



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: June 05, 2024

RE: BPDA Recommendation

Please find attached, for your information, BPDA's recommendations for the June 13, 2024 Board of Appeals Subcommittee Hearing.

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



Case	BOA1592730
ZBA Hearing Date	2024-06-13
Address	135 Chelsea ST East Boston 02128
Parcel ID	0103720000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	53
Project Description	Change use of ground-floor from retail to beauty and nail salon in a recently constructed mixed-use building with ground-floor commercial and 4 units of residential above.
Relief Type	Variance
Violations	Use

Planning Context:

The proposed project is just north of Route 1A in East Boston, 0.3 miles west of the Airport Station on the MBTA Blue Line. The proposal is a change of use on the ground-floor from 640 square feet of retail to a beauty and nail salon in an existing mixed-use building with ground-floor commercial and 4 units of residential above. The site of the proposed project is a corner lot at the intersection of Chelsea Street and George R. Visconti Road. Across from Visconti Road is the elevated Route 1A and surface parking below the overpass. Abutting the proposed project to the rear, east of the site, is a one-story barber shop and surface parking. Abutting the proposed project to the north is a three-story residential building. Along Chelsea Street, there is a mix of residential and commercial ground-floor uses.

PLAN: East Boston, adopted by the BPDA Board in January 2024, recognizes this area as the Eagle Hill and Paris Flats Neighborhood Residential Area. The PLAN recommends allowing schools and childcare facilities in all Residential districts, as well as allowing retail along Bennington Street to Day Square. Zoning amendments to Article 53 codify use and building dimension recommendations from the PLAN have been advanced by the BPDA Board and were approved by the Zoning Commission on April 24, 2024. According to those amendments, the proposed project is within the East Boston Neighborhood EBR-3 subdistrict. The amendments introduce new use definitions by which commercial uses are subcategorized into "Active Uses" and "Commercial Uses" and by size of the use. Both the existing 640-square foot retail use and the 640-square foot beauty and nail salon are allowed uses on a corner lot in EBR-3.



Zoning Analysis:

The proposed project was filed with Boston Inspectional Services Department on February 13, 2024, before the Article 53 amendments were adopted. Therefore, the project is being reviewed for zoning compliance under the prior zoning. Within the East Boston Neighborhood 3F-2000 subdistrict, the existing retail use is forbidden. In addition, the proposed beauty shop use is forbidden. The proposed change of use is similar to the existing, in terms of potential noise and transportation impacts. There is no reason to believe that new impacts would be introduced with the change of use. In addition, the recent zoning amendments that codify recommendations of PLAN: East Boston support the proposed change of use. PLAN: East Boston was developed after years of community engagement and analysis and best represents the City's planning goals. The proposed project was filed on February 13, 2024. If it had been filed just four months later after adoption of the Article 53 zoning amendments, the change of use would not violate zoning. Therefore, zoning relief is recommended.

Recommendation:

In reference to BOA1592730, the Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1584046
ZBA Submitted Date	2024-03-25
ZBA Hearing Date	2024-06-13
Address	314 to 330 W Second ST South Boston 02127
Parcel ID	0601728078
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Change of occupancy from 51 apartments, garage, and 4 offices/retail to 51 apartments, garage, 3 offices, and a body art establishment.
Relief Type	Variance
Violations	Forbidden Use

Planning Context:

The existing project is a 5-story mixed use building with ground floor offices/retail and residential units above. The project proposes to change one of the office/retail spaces to a body art establishment. The existing structure will remain the same.

The project is located in a multifamily residential neighborhood in South Boston, 0.2 miles from the bus network on W Broadway and 0.7 miles from the MBTA's Broadway station. The project abuts 2 3-story condo complexes and a single-family home. The 3-story condo to the project's east has 2 commercial gyms on its ground floor. A ground-floor body art establishment fits the existing neighborhood context given the existence of other ground floor service establishments on the street.

Zoning Analysis:

As described in the planning context, the existing character of the area along Second St where the project is located is more closely aligned with a mixed-use neighborhood than a purely residential one. This project demonstrates the need for zoning reform to update zoning maps, ensuring that zoning subdistricts and allowed uses within those districts match the existing character of Boston's neighborhoods. New land use definitions, currently only mapped in Squares + Street areas, categorize a body art establishment as a service establishment, similar to a gym or barber. Zoning reform should also consider aligning definitions with the new zoning.



Recommendation:

In reference to BOA1584046, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1576558
ZBA Hearing Date	2024-06-13
Address	118 F ST South Boston 02127
Parcel ID	0601122000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68
Project Description	Alteration to add additional living space in the basement of an existing multifamily building.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proposed project sits in an established multifamily residential area in South Boston. The surrounding area comprises a mix of 3-4 story residential and mixed-use commercial structures, with residential occupancies ranging from single-family to multi-family uses. The project site sits a block off of West Broadway, with immediate access (<100') to several bus stops for the MBTA's 9 bus route. It is currently occupied by an existing 3-story, 2-family residence.

The proposed project seeks to fit out the structure's existing basement with new living space, in addition to creating a new outdoor rear patio to be used by the residents of Unit 1. No exterior alterations or changes of occupancy are proposed as a part of the project. This project scope is in keeping with the City planning goals outlined in Housing a Changing City, Boston 2030 (September 2018): to preserve the existing housing stock and add flexibility for growing living arrangements.

Zoning Analysis:

While no exterior modifications/additions are proposed as a part of this project, the proposed basement alteration does lead to the creation of additional living area within the structure. This living space adds previously uncounted square footage to the structure's GFA, thus increasing its FAR from 1.87 existing to 2.34 proposed (2.0 permitted by zoning). This figure, while in excess of the area's zoning, is typical for the surrounding area (the majority of parcel's surrounding have FARs hovering around or just over 2.0) and lot typology (project sits on a small 21' x 64' lot). Because the proposed project's scope is limited to renovating already

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existing space within the structure with no changes to massing, its impacts will be minimally invasive to the surrounding area.

Recommendation:

In reference to BOA1576558, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1548719
ZBA Submitted Date	2023-11-29
ZBA Hearing Date	2024-06-13
Address	293 Northampton ST Roxbury 02118
Parcel ID	0900958000
Zoning District & Subdistrict	Roxbury Neighborhood MFR
Zoning Article	6
Project Description	Extend the current use of a paid parking lot until November 30, 2026.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

The applicant seeks to continue the existing use of a paid surface parking lot with 19 parking spaces. The site is surrounded by multifamily residential buildings and located within both the Roxbury Neighborhood and the South End Landmark District. On this same property is a separate structured parking garage that operates under a different parking license. The site is within 1/4 mile of the Massachusetts Ave Orange Line MBTA Stop, the Symphony Hall Green Line MBTA Stop, and the high frequency MBTA Bus #1.

Consistent with the goals of Go Boston 2030 and Maximum Parking Ratios for Article 80 Development, parking lots and garages as a primary use are not considered the best use for a site, especially given the proximity to two rapid transit stations and a key bus route.

Zoning Analysis:

This surface parking lot was previously granted conditional use to continue operations of a paid surface parking lot at the November 10th, 2020 Zoning Board of Appeal. Zoning relief was granted until November 30th, 2023, and the applicant was required to undergo BPDA design review for screening and buffering.

This lot is also within a restricted parking district. In determining conditions for approval for parking facilities in a restricted parking district, Section 6-3A describes that the Board of Appeal may grant conditional use should one or more of the following conditions be met: a) that it will



serve a traffic demand not adequately provided for by public transportation; or b) it will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or c) it is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or d) the facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal. Given that this is an existing facility, provision b) is not relevant, and given that this is not an accessory or ancillary use, provision c) is not relevant here. Should the Board of Appeal find that conditions a) or d) are met, additional provisions should be placed to improve the design of the surface parking lot and discontinue the use of a sunset provision.

Continually returning to the Zoning Board of Appeal is an area for zoning reform, where the conditional use of a proposed project should be determined until there is a proposed change on the site, rather than on a 3-year basis.

To establish a satisfactory surface parking lot that would not require continued review, additional screening and buffering should be implemented along both sides of the driveway, rather than just on one side, by extending the fence on the northern side of the driveway. The curb cut should be narrowed from the existing 20+ feet in accordance with the Public Works Department curb cut guidelines, and the applicant should replace the asphalt sidewalk with an accessible concrete sidewalk along the side of the lot.

Recommendation:

In reference to BOA1548719, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review to extend the fence along the northern side of the driveway and implement landscaping and that the applicant narrow the curb cut and replace the asphalt sidewalk with a concrete sidewalk in accordance with Public Works Department guidelines.



Reviewed,

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Director of Planning, BPDA



Case	BOA1548439
ZBA Submitted Date	2023-11-28
ZBA Hearing Date	2024-06-13
Address	111 to 113 H ST South Boston 02127
Parcel ID	0701843000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Remove proviso under BOA966578's conditional use for Liquor Store of "beer and wine limited to one (1) cooler with two doors," so as to permit the retail sale of all alcoholic products. The additional proviso of the proviso being only to the petitioner will be maintained. No construction to be required.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

Property is an existing building with a corner store on the ground floor and five dwelling units on upper stories in South Boston. The ground floor is a corner store operating under the name "Jamie's Variety." In September 2019, the conditional use of Liquor Store was granted by the Board of Appeal for beer and wine, with the double proviso that the sales of beer and wine be limited to one (1) cooler with two doors, and that the relief be limited to this petitioner only. Applicant seeks to remove the proviso limiting to beer and wine limited to the one cooler with two doors, so that all alcoholic beverage types be allowed for sale in more than one cooler.

Zoning Analysis:

Section 6-4 notes 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," meaning the two provisos currently attached to the property via BOA966578. Applicant seeks to remove the existing limitation on alcohol sales to only beer and wine, and to only have one cooler with two doors. Liquor stores selling more than wine and beer and having more than one cooler are prevalent across Boston as well as South Boston, and this proviso is appropriate for removal for the continued economic benefit of this business. The store will continue to retain other items for sale. With the nearest liquor stores otherwise three, four, or

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five blocks away (in differing directions), expanding this use will not result in an over-concentration of this use in the neighborhood.

Future zoning reform may consider the double role of the Licensing Board and the Board of Appeals in adjudicating the appropriateness of alcohol and controlled substances.

Recommendation:

In reference to BOA1548439, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1262365
ZBA Submitted Date	2021-10-25
ZBA Hearing Date	2024-06-13
Address	18 Coleus PARK Dorchester 02121
Parcel ID	1400351000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	The project seeks to construct a third story on an existing two-story, two-unit residential building. The construction of the third floor will be an extension of the existing of the second floor unit, allowing for two additional bedrooms and a family room for unit 2; the total number of units will not change. In addition to the addition of the third floor, the proponent will also be renovating the basement.
Relief Type	Variance
Violations	Side Yard Insufficient Front Yard Insufficient

Planning Context:

The project seeks to construct a third story on an existing two-story, two-unit residential building. The construction of the third floor will be an extension of the existing of the second floor unit, allowing for two additional bedrooms and a family room for unit 2; the total number of units will not change. The proponent will also be renovating the basement to create an additional living area.

The property is located near the Dorchester/Roxbury neighborhood boundary. The project is located on a primarily residential block, across the street from Martin Luther King, Jr. Elementary School. The project site has two vacant lots to its immediate vicinity (126 Intervale St. and 14 Coleus Park), as well as a income-restricted residential apartment building at 128-130 Intervale Street, owned by the Jamaica Plain Neighborhood Development Corporation. The block is primarily single-family, with some three-family (7 Coleus Park) and multifamily housing (128-130 Intervale Street, 105-107 Lawrence Avenue). These buildings are made up of buildings between 2.5 and 3 stories in height, and consist of both semi-attached duplexes.



The project is located within the study areas of the Roxbury Strategic Master Plan and the Fairmount Indigo Corridor Plan. The Roxbury Strategic Master Plan (2004) advocates for several topics including increased public investment of infrastructure, increased housing opportunities, and enhancement of civic awareness and involvement in issues that impact the Roxbury community. In terms of housing, a goal of the Roxbury Strategic Master Plan is to provide a wider range of housing options for residents of diverse socioeconomic and age groups.

The Fairmount Indigo Corridor Plan (2012) is a comprehensive community-based, corridor-wide plan with the goal of improving economic growth and physical improvement along the Fairmount Indigo Corridor, a 9.2 mile transit corridor that runs through some of Boston's most disadvantaged neighborhoods. The plan identifies two and three family homes as the most common housing type across the Corridor, and that adding a variety of housing units affordable to a range of household incomes can prevent displacement. The plan also emphasizes the need to reduce empty lots and promote infill residential development to improve the housing stock.

Zoning Analysis:

The project is located in a 3F-4000 subdistrict, which supports the development of three-family residential buildings. The proposed project raises two violations: Front Yard Insufficiency and Side Yard Insufficiency, both of which are existing nonconformities. Article 50 requires buildings in 3F-5000 subdistricts to have a minimum of 20 feet of front yard depth and a minimum of 10 feet of side yard width.

The existing property has a front yard of approximately 15 feet deep on the shallowest side, and a 6.3-foot wide paved driveway to the east, and a 3.7 to 4.9-foot wide side yard to the west. Other properties on the same block have similar nonconformities, including 7 Coleus Park and 128-130 Intervale Street, whereby at least one side yard falls short of the 10 foot yard requirement, and the front yard depth is shallower than 20 feet.

The property is nearby to Ceylon Park and may require approval by the Boston Parks and Recreation Commission, per the Development Approval Near Public Parks and Parkways review process.

The proposed project's footprint will remain as-is, and match the existing block context. The most significant change, the increase in height of the building in stories, is allowed under the existing zoning.



The plans entitled PROPOSED ADDITION/RENOVATION, 18 COLEUS PARK, ROXBURY, MASSACHUSETTS prepared by CHOO & COMPANY, INC. on MAY 12, 2021 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1262365, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1542663
ZBA Hearing Date	2024-06-13
Address	11 Adams ST Dorchester 02122
Parcel ID	1501707000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Demolish the existing half story on top of the second story and replace it with a full third story.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient

Planning Context:

This project proposes the removal of a half story roof and replacing it with a full third floor with attached deck. The existing building is a two and a half story single-family home, with attached rear decks on the first and second floor. After construction, there will be no dimensional change to the rear deck. The typical structure along this section of Adams St is the triple decker with a full three stories. This proposal fits the height scale of the neighborhood and maintains existing character. All of the dimensional violations this project is requesting are also triggered by the neighboring triple deckers.

Zoning Analysis:

There are four violations that this project triggers within the zoning code. The first two violations are Insufficient Side and Rear Yards. However, both of these violations are existing and the proposed new story would not worsen the violation in any way. There are no changes to the building footprint proposed by this project. The third and fourth violations are excessive FAR and excessive height in stories. The proposed project plans for a 3 story building where only 2 and a half are allowed. The Zoning allows for a FAR of 0.5, which the existing building already exceeds.



As stated in the planning context, the most common built form in this area of Adams St is the triple decker. The typical triple decker has the same height and potentially more excessive FAR than this proposed project. This points to a disconnect between the zoning code and the built environment that signifies the need for zoning reform.

Recommendation:

In reference to BOA1542663, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1578198
ZBA Submitted Date	2024-03-08
ZBA Hearing Date	2024-06-13
Address	8 Dacy ST Hyde Park 02136
Parcel ID	1809393000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	The proponent seeks to renovate the existing three-story, two-family home to to expand the second unit to include an additional bedroom on the third floor. The total amount of units will remain the same. This proposal will not require demolition of the existing structure. The proposed plans are part of a larger condominium project which will include 11 units total.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Front Yard Insufficient Additional Lot Area Insufficient Lot Area Insufficient Parking or Loading Insufficient Usable Open Space Insufficient

Planning Context:

8 Dacy Street is in a transportation rich area less than a half mile away from Cleary Square and its two commuter rail stations. It is located within a fairly mixed-use neighborhood with two large multi-family residential buildings being built on the same lot (the proposed plans are part of a larger condominium project which will include 11 units total), and two-family homes across the street from it. The parcel is a particularly large lot for the area, and is located on a dead end street (Dacy St.) with only two houses on it. This street is just outside of the Squares + Streets planning area indicating that it is less than a 0.5 mile length walk to Cleary Square and its amenities. The proponent seeks to renovate the existing three story two family home to change the roof structure and include an additional bedroom on the third floor.

Zoning Analysis:



8 Dacy Street is located in the Hyde Park neighborhood district, and the 2F-5000 neighborhood sub district. The proposal has 8 violations. As mentioned earlier, this plan is part of a larger 11 unit condominium project. The first violation is for off-street parking; currently zoning requires two spaces per unit. Given that there would be 11 units total, there should be 22 parking spaces provided. However, the proponent is providing 8 spaces (only 3 spaces short). However, the BTM maximum parking ratio for the area is one space per unit. As such, this poses a case for zoning reform. The second violation is for use, which is an existing non-conformity, as they are not adding any additional units to the building with their renovation.

They are violating the required amount of usable open space, lot area, and additional lot area which are also all existing non-conformities. The required amount of usable open space would be 19,250 square feet while the proponent is providing significantly less at 4,750 square feet. Further, the additional lot area required for the neighborhood is 5,000 square feet and the additional lot area is 3,000 square feet per dwelling unit. This equates to 32,000 square feet of lot area required which is not viable given the size of the lots in the surrounding area. The proponent is providing significantly less at 12,742 square feet, however, they are not extending this existing non-conformity. That being said, there is a way to better configure the parking so that there is more usable open space.

Finally, the proponent is in violation of FAR, building height, and minimum front yard depth. The FAR required for the neighborhood is 0.5, the required building height is 2.5 stories or 35 feet, and the front yard depth is 20 feet. The proponent is providing little to no front yard space at 2.6 feet and is adding an additional half story. However, given the current context with two relatively tall multifamily buildings that hug the curb, the current proposal does not drastically change the look of the neighborhood.

Recommendation:

In reference to BOA1578198, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1589504
ZBA Submitted Date	2024-04-11
ZBA Hearing Date	2024-06-13
Address	130 Central AVE Hyde Park 02136
Parcel ID	1808121000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Create two off-street parking spaces for existing 2-family house in Hyde Park.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proposed project seeks to create two additional off-street parking spaces for an existing 2-family house at 130 Central Avenue in Hyde Park. No changes to the existing structure will be made. Parking for 2 vehicles currently exists on the east side of the property but sits on the abutting parcel, which is owned by the same owner. The proposed parking spaces will be created on the west side of the property and on the parcel where the existing structure is located. A new curb cut will also be required for this change.

The proposed project would not align with the City's goals as noted in the Urban Forest Plan (September 2022) and Go Boston 2030 (March 2017). Nor would this change align with the Public Improvement Commission (PIC) policy in regards to the proposed curb cut. The Urban Forest Plan (September 2022) noted that parking, both on and off-street, should be balanced with the opportunities to make additional room for trees. This includes prioritizing the preservation of tree canopy instead of the installation of off-street parking spaces as the installation of off-street parking often leads to tree loss, adds impervious areas, and contributes to the urban heat island. Because the proposed project would pave over the existing open space to create off-street parking spaces, this would be in direct violation of the City's goals.

The proposed curb cut would also go against the City's goals that were stated in Go Boston 2030 (March 2017). In Go Boston 2030 (March 2017), the City created the goal to consolidate curb cuts to limit the impacts on on-street parking spaces. This curb cut would also remove at

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least one on-street parking parking space to create two off-street parking spaces. This would also be in direct violation of PIC guidelines as there is already an existing curb cut for this property and PIC guidelines state that there should only be one curb cut for a property.

A curb cut also already exists on the east side. The creation of parking on the west side of the property alongside with the creation of a second curb cut would go against City policies and goals. Another issue would be the existing fire hydrant that is noted next to the proposed curb cut. It is currently unknown the effects that the proposed curb cut would have on the hydrant

Zoning Analysis:

While the proposed project's refusal letter states that there is an insufficient side yard, a denial is recommended for the proposed project. Under Article 69, for an area zoned as 1F-6000, the minimum required side yard is 10 feet. Section 10-1 also states that the location of accessory off-street parking in a residential district may only occupy side yards if it is located more than five feet from the side lot line. The proposed driveway on the west side of the property would not meet these dimensional requirements.

While not stated in the refusal letter, the loss of open space would also require zoning relief. Under Article 69, the minimum usable open space per dwelling unit is 1,800 square feet but the proposed amount of open space is 477 square feet, which is significantly less than the required amount.

The plans reviewed for this project are titled 130 Central Avenue and are dated October 11, 2022. They were prepared by A.S. Elliott Associates.

Recommendation:

In reference to BOA1589504, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1567349
ZBA Hearing Date	2024-06-13
Address	30 to 32 Eatonia ST Allston 02135
Parcel ID	2200343000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-4000
Zoning Article	51
Project Description	Renovate the interior of an existing home, adding living space to the basement.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient

Planning Context:

The proposed project consists of changes limited to the interior of an existing building. The existing building is a two-family dwelling in a One-Family Residential subdistrict. The existing second floor unit has no proposed changes and currently contains three bedrooms. The first floor unit presently contains two bedrooms. The addition of bedrooms to the structure increases the available housing within the lower unit, converting it from a two bedroom unit to a family-sized five-bedroom unit with additional playroom. The proposal contains provisions for window wells, allowing for daylight to penetrate the proposed basement rooms. The addition of family housing supports the goals of Boston 2030: Housing a Changing City by increasing family-sized housing in an area where many units are dedicated to the student population.

Zoning Analysis:

This parcel is located in the Allston/Brighton Neighborhood District in a One-Family Residential (1F-4000) subdistrict, pursuant to Article 51 of the Zoning Code. The proposed project contains no changes to the exterior of the building. Therefore, the side yard setback violation cited in the refusal letter persists from an existing condition and is not worsened or extended by the proposed changes. The excessive FAR violation is affected by the changes in the basement that alter that level from non-living space (storage/mechanicals) to occupiable living space. However, since these changes do not affect the massing nor use of the building, relief is recommended. This is a case for zoning reform that better clarifies dimensional requirements to allow investment in existing properties.



Recommendation:

In reference to BOA1567349, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1597342
ZBA Submitted Date	2024-05-01
ZBA Hearing Date	2024-06-13
Address	21 Holton St Allston 02134
Parcel ID	2201193000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Change occupancy from 3 to 5 units, by erecting a three story addition on each side of the structure, and reconfiguring the internal structure of the existing building.
Relief Type	Variance
Violations	Additional Lot Area Insufficient Parking or Loading Insufficient Use: forbidden (multifamily)

Planning Context:

Parcel is an atypically large (10,619 square feet, 81' frontage, 128' depth) parcel with a three-family building in Lower Allston, three blocks east of the redeveloped Star Market commercial and residential complex that was part of the Western Avenue Corridor Study and Rezoning recommendations that were approved by the BPDA Board in October 2022, and subsequently adopted in the zoning code. This study recommended significant residential and commercial growth at Everett and Western Avenue, and this site is within walking distance from there.

While infill housing development was not specifically mentioned in the Allston/Brighton Needs Assessment (completed in January 2024), housing was identified as the most critical need in the neighborhood. In particular, the assessment noted how housing production in Allston/Brighton has not kept pace with overall housing production in Boston, and this proposal is an excellent example of new kinds of housing production that can help to close that gap.

The basic planning need to be addressed is striking a balance between 1) adding contextual renovations to incrementally create housing on existing properties as one strategy to address the ongoing housing crisis; and 2) ensuring that development on atypical parcels mitigates potential negative effects on neighbors. The property is more than twice the minimum lot size,



and this is generally atypical for Lower Allston. The zoning violations in general reflect the degree to which existing language is not flexible enough to handle lot sizes with abnormal size. In particular, while five units may reasonably be a forbidden use in parcels where only detached residences of between one to three units can generally fit, the surrounding context is generally composed of residential units ranging to from two units to smaller multifamily. With that context, allowing modifications to an existing three-family will better preserve existing character than potential other options for housing production for that site which would also need zoning relief, like subdivision or wholly new construction.

Plans by 686 Architects dated on December 8, 2023, and reviewed by Frank D'Amato on March 26, 2024.

Zoning Analysis:

Additional Lot Area Insufficient: Per Article 51, Table D, the minimum lot area in a 3F-4000 for any use other than a semi-attached dwelling row house building or town house building is 4,000 square feet for 1 or 2 units, with every additional unit requiring 2,000 square feet. Given that this proposes five units, the minimum lot size required would be 10,000 square feet. ISD has flagged this as a violation in the refusal letter, but because the property is 10,619 square feet, it does not appear to be a violation. Regardless, to the degree to which this exists as a violation, given the substantial size of the parcel, adequate open space and circulation space is available in these plans, and the existing building is still similarly scaled to surrounding buildings, so zoning relief is appropriate.

Parking or Loading Insufficient: Per Article 51, Table J, the minimum number of parking spaces for residential uses from 1-9 units is 1.75 spaces per unit, which would yield a required minimum of 9 parking spaces, based on 5 proposed units. The site is half a mile walking distance from the recently constructed Boston Landing commuter rail stop, with additional close access to the 66 Bus. With good walking distance to the commercial centers across Lower Allston, Harvard's Allston Campus, Boston College, and Boston University, the parking ratio of 1.75 spaces per unit is disconnected from the existing parking provided in Lower Allston, and would require the total removal of the backyard of this site to accommodate a 9-space parking lot with a drive aisle running the length of the lot. A parking ratio of one space per unit is more than sufficient, and zoning relief is appropriate.



Use: forbidden (multifamily): Per Article 51, Table A, multifamily dwellings above three units are a forbidden use in this 3F subdistrict. Given the abnormal size of the lot relative to other lots in this subdistrict and relative to the citywide policy objectives of housing production, small-scale multifamily is appropriate in this location, and relief is appropriate.

21 Holton St is present in the Massachusetts Cultural Resource Information System with the MHC ID of BOS.8237 and the name of "Jonathan Davenport House." The more detailed inventory is dated Summer 1978, and notes that the noteworthy site characteristics are a "large lot particularly to rear of house, large maples in front, chain link fencing," and that the noted significance is "well-preserved example of the late Greek Revival / Italianate style prevalent in the St. Anthony's area and indicative of an early period of neighborhood prosperity." The proposed plans do indicate that the front maples are, 45 years later, now stumps. Design review by the BPDA is appropriate, given the degree to which additions to this house may warrant more detailed review, given the noted historic significance of this building and site.

Recommendation:

In reference to BOA1597342, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review.

Reviewed,

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Director of Planning, BPDA



Case	BOA1552488
ZBA Hearing Date	2024-06-13
Address	340 Baker ST West Roxbury 02132
Parcel ID	2009154000
Zoning District & Subdistrict	West Roxbury Neighborhood Community Commercial
Zoning Article	56
Project Description	Renovate existing two-family house to add living space to basement, rework existing layout on the first and second floor, raise the roof to add additional living space to the attic, and install a new rear deck for egress.
Relief Type	Variance, Conditional Use
Violations	Rear Yard Insufficient Nonconforming Use Change

Planning Context:

This project was previously reviewed by the BPDA for the ZBA hearing on May 16, 2024. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

The proposed project seeks to renovate the existing two-family house at 340 Baker Street in West Roxbury through both internal and external renovations. Internal renovations include adding living space into the basement and attic and revisions to the existing layout on the first and second floors. As a result, it would create two 3-bedroom units. External renovations include raising the roof to add the living space to the attic and adding a rear deck for the second floor unit for egress in the rear. While this portion of Baker Street is currently zoned as Community Commercial, Baker Street contains a mix of residential buildings that contain single-family and two-family houses. The proposed project also neighbors an electrical substation and offices to its south.

This project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) as it would add additional living areas to existing housing for larger households.

Zoning Analysis:



The refusal letter states that there are violations for a nonconforming use change and an insufficient rear setback. Within a Community Commercial Subdistrict, a two-family residential dwelling is a conditional use. As this project is proposing the addition of living space in the basement and attic, it is an extension of a nonconforming use. However, relief is recommended for this violation as Article 9 Section 2 states that a structure or land that is being lawfully used for a use not conforming to this code, such structure or land may be used for another nonconforming use as long as a permit has been filed and the Board of Appeal grants permission for the substitute nonconforming use. As the nonconforming use change is allowable under Article 9, it is recommended that this change is allowed because this extension will allow larger households to live in the area as the changes will create two 3-bedroom units.

The other violation is an insufficient rear yard. Under Article 56 for a Community Commercial Subdistrict, the minimum rear yard is 40 feet. However, the existing rear setback was already non-conforming with the Code as it was 20.3 feet. This is a case for zoning reform to allow the extension of existing non-conformities, when the structure otherwise conforms to dimensional requirements and the existing non-conformity is not increasing, so as to incentivize retention and improvement of existing structures.

The plans reviewed are titled 340 Baker Street and are dated November 12, 2023. They were prepared by Bruce Saluk & Associate, Inc.

Recommendation:

In reference to BOA1552488, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA