



<b>Case</b>	BOA1304433
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	10 Thompson Sq Charlestown 02129
<b>Parcel ID</b>	0203685000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood NS
<b>Zoning Article</b>	Article 62
<b>Project Description</b>	Construct 12 residential units on top of existing ground floor commercial space
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient FAR Excessive Height Excessive Rear Yard Insufficient Parking or Loading Insufficient

**Planning Context:**

The proposed project is located within the Original Peninsula, as identified in PLAN: Charlestown (September, 2023). The project promotes a mixed-used corridor in the NS subdistrict by maintaining the retail use on the ground floor and increasing the housing stock near a transit stop ( 0.4 miles from Community College T-stop) which is consistent with PLAN: Charlestown. Additionally, the proposed project preserves the existing retail space which is consistent with the PLAN's recommendations of preserving and supporting local businesses.

While the project does not meet the minimum parking requirement outlined in the existing zoning regulations, the project's parking number aligns with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017), particularly near a transit stop and within mixed-use areas.

This project requires a Housing Agreement under the City of Boston's Inclusionary Development Policy because it includes more than 10 units.

**Zoning Analysis:**

The insufficient usable open space violation is an existing nonconformity as the existing ground floor commercial space covers the entire lot. The project should increase its usable open space through the addition of spaces like balconies or roof decks. Balconies, terraces, accessible



rooftops, green roofs, and other means of providing above-grade amenities are encouraged, as forms of usable open space for its building occupants in PLAN: Charlestown (September, 2023).

The required zoning height is 35' and the proposed height is 41'. The maximum FAR is 2.0 and the proposed FAR is 4.0. The project should reduce its height and FAR to be consistent with the Zoning Code.

The insufficient rear yard setback is an existing nonconformity. Achieving the required rear yard setback would require changing the existing retail space on the ground floor.

**Recommendation:**

In reference to BOA1304433, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE with attention to aligning the height and FAR with the Zoning Code, increasing usable open space, and that a IDP housing agreement be issued prior to issuing permits.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1335853
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	46 Parsons ST Brighton 02135
<b>Parcel ID</b>	2204173000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Change occupancy from two-family to three-family. Construct vertical and rear additions.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Forbidden Use (3F)

**Planning Context:**

The project's scope, which increases the structure's occupancy from 2-family to 3-family, is in keeping with planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project sits on a street characterized by a mix of 1- to 3-family residential uses within 2.5-3 story homes. The proposed use and scale of the project is in keeping with the existing surroundings.

**Zoning Analysis:**

The project's proposed 2-family to 3-family conversion constitutes a zoning violation. While in excess of the Code's allowances, the use is a common condition found along the block, with a third of its existing structures classified as three-family residential dwellings.

The project's front and side yard violations are existing conditions, and will not be worsened through this proposal.

Its FAR violation is barely in excess of that which is required by zoning (delta of 0.02).

The project's height violation stems from the change in roof pitch and addition of third floor dormers. The GFA created from these alterations increases the building's height from 2.5 (max allowed by zoning) to 3 stories. Occupiable third stories are common conditions for the

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surrounding area. The building's measured height also sits several feet below the maximum figure allowed by zoning (35').

Because of these points, the proposed project will be not detrimental to the surrounding area. Future planning for the area should contemplate increasing the maximum occupancy for residential development, to better align zoning with the neighborhood's existing conditions and development patterns.

A proviso for BPDA Design Review has been added to this recommendation to address the project's proposed dormer design.

**Recommendation:**

In reference to BOA1335853, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be submitted to the Agency for design review With attention to dormer design.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana".

Director of Planning, BPDA



<b>Case</b>	BOA1341023
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	81 Woodlawn St Jamaica Plain 02130
<b>Parcel ID</b>	1103626000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	New erection of a 3 story, 3 family building on an empty lot. Includes new curb cut for a new 26 foot, 3 car driveway.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Lot Frontage Insufficient Lot Width Insufficient FAR Excessive Side Yard Insufficient

**Planning Context:**

The creation of new infill housing on empty lots throughout the City is in keeping with planning goals of increasing housing availability and density, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project is on a residential street characterized by detached 2.5-3 story homes. Most homes on this block have side yards at approximately 5 feet. The proposed size and siting of the project is in keeping with the existing surroundings.

This project includes a new curb cut for a 26 foot wide, 3 car driveway. The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal state that "New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio." The new 26 foot curb cut would mean the removal of 2 on-street spaces, which means the project does not meet the minimum BTM recommendation of 4 off-street spaces or the preferred ratio of 6 off-street spaces. The additional curb cut would also increase pedestrian interface with traffic. Also note that curb cuts over 24 feet wide require approval from the Boston Public Improvement Commission



The Disabilities Commission reviewed the plans for this project and noted that there is no accessible entrance to the building or the ground floor unit. Due to the site constraints and topography, it may not be feasible to provide a ramp. If not, the design should include a lift or elevator in order to comply with Architectural Access Board requirements [521 CMR section 10].

**Zoning Analysis:**

This project is flagged for violations for the lot width, lot frontage, and lot area. These are pre-existing characteristics and the dimensions of this lot are similar to most other lots along Woodlawn Street and the immediate surrounding area within this same zoning subdistrict.

The project is also flagged for violations for FAR and side yard. The proposed FAR is 1.1 and therefore larger than the zoning maximum of .6. In addition, zoning requires that the aggregate width of two side yards shall be not less than 17 feet (Article 55 Table E). The proposed project has side yards with an aggregate width of 14 feet (7 feet each) and is therefore not in compliance. However, many existing buildings in the surrounding area and on similarly sized lots are also not compliant with the FAR and side yard requirements, which indicates that these provisions of the Code likely need to be updated to better reflect the built environment.

The BPDA previously reviewed this project for the ZBA hearing on 9/26/2023. The new revised plans submitted on 9/20/2023 show that the driveway width was lowered from 30 feet to 26 feet and the side yards were increased to 7 feet. However, the driveway still does not comply with BTM guidelines.

**Recommendation:**

In reference to BOA1341023, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE applicant should add accessible entrance and remove or reconfigure off-street parking in order to 1. minimize the width of curb cut and impact on public realm and 2. comply with BTM recommendation to accommodate a minimum of two spaces for every one public on-street parking space that will be removed.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1361964
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	34 Cobden St Roxbury 02119
<b>Parcel ID</b>	1101689000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Erect new three family dwelling on a vacant lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Side Yard Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Parking design and maneuverability

**Planning Context:**

The proposed project would construct 3 new units, advancing planning goals of increasing housing supply, as detailed in Housing a Changing City, Boston 2030 (September 2018). In addition, The Roxbury Strategic Master Plan emphasizes the benefits of transit-oriented development. Because this project is located less than 1 mile from the Jackson Square MBTA stop, it's in an area noted in the plan as one with opportunities for higher density housing.

The Roxbury Strategic Master Plan also highlights that new housing should be compatible with the predominant character of the existing housing in the surrounding area. 34 Cobden St is on a street characterized by 2.5-3 story, 1-3 unit homes. The Plan also states that new construction should respond to existing topography and retain natural features, such as large trees. In addition, the City's planning goals of retaining mature tree canopy are outlined in Climate Ready Boston (2016) and Boston's Urban Forest Plan (2022).

The project proposes creating a ground floor garage with 4 tandem parking spaces. The maximum number of acceptable tandem parking spaces is 2. In addition, the garage would create a new curb cut, which should be limited because of the additional conflict between

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pedestrians and vehicles. In addition, the location of this project and its proximity to transit such as Jackson Square helps support a car-lite lifestyle. Therefore, even if the parking were reduced to 1 or 2 spaces, the benefits would be minimal given the proposed quantity of parking spaces and additional concerns. In addition, the proposed floor-to-ceiling heights for the 3 livable stories are only 7 feet (the minimum allowed by the building code), and so the project would greatly benefit from removing the first floor parking, which would allow the units to be a more comfortable height while keeping the building in compliance with the zoning height restriction.

### **Zoning Analysis:**

Given the small size and narrow shape of this lot, variances for additional lot area and side yard will likely be needed to construct a dwelling which is contextually appropriate. This is because the Code requires 5 foot side yards and this lot is about 25 feet wide, leaving only about 15 feet width to build a dwelling that complies with zoning.

In addition, zoning requires 2,000 sq ft of lot area for one unit in a Semi-attached Dwelling, Row House Building, or Town House Building or 4,000 sq ft for one or two units in Any other Dwelling or Use, with 2,000 additional sq ft required for each additional unit. Because this lot is 3,561 sq ft, the only dwelling that would be allowed is a single unit in a Semi-attached Dwelling, Row House Building, or Town House Building. However, a 3-family dwelling would be appropriate, both because this is in a 3F subdistrict, and because 3-family is the predominant use on this block. Lot Width Insufficient, Lot Area Insufficient, and Lot Frontage Insufficient are all pre-existing lot conditions and therefore zoning relief will be required in order to build any detached dwelling on this lot. The project is also out of compliance with usable open space and FAR regulations because of the large proposed building footprint in proportion to the lot.

The 4 tandem parking spaces proposed in this project do not meet the requirement in Article 50 Section 43 of the Zoning Code that off-street parking have maneuvering areas and appropriate means of vehicular access to a street. As discussed in the planning context of this recommendation, this parking should be removed. This would introduce a new violation due to insufficient parking (as there is a requirement for 1 space per unit for this project). Therefore, the applicant should submit new plans to the ZBA in order to receive a variance for insufficient parking.



The BPDA previously reviewed this project for the ZBA hearing on 8/29/2023 and noted that the project did not have an accessible entrance and that the height was excessive given the neighborhood context. The new revised plans submitted on 10/5/2023 show that a lift has been added and the height has been lowered from 38 feet to 34 feet, meaning the project is now compliant with the maximum zoning height of 35 feet. The previous BPDA recommendation also noted the need to resolve the issue of parking maneuverability, which has not been improved with the new plans.

**Recommendation:**

In reference to BOA1361964, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE project plans should be amended to remove parking.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1368388
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	1222 Washington ST Roxbury 02118
<b>Parcel ID</b>	0306393000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood NDA
<b>Zoning Article</b>	Article 64
<b>Project Description</b>	Change occupancy to Cannabis Establishment. The parking for this establishment is proposed at an ancillary location (443 Harrison).
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (Cannabis establishment) Use: conditional (Ancillary parking)

### Planning Context:

In November 2019, the Mayor's Office signed an Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston. The goal of this ordinance is to ensure Boston is a model for how to create a system that fosters racial equity and inclusion in the new cannabis industry and to bring the benefit of this industry to all Boston communities. As part of the ordinance, the Boston Cannabis Board was established. This independent board is charged with reviewing all applicants for a cannabis license.

The site of this project (on Washington Street in the South End) is in a commercial corridor, making it an appropriate location for retail use such as the proposed retail cannabis establishment.

The project proposes a potentially excessive number of parking spaces. However, the parking facility at 443 Harrison is pre-existing, and using this location for ancillary parking (as proposed) supports planning goals of establishing more efficient use of parking facilities.

### Zoning Analysis:

Cannabis establishment is a conditional use in the South End NDA subdistrict (see Article 64 Table B). The conditional allowance of this use is contingent on approval from the Boston

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Cannabis Board. The Boston Cannabis Board voted on May 4, 2023 to grant a Recreational Retail Cannabis Dispensary License to this applicant.

The Zoning Code also requires that a cannabis establishment be sited at least one-half mile or 2,640 feet from another existing cannabis establishment and at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The Boston Cannabis Board noted in their review that this project complies with this buffer-zone zoning requirement.

The project also proposes an ancillary use (parking), which is a conditional use in the South End NDA subdistrict (see Article 64 Table B). Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

The project was previously reviewed by the BPDA for the ZBA hearing on 8/29/2023. Because the project was deferred and no new plans submitted, the BPDA is resubmitting the same recommendation.

Plans issued: 5/22/2022

Plans by: Cornelia J. Szustka

**Recommendation:**

In reference to BOA1368388, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1428422
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	551 E Seventh St South Boston 02127
<b>Parcel ID</b>	0702156000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Demolish existing structure. Erect new 3 story, 3-family residence.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Roof Structure Restrictions Parking or Loading Insufficient Parking design and maneuverability Additional Lot Area Insufficient

**Planning Context:**

The project sits in a multifamily residential subdistrict in South Boston. Its surrounding context features a mix of residential uses and 2.5-3 story building typologies. The project proposes to replace an existing 2.5 story, single-family structure with a new three-family residence.

The site's off-street parking currently features a shared curb cut and drive aisle, accommodating tandem side yard parking spaces. This condition allows majority of the site's area to be preserved as usable open space. The proposed off-street parking design expands the existing 10' curb cut to 21'. An expanded drive aisle, widened to the same dimension, accompanies this curb cut. These dimensions exceed the Boston Transportation Department's (BTD) recommended maximum widths for curb cuts and drive aisles in residential areas (12'). This condition, along with driveway's extension, narrows and extends the form of the proposed building, resulting in a significant loss of open space upon the site (including the removal of several mature trees). It also creates a building footprint that, according to the BPDA Transportation staff, is unable to provide adequate space to maneuver the project's proposed interior parking spots.

The City does not support the removal of healthy and mature trees, and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and

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Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. This is especially true within the South Boston neighborhood, whose area, according to the South Boston Transportation Action Plan Existing Conditions Report (November 2022), is already 75% covered by impervious surfaces.

**Zoning Analysis:**

Because the proposed project seeks to demolish an existing structure, the height restriction outlined in Section 68-29 of the Code applies. This provision states that, on South Boston lots subject to full or partial demolition, the maximum height allowed on the lot shall be equal to the highest point of the existing structure to be demolished. Because the height of the project exceeds that of the structure preceding it, a zoning violation is triggered.

The site's proposed parking allotment (3 spaces) aligns with BTDA's detailed parking maximum for the area (1:1 ratio). The parking maneuverability/design and rear yard violations can be attributed to the project's wide drive aisle, narrow building form, and proposed interior parking spaces. These factors too contribute to the creation of a structure far greater in depth than any other on the block.

A future iteration of this project should re-work the proposed structure and parking strategy to maintain the dimensions of the site's existing curb cut and drive aisle, widen the structure's proposed ground floor design, preserve existing permeable surface area through a more significant rear yard setback, and limit height to that of the existing structure.

**Recommendation:**

In reference to BOA1428422, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should explore a project that limits width of curb cut and drive aisle, decreases building depth, increases rear yard setback, and decreases height.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1448377
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	44 Mystic ST Charlestown 02129
<b>Parcel ID</b>	0200033000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	Art. 62 - Sec. 8, Art. 62 - Sec. 19
<b>Project Description</b>	Confirm occupancy for an existing one-family residential dwelling that has no previous record of occupancy. Construct a one-story kitchen extension into the rear yard and an extension of livable space into the basement.
<b>Relief Type</b>	Variance
<b>Violations</b>	NDOD Applicability FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient

**Planning Context:**

This project proposes the confirmation of occupancy for a three-story, one-family residential dwelling, a one-story rear addition to add an eating area to the kitchen on the first floor, and an extension of livable area into the basement. The property has a livable area of 2,015 sq ft and is on a 1,210 sq ft lot. This property is a rowhouse facing Mystic Street to the southeast in the Original Peninsula area of the Charlestown neighborhood. PLAN: Charlestown (October 2023) dictates that all developments and building modifications in the Original Peninsula area of Charlestown should adhere to the Urban Design Guidelines set forth in the plan recommendations for that area (Chapter 5, pg. 164).

The proposed one-story rear addition to the first floor kitchen area is 160 sq ft and extends 8 ft into the northwestern-facing rear yard. The addition includes renovation of the kitchen layout and the addition itself is an eating area with doors leading to the rear yard.

The proposed extension of livable area into the basement will be a renovation of the existing basement to dedicate 374 sq ft to a "bonus room" and bathroom. Both the proposed rear addition and proposed extension do not produce alterations that are visible from the public right-of-way.



This property is located in a Massachusetts Historic Inventory Area. Additionally, PLAN: Charlestown (October 2023) dictates that development projects that request zoning relief should consider the historic character in the Original Peninsula area. As such, the proposed project should be responsive to the historic character of the existing building and surrounding area in any proposed additions as well as the design guidelines focused on preservation of historic character within PLAN: Charlestown.

**Zoning Analysis:**

This property is within the Charlestown Neighborhood District (Art. 62) and the Three-Family Residential (3F-2000) subdistrict. The property is also within the Charlestown Neighborhood Design Overlay District (NDOD) (Art. 62 - Sec. 19), which was consolidated from six distinct NDOD districts within the neighborhood into one district in PLAN: Charlestown (October 2023). However, based on review of the proposed project plans by the recommending planner, the Charlestown NDOD's design guidelines are not applicable to this project because there are no proposed changes that are visible from the public right-of-way and no erections or extensions of the building at or above 300 sq ft.

The violation related to excessive floor area ratio (FAR) (Art. 62 - Sec. 8) dictates a maximum FAR of 2.0. The existing FAR is 1.88 and the proposed project exceeds the 2.0 requirement with an FAR of 2.36. The violation related to usable open space insufficiency (Art. 62 - Sec. 8) dictates a minimum of 350 sq ft of usable open space per dwelling unit. The existing usable open space area is 432 sq ft per dwelling unit and the proposed project is insufficient with a usable open space area of 272 sq ft per dwelling unit. The violation related to rear yard insufficiency (Art. 62 - Sec. 8) dictates a minimum rear yard depth of 20 ft. The existing rear yard depth is 21.6 ft and the proposed project is insufficient with a rear yard depth of 13.6 ft. Each of these violations are a result of the proposed one-story rear addition and are unrelated to the extension of livable area into the basement.

Application filed on February 10, 2023. Site plans completed by Boston Survey, Inc. on January 5, 2023. Project plans titled "Proposed Renovations" completed by Timothy Sheehan on September 19, 2022.

**Recommendation:**



In reference to BOA1448377, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent must better align their proposed additions with the Charlestown Neighborhood District's 3F-2000 subdistrict dimensional regulations in regards to any proposed additions that worsen the rear yard, FAR, and usable open space conditions.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1448596
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	21R Druid St Mattapan 02126
<b>Parcel ID</b>	1703451000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-6000
<b>Zoning Article</b>	Art. 65 - Sec. 42.8
<b>Project Description</b>	Demolish an existing garage and build a new two-story, three-car garage with attic storage.
<b>Relief Type</b>	Variance
<b>Violations</b>	Application of Dimensional Requirements - Accessory Buildings in Side or Rear Yards

**Planning Context:**

This project proposes the demolition of an existing garage in the western-facing rear yard of the lot and replacing it with a two-story, three-car garage with attic storage. This main structure faces Druid Street to the east in the Dorchester neighborhood and sits in the easternmost part of the lot. The main structure is a one-story, one-family building.

The lot is deep with a 50 ft eastern-facing front yard lot line, a northern-facing side yard lot line of about 154 ft, and a southern-facing side yard lot line of about 132 ft. There is an existing paved driveway along the northern-facing side yard of the lot that leads to the western-facing existing rear garage. The proposed three-car garage will be moved slightly south of the existing garage to better align the southern-facing side yard distance of the new garage with the southeastern facing side yard distance of the main structure to its east. The removal of the existing garage will thus remove any obstruction between the eastern-facing front yard lot line and the western-facing rear yard lot line along that northern-facing side yard.

The proposed garage is two stories and 23 ft tall with a 900 sq ft building lot coverage. The main structure is one story with about a 1,000 sq ft building lot coverage. The plans do not indicate the main structure's height in feet. Based on the plans, the proposed garage will have an almost equivalent building lot coverage as the main structure and will potentially be as tall or taller than the main structure. This size of the garage is excessive as it does not align with the scale of adjacent accessory buildings within the surrounding area.



While the plans do not identify the number of parking spaces in the existing garage, that existing structure is 180 sq ft, 10.4 ft in width, and about 17 ft in width, so it is likely that it is a one-car garage in service on this one-family residential dwelling. The proposed addition of a three-car garage for a one-family residential dwelling increases the use and dependency on private vehicles and proposes more space for vehicles without a change or increase in residential occupancy. This does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017). This is exacerbated by the prevalence of transit options available within the surrounding area along Gallivan Boulevard and Morton Street within five minutes of the property.

### **Zoning Analysis:**

This property is located within the Dorchester Neighborhood District (Art. 65) and a One-Family Residential (1F-6000) subdistrict. The main structure is one of few one-story buildings on this block. The proposed garage would be a two-story building, though it is not clear what the main structure's height is in feet and if the garage will be taller or shorter than the main structure based on the provided plans.

The violation related to accessory buildings in side or rear yards (Art. 65 - Sec. 42.8) dictates that accessory buildings like this garage may be erected provided that the accessory building is no more than fifteen (15) feet in height or nearer than four (4) feet to any side or rear lot line. While the proposed garage complies with the distance from side and rear lot lines, the proposed height is excessive due to being about 23 ft.

Site plans completed by Peter Nolan & Associates, LLC on October 13, 2022. Project plans completed by Spink Design on October 12, 2022.

### **Recommendation:**

In reference to BOA1448596, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: that the proponent should make adjustments to their plans with attention to reducing the height of the proposed garage to comply with the fifteen (15) ft maximum height for accessory buildings and to relate the garage height and building lot coverage appropriately to the height and building lot coverage of the main structure.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1462138
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	558 Park ST Dorchester 02124
<b>Parcel ID</b>	1700393000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-6000
<b>Zoning Article</b>	Article 65, Article 9
<b>Project Description</b>	Renovation and extension of living space to change occupancy from single-family to three-family
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Side Yard Insufficient Height Excessive (stories) FAR Excessive Lot Frontage Insufficient Lot Width Insufficient Reconstruction and Extension of Nonconforming Buildings

**Planning Context:**

The proposed project is located in a 3F-6000, 0.3 miles from the Talbot Ave T-Stop. The proposed change from a single-family dwelling to a 3-family dwelling advances the planning goals of increasing housing supply near transit stops, outlined in Housing a Changing City, Boston 2030 (September 2018) and Imagine Boston 2030 (September 2017). Additionally, the proposed project is consistent in scale, massing, and an allowed use in the existing neighborhood context.

**Zoning Analysis:**

The “reconstruction and extension of nonconforming building” violation is in reference to the size of the lot which is 4,050 SF whereas the required minimum lot size is 6,000 SF. The proposed changes to the project do not have an impact on the size of the lot. Additionally, every single lot on this street is smaller than the required 6,000 SF lot size. This is a case for zoning reform.

Both the required minimum lot width and lot frontage is 50 ft, and the existing lot width and frontage is 45ft. These are existing nonconformities that will not be exacerbated by the proposed changes.



The subdistrict's allowed FAR is 0.4, and the proposed FAR is marginally larger at 0.6. Similarly, the allowed height (stories) is 2-1/2 stories and the proposed height (stories) is marginally greater at 3 stories. As outlined in the planning context, this is consistent in scale and massing with the existing context.

The required minimum side yard setback is 10' and the proposed side yard setback on one side of the project is 5'-1". This is an existing nonconformity and is not being exacerbated by the proposed changes as the proposed extension of the building is located in the rear yard, not the side yard.

**Recommendation:**

In reference to BOA1462138, 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

<b>Case</b>	BOA1468247
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	277 to 279 Roslindale AVE Roslindale 02131
<b>Parcel ID</b>	2000830000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	Article 67
<b>Project Description</b>	Change of occupancy from two family to three family, relocate rear mechanical room add bulkhead door and egress window for additional bedroom, finish existing basement. Sprinkler system to be installed.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Forbidden Use Location of main entrance Basement unit use regulations

**Planning Context:**

The addition of an extra unit and making necessary repairs to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

This project straddles the conceptual line between what constitutes an accessory dwelling unit, and what represents minor modifications to an existing setup. Because the footprint remains unchanged, and this simply provides additional safety for a basement currently being used as living space, this generally falls on the side of minor changes. Future City policy around ADUs may still consider this an important condition to set policies around.

**Zoning Analysis:**

This was originally scheduled for August 8, 2023 and was deferred to this October 31, 2023 meeting, but the analysis remains unchanged. The project confirms occupancy as a three family



and makes necessary changes that will improve safety and livability for the basement unit; the occupancy change is minimally intrusive on the existing neighborhood as it is located in the basement and takes advantage of the existing footprint. These modifications include additional windows on the basement level and a new staircase to the basement. While the location of the basement unit's main entrance does not face the front lot line, it is located off the side of the driveway and unobstructed. Insufficient lot area, open space requirements, and FAR are pre-existing violations that remain unchanged by the project. The project plans, titled "277 279 Roslindale Avenue" are prepared by MDJ Inc and reviewed by ISD May 2, 2023. Plans did not clearly show ceiling height or window well height, so the proviso of no building code relief is added.

**Recommendation:**

In reference to BOA1468247, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted .

Reviewed,

A handwritten signature in blue ink that reads "Amee Rando". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPDA



<b>Case</b>	BOA1473941
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	820 Hyde Park AV Hyde Park 02136
<b>Parcel ID</b>	1807907000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Demolish existing structure. Erect new structure with 9 condominium units and 7 rear parking spots.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Lot Frontage Insufficient Lot Area Insufficient

**Planning Context:**

The proposed project sits in a one-family residential subdistrict in Hyde Park. The surrounding context includes a mix of residential uses (from single-family to multi-family) and housing typologies.

The project's creation of 9 dwelling units is in keeping with planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018). It's parking, however, does not. The 7 proposed spaces, and paving necessary to accommodate them, remove approximately 3,500 square feet of permeable surface area and several mature plantings. The City does not support the removal of healthy and mature trees and plantings, and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point.



### **Zoning Analysis:**

This project is proposed in a 1F district. However, the surrounding area context features several adjacent MFR structures. This indicates that this zoning district may need to be remapped in order to better reflect these built conditions.

While the project's proposed MFR use aligns with its surrounding context, its scale does not. This is evidenced by an FAR three times the maximum allowed ( $1.52 > 0.5$ ); insufficient setbacks for each of the front, side, and rear yards; and a building height greater than its surroundings, in both feet and stories.

The project's parcel also falls below the minimum size threshold ( $5,759 \text{ sqft} < 6,000 \text{ sqft}$ ) to develop as of right. However, there are many other lots in this subdistricts which also fall below this size threshold, which indicates that an amendment to this requirement in the Zoning Code may be appropriate.

As discussed in this recommendation's planning context, the project also proposes to remove almost all of its usable open space and replace it with off-street parking and impervious paving. This triggers another zoning violation for the project, as the proposal falls over sixteen (16) times short of the amount of open space required by zoning for the 9 unit use ( $973 \text{ sqft} < 16,200 \text{ sqft}$ ).

A future iteration of this project should reduce the scale of the proposed building (in height, building lot coverage, or both) and remove parking spaces to retain permeable surface area and open space.

In addition, further planning efforts are needed for the area to match zoning with the area's existing context. These efforts should focus on relaxing allowed residential land uses and recalibrating dimensional requirements (including FAR maximums and lot size minimums) to better reflect existing built context.

### **Recommendation:**

In reference to BOA1473941, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should pursue a project that reduces the scale of the proposed building (in height and building lot coverage), decreases the number of units, and removes parking spaces to retain permeable surface area and open space.

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Reviewed,

A handwritten signature in blue ink, which appears to read 'Annee Rand'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1476876
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	246 Havre St East Boston 02128
<b>Parcel ID</b>	0106115000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	Article 25, Article 27T, Article 53
<b>Project Description</b>	Erect 4-story, 9-unit residential building with 8 parking spaces.
<b>Relief Type</b>	Variance, IPOD Permit
<b>Violations</b>	Parking or Loading Insufficient IPOD Applicability GCOD Applicability Additional Lot Area Insufficient FAR Excessive Height Excessive (ft) Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient Flood Hazard Districts Use: forbidden (MFR) Conformity with Existing Building Alignment

**Planning Context:**

This property is located within a 3F-2000 residential subdistrict near Central Square in East Boston. The surrounding properties within this subdistrict are a mix of single-, two-, and three-family dwellings between 2 and 3 stories tall, with a variety of row houses and zero-lot-line conditions. The site is also within ¼ mile of the MBTA Blue Line Airport Station.

The property is also part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area.

The PLAN: East Boston draft (September 2023), recommends this site be included in a new EBR-2 subdistrict which allows up to 6 dwelling units for parcels 50 feet or wider (9 units proposed). Additional provisions in this recommended zoning include a maximum height of 3 stories (4 stories proposed), maximum building lot coverage of 60% (76% proposed), maximum building width of 50', maximum building depth of 70' (92' proposed), maximum building floor

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plate of 3,000 sf (3,800 sf proposed), minimum 30% permeable area of lot (20% proposed), minimum front yard of 2.5' (1'7" proposed), maximum front yard of 5', minimum side yard of 2.5', and minimum rear yard of 1/3 lot depth (3% of lot depth proposed).

The creation of housing units on this currently vacant site is in line with City planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

### **Zoning Analysis:**

MFR is a forbidden use in this subdistrict under the current zoning. Other dimensional requirements include an additional lot area for each unit of 1,000 sf total (428 sf proposed), maximum FAR of 1.0 (2.26 proposed), maximum height of 3 stories and 35' (4 stories and 45' proposed), usable open space per unit of 300 sf (195 sf proposed), minimum front yard setback of 2.5' (1.7' proposed), minimum rear setback of 30' (3' proposed), and minimum parking requirement of 1.75 per unit (0.8 per unit proposed).

The surrounding properties are a combination of detached dwellings and rowhouses, with consistent rear yard setbacks of at least 10 feet and maximum height of 3 stories. The existing built context has several properties with zero-lot-line conditions, but they still maintain usable open space through having rear yard setbacks.

Although the project does not meet the minimum parking requirements, it is situated within ¼ mile of a rapid transit station. Further, residential properties in the surrounding context often do not provide off-street parking.

This site also sits within the Coastal Flood Resilience Overlay District, but is not subject to the provisions in Article 25A because it is under 20,000 square feet and constructing fewer than 15 dwelling units. The proposal includes the erection of a structure occupying more than 50 square feet of the lot area within a Groundwater Conservation Overlay District, thus requiring GCOD review pursuant to Article 32 of the zoning code.

Plans reviewed are titled "246 Havre Street", prepared by Context: A Collaborative Design Workshop, and dated July 20th, 2023.

### **Recommendation:**



In reference to BOA1476876, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

A handwritten signature in blue ink, appearing to read 'Anne Kane'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1484059
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	993 to 997 Hyde Park AV Hyde Park 02136
<b>Parcel ID</b>	1807983000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Change occupancy from Store to Nail Salon and renovate per plans
<b>Relief Type</b>	Variance
<b>Violations</b>	Forbidden Use

**Planning Context:**

The proposed use of a nail salon is in keeping with the existing mixed land uses of the general area of this section of Hyde Park Ave, which contains a convenience store, a gas station, and a diner, all co-located among other residential uses and within a half-block radius of the location of the proposed project.

The proposed project also fits within the scope of the planning recommendations in Imagine Boston 2030, which recommended adding more mixed-use development to major neighborhood corridors such as Hyde Park Ave.

**Zoning Analysis:**

The proposed project is located in a two-family residential subdistrict, within which all service uses, such as a nail salon, are forbidden. However, Hyde Park Ave is a major corridor for the neighborhood, and along its length it is alternatively zoned for Local Convenience, Local Industrial, and Residential uses. As such, all along Hyde Park Ave residential uses naturally and without issue about the type of low-impact local service and retail uses that a nail salon would fall under.

Additionally, the proposed nail salon will be located in a building that previously housed a barber shop for over a decade. A barber shop falls under the same type of services use ("Barber or Beauty Shop") as a nail salon within Article 69, Table A. The proposed project will reuse the existing building that previously housed the barber shop, with minimal changes. This could be considered a continuation of an existing use rather than a new violation. This project is a

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candidate for zoning reform to update the permitted uses to match the existing mix of uses, including similar uses like a barber shop and nail salon.

**Recommendation:**

In reference to BOA1484059, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink that reads "Amee Rand". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1485053
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	7 Sunnyside St Hyde Park 02136
<b>Parcel ID</b>	1811932080
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	
<b>Relief Type</b>	Variance,Conditional Use
<b>Violations</b>	Existing Building Alignment Side Yard Insufficient Rear Yard Insufficient Height Excessive (stories) Height Excessive (ft) FAR Excessive Usable Open Space Insufficient Forbidden use MFR

**Planning Context:**

The project proposes a 4-story, 8-unit townhouse to replace an existing 2 1/2 story, 2-family dwelling. The project is located within a 1F-6000 subdistrict and within 0.5 miles from the MBTA's Hyde Park commuter station. Adding 6 new units advances the planning goals of increasing housing supply, outlined in Housing a Changing City, Boston 2030 (September 2018), and promotes transit-oriented development as outlined in the Fairmount Indigo Planning Initiative (October 2015). However, the proposed project is out of scale with the existing context.

**Zoning Analysis:**

The proposed 8-unit use is forbidden within the 1F-6000 subdistrict and is not consistent with the existing single-family and two-family uses within the neighborhood. However, the multi-family proposal aligns with the planning goals in the Fairmount Indigo Plan, as highlighted in the planning context, of increasing housing stock near transit stops.

The Existing Building Alignment variance is an existing nonconformity due to the lot being an interior lot.

The insufficient side yard and rear yard violation should be addressed by increasing the setbacks, particularly given that the proposal is a new construction. By increasing the rear and



side yard setback, the proposed project will also address their insufficient usable open space violation.

The proposed height at 45' and 4-story significantly diverges from the required maximum 35' and 2 ½ stories of the 1F-6000 subdistrict. The proposed project should reduce the height which will in turn reduce the FAR to be more in line with the zoning and surrounding context.

**Recommendation:**

In reference to BOA1485053, The Boston Planning & Development Agency recommends DENIAL with attention to increasing the side and rear yard, reducing the height and unit count to more closely align with the existing neighborhood, and increasing the usable open space.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1487447
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	77 to 79 Litchfield ST Brighton 02135
<b>Parcel ID</b>	2200904000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Change of occupancy from a 2 family dwelling to a 3 family dwelling. Extension of living space from Unit 1 into the Basement. Adding 2 dormers. Complete gut renovation and conversion to all electric systems, FP/FA
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient FAR Excessive Reconstruction and Extension of Nonconforming Building

**Planning Context:**

The project adds additional living space to a previously unused basement and creates an additional, independent living unit on the third floor. 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 project is consistent with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

**Zoning Analysis:**

The non-conforming rear and side yard dimensions are pre-existing nonconformities that remain completely unchanged by the scope of this project.

The proposed FAR is 1.17, a nominal increase from the dwelling's previous FAR of .9. The FAR maximum allowed by zoning is .8. However, the increase in FAR is necessary for the scope of this project, and is due to extending living space into the previously-unfinished basement and adding dormers to the 3rd floor in order to increase habitable space for the additional unit.



The reconstruction/extension of non-conforming building violation is due to the reasons outlined above: the pre-existing dwelling has rear yard, side yard, and FAR dimensions that do not conform to zoning. However, the proposed project will create a 3 family dwelling in a 3-family subdistrict and keep all additions and renovations almost entirely within the existing footprint of the home, apart from the addition of two dormers to the third floor.

**Recommendation:**

In reference to BOA1487447, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand". The signature is fluid and cursive.

Director of Planning, BPDA



<b>Case</b>	BOA1487905
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	51 Fairbanks ST Brighton 02135
<b>Parcel ID</b>	2204008000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 3F-4000
<b>Zoning Article</b>	Art. 51 - Sec. 9, Art. 51 - Sec. 56
<b>Project Description</b>	Change occupancy from a one-family residential dwelling to a three-family residential dwelling with the construction of upper and rear additions as well as three rear yard off-street parking spaces.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

This project proposes changing the occupancy of a one-family residential dwelling to a three-family residential dwelling with the construction of upper and rear additions as well as three rear yard off-street parking spaces. This property faces Fairbanks Street to the west in the Allston-Brighton neighborhood. It is an existing three-story building with an attic on the third floor. The structure sits on a 4,300 sq ft lot and has a 1,828 sq ft living area.

The proposed alterations include rear additions into the eastern-facing rear yard to each floor of the building and a change in layout to convert the occupancy of the structure from one-family to three-family with one residential dwelling unit per floor. Each unit will be a three-bedroom unit with similar layouts. The proposed upper addition will rebuild the third floor to remove the attic as part of the layout alterations. This addition of more livable area and change in occupancy within an existing dwelling aligns with the 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 proposal includes the addition of three parking spaces in the northeastern section of the rear yard of the lot. There is an existing driveway along the southern side yard lot line that leads to an existing concrete pavement area in the rear yard. The proposal to create parking spaces does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017). This is exacerbated by the prevalence of bus stops available within the surrounding area along Faneuil Street and Washington Street within five minutes of the property. Additionally, the proposed parking spaces extend beyond the area labeled for concrete pavement but the plans do not identify if there are existing trees within that section of the rear yard. If the proposed parking spaces require the removal of mature trees, then that part of the proposal would not be consistent with the Parks and Recreation Department's goal of proactive care and preservation of trees, as detailed in the Urban Forest Plan (September 2022).

This property is located in a Massachusetts Historic Inventory Area. As such, it should be responsive to the historic character of the existing building and surrounding area in any proposed additions.

### **Zoning Analysis:**

This property is within the Allston-Brighton Neighborhood District (Art. 51) and Three-Family Residential (3F-4000) subdistrict. It has similar building lot coverage and lot size as adjacent buildings throughout this block. It is a detached building so it must adhere to the dimensional regulations for "Any other Dwelling or Use" within this subdistrict.

The violations related to side yard and front yard insufficiency (Art. 51 - Sec. 9) are existing nonconformities that will not be changed by the proposed additions and renovations. The side yard minimum requirement for this type of structure is at least 5 ft from a side lot line and 10 ft from an existing structure on an abutting lot, as well as an aggregate side yard width no less than 15 ft. While the property has an aggregate side yard over 15 ft, the property has a northern-facing side yard depth of 2.9 ft and appears to have less than a 10 ft distance from structure on the northern abutting lot. This side yard condition is common across lots within this subdistrict because many of the properties have a wider side yard depth along one side yard for a driveway, thus causing the opposite side yard depth to be below the required minimum. The front yard minimum requirement is 20 ft and the property has a front yard depth of 15.9 ft that aligns with many adjacent buildings on the street. This common building and lot condition as well as the alignment of buildings with these lot depths presents a case for zoning reform within

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this area of the subdistrict as it relates to side and front yard dimensional requirements. The violation related to excessive floor area ratio (FAR) (Art. 51 - Sec. 9) dictates an FAR of 0.8 for this subdistrict. The existing property has a compliant FAR of 0.6 but the proposed additions will create an excessive FAR of 0.99. The increased FAR is a condition of the expansion of the existing living area with the upper and rear additions. The upper additions align with the design of surrounding adjacent buildings, but the rear yard additions trigger a new rear yard insufficiency (Art. 51 - Sec. 9) violation. Structures of this type within this subdistrict require a minimum 30 ft rear yard depth. The project site plans state that the proposed rear additions would create a 31.2 ft rear yard depth. Based on review of the plans and zoning regulations by the recommending planner, the proposed project seems compliant with the regulations for rear yard depth within this subdistrict for "Any other Dwelling or Use."

The violation related to additional lot area insufficiency (Art. 51 - Sec. 9) dictates a minimum additional lot area of 2,000 sq ft per each additional unit. This project proposes a change to three-family residential occupancy within a three-family residential subdistrict. Based on review of the plans and zoning regulations by the recommending planner, the proposed project seems compliant with additional lot area regulations within this subdistrict because there are no additional units being proposed beyond the maximum three units that are allowed.

The violation related to usable open space insufficiency (Art. 51 - Sec. 9) dictates a minimum open space area of 650 sq ft per residential unit. The proposed project will have a usable open space area of 447 sq ft per residential unit. This violation is likely due to the extension into the rear yard through the rear additions that reduces usable open space. The increase in residential units within the structure from one to three reduces the ratio of open space to units, as well. This violation is worsened by the reduction in open space caused by the rear addition.

The violation related to off-street parking insufficiency (Art. 51 - Sec 56) dictates a minimum of 1.75 parking spaces per unit. This project proposes 1 parking space per unit. This lower parking ratio aligns with City goals to reduce reliance on private vehicles.

Site plans completed by Greater Boston Surveying and Engineering on October 24, 2022.

Project plans completed by Context, LLC on January 30, 2023.

**Recommendation:**

In reference to BOA1487905, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review

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with attention to reducing the scale of the rear addition to decrease the FAR and increase the usable open space. Additional clarification is needed on any presence of existing trees within the rear yard that would be impacted by the addition of the rear parking spaces.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1498055
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	11 Knox ST Boston 02116
<b>Parcel ID</b>	0500743000
<b>Zoning District &amp; Subdistrict</b>	Bay Village Neighborhood RH
<b>Zoning Article</b>	Art. 63 - Sec. 8
<b>Project Description</b>	Renovation of the existing Unit #1 including a change of the second floor layout, an extension of the living space into the basement by way of the first floor, and a raised rear deck above an existing rear patio.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

This project proposes renovations to Unit #1 of this property, which includes changing the second floor layout, extending the living space into the basement by way of the first floor, and adding a raised rear deck in the place of an existing rear patio. This property faces Knox Street to the southeast in the Bay Village neighborhood. It is a four-story row house with three residential dwelling units, an existing 96 sq ft rear patio in the northwest-facing rear yard, and a 500 sq ft roof deck. The existing property is on an 863 sq ft lot and has a 2,458 sq ft living area. The existing Unit #1 extends between the first and second floors while Unit #2 is on the third floor and Unit #3 is on the fourth floor.

The proposed extension of the living space into the basement from the first floor will convert Unit #1 from a one-bedroom unit to a two-bedroom unit and include lowering the basement floor. This addition of more livable area within an existing dwelling aligns with the 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).

This property is located within the Groundwater Conservation Overlay District (GCOD) and the Coastal Flood Resilience Overlay District (CFROD). The ISD Plans Examiner’s zoning refusal letter for this project states that the “Rear deck is non-impervious” and is thus exempt from Groundwater Conservation Overlay District review. However, based on the property’s location within the GCOD and this project’s proposal for below-grade alterations to the basement, the

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recommending planner determines that GCOD is applicable to this project and this project is not exempt from those regulations. Due to its presence within the CFROD, this property is also subject to the impacts of present-day and future coastal flooding, so the proposed additions to the basement that increase residential activity conflict with City goals to reduce risk of life in basement areas susceptible to flooding.

This property is located within the Bay Village Historic District and is in a Massachusetts Historic Inventory Area. As such, it should be responsive to the historic character of the existing building and surrounding area in any proposed additions. It is also subject to review by the Boston Landmarks Commission.

### **Zoning Analysis:**

This property is within the Bay Village Neighborhood District (Art. 63) and the Row House Residential (RH) subdistrict. It is within the Groundwater Conservation Overlay District (GCOD) and this GCOD is applicable to this project due to the alterations proposed on the ground level and below grade. This parcel is subject to the impacts of present-day and future coastal flooding as it is located within the City of Boston's Coastal Flood Resilience Overlay District (CFROD). The proponent should be mindful of the Coastal Flood Resilience Design Guidelines (Article 25A) in the alterations of the existing structure, particularly with the extension of livable area into the basement. The plans indicate a "New Basement" but do not provide metrics for the depth of any excavation as part of the alterations to the basement level. That information would be needed to evaluate this project in both GCOD and CFROD review.

The violation related to excessive Floor Area Ratio (FAR) (Art. 63 - Sec. 8) dictates a maximum FAR of 2.0 within this subdistrict. The existing property has a non-conforming FAR of 2.9 and with the proposed extension of livable area, the FAR will increase to 3.7. Therefore, the existing nonconformity will be worsened by the proposed alterations. Additionally, the proposed extension into the basement conflict with City's goals of preventing risk to life due to the placement of livable area in basements susceptible to flooding.

Site plans completed by Boston Survey, Inc. on July 10, 2023. Project plans titled "Unit #1 Renovations" and "Exterior Elevation at New Deck Exterior Elevation" completed by ISA Architecture on May 1, 2023 and July 16, 2023, respectively.

### **Recommendation:**



In reference to BOA1498055, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: the proponent should consider alterations that do not extend the livable area into the basement and that make use of the existing livable area in the structure.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1513801
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	39 to 41 Murdock ST Brighton 02135
<b>Parcel ID</b>	2201989000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	Article 51
<b>Project Description</b>	Converting 2-unit dwelling to 3-unit dwelling
<b>Relief Type</b>	Variance
<b>Violations</b>	Use: forbidden (3 Family)

**Planning Context:**

The creation of a dwelling unit within an existing structure here advances planning goals of increasing housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

**Zoning Analysis:**

3-Family residential use is forbidden in this 2F-5000 subdistrict of Allston-Brighton. Pursuant to the Additional Dwelling Unit regulations in Article 51 Section 8, this unit is not considered an Additional Dwelling Unit because it is not owner-occupied.

However, there are several other properties with buildings of similar scale proximate to this site and within the same 2F-5000 subdistrict. Residential zoning in Allston-Brighton was last updated substantially in 1996, and the zoning in this area inappropriately matches the existing built context.

Plans reviewed are titled "Three Family Conversion", prepared by AD Architect, and dated June 16th, 2023.

**Recommendation:**

In reference to BOA1513801, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

A handwritten signature in blue ink, appearing to read 'Annee Rand'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



<b>Case</b>	BOA1518572
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	443 Harrison AV BOSTON 02118
<b>Parcel ID</b>	0306431000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood NDA
<b>Zoning Article</b>	Article 64
<b>Project Description</b>	Creating ancillary parking for cannabis establishment
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (ancillary parking)

**Planning Context:**

This proposed site in the South End is within 500 feet of the Silver Line and the high-frequency MBTA 15 Bus. The provision of additional parking spaces here does not advance goals of reducing single-occupancy vehicles as detailed in Go Boston 2030.

**Zoning Analysis:**

The proposed ancillary parking use is on a lot adjacent to and within the same district as a cannabis establishment. Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

However, this site is within a Restricted Parking District and subject to the provisions in Article 6 Section 3A, which applies additional conditions for ancillary parking in this subdistrict. The Board of Appeal shall grant conditional use if the ancillary parking facility meets one of more of the following conditions: It will serve a traffic demand not adequately provided for by public transportation; or it will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace on-street parking spaces that have been physically eliminated through permanent modification or demolition; or it is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or 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 these conditions and the filed proposal, it is not clear that the ancillary parking facility meets any of the conditions identified in Article 6 Section 3A.

Plans reviewed are titled "Schematic Site Plan in Boston, Mass", prepared by Hayes Engineering, Inc., and dated May 31st, 2023.

**Recommendation:**

In reference to BOA1518572, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE to provide traffic analysis and demand.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1521709
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	14 Floyd ST Dorchester 02124
<b>Parcel ID</b>	1403126000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood 3F-5000
<b>Zoning Article</b>	Article 60
<b>Project Description</b>	Construct new 3-family dwelling with 3,675 gross square feet. Each unit to have 3 bedrooms and 1.5 bathrooms, and 1 hour fire separations with sprinklers.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Side Yard Insufficient Lot Area Insufficient Additional Lot Area Insufficient Usable Open Space Insufficient Screening and Buffering

**Planning Context:**

The proposed project sits on a currently vacant lot in an established three-family area in the Mattapan. It proposes to erect a new three-family residence on the site. The creation of new infill housing on empty lots throughout the City is in keeping with planning goals of increasing housing availability and density, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project is on a residential street characterized by detached 2.5-3 story homes. The proposed size and siting of the project is in keeping with the existing surroundings.

**Zoning Analysis:**

The proposed project sits on an existing 3,700 square foot lot. This lot area is labeled insufficient by the zoning (5,000 sqft for 2-family use, 7,000 sqft for 3-family use). However, it is contextual to the area. The site is flanked by similarly scaled 3-family residences on equally sized lots indicating need for zoning reform.



The lot's smaller area and width also contribute to the project's violations relating to excessive FAR (delta of 0.17) and insufficient side yard (compliant on one side, delta of 4.9' on the other). Each of these conditions are shared with the site's abutters.

The project's alignment with the area's existing context renders it not detrimental to the neighborhood and a 3F is an allowed use in this district. A proviso for BPDA Design Review has been added to this recommendation to address building design as well as parking layout (to reduce impervious surface and provide additional screening and buffering, and open space).

Future planning for the area should consider updates to dimensional tables, including the removal of minimum lot sizes and re-calibration of FAR, to better align the area's regulations with its existing built form.

The insufficient additional lot area violation does not apply to the proposed project as the project is not creating more than 3-allowed units within the 3F subdistrict.

**Recommendation:**

In reference to BOA1521709, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be submitted to the Agency for design review with attention to building design, and screening and buffering of parking areas to reduce impermeable area.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1521923
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	41 Houghton ST Dorchester 02122
<b>Parcel ID</b>	1600340000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65, Article 10
<b>Project Description</b>	Change occupancy from 2-family to 3-family residence. Construct rear addition with rear decks. Change roof from pitched roof to mansard roof with additional 3rd floor living space. Finish basement with living space.
<b>Relief Type</b>	Variance
<b>Violations</b>	Limitation of Area for accessory use (parking) Forbidden Use (3F)

**Planning Context:**

The project was previously approved by the BOA on 3/8/23. It has been resubmitted to correct errors on the initial refusal letter.

The project's scope, which increases the structure's occupancy from 2-family to 3-family, is in keeping with planning goals of increasing housing availability, as detailed in Housing a Changing City, Boston 2030 (September 2018).

**Zoning Analysis:**

The proposed project sits in an established residential area in Dorchester. The surrounding context includes a variety of residential uses (ranging from 1-family to 3-family) and housing typologies. Three of the site's abutting parcels have existing 3-family residential uses. Because of this context, the proposed 3-family use would not be detrimental to the neighborhood's fabric. Future planning for the area should consider updates to enable 3F uses as-of-right, to better align with zoning with the area's existing context.



A proviso for BPDA design review has been added to this recommendation to address issues related to the project's mansard roof and parking design violation. The site's proposed parking should be altered to create a sufficient 5' setback from the side lot line.

**Recommendation:**

In reference to BOA1521923, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be submitted to the Agency for design review With attention to the design of the front facade and the parking's proximity to the side lot line .

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1525307
<b>ZBA Hearing Date</b>	2023-10-31
<b>Address</b>	1256 to 1262 River ST Hyde Park 02136
<b>Parcel ID</b>	1809131000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood NS-2
<b>Zoning Article</b>	Article 6
<b>Project Description</b>	Returning to the ZBA per proviso to revisit after one year of occupancy.
<b>Relief Type</b>	Variance
<b>Violations</b>	Other Protectional Conditions

**Planning Context:**

This site is located within Cleary Square in Hyde Park, a commercial center with retail uses and proximate to the Hyde Park commuter rail station and 2 MBTA key bus routes. The project was approved at the ZBA on May 10th, 2022 to allow converting a previous pharmacy to the conditional use of a function hall. Given the location of this site in a commercial square, function hall is an appropriate use here.

**Zoning Analysis:**

The project was originally approved with a proviso to revisit the ZBA after one year of occupancy. The proposed use was previously deemed by the board to satisfy the conditions required to grant conditional use pursuant to Article 6, Section 6-3 of the zoning code, including: the specific site is an appropriate location for such use; the use will not adversely affect the neighborhood; there will be no serious hazard to vehicles or pedestrians from the use; no nuisance will be created by the use; and, adequate and appropriate facilities will be provided for the proper operation of the use. Since the original conditional use was granted by the ZBA, there have been no code enforcement violations from this project.

Plans reviewed are titled "1260 River Street, Hyde Park, MA 02136", prepared by LVR Corporation, and dated February 24th, 2021.

**Recommendation:**

In reference to BOA1525307, The Boston Planning & Development Agency recommends APPROVAL .

BOA1525307  
2023-10-31



Reviewed,

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Director of Planning, BPDA