicular traffic.

Recommendation:

In reference to BOA1589188, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1603475
ZBA Submitted Date	2024-05-17
ZBA Hearing Date	2024-07-25
Address	400 to 412 Neponset AVE Dorchester 02122
Parcel ID	1602447000
Zoning District & Subdistrict	Dorchester Neighborhood LC
Zoning Article	65
Project Description	The proponent is seeking to remove a takeout proviso granted to prior petitioner only and to extend the existing use of a small restaurant with takeout.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

400-412 Neponset Avenue is a 3.5 story corner building with several ground-floor small businesses, including a nail salon, acupuncture clinic, and a Cajun restaurant. The parcel is surrounded by a mix of uses, mainly small-scale multifamily housing and retail at the ground level. The address is not included within any neighborhood plans. The proponent is seeking to remove a proviso for a conditional takeout use that is limited to the prior petitioner. The proviso was issued by the Zoning Board of Appeal on November 15, 2022. No construction work is being proposed.

Zoning Analysis:

This address sits within a Local Convenience subdistrict, which was created to "provid[e] convenience goods and services for the immediate neighborhood and pedestrians (Section 65-14). In this subdistrict, small restaurant takeout uses are conditional, while large restaurant takeout uses are forbidden (Article 65, Table B). Footnote 13 defines a small restaurant as having a gross floor area of 2,500 square feet or less, while a large restaurant exceeds that threshold. Submitted plans indicate that this is indeed a small restaurant as defined by the Code.

BOA1603475

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This project is an extension of an existing restaurant with takeout use 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 supports the stated goals of the subdistrict.

Recommendation:

In reference to BOA1603475, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



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Case	BOA1593040
ZBA Submitted Date	2024-04-23
ZBA Hearing Date	2024-07-25
Address	9 Moultrie ST Dorchester 02124
Parcel ID	1700775000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	The project involves adding a new window and patio door on the exterior side and rear walls, demolishing the chimney, modifying certain interior walls, and constructing a freestanding deck along the side and rear of the building.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

9 Moultrie Street is a single-family home located in a residential neighborhood. Properties in this area typically feature a wider side yard on one side of the building, often with a driveway, and a narrower side yard on the other side, sometimes with a side porch entrance. This particular property has a wider side yard filled with vegetation and permeable open space, but no driveway. The narrower side yard includes a side porch entrance. The proponent is seeking to improve a usable outdoor space and to improve the existing unit in a way that is compatible with neighborhood context.

Zoning Analysis:

Under Table C, Article 65, the minimum side yard requirement for a 2F-5000 district is 10 feet.

The porch addition increases the width of the porch by no more than 1 foot. Currently, the side yard is approximately 7 feet ¼ inch wide, and the proposed side yard will be 6 feet ¼ inch wide. According to the proponent's plans, the porch addition reduces the existing side yard distance by no more than 1 foot. Aerial imagery and street views show that many houses in the area



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have side yards less than 10 feet wide, yet they still provide adequate light and air. Since this porch extension is compatible with the neighborhood context, it should be allowed. Additionally, as an unroofed deck, the Side Yard definition in Article 2 indicates that open porches without roofs that do not extend more than three feet above the floor of the first story can be erected within the required side yard.

The property is located in a Neighborhood Design Overlay District; however, design review is not required because this renovation does not include any of the modifications listed under Article 80E-2.1(b)(iii). Although the plan proposes adding new windows and doors on the side and rear exterior walls, the alteration affects less than 300 square feet of exterior wall area.

The plans entitled 9 Moultrie Street dated 03/15/2024 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1593040, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1561250
ZBA Submitted Date	2024-01-08
ZBA Hearing Date	2024-07-25
Address	25 Nelson ST Dorchester 02124
Parcel ID	1702155000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	65
Project Description	Create a curb cut to allow entrance to an existing driveway and parking spaces.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking)

Planning Context:

The proposed project would add a curb cut in front of 25 Nelson Street. This would allow access to an existing paved driveway that runs parallel to the house along the southern edge of the property. The existing and proposed driveway condition is a tandem driveway with space for three vehicles. The spaces would serve three units, for a 1.0 parking ratio, consistent with Boston Transportation Department policy. This number of spaces would create a net increase of parking, accounting for the loss of one on-street space. While the proposed parking area would occupy one side yard, and a portion of the front yard, the extant pervious rear yard is not impacted. Likewise, as the parking area is an existing condition, no trees are impacted.

Zoning Analysis:

The proposed parking area is consistent with Dorchester Neighborhood District regulations for front yard parking, found in Section 65-41.4a, "If a Lot is located in a Residential Subdistrict, a total of two accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the Side Yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten feet."

However, because the proposed parking area is within 5 feet of a side lot line, the proposal triggers Section 10-1 of the Code, Limitation of Area. Zoning relief would be appropriate



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because this condition is a function of the lot's parcelization, which is a common condition in the immediate vicinity. The predominant building dimension and parcel dimension leads to an existing context in which most driveways on this block are located in a side yard less than five feet from the lot line. Accordingly, the requested variance would be appropriate in order to facilitate reasonable use of the proponent's land.

Recommendation:

In reference to BOA1561250, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning
Director, Planning
Department



Planning Department

Case	BOA1591995
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2024-07-25
Address	497 to 505 Washington ST Dorchester 02124
Parcel ID	1700459000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	6
Project Description	Remove proviso on the property.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

This project is located within a strip of eight small commercial storefronts in Codman Square. The applicant proposes a restaurant with take-out in a space formerly occupied by a catering business. Within this small block of businesses are a beauty salon, meat market, convenience store, juice cafe, and barber shop. Given the former operations as a catering business and the immediate surrounding context of consumer services, retail, and restaurant establishments, the proposed project is appropriate here.

Zoning Analysis:

There is currently a proviso attached to this property. Section 6-4 of the zoning code states that "[i]n approving a conditional use, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assure harmony with the general purposes and intent of this code."

Restaurant with takeout is a conditional use in this neighborhood shopping subdistrict, and is an appropriate use for this location. The description of the use as stated seems appropriate without additional protection conditions.



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As of 7/11, it is unclear what the existing proviso is for the current use. However, older records for other storefronts in this property include provisos that the uses are granted to that petitioner only, and such proviso must be removed or reinstated upon transfer of ownership or occupancy.

Plans reviewed are titled "Floor Plan for Fritay The Root of Haitian Cuisine", prepared by T Design, LLC, and dated April 6th, 2024.

Recommendation:

In reference to BOA1591995, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning
Director, Planning
Department



Planning Department

Case	BOA1578468
ZBA Submitted Date	2024-03-09
ZBA Hearing Date	2024-07-25
Address	15 Cornell ST Roslindale 02131
Parcel ID	1805445000
Zoning District & Subdistrict	Roslindale Neighborhood 1F-6000
Zoning Article	67
Project Description	Extending living space by renovating and finishing a basement, to add two bedrooms, one bathroom, and living space.
Relief Type	Variance
Violations	Parking or Loading Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This proposed project is within a residential neighborhood of Roslindale surrounded by one- and two-unit buildings. The additional bedrooms, bathroom, and living space improve the quality of this unit while retaining the existing structure. The property is sloped, so the basement level is partially exposed. The proposed bedrooms are along the west side of the building, and each include one window with a window well; given the below-grade bedrooms, it is important that this case receive no building code relief.

Adding more living space and making necessary repairs to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability for growing living arrangements, as detailed in *Housing a Changing City, Boston 2030* (September 2018). The Roslindale Neighborhood Strategic Plan (2007) also identified a need for larger housing units to accommodate growing families.

Zoning Analysis:

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There are 3 existing dimensional nonconformities for this site: side yard (4.3' existing, 10' minimum required), front yard (12.8' existing, 25' minimum required), and rear yard (29' existing, 40' minimum required). The proposed project is contained entirely within the existing building footprint and will not worsen these existing nonconformities. This is a case for zoning reform that updates dimensional requirements to better match the existing form of buildings.

This project is also cited for not providing enough off-street parking. The minimum parking required for this one-unit residential building is 2.0 spaces; the project retains its existing parking of one space. Adding an additional off-street parking space would require paving over part of the yard. This is an area for zoning reform, where off-street parking minimums can result in unneeded over-paving and undue burden on property owners to construct an expanded parking area that they do not need to meet their needs.

Recommendation:

In reference to BOA1578468, The Planning Department recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.

Reviewed,

Planning and Zoning
Director, Planning
Department



Planning Department

Case	BOA1601690
ZBA Submitted Date	2024-05-13
ZBA Hearing Date	2024-07-25
Address	470 Centre ST Jamaica Plain 02130
Parcel ID	1900785000
Zoning District & Subdistrict	Jamaica Plain Neighborhood LC
Zoning Article	55
Project Description	The project proposes to add a rear deck and stairs to the second-floor dwelling unit of the building.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project is a 2-story building containing a restaurant and bookstore. Situated on a corner parcel, it fronts Centre St, a commercial corridor, and backs onto a multi-family residential neighborhood. Centre St is lined with restaurants, retail stores, health services, a library, barber shops, a school, and a bank.

The project proposes to add a deck and stairs to the rear yard, which will reduce the rear yard space due to the structure being more than three feet above the first-story. The addition of the rear deck provides outdoor amenity space for the second-floor unit as the existing rear yard is primarily used as parking.

Zoning Analysis:

The proposed addition of the deck violates the minimum 20' rear yard requirement. This constitutes an existing nonconformity (the current rear yard is 16.9'), which is further exacerbated by the addition of the rear deck, reducing it to 2.1'. The proponent should reduce the size of their proposed rear deck by at least an additional 2.9' to create at least a 5' buffer from the adjacent property to allow a vegetative buffer and maintain a rear yard setback.



Planning Department

Recommendation:

In reference to BOA1601690, The Planning Department recommends APPROVAL with PROVISIO/S with attention to reducing the size of the rear yard deck by at least 2'.9".

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1567484
ZBA Submitted Date	2024-02-02
ZBA Hearing Date	2024-07-25
Address	6 Slocum RD Jamaica Plain 02130
Parcel ID	1902348006
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	55
Project Description	Demolish portion of existing structure and replace with a new addition in rear.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project seeks to renovate the existing single-family, one-story house at 6 Slocum Road in Jamaica Plain through external renovations. The renovation process will include demolishing a portion of the existing structure and extending the structure further into the rear yard. This addition will create two rooms, one in the basement and one on the first floor. The current rear yard for the site slopes downward as evident by the rear deck stairs that are currently part of the property and through the plans. There is also a brick/paver patio that exists at the base of the structure where the rear deck currently sits. There is also a shed in the back east corner. Slocum Road is currently zoned as 1F-9000 and is lined with single-family split ranch style houses. Among these properties, the pattern of the rear yard is consistent as each property extends into the rear yard a similar amount of distance.

This project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) as it would help adapt and preserve the existing housing stock.

Zoning Analysis:

The refusal letter states a violation with the rear yard setback. Under Article 55 for an area zoned as 1F-9000, the minimum required rear setback is 40 feet. However, after the demolition



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and construction of the new addition to the structure, the proposed rear yard will be 31.9'. Based on the provided plans, the current rear yard setback for the property is set at 30.6' which is currently non-conforming with Article 55. While the demolition will address this non-conformity, the new addition will still violate the minimum required rear setback of 40 feet. However, this proposal actually increases the setback, improving it from the current non-conforming 30.6' to 31.9'. While this does create a violation, it is consistent with the rear setbacks of the abutting properties and aligns well with the other residential dwellings on Slocum Road. This is a case for zoning reform to better align the zoning dimensions with the desired yard sizes, especially for the rear yard.

The plans reviewed are titled 6 Slocum Road, Jamaica Plain and are dated January 26, 2024. They were prepared by J Webby Consulting LLC.

Recommendation:

In reference to BOA1567484, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning
Director, Planning
Department



Planning Department

Case	BOA1587527
ZBA Submitted Date	2024-04-04
ZBA Hearing Date	2024-07-25
Address	287 to 289 Beech ST Roslindale 02131
Parcel ID	2000580000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Art. 67
Project Description	Renovation of an existing basement in a two-family residential building for extension of livable area.
Relief Type	Variance
Violations	FAR Excessive Use: Forbidden (Dwelling Units in a Basement)

Planning Context:

This project proposes the renovation of the basement of an existing two-story, two-family residential building to extend the livable area by adding in small home office spaces, a common area, a bar area, an entertainment room, a storage area and a bathroom.

The property is surrounded by a predominantly residential area with buildings of similar height and two-family residential land uses. The proposed renovation does not introduce a new use within the area that would change this condition and does not change the external scale of the building.

The project plans do not provide details on elevation and grade to determine the potential amount of light and air that this basement would receive as an extension of livable area. Additionally, there is no floor plan for the ground floor to confirm that this project is creating a larger unit by way of extending a first floor dwelling unit into the basement.

Zoning Analysis:

This property is located within the 2F-5000 subdistrict of the RoslindaleNeighborhood District (Art. 67). This project has been cited with a forbidden use violation, though the refusal letter

BOA1587527

2024-07-25

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does not list a specific use. In the 2F-5000 subdistrict, dwelling units in the basement level are forbidden. While this project does extend the livable area into the basement, it is unclear based on the plans provided if this project aims to create a larger unit without plans representing a connection to the ground floor..

This project proposes an excessive FAR above the required maximum of 0.5 in the 2F-5000 subdistrict. The plans do not indicate the existing FAR, but based on an estimate from Assessing data for this property it seems that the existing FAR is about 0.4 and the extension of livable area triggers the excessive FAR violation. This project's basement renovation does not produce an impact on the public realm of the property and is not an addition that impacts the building setbacks or above grade land use conditions. The increased FAR is necessary to accommodate the extension of livable area.

This indicates a case for zoning reform for residential properties within the 2F-5000 subdistrict as the FAR regulation and the basement dwelling forbidden use regulation pose barriers to the productive use of existing buildings for extension of livable area into the basement or other parts of the home.

Project plans completed by Rangel Planning and Design on January 22, 2024.

Recommendation:

In reference to BOA1587527, The Planning Department recommends APPROVAL WITH PROVISIO: that no building code relief be granted for the basement unit and that plans shall be submitted to the Planning Department for design review with attention to ensuring that the basement living space has adequate light and air.

Reviewed,

Planning and Zoning Director, Planning Department



Planning Department

Case	BOA1608760
ZBA Submitted Date	2024-06-03
ZBA Hearing Date	2024-07-25
Address	100 Westover ST West Roxbury 02132
Parcel ID	2006941000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Replace an existing bump-out on the front of a single unit house with a larger bump-out. Existing bump-out and proposed bump-out both contain an internal mudroom and covered landing area.
Relief Type	Variance
Violations	Front Yard Insufficient

Planning Context:

The proposed project is in a residential area characterized by detached, 1.5-2.5 story houses. Nearly all the houses on the block have bump-outs on the front of the buildings. The proposed project involves replacing an existing bump-out, which contains a small internal mudroom and landing area, with a larger bump-out. There are precedents in the area of bump-outs of sizes and styles similar to proposed project, although the most common style are smaller with gable roofs, as opposed to the hip roof of the proposed project.

Zoning Analysis:

With the existing bump-out, the front yard currently is 9'6". The proposed bump-out is larger than the one it would replace and would make the new front yard 7'11". In addition to encroaching further into the front yard, the new bump-out is also wider than the existing. The existing bump-out is 8' wide for both the internal area and the roof overhang, while the proposed would be 13' 9" for the internal area, plus an additional 8' of roof overhang on either side, for an overall width of 29' 9".



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Section 56-40 states that "If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block." This means that the required front yard for this property is the front yard depth that occurs most frequently along the block, or the modal front yard depth. This is difficult to determine without a reliable plan of the entire block. However, the front yards on the block range from approximately 8 ft to 17 ft (estimated from Google Map satellite images). This means that the proposed front yard of 7'11" is likely non-compliant, but it is not clear by how much. In addition, it is not compliant with the minimum front yard listed on Article 56 Table of 20'. However, as stated in the planning context, there are precedents in the area of bump-outs similar to the proposed project.

Recommendation:

In reference to BOA1608760, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department



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Case	BOA1605078
ZBA Submitted Date	2024-05-22
ZBA Hearing Date	2024-07-25
Address	41 Redgate RD West Roxbury 02132
Parcel ID	2003438100
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Build out a finished basement in a single family home.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Property is a 2600 square foot single family house in West Roxbury, two blocks northwest of the Roxbury Latin School, and a quarter-mile southeast of Centre St near the West Roxbury Commuter Rail MBTA Station. The property sits within the large 1F-6000 subdistrict in and around Bellevue Hill. The proponent wants to convert an unfinished basement into a finished basement with a home theater, gym, half-bath, and some storage space, with no visible changes to the outside. While no recent planning study exists for this portion of West Roxbury, because this would have minimal or no impact on surrounding properties or physical character of the area, this proposal is not in conflict with planning goals.

Zoning Analysis:

Article 56, Table D notes that the maximum FAR for a single-family home in a 1F-6000 subdistrict in West Roxbury is 0.4. The house is currently 2676 square feet of living area on a 6047 square foot lot, yielding a current FAR of 0.44, which is an existing non-conformity. The proposed conversion of part of the basement to living space would add 595 square feet, creating a proposed living area of 3271 square feet, which would yield a new FAR of 0.54, which is an increase of 23% and a worsening of the preexisting violation. While both the existing violation and the proposed new FAR are higher than many surrounding and contextual



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properties, no exterior changes are happening with this proposed renovation. No additional units are being added, and no increased intensity of use or perceived bulk should be noticeable, were this to be approved. Zoning reform should consider the future role of FAR in residential subdistricts, especially given the prevalence of situations where the restrictions FAR imposes (on, for example, basement renovations) are not directly tied to the underlying concerns that are commonly expressed around density and bulk.

Recommendation:

In reference to BOA1605078, The Planning Department recommends APPROVAL.

Reviewed,

Planning and Zoning Director, Planning Department