



Case	BOA1409103
ZBA Hearing Date	2023-11-14
Address	9 Keswick ST Boston 02215
Parcel ID	2100101000
Zoning District & Subdistrict	Audbon Circle Neighborhood MFR
Zoning Article	Article 61, Article 32
Project Description	Change occupancy from one-family to four-family, including a new basement unit. Scope includes complete renovation of existing structure, new front stair, rear and 4th story additions, and roof decks.
Relief Type	Variance, Conditional Use
Violations	GCOD Applicability Roof Structure Restrictions Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient Basement Units Forbidden; Town/Row House Extensions into Rear Yard

Planning Context:

The project sits within an established multifamily residential area in the Audubon Circle neighborhood. It proposes a complete renovation of the existing structure and the erection of rear, vertical, and roof deck additions. The project will update the structure's occupancy from 1 dwelling unit to 4 dwelling units, which is an allowed use in an MFR Subdistrict. The site's 3 existing parking spaces are proposed to be retained for the 4 units, which is appropriate given the site's spatial limitations (30' wide abutting a shared public alley) and proximity to transit (1/4 mile walk to T and bus).

The project's 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 increase housing availability.



Zoning Analysis:

The site's additional lot area and usable open space violations stem from the project's proposed occupancy change. Both dimensions are regulated by square footage per dwelling. According to the neighborhood zoning, 4,000 sqft of lot area and 1,200 sqft of usable open space would be required for a 4 unit dwelling on the site. Because of the lot's small size (2,100 sqft) and existing building footprint (~1,200 sqft), it is impossible for an MFR use on the site to meet these figures, despite being an allowed use by zoning and the predominant land use condition on the block (75%, the majority of which have at least 7 dwelling units). The project's proposed addition of rear balconies and a roof deck help mitigate this expansion in occupancy and create more usable open space than what currently exists on the lot. Future planning efforts for the neighborhood should explore updating or removing these dimensional requirements to better align regulations with the area's existing context and enable by-right development of allowed residential uses.

The structure's building height, basement unit, rear yard, and roof structure violations are common existing conditions found along the block and across the site's surrounding area. The structure sits outside of the CFROD, minimizing concerns about the extension of living space into the basement. However, no GCOD or Building Code relief should be granted for the basement unit, should it be noncompliant with either's regulations. The design of the rooftop headhouse will require design review to better harmonize its design with the surrounding architecture. The site also sits within the Audubon Circle NDOD, triggering BPDA design review.

Recommendation:

In reference to BOA1409103, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review, the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD), that no building code relief be granted for below-grade dwelling unit.



Reviewed,

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Director of Planning, BPDA



Case	BOA1443137
ZBA Hearing Date	2023-11-14
Address	43 to 45 Stanton ST Dorchester 02124
Parcel ID	1702029000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-6000
Zoning Article	Art. 55 - Sec. 65-41, Art. 65 - Sec. 8, Art. 65 - Sec. 9, Art. 65 - Sec. 41
Project Description	Change of occupancy from convent to multifamily with 14 dwelling units with 16 parking spaces (reduced from 19 spaces on 11/06/2023 and added an HP parking space). Renovations of the existing structure, a four-story rear addition, and the addition of new systems such as a sprinkler system. Demolition of an existing one-story garage in the rear yard.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Rear Yard Insufficient Use: Forbidden (Multifamily Residential) Off-Street Loading Requirement

Planning Context:

This project proposes to renovate an existing three-story, 8,725 sq ft building that is currently used as a convent and to add a new four-story rear addition. The proposed renovation and addition will create 14 housing units and 16 parking spaces. This project was reviewed by the BPDA in July 2023 and September 2023 and was recommended for Denial without Prejudice to the ZBA in both instances. The ZBA deferred the application on 7/25/2023 and 9/26/2023.

The proposed rear addition will increase the building's gross floor area to 19,974 sq ft and therefore the project will be only 26 sq ft below the threshold for Article 80 Small Project Review. Although Article 80 review is not required for this project, its large scale means that extra attention should be paid to mitigating the impacts of the project on its surroundings, protecting and enhancing the public realm, and ensuring compliance of the project site design with the intent and purpose of the Zoning Code.

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The existing site is unique in that it is larger than adjacent surrounding lots on the block by 4,000 sq ft or more and has existing front and rear yard parking spaces taking up much of the lot. The living area of the existing building is 3,000 sq ft or more than the living area of other adjacent buildings on this block in the same three-family (3F-6000) subdistrict. This is due to the property being formerly part of a large church to its north and its size being relatively appropriate when its accompanied use was related to that religious institution. Due to its large size, this property has existing zoning violations that the proposed project exacerbates and leads to further misalignment with the surrounding built context.

The proposed multifamily residential use aligns with the previous convent use by proposing more than three residential units in a structure that can and has accommodated that living function. This adaptive reuse project aligns with the goals stated in *Housing a Changing City, Imagine Boston 2030* (2017) by increasing housing units and preserving an existing building that was used for residential purposes for new housing opportunity.

However, the physical scale of the proposed addition is significantly misaligned with the existing building's height and with the height of existing, surrounding buildings. Most of the surrounding residential buildings are at or below three stories, including the existing building. While the proposed extension into the large rear yard is appropriate to accommodate more housing units, the proposed height for the addition exceeds the existing pattern for residential buildings and would be significantly visible to the public realm from the rear due to it being one story higher than the existing building.

The scale and impact of the building and site design are difficult to determine because the project plans do not provide enough three-dimensional detail of the project in context. The BPDA's Urban Design staff recommend that for a project this large in size, three-dimensional renderings are needed to better evaluate its appropriateness and needs for further mitigation as it pertains to scale and design alignment.

The proposed project design features a rear overhang for the addition above the proposed rear parking spaces that BPDA Urban Design staff have flagged as contradictory to the site's context and would require further redesign. Additionally, while the proposed number of parking spaces does not meet the required zoning parking minimums for the neighborhood district (1.5 spots to 14 dwelling units = 21), the proposed 16 parking spaces do not align with the City's goal of reducing dependence on private vehicles, as detailed in *Go Boston 2030* (March 2017).



After the most recent ZBA deferral, the project plans have been changed to remove all proposed front yard parking spaces, reduce the number of parking spaces from 19 to 16 spaces, add an interior bike parking room with 16 bike parking spaces to the ground floor, convert the existing concrete front yard to a landscaped permeable lot area with a walkway, and change the proposed roof for the rear addition from a flat roof to a hipped roof to align with the existing building's historic architecture as a site within a Boston MHC Historic Inventory Area. These changes were a result of the community review process and initial review by ISD, as stated by the proponent in the project plans.

Zoning Analysis:

This property is located within the Three-Family Residential (3F-6000) subdistrict of the Dorchester Neighborhood District (Art. 65).

The 3F-6000 subdistrict requires a maximum floor area ratio (FAR) of 0.4, a maximum height in stories of 2.5 stories, a maximum height in feet of 35 ft, and a minimum rear yard depth of 30 ft (Art. 65 - Sec. 9). Due to the existing building's size as detailed in the planning context, both excessive FAR and excessive height are existing nonconformities for this building with an FAR of 0.52, a height of 3 stories, and a height of 37 ft. This project worsens these existing violations by proposing an increased FAR of 1.2, an increased height of 4 stories, and an increased height of about 49 ft. The rear yard addition also triggers a new insufficient rear yard depth violation with a reduced rear yard of 13.1 ft. These violations are a result of the proposed rear addition which would be taller in height than the existing building and which introduce a fourth story and about 12 additional feet in height. The design change from the originally proposed flat roof on the rear addition to an architecturally-appropriate hipped roof also increased the already-excessive height in feet.

The multifamily residential (MFR) use is forbidden in this subdistrict (Art. 65 – Sec. 8), but as stated in the planning context the proposed change of occupancy to multifamily residential is an appropriate land use change due to the previous use as a convent that could accommodate living arrangements. The existing building could accommodate a small multifamily use, but further attention must be paid to how many more units this site can feasibly accommodate without producing a significant impact that this area is not appropriately regulated to receive.

Article 65 Table F (Art. 65 – Sec. 41, Off-Street Parking Requirements) requires 1.5 parking spaces per dwelling unit, which would require 21 parking spaces for this proposed development.



The updated plans have reduced the originally proposed 19 spaces to 16 parking spaces, which worsens the parking insufficiency violation that the original plans already triggered. The number of parking spaces still do not align with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017). This violation signals a need for zoning reform in this subdistrict to better align off-street parking requirements with City policies around reducing private vehicle reliance.

Article 65 Table G (Art. 65 – Sec. 41, Off-Street Loading Requirements) requires 1.0 off-street loading bay for projects with a gross floor area greater than 15,001. The proposed project is not proposing an off-street loading bay for projects. Loading zones are applicable to active loading and unloading of commercial vehicles. Given that the proposed project is residential, a loading bay for commercial vehicles is not a necessity. This violation signals a need for zoning reform in this subdistrict to prevent larger fully residential projects like this from triggering off-street loading requirements that should be reserved for commercial uses.

Site plans completed by Control Point Associates, LLC on January 12, 2023. Project plans titled "Proposed Site Plan" completed by Context on August 3, 2023.

Recommendation:

In reference to BOA1443137, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Due to the size of this project, the proponent should submit more detailed building and site plans that include three-dimensional renderings to better evaluate project scale and impact. The proponent should also consider redesigning the rear addition for better alignment to the existing building with attention to height in the context of this residential fabric, parking design and overhang, and visibility of the addition from the public realm. Part of the parking redesign should also include further reduction and consolidation of parking spaces.

Reviewed,

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Director of Planning, BPDA



Case	BOA1448246
ZBA Hearing Date	2023-11-14
Address	24 Common ST Charlestown 02129
Parcel ID	0203457010
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Article 62
Project Description	Construct parking space
Relief Type	Variance
Violations	Front Yard Insufficient

Planning Context:

The project is located in the Original Peninsula, as identified by PLAN: Charlestown (September 2023). The project's parcel is a through lot, located between Common Street and Ellwood Street. The proposed parking space is located on the Ellwood Street side. One of the existing Common Street-fronting dwellings has a parking space along Ellwood, similarly designed to the proposed parking area. As a result, the proposed parking space would match the existing street context. This property sits within Winthrop Square, a historic architecturally-significant area.

Zoning Analysis:

Section 62-30 of the Code states that the front yard requirements shall apply to that part of a rear yard which is also a street line except in the case of a rear yard which abuts a street less than twenty feet in width. Given that Ellwood Street has a width of ~12 ft, the proposed parking area is located in the rear yard of the parcel and thus does not have an impact on the front yard setback.

Plans reviewed are titled "Certified Plot Plan located at 24 Common Street Charlestown, MA", prepared by Boston Survey, Inc., and dated April 1st, 2022.

Recommendation:

In reference to BOA1448246, The Boston Planning & Development Agency recommends APPROVAL .



Reviewed,

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Director of Planning, BPDA



Case	BOA1451588
ZBA Hearing Date	2023-11-14
Address	33 Pearl St Dorchester 02125
Parcel ID	1302088000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 65
Project Description	Seeking to raze the existing structure (demo to occur on separate permit) and erect a new residential building with 6 units and 8 parking spaces. Request for Nominal Fee.(DEMO: SF1449374)
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Forbidden Use Location of Main Entrance

Planning Context:

Site is in a two-family district in Dorchester between Uphams Corner and Savin Hill. Applicant seeks to build a multifamily building holding six units. This closely aligns with the general goals of housing production from both Imagine Boston 2030 and Housing a Changing City, but does raise concerns about the appropriateness of this level of density in this location. While this portion of Dorchester is generally in the denser residential portion of the city, the site is still 0.5 miles from the Savin Hill T stop and 0.6 miles from the Uphams Corner commuter rail stop. This does mean that this is not strictly transit-oriented development, but should instead be considered urban infill.

Given that applicant is creating a building with similar height and architectural form with sufficient parking to meet demand, this project is well-suited to add much needed housing in a part of the city suffering from an extreme lack of housing vacancy, and project is aligned with the broader goals of allowing infill and "gentle density" projects to supplement larger housing production projects across the city.

Zoning Analysis:



Multifamily housing is not allowed in this district. While six units is substantially more than the two-families allowed by zoning, the building does generally appear in scale with its surrounding neighbors, and larger triple-deckers and multifamily buildings do appear on this block and in the area, making this project an area candidate for the importance of zoning reform, to better reflect the diversity of building forms and residential uses.

Maximum FAR is 0.5, with the current building only occupying 0.3. The proposed FAR would be approximately 0.96, which is a substantial violation. However, given the use of a Mansard roof to hide the third floor and the varied articulation of the building to break up the massing, this is not wholly out of scale with surrounding buildings, and can be considered a relatively low FAR given the number of units proposed by the applicant.

The proposed building would be 3 stories, while zoning only allows for 2. The block contains numerous examples of other 3-story buildings, making this an unreasonable constraint on use of this property and an example of the need for zoning reform.

Finally, dimensional regulations state that the main entrance of a dwelling unit shall face the front lot line. In this application, the front three units will have their entrance facing the front lot line, while the rear three units would have a side entrance. Such side entrance's circulation quickly moves to the front and is the only efficient way to allow all six units on one site, especially given the need to accommodate 1.25 parking spaces per unit as noted by zoning. Such changes are not, on the whole, detrimental to the circulation and character of the site and area.

Site is in a Neighborhood Design Overlay District and must undergo BPDA Design Review. Given the older character of the existing building and its potential contribution to the Neighborhood Design Overlay District, the BPDA also suggests Landmarks Review.

Recommendation:

In reference to BOA1451588, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review, that plans shall be submitted to the Boston Landmarks Commission for design review.



Reviewed,

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Director of Planning, BPDA



Case	BOA1463517
ZBA Hearing Date	2023-11-14
Address	32 to 34 Larch ST Brighton 02135
Parcel ID	2204585000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 1F-5000
Zoning Article	Article 51
Project Description	Renovate second floor kitchen, renovate 1 bathroom on second floor, and renovate 1 bathroom on third floor with a 20-foot shed dormer.
Relief Type	Variance, Conditional Use
Violations	FAR Excessive Height Excessive (stories) Extension of Nonconforming Use (2-family dwelling)

Planning Context:

The proposed kitchen and bathroom renovations improve the quality of the existing housing stock and advance goals of enhancing neighborhoods as described in Imagine Boston 2030.

Zoning Analysis:

The existing nonconformity of a two-family dwelling in this 1F-5000 will not be worsened by the interior renovations or shed dormer addition. The maximum FAR in this subdistrict is 0.5; this addition nominally increases the FAR by 0.04, from 0.66 to 0.70

The maximum height in this subdistrict is 2.5 stories and 35 feet. Pursuant to the definition of “Story, Half” in Article 2 of the Zoning Code, any dormer wider than 8’ shall be counted as a full story. The proposed 20’-wide dormer counts towards a full story in height, increasing the existing height from 2.5 stories to 3 stories. Proximate buildings within this subdistrict similarly exceed height in stories with shed dormers or with three full stories.

Design review is recommended as these plans are hand-drawn and have inconsistencies in showing the pitch of the roof.



Plans reviewed are titled "32-34 Larch St Quinn Residence" and dated November 28, 2022.

Recommendation:

In reference to BOA1463517, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the pitch of the roof and confirmation of shed dormer dimensions. Submitted plans must be stamped architectural plans.

Reviewed,

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Director of Planning, BPDA



Case	BOA1475111
ZBA Hearing Date	2023-11-14
Address	619 Massachusetts AVE Roxbury 02118
Parcel ID	0900875000
Zoning District & Subdistrict	Roxbury Neighborhood Row House Residential
Zoning Article	Article 50
Project Description	Addition of 1 car driveway with deck overhead. Replacing the existing wood fence with a South End Landmarks approved brick masonry wall with an overhead garage door.
Relief Type	Variance
Violations	Lot Area Insufficient Rear Yard Insufficient

Planning Context:

Site is a row house in the Roxbury neighborhood zoning district and in the South End Landmark District. Applicant seeks to fill backyard with a garage and a deck. Applicant refers to addition as a driveway with a deck overhead and garage door, but this is effectively an external garage.

This proposal must balance two planning concerns -- elimination of a yard with a mature tree in an urban district; and creating off-street parking due to the constraints of an alley (Comet Place) without public on-street parking.

Zoning Analysis:

In the Row House Residential district, 2000 square feet of lot area are required for each unit. With a lot area of 1610 square feet, no units are allowable as-of-right on this property. Addition of a driveway/garage does not change this condition, and so it should be considered an existing non-conformity that is not extended or worsened by this change.

Current zoning requires a rear yard of 10', and the existing condition is a 20' 2" rear yard. Proposal would reduce that to 0'. Deck would effectively provide an open-space-like use in the same location for residents. One abutter and many other properties on the block do have



construction up to the rear lot line, so this is contextually comparable. That said, in all other cases where there is rear construction with a deck, the deck sits above occupiable ground floor space, which does not require a curb cut. These contextual examples of construction also does not tend to use the entire lot width, so the garage's size should be limited to the minimum necessary for a one-car garage.

The alleyway onto which this curb cut would open is not subject to heavy traffic, and is primarily used for access to a BHA project across the street from the applicant's property. General maneuverability to the BHA's parking should not be adversely impacted, given the existing circulation in and out between those spaces and the alley. Additionally, the sidewalk across which the curb cut would site is extremely narrow and not amenable to regular use by pedestrians. An existing lamppost and fire hydrant already sit on either side of the applicant's property, creating obstructions that make pedestrian use of the portion of sidewalk directly behind the property unlikely.

There is some on-street parking on the front side of applicant's property along Massachusetts Avenue, but given the number of fire hydrants, tree well bump outs, and other restrictions along that portion of the street, the goal to shift some of the parking demand to the alleyway is justifiable.

Recommendation:

In reference to BOA1475111, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the South End Landmark District Commission for design review, and that the addition's footprint be limited to the minimum reasonable size necessary for a one-car garage.

Reviewed,

A handwritten signature in blue ink, appearing to read "Anne Rand", written in a cursive style.

Director of Planning, BPDA



Case	BOA1484717
ZBA Hearing Date	2023-11-14
Address	229 to 233 Bowdoin ST Dorchester 02122
Parcel ID	1501313000
Zoning District & Subdistrict	Dorchester Neighborhood LC
Zoning Article	Article 65
Project Description	Three story addition and change of use from stores, laundromat and dry cleaners to store, laundromat and 6 dwelling units
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient FAR Excessive Height Excessive (ft) Conditional use for dwelling units

Planning Context:

The proposed project is located within 1/2 mile from the Four Corners/Geneva commuter rail stop on the Fairmount Line and is thus within the Fairmount Indigo Planning area (2015). According to the plan, the project area is designated in the Main Street District.

Proposed developments within the Main Street District should reinforce local-serving businesses, create mixed-use development, and create multi-family developments. The proposed project supports the plan by retaining the active ground floor uses ensuring continuity of active ground floor uses, and reinforces these critical retail nodes as a center of neighborhood activity. The proposed addition of the residential dwelling units supports the plan by concentrating density, retaining important uses around the transit stop, and increasing foot traffic around local retail.

Additionally, the proposed residential addition is consistent in scale and use with adjacent buildings and retains existing permeable green space in the rear yard.



These proposed units also advance planning goals of increasing housing availability, as detailed in *Housing a Changing City, Boston 2030* (September 2018).

The project does not include parking spaces for the proposed residential units which is consistent with City's goal of reducing dependence on private vehicles, as outlined in *Go Boston 2030*.

Zoning Analysis:

Residential dwellings are a conditional use in this Local Convenience subdistrict (Article 65 - Section 8). The proposed residential use aligns with the planning goals for residential development along mixed-use transit corridors, meets the criteria for conditional use, and is consistent with the existing context.

The maximum height limit of the subdistrict is 40' and the project proposes to marginally exceed the height by 3'. The project should reduce its height to be consistent with the maximum zoning height.

The required FAR is 1.0 and the proposed FAR is 2.48. The excessive FAR is due to the addition of the residential units above the local convenience stores (Article 65 - Section 9). Some of the adjacent buildings also have excessive FAR as an existing condition. This is a case for zoning reform to better implement mixed use, main street planning.

Recommendation:

In reference to BOA1484717, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the window and facade design on the top floor, and reducing the height of the building by 3'.



Reviewed,

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Director of Planning, BPDA



Case	BOA1494509
ZBA Hearing Date	2023-11-14
Address	12 Cawfield ST Dorchester 02125
Parcel ID	0703754020
Zoning District & Subdistrict	Dorchester Neighborhood Three-Family Residential
Zoning Article	Article 65
Project Description	Rear deck addition at 2nd,3rd and roof levels and includes living room extension to include rear access stairs. Additionally, removing of siding and fastening Ledger to house, replacement of two windows. Also installation of Tyvek, flashing, weather guard around windows and doors and rubber roof.
Relief Type	Variance
Violations	Side Yard Insufficient Rear Yard Insufficient FAR Excessive Extension of Nonconforming Building

Planning Context:

Property is a two-family in a three-family residential district seeking to expand a rear porch to increase living space. Primary constraint on the site is that it is a small building on a small lot, and the current building is substantially smaller than its surrounding neighboring triple deckers.

While the scale of this porch addition is more substantial than a simple addition of sitting space to the rear of the building, the addition of a rear access stair increases the usability and safety of the unit, and does improve the quality of housing stock and suitability of the living space for larger households in accordance with Imagine Boston 2030 and Housing a Changing City, and in the broader spirit of PLAN Dot Ave and other ongoing neighborhood initiatives across the city.

Zoning Analysis:

Zoning requires a 10' side yard setback. The current condition is 9'6" on the north side and 5' 6" on the south side, which is nonconforming. Proposal would leave the north side unchanged but lower the south side setback to 2'3". While the additional rear access is a useful addition, the placement of the stairwell on the side yard, as noted by the plans, is the only change which

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reduces the side setback so substantially. This deviation from zoning rules is not commensurate with the benefit to the applicant, and can be reconfigured.

Applicant should work with BPDA Design Review to consider adjusted placement of the stairs to the back of the porch to avoid unnecessary impingement on the side yard's circulation.

Additionally, while use of the property via rear porches can be considered reasonable, given the scale of these violations, the roof deck should not be allowed, given its duplicative value relative to the other decks and the added height it would add directly facing adjoining properties. Contextually, this roof deck would be both out of scale with surrounding buildings, and it does not represent an amenity generally available in the neighborhood.

The porch's extension into the rear yard would make the rear of the new building's footprint similar to that of neighboring buildings. This suggests that the current zoning requirements for the rear yard create an unreasonable burden on the applicant to use the property appropriately.

The maximum allowable FAR of 0.5 is currently exceeded at 1.07 and would remain unchanged by the porch addition.

Finally, while this building is nonconforming as an existing condition, those nonconformities cannot reasonably be brought into compliance by any renovation project based on the existing size of the parcel and general placement of the existing dwellings. Section 9-1 states that "Whenever land is being lawfully used for a use not conforming to this code, other than stone quarrying, such use may be extended on the same lot or on an adjoining lot; provided that after public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for such extension; and provided further that the use as extended shall not exceed by more than twenty-five percent either in volume or in area the nonconforming use existing on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment." Given the small size of

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the pre-existing building, this 25% threshold is difficult to meet and should be considered a hardship.

Recommendation:

In reference to BOA1494509, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE, and that new plans should be submitted where the rear access is moved away from the side yard, and where the roof deck is eliminated from the addition.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1505462
ZBA Hearing Date	2023-11-14
Address	368 Dorchester ST South Boston 02127
Parcel ID	0700663004
Zoning District & Subdistrict	South Boston L-1, MFR
Zoning Article	Article 68
Project Description	Construct addition with roof deck.
Relief Type	Variance, Conditional Use
Violations	Roof Structure Restrictions FAR Excessive Height Excessive Side Yard Insufficient

Planning Context:

This project seeks to legalize an existing roof deck and headhouse on the structure. The original project, constructed in 2006, omitted these elements from their initial submittal. Legalization is needed to obtain a permit for future repairs. Stairway headhouses and roof decks are common conditions for the area, and exist on a number of the site’s immediately adjacent buildings.

Zoning Analysis:

The side yard violation stems from a previous project iteration which constructed a vertical addition upon the building’s existing footprint. Because the existing building exceeded the minimum side yard requirement for the area, the vertical extension, even though it did not further encroach into the setback, is considered an expansion of a nonconforming dimension. This condition triggers a zoning violation. The setback itself is both existing and contextual. The site, located along a fairly dense and busy corridor, is surrounded by structures with similarly narrow side yard conditions.

The project’s height and roof structure violations can be attributed to the structure’s roof deck and stairway headhouse. These elements create a maximum height almost 11’ greater than what is allowed by zoning (40’). Their impacts are mitigated by a 15’ setback from the public right of way. Roof decks and stairway headhouses are common conditions across the site’s adjacent structures and blocks. They exist at similar or greater heights throughout.



The FAR violation is an improper citation. The project has a stated FAR of 1.61. This figure exceeds the maximum allowed dimension of the L-1 subdistrict (1.5) that the lot predominantly sits in. However, because the rear portion of the lot lies within a different MFR district, the regulations of Article 12 (Transition Zoning) apply to the property. Section 12-1 of the Article states that, where a lot is in two districts, the least restrictive regulations of each of the two districts apply. Since the MFR subdistrict's maximum allowed FAR is 2.0, which the project's FAR falls under, the project should be rendered compliant in this regard.

Recommendation:

In reference to BOA1505462, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1506791
ZBA Hearing Date	2023-11-14
Address	324 Summit AVE Brighton 02135
Parcel ID	2101761000
Zoning District & Subdistrict	Allston/Brighton Neighborhood MFR-1
Zoning Article	Article 51
Project Description	Renovate unfinished basement to add a 4th unit to 3-unit building.
Relief Type	Variance
Violations	Usable Open Space Insufficient Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Location of Main Entrance

Planning Context:

This site is located in an MFR-1 subdistrict and within 1/4 mile of the MBTA Green Line B Branch. The creation of an additional housing unit while preserving the existing building advances planning goals of increasing housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018). There are several larger multifamily residential buildings proximate to this site and within the same MFR-1 subdistrict. Immediately abutting this site on either side are 2 buildings of similar size and scale (3-units) on lots of similar size and scale.

Zoning Analysis:

Although this new unit is being constructed without an extension or construction to the existing building envelope, it would not be considered an Additional Dwelling Unit pursuant to the current Article 51 Section 8 because it is not owner-occupied. However, multi-family use is an allowed use in an MFR district.

Given the proximity to the MBTA Green Line stop and the City’s policy around transit oriented development, the 1.75/unit parking ratio is excessive in this subdistrict. The required FAR in this subdistrict is 1.0, and this project proposes a modest increase from 0.98 to 1.2 without changing the physical bulk of the building. The insufficient additional lot area is an existing nonconformity, as this parcel requires 4,000 sf for the 3 existing units, but the parcel is 2,824 sf. The two immediately abutting parcels also share this existing nonconformity.



The creation of this unit requires 200 sf of additional open space. The existing 3 units satisfy this open space requirement by having porches, but an additional porch for the new unit would not be feasible given the location of this new unit in the basement.

The location of the entrance for this unit is proposed to be in the rear of the building rather than facing Summit Avenue. The rear of the building where this unit faces is an alleyway lined with parking, and the unit itself would be accessed through an existing basement door located between two parking spaces. Given this alleyway condition and narrow clearance, the entrance may be better sited facing Summit Avenue.

The provided plans do not detail the design for the windows; given that this is in a basement unit, design review should confirm the size of the windows for adequate ventilation and natural light.

Plans reviewed are titled "324 Summit Ave Brighton, MA 02135", prepared by O'Sullivan Architects, Inc., and dated April 24th, 2023.

Recommendation:

In reference to BOA1506791, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the location of the front entrance and to confirm the size of the windows to ensure adequate ventilation and natural light, and that no building code relief be granted.

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1510476
ZBA Hearing Date	2023-11-14
Address	85 to 93 Glenville AV Allston 02134
Parcel ID	2101004000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	Article 51
Project Description	Change occupancy from restaurant to restaurant with live entertainment.
Relief Type	Variance
Violations	Forbidden use

Planning Context:

The proposed use will take the place of a former restaurant, Glenville Stops, which closed in 2021. A new restaurant, Fields West, has taken its place and is now open - the case is for adding a restaurant with live entertainment. The previous decision, BOA818470, was an approval in 2018 to allow a restaurant on this same property.

Both restaurant and restaurant with live entertainment uses are Forbidden in this subdistrict. Allowing this restaurant to add live entertainment would be very much in keeping with this busy, multi-family area of Allston. This specific area of Allston, which is very close to Harvard Ave, Brighton Ave, and Commonwealth Ave, is an area with many restaurants, bars, music halls, and other cultural and entertainment venues. The Allston Brighton Arts, Culture, and Placekeeping Plan from 2021 specifically notes with concern the loss of live venues in the neighborhood.

Zoning Analysis:

The Residential Use tables in Article 51 were last updated in 2000. The zoning code is out of date with the current, approved, and common uses that have been established over the last 23 years. As part of ongoing planning in Allston/Brighton, this is an area candidate for zoning reform to move this area into a district better reflecting actual uses and form.



While this site does have residential uses abutting and across the street, those residential uses are generally tucked in alongside commercial uses on the rear side of a block directly facing Commonwealth Avenue. The overall use in this portion of the neighborhood does not appear to have detrimental impact.

The project plans reviewed are titled "Allston Rock City, LLC, D/B/A 'Fields West' 85-89 Glenville Ave, Allston, MA 02134" and dated 4/19/23. They were prepared by Design Khalsa.

Recommendation:

In reference to BOA1510476, The Boston Planning & Development Agency recommends APPROVAL that no building code relief be granted.

Reviewed,

A handwritten signature in blue ink, appearing to read "Aimee Rand", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1510490
ZBA Hearing Date	2023-11-14
Address	88 Chestnut ST Boston 02108
Parcel ID	0502319000
Zoning District & Subdistrict	Boston Proper H-2-65
Zoning Article	Article 15
Project Description	Replace existing roof deck with new one and full gut remodel
Relief Type	Variance, Conditional Use
Violations	FAR Excessive GCOD Applicability

Planning Context:

The project proposes remodeling and updating the dwelling’s interior, adding additional amenities to the living space, and replacing an old roof deck with a new one. Making necessary repairs to existing dwellings is in keeping with planning goals of preserving housing stock, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

Due to the proposed renovations of the project, the project requires a conditional use permit, as it is located in a GCOD, which requires review by BWSC.

The excessive FAR violation is an existing nonconformity. However, the FAR will increase with the proposed changes as the basement unit will be converted into usable living space. The conversion of the basement space will have no impact on the massing and scale of the building. This is a case for zoning reform.

Recommendation:

In reference to BOA1510490, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD) .



Reviewed,

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

Director of Planning, BPDA



Case	BOA1512111
ZBA Hearing Date	2023-11-14
Address	15H Mount Vernon ST Dorchester 02125
Parcel ID	0703038000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	Article 65
Project Description	Legalization of existing 4th floor living space and bathroom
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proposed legalization of an existing, nonconforming living space poses no changes to the exterior of the project or the public realm.

Adding more livable area to existing dwellings 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 is an existing nonconformity that supports housing availability for growing living arrangements, thus furthering City housing goals.

Zoning Analysis:

The maximum FAR of the 3F-5000 (Article 65) is 0.5. With the inclusion of the living space on the 4th floor, the project's FAR is 1.1. Zoning relief is recommended for the legalization of this property's existing extension.

Recommendation:

In reference to BOA1512111, The Boston Planning & Development Agency recommends APPROVAL .



Reviewed,

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

Director of Planning, BPDA



Case	BOA1514976
ZBA Hearing Date	2023-11-14
Address	26 Montrose ST Roxbury 02119
Parcel ID	1200234000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	Change occupancy from 2 family to 3 family. Renovate existing third floor layout and add new roof gable/dormers to create three bedrooms, kitchen, bathroom, and living room for Unit # 3.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Parking or Loading Insufficient

Planning Context:

The project proposes adding a 3rd unit and making necessary renovations to the 2nd and 3rd floors, as well as to the roof (by adding dormers and doing roof repair), to facilitate this addition. 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:

Three-family residential is an allowed use in this subdistrict. The zoning code requires a 10 ft side yard. The existing dwelling has an east side yard of 5 ft, which remains completely unchanged by the scope of this project. The project plans note on the first page that this 5 ft side yard is a pre-existing non-conformity. The west side yard is in compliance, at 60 ft.

The zoning code stipulates a maximum FAR of 0.8. While the plans do not indicate the FAR of the dwelling as it currently stands, and only give the proposed FAR (of 2.0), the proposed scope of the project is mostly interior renovation and does not considerably change the existing massing of the building. The scale and design of the building - both existing and proposed - are

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in character with the surrounding context. This project is a case for zoning reform to develop dimensional regulations that match existing form.

The refusal letter suggests that the proposal provides no parking, while 1.0 spaces are required. As noted on the first page of the plans, there is and will be a driveway with three parking spaces provided. It appears that this is not a condition that requires a variance, and that the flag from ISD may be an oversight as the majority of the plans were related to the interior.

The project plans reviewed are titled 26 Montrose Street and are dated 12/13/22. They were prepared by Design Development Consultants.

Recommendation:

In reference to BOA1514976, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to design and height of proposed dormers.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana", is written over a light blue circular stamp.

Director of Planning, BPDA



Case	BOA1515265
ZBA Hearing Date	2023-11-14
Address	207 to 209 Market ST Brighton 02135
Parcel ID	2202632000
Zoning District & Subdistrict	Allston/Brighton Neighborhood NS-1
Zoning Article	Article 51
Project Description	Proposed liquor store in an existing building.
Relief Type	Conditional Use
Violations	Use: conditional (liquor store)

Planning Context:

The location of the proposed liquor store is in an existing building which also contains a CVS. The building has a large accessory parking lot which is shared between the two businesses. The surrounding area is predominantly commercial, the other uses on the block being the attached CVS and two vehicle oriented uses (a gas station and a car wash).

Zoning Analysis:

The project proposes a liquor store on the first story, which is a conditional use in this subdistrict (see Article 51 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. Because of the existing commercial character of this area, this site is appropriate for this use and it would not cause serious hazard or nuisance.

Recommendation:

In reference to BOA1515265, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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

Director of Planning, BPDA



Case	BOA1518728
ZBA Hearing Date	2023-11-14
Address	16 Allstate RD Dorchester 02125
Parcel ID	0703501030
Zoning District & Subdistrict	Dorchester Neighborhood Community Commercial
Zoning Article	Article 65
Project Description	Tenant Buildout for new car dealership w/carwash in subdivided Best Buy space. Carwash; Indoor sale, with or without installation, of automotive parts, accessories and supplies; Indoor sale of motor vehicles; and, Outdoor Sale of New and Used Motor Vehicles.
Relief Type	Conditional Use
Violations	Use: Conditional (4)

Planning Context:

Site is a subdivided portion of a Best Buy site located in the South Bay shopping center. Applicant wants to add a new car dealership with carwash. This overall subdistrict is a key center for commercial activity and job creation in the City of Boston, and its access to both the interstate as well as other regional transportation lines makes it easily accessible by car, which is central to this applicant's use type. Along with the general goals to improve employment centers in Boston from Imagine Boston 2030 and maintaining a broader industrial set of uses in and around the Newmarket district of Boston in PLAN: Newmarket, a car dealership and car wash are well suited to this location, as both a commercial activity involving retail customers as well as activities with an industrial character related to the washing and sale of vehicles.

Zoning Analysis:

Indoor sale of motor vehicles is a conditional use. Outdoor sale of new and used motor vehicles is a conditional use. Indoor sale, with or without installation, of automotive parts, accessories, and supplies is a conditional use. Car wash is a conditional use. Sited near the edge of the South Bay center, broader impact on use and circulation at the shopping center should be minimal.



As noted in part by Section 6-3, a conditional use shall be granted only if all of these conditions are met: "(a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted; (b) the use will not adversely affect the neighborhood; (c) there will be no serious hazard to vehicles or pedestrians from the use; (d) no nuisance will be created by the use; (e) adequate and appropriate facilities will be provided for the proper operation of the use; ...".

Maintaining a robust set of businesses in South Bay is critical to that area's economic continued vitality. All of these conditions appear to be met based on the location of this proposed dealership/carwash in South Bay. The land and parking requirements are met, and the potential conflicts with this and other use types are not applicable, when considering a site near a major highway in a large shopping center near an industrial district.

Recommendation:

In reference to BOA1518728, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans for any exterior changes shall be submitted to the Agency for design review .

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1522212
ZBA Hearing Date	2023-11-14
Address	15 Parkman ST Dorchester 02122
Parcel ID	1600885000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	Art. 65 - Sec. 9, Art. 65 - Sec. 15, Art. 65 - Sec. 32
Project Description	Construction of a multifamily residential dwelling with four (4) units and six (6) rear parking spaces. Demolition of an existing one-family residential dwelling and an existing garage.
Relief Type	Variance
Violations	NDOD Applicability FAR Excessive Height Excessive (stories) Use: Forbidden (Multifamily Residential)

Planning Context:

This project proposes the construction of a multifamily residential dwelling with four (4) units and six (6) rear parking spaces along with the demolition of an existing one-family dwelling and an existing garage. The proposed building will include front and rear decks accessible from the second floor. The existing property is located on a 9,997 sq ft lot on Parkman Street in the Dorchester neighborhood. The lot is quite large compared to the required minimum lot size for this zoning subdistrict, which is 6,000 sq ft. Due to this lot’s proximity to three-family and multifamily subdistricts, there are several adjacent, existing buildings with heights and residential dwelling units representative of the proposed multifamily use for this project.

There are two existing structures on the lot. The existing main structure is a two-story, one-family residential dwelling with a living area of 1,922 sq ft. The front yard faces Parkman Street to the north. The side yards face abutting lots of similar size to the east and west. The rear yard faces three abutting lots with smaller rear yard widths to the south.

The second existing structure is a one-story 800 sq ft garage in the southeastern section of the lot directly against the eastern side yard. There is a driveway entrance from Parkman Street along the western side yard that leads to the southern rear yard where the garage is located. It is a three-car garage with an existing roof deck on top of the structure.

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This construction of new housing units and change in occupancy aligns with the planning goals of increasing housing availability and opportunity for growing living arrangements, as detailed in *Housing a Changing City, Boston 2030* (September 2018). There is a prevalence of bus stops available within the surrounding area along a major corridor (Dorchester Avenue) and a major MBTA T stop (Fields Corner) within a ten-minute walking distance of the property. This project aligns with the City's transit-oriented development goals of further concentrating housing development near transit assets due to the proposed multifamily use at this location.

However, the proposal to add six (6) parking spaces to this property does not align with City goals of reducing dependency on private vehicles, as outlined in *Go Boston 2030* (March 2017). This subdistrict requires a minimum of 1.25 parking spaces per dwelling unit for residential uses with four or more units, so this project is proposing one more parking space than the required minimum of five (5) spaces. The proposed parking spaces also extend to the end of the rear lot line, so the removal of the rearmost parking space to the minimum would produce a larger buffer between the accessory parking use and the abutting lot.

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

Zoning Analysis:

This property is located within the Two-Family Residential (2F-6000) subdistrict of the Dorchester Neighborhood District (Art. 65). It is also located within the Dorchester Neighborhood Design Overlay District (NDOD) and triggers NDOD applicability due to the demolition of an existing building and construction of a new building with all new construction visible from the public realm (Art. 65 – Sec. 32).

The lot directly abuts a Three-Family Residential (3F-5000) subdistrict at the rear lot line to its south. Additionally, there is a small Three-Family Residential (3F-D-4000) subdistrict with four lots and a Multifamily Residential/Local Services (MFR/LS) subdistrict that both begin within three lots to the west of this lot along Parkman Street. As stated in the planning context, there are several buildings in the surrounding context with heights and residential dwelling units representative of the proposed multifamily use for this project.



This prevalence of nearby three-family and multifamily residential uses pose a case for zoning reform within this section of the subdistrict because this subdistrict directly abuts a multifamily residential subdistrict that serves a section of a main corridor (Dorchester Avenue) and is an outlier in its lower density compared to the three-family residential subdistricts to the north and south that have that same abutting condition.

The 2F-6000 subdistrict forbids a multifamily residential (MFR) land use as this project proposes (Art. 65 – Sec. 15). While this condition is violation of the zoning regulations for this subdistrict, it is a common land use in the surrounding area and the physical dimensions proposed to allow for the increase in units does not introduce any lot depth-related violations that harm the abutting properties.

The 2F-6000 subdistrict requires a maximum FAR of 0.4, a maximum building height in stories of 2.5 stories, and a maximum building height in feet of 35 ft (Art. 65 – Sec. 9). The proposed project will have an excessive FAR of 0.87 and an excessive building height of 3 stories, both conditions of the living area for the proposed four units. The proposed building height in stories is 34 ft and complies with the feet-based building height requirement, thus aligning the height of the proposed building with other buildings on the block due to the close proximity to several three-family and multifamily residential districts further to the west of the block. This height violation signals a need for zoning reform in how this subdistrict regulates height because both the surrounding context and the height by feet provide enough reason to affirm the alignment of this proposed height despite the height by stories triggering a violation.

Site plans completed by Paul Lindholm, P.E. on February 4, 2022. Project plans titled “15 Parkman St. New Homes” completed by Micheal Washington Architects, Inc. on February 7, 2022.

Recommendation:

In reference to BOA1522212, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review with attention to alignment with the Dorchester NDOD design guidelines and surrounding historical context as well as reduction of parking spaces to the required minimum in the rear yard due to proximity to rich transit resources and potential to increase a buffer between the abutting lot to the rear.



Reviewed,

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Director of Planning, BPDA



Case	BOA1523229
ZBA Hearing Date	2023-11-14
Address	44 to 46 Winter ST Boston 02108
Parcel ID	0304767000
Zoning District & Subdistrict	Midtown Cultural Ladder Blocks & Washington Street Theatre Protection Area
Zoning Article	Article 38
Project Description	Change use from retail computer game shop to liquor store. No construction change, painting interior display cases only.
Relief Type	Variance
Violations	Forbidden Use

Planning Context:

The project proposes a liquor store within Downtown Crossing. The proposed use is in keeping with the general area of Downtown Crossing, which is a major commercial area where several similar use types, such as bars, breweries, restaurants serving alcohol, and corner stores are all located close by. While PLAN: Downtown does not provide specific recommendations related to businesses selling alcohol, this does generally align with the plan’s goal of improving the ability of downtown to better serve residents, nightlife, and other activities beyond daytime employment.

Zoning Analysis:

Use provisions within the Midtown Cultural District were last updated in 1993. The zoning is out of date with the current, approved, and common uses that have been established over the last 30 years. This case is a candidate for zoning reform to modernize and streamline use tables that are in keeping with modern-day existing conditions and uses.

The project plans reviewed are titled "Winter Street Retail Fit-Up," and were prepared by Studio47 Architects Inc. They are dated March 29, 2023.

Recommendation:

In reference to BOA1523229, The Boston Planning & Development Agency recommends APPROVAL .



Reviewed,

A handwritten signature in blue ink, which appears to read "Ames Rand". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1525202
ZBA Hearing Date	2023-11-14
Address	517 Columbus AVE Roxbury 02118
Parcel ID	0402479008
Zoning District & Subdistrict	South End Neighborhood MFR/LS
Zoning Article	Article 6
Project Description	Remove proviso
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

This property is a four-story building on a corner lot at the intersection of Columbus Ave and Greenwich Park with an existing takeout restaurant use on the ground floor. The area is primarily residential with some ground floor commercial uses, including another restaurant on the adjacent corner.

The previous petitioner was granted a conditional use for a restaurant use with takeout by the Zoning Board of Appeals in 2014. The ZBA found that the previous use was appropriate for this location and would not have adverse or hazardous effects on the neighborhood (ZBA decision for BZC-33310, 2014). The proposed restaurant use with takeout in this application provides the same reasonable land use and is supportive of economic activity in an area.

Zoning Analysis:

The property is in the South Boston Neighborhood District (Art. 68) within a Multifamily Residential/Local Shopping subdistrict (MFR/LS).

The violation (Art. 6 - Sec. 4) pertains to a protective condition in the form of a proviso that was attached to the previous tenant's conditional use approval for a restaurant use with takeout. The proviso that triggers this violation states: "Take out use granted to this petitioner only for this use only." The proponent requests the removal of this "petitioner only" proviso in order to extend the conditional use permit on the property from the previous tenant to the current tenant. Since the proponent is seeking a conditional land use that has already received approval on this property, it should receive relief by way of removal of this proviso as it poses no adverse effects to the property and surrounding community.

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This application was submitted without plans. As such, this recommendation only applies to the proposed land use and possible changes in building dimensions and exterior design have not been considered.

Recommendation:

In reference to BOA1525202, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Ames Rand", is written in a cursive style.

Director of Planning, BPDA



Case	BOA1528246
ZBA Hearing Date	2023-11-14
Address	43 to 45 Wood AV Mattapan 02126
Parcel ID	1807463000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	Article 9, Article 69
Project Description	Additional driveway with 2 tandem spaces and new 14 foot curb cut as well as widening of an already approved curb-cut for a recently approved 2 family dwelling.
Relief Type	Variance, Conditional Use
Violations	Usable Open Space Insufficient Extension of Nonconforming Uses

Planning Context:

In 2019, the ZBA approved a 2 family home on this lot with a proviso for BPDA design review. The project received variances for insufficient off-street parking, parking maneuvering areas, lot size, rear and front yards, open space, excessive FAR, and forbidden use (2 family in a 1 family sub district). The project finished BPDA design review in 2022.

This new proposal involves adding an additional driveway to the project which did not appear on the original ZBA approved and BPDA reviewed plans. This driveway would be in addition to another driveway which was approved in the original plans. The new proposed plans also show the curb cut for the already approved driveway widened from 10 feet to 14 feet.

The Boston Transportation Department's Guidelines for use by the Zoning Board of Appeal recommends 1-1.5 spaces per unit for residential projects in Hyde Park. With 2 units and 2 parking spots, the 2019 approved plans meet this recommendation and the additional 2 parking spots would put the project over the recommended ratio. BTDA's guidelines also states 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 curb cut would mean the removal of at least one on-street space, which means the project meets the minimum BTDA recommendation of 2 off-street spaces but not the preferred ratio of 3 off-street spaces.



Zoning Analysis:

The project already received a variance for insufficient usable open space in 2019. The required usable open space is 1,800 sq ft per dwelling for a total requirement of 3,600 sq ft (Article 69 Table C). The approved 2019 project has approximately 2,950 sq ft of usable open space. This number would be reduced by the proposed additional driveway because usable open space must be free of automotive traffic, parking, and undue hazard (Article 2) and the project would therefore require an additional variance for insufficient usable open space.

The project also requires a conditional use permit due to the extension of the accessory parking use. The parking is accessory to a 2 family dwelling, which is forbidden in this 1 family sub district. Because of this, the parking is a non-conforming use. Because the project received a variance in 2019 to build to 2 family dwelling, this constitutes an extension of lawful non-conforming use and the project therefore required a conditional use permit per Article 9.

The BPDA design review provisos issued on 4/19/2022 include that the curb-cuts should be limited to 10ft wide. Therefore, the applicant may not widen the curb-cut of the approved driveway without receiving new BPDA design review approval.

Recommendation:

In reference to BOA1528246, The Boston Planning & Development Agency recommends DENIAL .

Reviewed,

A handwritten signature in blue ink, appearing to read "Annee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA



Case	BOA1530302
ZBA Hearing Date	2023-11-14
Address	4459 Washington ST Roslindale 02131
Parcel ID	2000495000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Art. 2 - Sec. 2-1, Art. 10 – Sec. 1, Art. 67 – Sec. 8, Art. 67 – Sec. 9, Art. 67 – Sec. 32
Project Description	Change of occupancy from a three-family dwelling to a multifamily dwelling consisting of eight (8) units with seven (7) parking spaces (three compact parking spaces and four regular parking spaces). Includes demolition of the existing rear garage, a full interior renovation, a rear addition with three rear decks, side additions of exterior staircases to the rear decks, and side patio additions for new basement units.
Relief Type	Variance
Violations	Limitation of Area for accessory use (parking) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Height Excessive (stories) FAR Excessive Parking or Loading Insufficient Parking design and maneuverability Meaning of certain words and phrases: Gross Floor Area Use: Forbidden (Multifamily Residential)

Planning Context:

This project proposes renovations and additions to an existing building that will change its occupancy from a three-family dwelling to a multifamily dwelling consisting of eight (8) units with seven (7) parking spaces. Three of the parking spaces will be for compact vehicles and four will be regular parking spaces. The project includes the demolition of an existing rear garage, a full interior renovation of the three floors and basement to create the new units, a rear addition with rear decks for the three floors, side additions of exterior staircases to the rear decks, and side patio additions for the new basement units.



The existing property is located on a 5,331 sq ft corner lot, specifically on the western corner at the intersection of Wellsmere Road and Washington Street in the Roslindale neighborhood. There are two existing structures on the lot. The existing primary structure is a three-story, three-family residential dwelling with a living area of 4,794 sq ft (per Assessing Report, 2023). The front yard faces Washington Street to the southeast. The side yards face Wellsmere Road to the northeast and an abutting lot to the southwest with two existing structures on it. The rear yard faces an abutting vacant lot to the northwest. The lot descends in elevation towards the northwest rear yard.

The project proposes rear additions to the three floors of the residential dwelling to extend the existing units and convert them from one unit per floor to two units per floor. The rear additions include three rear decks with partitions that make each section of the deck exclusive to each unit. The project also proposes the addition of patios to both side yards that are accessible from the new basement units. These patios will replace existing permeable open space with paved patio surfaces in the side yards. The northeastern side yard patio addition will also extend to the lot line on that side.

The four regular parking spaces will be located on the ground floor area under the proposed rear decks and will be accessible from the basement in the rear. Three of the four parking spaces will be covered by the roof decks, while the fourth parking space will not be covered and will be located against the northeastern side yard.

The second existing structure is a one-story 640 sq ft garage in the westernmost corner of the lot in the rear yard (per Assessing Report, 2023). There is a driveway entrance from Wellsmere Road in the northernmost section of the side yard that leads to the garage and provides space for additional cars. It is a three-car garage with an existing roof deck on top of the structure. The existing garage will be demolished and the proposed three compact parking spaces will be placed in that northwestern corner. The existing curb cut along Wellsmere Road will be filled in and the new curb cut will be located in the northernmost corner of the lot in the rear yard. There will be no change in impervious surface area due to this change in the curb cut.

This addition of more livable area and change in occupancy within an existing dwelling aligns with the planning goals of increasing housing density and preserving housing stock, as detailed in *Housing a Changing City, Boston 2030* (September 2018). There is also a prevalence of bus stops available within the surrounding area along a major corridor (Washington Street) within a five-minute walking distance of the property. This project aligns with the City's transit-oriented

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development goals of further concentrating housing development near transit assets due to the proposed multifamily use at this location. However, the proposal to add parking spaces to this property does not align with City goals of reducing dependency on private vehicles, as outlined in Go Boston 2030 (March 2017).

This property is also located in a Massachusetts Historic Inventory Area. As such, any renovations and additions should be mindful of the historic character of the existing building.

Zoning Analysis:

This property is located within the Two-Family Residential (2F-5000) subdistrict of the Roslindale Neighborhood District (Art. 67). The lot is across the street from the Local Convenience (LC) subdistrict which begins on the northeastern side of Wellsmere Road.

The existing property has been assessed as a three-family residential dwelling since 1985 and thus has had a long-standing non-conforming use within this subdistrict (per Assessing report, 2023). Several properties on this block of Washington Street between Wellsmere Road and Cornell Street have three-family or multifamily residential uses that are all non-conforming. Both three-family detached dwellings and multifamily dwellings are forbidden uses within the Two-Family Residential (2F-5000) subdistrict. This prevalence of specifically non-conforming three-family and multifamily residential uses pose a case for zoning reform within this section of the subdistrict as many of these properties require zoning relief despite all being assessed as these non-conforming uses for decades.

The 2F-5000 subdistrict (Art. 67 – Sec. 8) designates the proposed multifamily residential (MFR) use as forbidden in this 2F-5000 subdistrict. As mentioned, this property has an existing, non-conforming three-family residential use. While the existing three-family residential use is a common condition in the surrounding area, this proposal would further worsen this non-conformity by adding units and changing the occupancy to a multifamily residential dwelling.

There are several dimensional regulation violations (Art. 67 – Sec. 9) that are all existing conditions of this property, though the proposed additions would further worsen some of these nonconformities. The 2F-5000 subdistrict has the following requirements for residential dwellings that have more than one or two residential dwelling unit: a maximum floor area ratio (FAR) of 0.5, a maximum height in stories of 2.5 stories, a minimum square footage of usable open space per dwelling unit of 1,750 sq ft, and a minimum side yard depth of 10 ft. The existing residential dwelling has an excessive FAR of 0.9, an excessive height in stories of 3 stories,

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insufficient usable open space square footage per dwelling unit of 415 sq ft, and an insufficient side yard depth on the northeastern side below 10 ft (the exact existing depth is not clear on the provided plans, but the insufficient depth was determined based on the width of the proposed patio on this side yard).

The existing height will not be changed as part of the proposed renovations and additions and is a common height condition for other buildings in the surrounding area. The rear and side yard additions as well as the increase in units will worsen the FAR condition by increasing it to 1.44 and worsen the usable open space square footage per dwelling unit by decreasing it to 290 sq ft.

Though the usable open space square footage is supported by the inclusion of patios and decks, the increase in residential dwelling units deeply reduces the amount of usable open space square footage available for each new unit. The side yard depth will also not be changed due to the side yard additions being patios that count towards open space, but attention should be paid to the removal of existing permeable lot area for the construction of these paved patio spaces.

The proposed rear additions contribute to a new dimensional violation in the rear yard (Art. 67 – Sec. 9) because the 2F-5000 subdistrict requires a minimum rear yard depth of 40 ft and the proposed rear additions will reduce the existing 42.1 ft rear yard depth to a new rear yard of about 19 ft. These collective dimensional violations signal a need for zoning reform with attention to determining the appropriate dimensional regulations and scale for development that supports multifamily housing along this section of the subdistrict since this concentration of residential units on a major corridor next to a mixed-use subdistrict provides access to multiple resources.

There are several violations related to the proposed off-street parking area. The northeasternmost proposed parking space triggers a limitation of off-street parking area violation (Art. 10 – Sec. 1) because in any residential district the side yard cannot be used for accessory use “except that such a side yard may be used for off-street parking located more than five feet from the side lot line.” The northeasternmost parking space is less than five feet from the side lot line, thus triggering the violation and placing a parking space too close to the public realm as there is a sidewalk against that area on Wellsmere Road.



Additionally, the size of the parking spaces in the proposed parking design is insufficient (Art. 67 – Sec. 32) because the off-street parking and loading regulations require that “fifty percent (50%) of the required car spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-½) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.” While the four regular parking spaces meet the first part of this regulation with 9 ft by 18 ft parking spaces, the remaining three parking spaces are insufficient due to their compact 8 ft by 16 ft size for criteria named for remaining spaces.

This neighborhood district also requires two (2) parking spaces per residential dwelling unit. The existing dwelling provides five (5) parking spaces for three (3) residential units at a ratio of 1.67 parking spaces per dwelling unit. This is an existing non-conformity that will be worsened because the proposed eight (8) residential units will be served by seven (7) parking spaces at a ratio of 0.875 parking spaces per dwelling unit. Though the lower reliance on private vehicles per unit is supportive of City goals around reduced vehicular usage, the proposed parking spaces worsen the zoning requirements as a result of the non-conforming number of residential units being proposed. This violation signals a need for zoning reform in this section of the subdistrict to better align off-street parking requirements with City policies around reducing private vehicle reliance.

The violation related to the measurement of gross floor area (Art. 2 – Sec. 2.1) is specifically stated by the ISD plans examiner as follows: “Existing floor area gross redistribution and conversion to habitable space/mechanical areas through out other parts of the structure – Conditional.” The ISD plans examiner marks this redistribution and conversion of these areas as conditional, though the exact violation that is triggered is unclear. The recommending planner cannot provide a direct analysis for this specific zoning violation based on the contents of the refusal letter.

Project plans completed by Design Resource Team, LLC on August 8, 2023.

Recommendation:

In reference to BOA1530302, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proponent should consider redesigning the parking spaces to the appropriate sizes as well as reducing the number of parking spaces due to the immediate proximity to a major corridor with transit assets. Proponent should seek a variance for its



existing height, the proposed dimensional changes, and the proposed multifamily use as those are common conditions and may be appropriate in scale given the surrounding context.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1530332
ZBA Hearing Date	2023-11-14
Address	289 to 289A D ST South Boston 02127
Parcel ID	0601564002
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	Article 68
Project Description	Change occupancy from two-family to three-family. Erect rear and vertical additions, and a roof deck.
Relief Type	Variance, Conditional Use
Violations	Side Yard Insufficient Usable Open Space Insufficient FAR Excessive Parking or Loading Insufficient Rear Yard Insufficient Roof Structure Restrictions Height Excessive

Planning Context:

The project sits on a narrow lot (20') within an established multifamily residential area in South Boston. The block's predominant building typology is attached dwellings, of which this structure is one. The project immediately abuts Buckley Playground, a City of Boston park, to the rear.

The project proposes the erection of a roof deck and vertical addition in the rear. This will increase the existing structure's occupancy from 2 to 3 dwelling units. The project's 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, increase housing availability, and add flexibility for growing living arrangements.

Zoning Analysis:

The project's usable open space, and side and rear yard setback violations are existing conditions, not proposed to be worsened through this renovation. Since the project only proposes a vertical addition atop an existing one story rear extension, the building's footprint will remain unchanged.



The site's lack of off-street parking is also existing and a standard condition along the block. This condition can be attributed to the project's small lot (20'x52') and location (immediately abutting a public park from the rear).

The FAR violation is minimal (expands the existing nonconformity by 0.2) and produces a massing less severe than many of the existing structures immediately abutting the site.

Additionally, despite falling 9' under the maximum height in feet allowed by zoning (31' < 40'), the project was cited for violating both the area's maximum allowed height in stories (3 > 2.5) and as detailed in the neighborhood's roof structure restrictions (existing height as max). The area's roof structure restrictions trigger another violation for altering the existing roofline. While the project does increase the structure's height from what is existing, the changes proposed are contextual to the site, which is flanked by similarly and larger scaled 3 and 4 story structures.

Future planning efforts are needed to explore zoning updates which address discrepancies in the regulation of height and better match dimensional regulations, generally, to the built form that already exists in the area.

Provisos for BPDA Design Review and Parks Design Review have been added to this recommendation due to the lot's proximity to Buckley Playground and to address design changes to the structure's existing roofline.

Recommendation:

In reference to BOA1530332, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISO/S: that plans shall be submitted to the Department of Parks and Recreation for review due to location adjacent to Buckley Playground.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA