



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: August 15, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the August 21, 2025 Board of Appeal's Hearing.

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



Case	BOA1706519
ZBA Submitted Date	2025-04-07
ZBA Hearing Date	2025-08-21
Address	1 to 3 Center PZ Boston 02114
Parcel ID	0302715000
Zoning District & Subdistrict	Government Center/Markets Pemberton Square Protection Area
Zoning Article	45
Project Description	Change occupancy from beauty salon to body art.
Relief Type	Conditional Use
Violations	Use: Conditional (Body Art)

Planning Context:

This project is located within the Center Plaza building in downtown Boston, across from Boston City Hall. The project proposes changing occupancy from a beauty salon to a body art establishment. The Center Plaza building is an eight-story commercial building with many different commercial spaces for rent. Existing tenants include beauty salons and barber shops, restaurants, and office spaces. Given the multi-use nature of the building and a change from beauty salon to a similar use of body art, this is an appropriate use for the site.

Zoning Analysis:

Section 45-14 states that body art establishments are a conditional use, and therefore must be granted a conditional use permit by the Board of Appeal. The existing use of beauty shop is an allowed use.

In granting conditional use for body art, the Board of Appeal must find that the conditions in Article 6 are met; the proposed use will not ostensibly adversely affect the neighborhood, will not present a hazard to vehicles or pedestrians, will not create a nuisance, has the appropriate facilities to operate the use, and is in an appropriate location. Given the existing use of a service establishment (beauty shop) and the active commercial nature of this area, body art is an appropriate use here. This also presents a case for zoning reform, where some land uses with similar impacts have different land use allowances.



Plans reviewed are titled "Tenant Fit-Up for Sola Salon Studios", prepared by James Gilmour Architecture, and dated June 28, 2023.

Recommendation:

In reference to BOA1706519, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1714041
ZBA Submitted Date	2025-04-23
ZBA Hearing Date	2025-08-21
Address	633 to 633A Tremont ST Roxbury 02118
Parcel ID	0400476000
Zoning District & Subdistrict	South End Neighborhood MFR/LS
Zoning Article	64
Project Description	The proponent proposes redeveloping the existing office and commercial space to a beauty salon on the first floor with necessary electrical and mechanical rooms and a staff break room on the basement level.
Relief Type	Variance
Violations	Forbidden Use

Planning Context:

The proposed project is a completely internal renovation that will have no effect on the physical urban landscape of the South End. The South End Neighborhood is home to a vibrant and diverse selection of active commercial uses including restaurants, retail shops, barber shops and beauty salons, typically with housing on the upper levels.

Article 64-7 establishes that this project is located within the Multi-Family Residential/Local Services (MFR/LS) subdistrict. The MFR/LS subdistrict was established to encourage the development of housing and ground floor commercial uses. This aligns with the current reality of the South End.

The plan, Imagine Boston 2030 outlines contextually sensitive development, encouraging small business growth, and providing ground floor amenities as strategies for enhancing Boston's neighborhoods. Internal alteration projects that expand use possibilities and preserve historic facades align with the city's neighborhood enhancement strategies.

This project adds vibrancy to the neighborhood by filling a currently vacant office space and converting it to an active use. The housing on the second floor of this building is unaffected by



the proposed project. The project fits the surrounding context of the neighborhood by adding a local service without compromising the physical character or available housing in the area.

Zoning Analysis:

According to Article 64 Table A, barbershops and beauty salons are allowed on the ground floor or basement floor. According to the Refusal Letter, the proposed project will relocate the office use to the 2nd floor, thus triggering the forbidden use sited. The planning department recommends this project for approval.

Plans reviewed are titled "Her Hair Salon", prepared by JCBT Architect, and dated 2/07/2025.

Recommendation:

In reference to BOA1714041, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1731934
ZBA Submitted Date	2025-06-09
ZBA Hearing Date	2025-08-21
Address	67 Appleton ST Boston 02116
Parcel ID	0500944000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Add takeout restaurant use to provide a soft-serve ice cream takeout window to an existing candy store.
Relief Type	Conditional Use
Violations	Conditional Use Required

Planning Context:

The proposed project would be adding a soft serve ice cream window on the side of an existing candy shop. The only change of the building would be changing an existing window panel to an operable window to sell ice cream. The business is fully on the ground floor of an existing rowhouse. The surrounding context is made up of similar brick rowhouses with various retail, restaurant or businesses on the ground floor of many.

Zoning Analysis:

The proposal requires conditional use permits for a take out restaurant use and a walk up take out window use. The proposed does not create new zoning violations or worsen any existing violations. The new use will meet the conditions of Section 6-3 with minimal impact to the surrounding context while also retaining and growing an existing local business.

Recommendation:

In reference to BOA1731934, The Planning Department recommends APPROVAL.

Reviewed,

Deputy Director of Zoning



Case	BOA1732098
ZBA Submitted Date	2025-06-10
ZBA Hearing Date	2025-08-21
Address	218 to 220 Old Colony AV South Boston 02127
Parcel ID	0700423000
Zoning District & Subdistrict	South Boston M-1
Zoning Article	8
Project Description	Proposed change of use for ground floor commercial space - from retail establishment to pilates studio. Work to include the installation of two bathrooms.
Relief Type	Variance
Violations	Forbidden Use (Fitness Center)

Planning Context:

The proposed project sits along a high-density, mixed-use stretch of Old Colony Avenue in South Boston. While the area was historically home to predominantly manufacturing and industrial uses, recent development projects have brought an influx of residential and commercial uses to the corridor. This shift in context was largely spurred by the adoption of PLAN: Dorchester Avenue (adopted in 2016), which envisioned the corridor transforming into a "new, mixed-use 21st century district" with "significant housing opportunities" and "active ground floor retail and service uses."

As part of the in-progress 218-220 Old Colony Avenue small-project development, the proposed project is closely related to this planning context. The five-story development (which was approved in March 2020 and broke ground in October 2022) will bring 40,000+ square feet of residential dwelling units (32) and roughly 2,000 square feet of ground floor commercial space to its previously low-density industrial site.

Originally approved with a ground floor retail use, the development now seeks zoning relief to accommodate a change of occupancy to a pilates studio. This scope aligns with PLAN: Dorchester Avenue's stated planning goals for the east side of Old Colony Avenue, which encourage the proliferation of certain ground floor commercial uses, including "smaller scale



retail and professional offices," as well as "fitness centers and other neighborhood commercial amenities."

Zoning Analysis:

Fitness centers and gyms (of which pilates studios are considered by zoning) are not land uses specifically mentioned in the property's use tables (Table B of Article 8, which relate to Boston's "base code" zoning). Accordingly, they are categorized as forbidden in the districts in which those tables are applicable.

Despite their absence from the area's use regulations, fitness centers and gyms are land uses that are both: (1) already existing in the surrounding area (2-3 block radius), and (2) specifically noted as contextually appropriate for the area in the recently adopted PLAN: Dorchester Avenue (2016). Because of this context, the Planning Department recommends approval for the proposed project.

Future zoning reform in the area (and to base code zoning), should seek to better align use regulations for base code districts with: (1) current land use trends in the area; and (2) the structure of the Planning Department's recently implemented updates to other use tables within the Code.

Recommendation:

In reference to BOA1732098, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1725220
ZBA Submitted Date	2025-05-27
ZBA Hearing Date	2025-08-21
Address	24 Edge Hill ST Jamaica Plain 02130
Parcel ID	1001934000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-3000
Zoning Article	55
Project Description	The project will add two shed dormers to an existing 2.5-story structure to create a 3-story structure.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient

Planning Context:

The existing structure is a 2.5-story, single-unit residential structure. It is located in an area with many similar residential structures, many of which are 2.5 to 3 stories tall. Most properties are built to the street with small rear yards. Similar to the subject lot, most lots have narrow driveways or walkways on one side that divide the space between neighboring properties. The project proposes to add shed dormers to an existing finished attic to expand the amount of usable floor area. This type of renovation is also an example of the kinds of renovations and changes the Planning Department seeks to streamline via the Neighborhood Housing Zoning initiative, announced in November 2024, where the goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances.

Zoning Analysis:

The required Floor Area Ratio (FAR) for the property is 0.6. The existing FAR is 0.7 and the proposed is 0.83. The subject lot is much smaller than many surrounding lots which leads to a greater proportional increase in the FAR despite the fact that the increase in floor area is very



small. There are several examples of other properties in the area with higher FAR on similar sized lots.

The project is cited for front, side, and rear yard violations. Because the dormers stretch the length of the structure, they register within all of the yard violations and therefore constitute an extension of an existing non-conformity for all sides. The narrowest yard in this case is on the north side where the project will not decrease the side yard beyond the existing 4.4 feet. As with the other sides of the property, the project will maintain adequate light and air for the subject and neighboring properties while allowing the owner to increase the amount of living space within the unit. This demonstrates a case for zoning reform as the owner should not be required to seek zoning relief for a minor change to the structure that is consistent with the scale of the surrounding area and which preserves the existing structure.

The project is also cited for inadequate parking. As with many surrounding properties, there is a paved area on one side which may be used as parking or as a walkway to the rear of the property, however, no parking is shown on the plans. The Code states that a single unit residence is required to have a minimum of one parking space. The project is a minor upgrade to an existing residence and therefore a variance should be granted with respect to off-street parking.

Recommendation:

In reference to BOA1725220, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1720605
ZBA Submitted Date	2025-05-13
ZBA Hearing Date	2025-08-21
Address	13 Marmion ST Jamaica Plain 02130
Parcel ID	1102091000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	55
Project Description	Renovate an existing 2.5-story structure, adding a rear addition and shed dormers, to create a 3-story, three bedroom residential structure. The project will also rebuild the front porch and fully finish the rear porch.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The property is located in Jamaica Plain within the PLAN: JP/Rox plan area. The proposed single unit residential structure is consistent with the surrounding neighborhood at three stories tall. It is also closely spaced next to the neighboring properties to both sides which is consistent with the other 2.5- and 3-story structures in the neighborhood.

The project will turn an existing attic into living space with the new dormers, build a second story addition in the rear of the structure, rebuild the front porch while reducing its size, and rebuild and fully finish the rear porch.

PLAN: JP/Rox promotes the production of housing with a mix of unit sizes and seeks to enable home renovations. The project will add an additional bedroom to create a three-bedroom unit that largely maintains the character and scale of the original structure. This type of renovation is also an example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024,



where the goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances.

Zoning Analysis:

The project is flagged for excessive floor area ratio (FAR), excessive building height, and front, side, and rear yard violations.

The required FAR in the district is 0.7. The existing structure has an FAR of 0.56 and the proposed FAR is 0.83. The block primarily consists of 2.5- and 3-story buildings, many of which surpass the 0.7 or 0.8 FAR maximum which depends on structure type. This suggests that the proposed FAR is consistent with the neighborhood's established character, and thus presents a case for zoning reform.

The project is also cited for excessive height. The maximum height is three stories. The project proposes a three story building. No violation is found for excessive height.

The project is also cited for insufficient front, rear, and side yards. The code requires a front yard of 15 feet and the existing front yard is 8.8 feet. The project proposes to rebuild the front porch, reducing its width within the front yard which will result in a decrease in extent of the non-conformity.

The code requires a rear yard of 20 feet and the primary structure is 14.9 feet from the rear property line at the nearest point. The rear porch will be rebuilt but the depth of the rear yard will not change. There is also an existing shed within the required rear yard. No change to the shed is proposed.

The code requires a side yard of at least seven feet while maintaining at least ten feet between primary structures on neighboring properties. The existing structure is within three feet of the northern property line and maintains a 2.4 foot side yard at the narrowest point. The project will not decrease this distance, but the proposed dormer and rear addition will be an extension of this non-conformity. The addition helps to achieve the goals of PLAN: JP/Rox and the Neighborhood Housing Initiative while maintaining side yards consistent with area and maintaining adequate light and air between neighboring properties.

Recommendation:

In reference to BOA1720605, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1684116
ZBA Submitted Date	2025-01-15
ZBA Hearing Date	2025-08-21
Address	51 Moseley ST Dorchester 02125
Parcel ID	1303384000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Legalize an already constructed residential basement extension built within the CFROD overlay.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Lot Frontage Insufficient Usable Open Space Insufficient CFROD Applicability

Planning Context:

The proposed project would legalize an existing basement extension of a previously constructed building. There are no external dimensional changes and no change in occupancy. This project aligns well with both the neighborhood character and city planning goals. By expanding the already existing unit, it can allow a family to continue to live in place without having to leave the community and neighborhood.

The project is also located within the Coastal Flood Resiliency Overlay district, but not subject to its requirements. While the Planning Department does not support the creation of new living area below the Sea Level Rise Design Flood Elevation within the CFROD, to help ensure the safety of new residential space, this space is already existing.

Zoning Analysis:

There are five violations that are triggered by the project. The front, rear, and side setbacks are all too shallow for what zoning allows for. However, the building is already constructed, and there will be no dimensional changes made to these setbacks.



The next violation is in regard to open space, but again, there are no dimensional changes or occupancy changes for the building. This is a preexisting non-conformity that will not be extended by this proposed change.

The final violation is in regards to FAR. The zoning allows for an FAR of 0.5 while the proposed project has an FAR of 1.2. The FAR is the only dimension that changes for the project, as making the basement occupiable will count towards the FAR, unlike an unfinished storage area. However, there is no occupancy change and no external dimensional changes that are being made to the property. This points to the appropriate fit of this addition within the neighborhood context.

Recommendation:

In reference to BOA1684116, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning