



MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: February 21, 2024

RE: BPDA Recommendations

---

Please find attached, for your information, BPDA recommendations for the February 15, 2024 Board of Appeal's Sub Committee Hearing scheduled for 5:00pm.

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



<b>Case</b>	BOA1539958
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	68 Horace St., East Boston 02128
<b>Parcel ID</b>	0100908000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	Article 27, Article 53
<b>Project Description</b>	Project consists of attic renovation, with a roof replacement
<b>Relief Type</b>	Variance, IPOD Permit
<b>Violations</b>	IPOD Applicability Height Excessive (stories)

**Planning Context:**

The site is a two-family building on Horace Street, a residential side street in East Boston, one block south of Bennington St, approximately equidistant between Wood Island and Orient Heights, and a few blocks north of Boston Harbor. The building is two full stories and an attic, and the applicant seeks to renovate the attic by replacing the existing roof, converting more of the interior to living space and a new bathroom, and extending the roof in the rear of the building. The extension of the attic does not change the actual dimensions or footprint of the building itself, but rather would extend the roofline height of the attic all the way to the rear.

The draft zoning map for PLAN: East Boston, recommended by the BPDA board in January 2024, puts this parcel in the new EBR-3 residential district, currently pending Zoning Commission consideration. Buildings in this EBR-3 district have a maximum height of three stories. Were this to be approved, the existing nonconformity for which this variance is requested would not exist. Beyond the specific proposed zoning change, this project aligns well with PLAN: East Boston, adopted January 2024. One of the plan's key recommendations is "Allow for a mix of housing types within a limited range and affirm the physical characteristics that define low-scale neighborhood fabric," of which EBR-3 is an implementation mechanism.

The plan notes that the purpose of this recommendation is that "Homeowners who want to make small changes to their houses—such as adding a dormer, creating an in-law suite in a basement, or building a new deck—will require fewer variances, making it easier for people to stay in their homes as their needs change." This proposed project, with an incremental improvement to an existing attic, precisely fits these example use cases.

BOA1539958

2024-02-15

1 Boston Planning & Development Agency



**Zoning Analysis:**

Article 27T creates an Interim Planning Overlay District for East Boston, which expired in November 2023. This proposal, submitted in September 2023, is still subject to this IPOD, requiring that the "proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning." As noted in the planning context, this proposed change aligns with PLAN: East Boston's proposed rezoning.

Section 53-9 and its corresponding Table F provide that the East Boston 2F-2000 subdistrict allows a maximum height of 2.5 stories. The applicant notes that the project area only occupies 648 square feet of the attic's overall 1350 square feet, though per plans this includes only areas with walls that are ~5' high. Per Article 2, a story only counts as a half-story when "the floor area, measured four (4) feet vertically from the floor, does not occupy more than one-half (%) the area of the floor next below." With this more expansive definition, the number of stories is three, though the building height in feet itself remains unchanged. This proposed modification is a reasonable continued use of this existing property. The additional roof space is limited, and does not extend into a pre-existing second floor deck. There should be no impact to neighbors given the limited scale of the changes.

**Recommendation:**

In reference to BOA1539958, The Boston Planning & Development Agency recommends

**APPROVAL.**

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1516063
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	49 Monmouth St., East Boston 02128
<b>Parcel ID</b>	0102782000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	Art. 53
<b>Project Description</b>	Proponent is seeking to convert an existing two-story building from a single-dwelling into a two-family dwelling, and developing a bilevel deck in the rear of the building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Side Yard Insufficient

**Planning Context:**

The project site is located on Monmouth St in the East Boston Neighborhood District and currently falls within the “2F-2000” subdistrict. This area also falls within the PLAN: East Boston study area. PLAN: East Boston passed BPDA Board in January 2024, with updated zoning for Article 53 to implement the plan currently pending Zoning Commission consideration. PLAN: East Boston is a neighborhood-wide plan with several goals, one of which includes expanding access to “housing options that are affordable, stable, and able to meet households’ needs as they change over time.”

While updated zoning regulations are still pending adoption, PLAN: East Boston envisions the area that the project area is situated in to be part of the new “East Boston Residential-2.5 (EBR-2.5)” subdistrict. While both 2F-2000 and EBR 2.5 subdistricts allow for two (2) dwelling units and a maximum of 2.5 stories (at no more than 35’), compared to the current 2F-2000 subdistrict, which limits max FAR to 0.8 and requires a minimum rear yard depth of 30 feet and side yard width of 2.5 feet, EBR 2.5 allows for more flexibility on dimensional requirements, discussed more under the Zoning Context section.

The proposed project is seeking to convert an existing two-story residential building from a single-dwelling into a two-family dwelling, with each unit having three bedrooms. This aligns with the Housing a Changing City: Boston 2030 (2014) citywide initiative to increase the housing stock to account for increased demand for housing.

BOA1516063

2024-02-15

1 Boston Planning & Development Agency



The proposal also intends to develop a bilevel, uncovered deck in the rear of the building. While this will offer some additional green space for the tenants, the extension of the deck will reduce the available rear yard space on the property. The City of Boston's Climate Ready Boston (2016) initiative stresses the need for more permeable ground surfaces to slow and absorb stormwater. Given Boston's susceptibilities to increased flooding, developments should aim to preserve permeable green space.

**Zoning Analysis:**

The proposed project raises three dimensional regulation violations, which are: Floor Area Ratio Excessive, Side Yard and Rear Yard Insufficiency violations. The current building has existing nonconformities in relation to all three of these violations. The current building is at 1.0 FAR and the 2F-2000 subdistrict only permits 0.8 FAR, and its existing side yard is 1.2 to 1.4 feet in width, when the current zoning requires a minimum of 2.5 feet. The rear yard depth for properties within this subdistrict is required to be at a minimum of 30 feet, and the property currently falls short of this at having a roughly 29.5-foot depth.

The proposal for a bilevel, uncovered deck will add roughly 40 square feet of deck space on the first floor and 140 square feet on the second floor, totaling to nearly 200 square feet in added space. The addition will also reduce the depth of the rear yard from 29.5 feet to roughly 18 feet.

Under current zoning, the deck will increase the buildings FAR to 1.1 FAR. Within the existing context, several properties in the area adjacent to the project site also have nonconforming FAR. These include: 43 Monmouth Street (1.16 FAR), 48 Monmouth Street (1.40 FAR), and 46 Monmouth Street (1.25 FAR).

PLAN: East Boston's EBR-2.5 subdistrict permits more flexibility in the shape of a building and its relation to open space. EBR-2.5 subdistricts utilize concepts, such as maximum building floor plate, maximum building lot coverage, and minimum Permeable Area of Lot. However, despite these flexibilities, the proposed project would still exceed some of these limitations: the maximum building lot coverage allowed is 40%, and the proposal would be at roughly 81%; the maximum building floor plate permitted is 1,800 square feet, and the proposal would be roughly 2,000 square feet.

The plans entitled 49 MONMOUTH ST., EAST BOSTON, MA 02128, TWO-FAMILY DWELLING prepared on May 31, 2023 were used in preparation of this recommendation.



**Recommendation:**

In reference to BOA1516063, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE** due to the significant impact the proposed project will have on the rear yard. The proponent should aim to reduce the building lot coverage and building floor plate size as a result of the deck addition, and ensure adequate rear yard setbacks. The proponent should aim to conform with either current zoning or draft East Boston zoning.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



<b>Case</b>	BOA1549627
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	7 Hill St., Charlestown 02129
<b>Parcel ID</b>	0201635000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-3000
<b>Zoning Article</b>	Article 62
<b>Project Description</b>	Addition of 3rd floor dormers on front and rear of project
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

This project is located in the Original Peninsula, as outlined in PLAN: Charlestown (September 2023). The project proposes the addition of two dormers — one at the front of the building facing the street and the other at the rear. The project is located on a residential street and flanked by 2 dwellings with dormers. PLAN: Charlestown outlines that dormers should be aligned with one another, held back from the sides of the roof, and down from the roof ridge line. Lastly, the PLAN identifies gable dormers at front elevations as strongly preferred over other dormer types. The proposed project is consistent with the PLAN: Charlestown's guidelines for the placement of the dormers.

The project is also located within the Neighborhood Design Overlay District so should receive design review to ensure it is in keeping with the neighborhood context, particularly its roof shape.

The project also proposes making improvements to the existing dwelling which is in keeping with the planning goals of improving housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

**Zoning Analysis:**

Roof structure restrictions, as outlined in section 62-5, detail that no roofed structure designed or used for human occupancy shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of

BOA1549627  
2024-02-15



Appeal grants a conditional use therefore. The proposed dormers on the project alter the profile of the roof thus triggering the need for a conditional use. Additionally, the project is located within the Neighborhood Design Overlay District. The Neighborhood Design Overlay District is established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings.

This project should receive design review to ensure its roof structure is consistent with the Neighborhood Design Overlay and PLAN: Charlestown's design guidelines.

**Recommendation:**

In reference to BOA1549627, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans shall be submitted to the Agency for design review with attention to ensuring the roof structure is designed to meet the design guidelines for dormers under PLAN: Charlestown for the Original Peninsula.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA





<b>Case</b>	BOA1544497
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	71-77 Summer St., Boston 02111
<b>Parcel ID</b>	0304562000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-10
<b>Zoning Article</b>	General Code (Article 8)
<b>Project Description</b>	Interior-only conversion of a former hair salon to a restaurant with takeout called Taco John's, which would be located at 75 Summer Street. New restrooms will be added, along with new finishes, electrical, and plumbing.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (restaurant with takeout)

**Planning Context:**

The proposed project is an interior-only conversion of a former hair salon to a restaurant with takeout called Taco John's, which would be located at 75 Summer Street. New restrooms will be added, along with new finishes, electrical, and plumbing. The parcel is located in the heart of Downtown Crossing, less than a block away from Macy's. It was a part of the study area of PLAN: Downtown, adopted by the Board in December 2023. It is two blocks from the Downtown Crossing T station, which is served by the Red and Orange lines.

PLAN: Downtown calls for denser, mixed-use development within the study area, and for the growth of active ground floor uses. As proposed, the project would work towards that recommendation, taking a vacant storefront and returning it to a commercially active ground floor use.

**Zoning Analysis:**

The hair salon that was previously in the space was a service establishment (Use Item No. 43, Article 8-7), an accepted use in general business districts. The proponent is seeking zoning relief in the form of a conditional use permit because the proposed restaurant with takeout (Use Item No. 36A, Article 8-7) is a conditional use in business districts. The parcel is regulated by underlying zoning. To be granted a conditional use permit, the proposed project must meet the five applicable standards laid out in Section 6-3.

BOA1544497

2024-02-15

1 Boston Planning & Development Agency



First, the parcel is in a location that is appropriate for a restaurant with takeout, and there is no reason to believe it would adversely impact the neighborhood. It is surrounded by other restaurants that also offer takeout from ground floor locations frequented by office workers and shoppers, including Falafel King, Wendy's, and Five Guys. The new nonconforming use (a takeout restaurant) is not any more objectionable than the old use (a hair salon), and is arguably even more well-aligned than the existing kinds of businesses on the block. With regards to hazard to vehicles or pedestrians from the use or any associated nuisance, we find that there would be no appreciable change in this category. The proposed renovations are internal only. As planned, the facilities appear to be both adequate and appropriate for the new proposed use. On these grounds, we recommend that the conditional use permit be granted.

This is a case for zoning reform. Restaurants with takeout should not trigger ZBA review- especially in Downtown Crossing, where this use is both expected and important to encourage spending in a vital commercial corridor.

**Recommendation:**

In reference to BOA1544497, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1511559
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	791 E Third St., South Boston 02127
<b>Parcel ID</b>	0603813000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Install a new deck off the existing 3rd story walk-out. Remove existing 3rd story juliet balcony.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

The proposed project is a renovation to an existing 3 story, two family residential rowhouse in South Boston. It seeks to install a new 3rd story deck, built on the rear roof of the existing 2nd story below. This roof deck will be directly accessible from the 3rd floor living room of "Unit 2," and provide additional outdoor amenity space for its occupants, roughly matching the scale of Unit 1's ground floor patio below.

The proposed project aligns with the BPDA's design standards for such roof decks (built upon flat roof, appropriately setback from all of the roof's edges, concealed from the public right of way) and is harmonious with the site's existing design. Roof decks and upper story balconies are contextual to the site and commonly found in the surrounding area, including on several of the structures immediately abutting the proposed project.

**Zoning Analysis:**

The proposed project requires a conditional use permit because of its noncompliance with South Boston's roof structure restrictions (found in Section 68-29 of the Code). These restrictions allow for the development of open roof decks on residential structures in the neighborhood. However, this allowance only extends to roof decks installed on main roofs. The project's proposed roof deck is slated to be built upon the lower, secondary roof of the structure's existing second story.



The type of roof deck proposed is a condition commonly found throughout the surrounding area, including upon several existing structures within immediate proximity to the site (1 block radius). Outside of its location on the non-main roof, the proposed roof deck is in compliance with all other roof structure regulations listed (does not exceed required building height, is located on a flat roof, has appropriate setbacks, is hidden from PROW, does not change existing roofline, is harmonious with the site's existing design and surrounding height patterns), thus meeting the grounds for the issuance of a conditional use permit, as determined by the Code.

Considering the prevalence of such features across the urban form of South Boston (and beyond), future zoning reform efforts should amend neighborhood roof structure restrictions to permit open roof decks on non-primary roofs.

**Recommendation:**

In reference to BOA1511559, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



<b>Case</b>	BOA1548743
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	11 Edge Hill St., Jamaica Plain 02130
<b>Parcel ID</b>	1001924000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-3000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Updating single-family dwelling to include a patio and updated porch. Internal renovations include converting basement into living space and updates to existing living space on the 2nd and 3rd floor.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The proposed project is seeking to update an existing single-family dwelling on 11 Edge Hill Street in Jamaica Plain through both internal and external renovations. Internal renovations include adding living space into the basement and revisions to the existing layout on the second and third floors. External renovations include adding a patio to the rear and updating the existing porch. No changes to the external massing of the building's structure would be made. This area is currently zoned as 1F-3000. Edge Hill Street is primarily filled with single-family homes.

While there is a neighborhood plan for the Jamaica Plain neighborhood, the proposed project falls outside the study area for PLAN: JP/Rox. However, this project would help further the goals set forth in Housing a Changing City, Boston 2030 (September 2018) as it would help preserve the existing housing stock.

**Zoning Analysis:**

With the proposed project, the FAR would exceed the maximum allotted FAR for the area which is 0.6. The proposed project has an FAR of 0.86 which exceeds the maximum by 0.26. However, the FAR for the existing structure was already non-conforming with the area as the current FAR is 0.88. The renovations would actually bring the FAR down 0.02 and closer to the maximum allotted FAR for the area zoned as 1F-3000. This is because while the external structure of the building has not changed, the amount of living space within the three floors has



slightly decreased with the renovations. This decrease caused the FAR to decrease. It is recommended that the project is granted relief for this violation.

**Recommendation:**

In reference to BOA1548743, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1545620
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	75 McBride St., Jamaica Plain 02130
<b>Parcel ID</b>	1103156000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	The project takes place on an existing single unit building and proposes razing an existing covered back porch and creating a new, larger covered porch in the same location.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proposed addition would not be visible from any public right of way and would therefore have minimal effect on the architectural character of the area.

**Zoning Analysis:**

The proposed project is seeking a variance because the existing 2.6 ft side yard does not comply with the zoning requirement of 7 ft. Although this is an existing nonconformity, the new porch would extend the side yard nonconformity and therefore requires a variance. Section 7-3 of the Zoning code states that the ZBA shall grant a variance if it finds that “there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure.” At only 20 ft, the lot of the proposed project is exceptionally narrow (narrower than the vast majority of lots in the neighborhood). To comply with the required 7 ft side yards would mean that a building of only 6 ft wide could be built on this lot, which does not allow the applicant reasonable use of the land, therefore a hardship exists which supports this request.

BOA1545620

2024-02-15

1 Boston Planning & Development Agency



**Recommendation:**

In reference to BOA1545620, The Boston Planning & Development Agency recommends

**APPROVAL.**

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director of Planning, BPDA





<b>Case</b>	BOA1535324
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	55 Samoset St., Dorchester 02124
<b>Parcel ID</b>	1601369000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Construct a third level addition, approximately 33' x 24'.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Height Excessive (stories)

**Planning Context:**

The project proposes a 33' x 24' addition to the top floor of an existing, 2 ½ story single family home. The existing single-family home is located in a two-family residential subdistrict in Dorchester. The surrounding homes are similarly one- and two-family homes, 2 ½ to 3 stories in height, many of which feature shed, hipped, and gabled dormers. Additionally, almost every lot along Samoset Street, including number 55, have uneven side yard conditions, which feature the dwelling being placed more to one side of the lot in order to accommodate a driveway, often resulting in one of the side yards being setback 0'-3' from the lot line.

The addition will create more living space within the dwelling. Adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing flexibility for households as they grow and change, as detailed in Housing a Changing City, Boston 2030 (September 2018).

**Zoning Analysis:**

The project's zoning refusal letter cites an insufficient side yard dimension. The 2F-5000 subdistrict in Article 65 requires a minimum side yard dimension of 10' on each side. The dwelling has a south side yard of 11' and a north side yard of 2', which is a pre-existing non-conformity. Section 65-43 of the Zoning Code states that a building with nonconforming dimensional requirements may be altered or enlarged, providing that the nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements. The non-conforming north side yard will be vertically extended due to the proposed third floor addition.

BOA1535324

2024-02-15

1 Boston Planning & Development Agency



However, the side yard nonconformity will not be worsened and will remain at 2'. This is a case for zoning reform to allow for vertical and horizontal extensions that do not increase a nonconforming dimension.

The project was also cited for excessive building height (stories). The maximum stories allowed in this subdistrict is 2 1/2 stories, and the pre-existing dwelling is 2 1/2 stories. The proposed addition will be a shed dormer. As the Zoning Code describes, dormers are not counted towards the calculation of a half-story, provided that they are not wider than 8 feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less. The dormer additions proposed by this project are shed dormers, and are 33' x 24' in total. This effectively creates a third story on the dwelling. However, even with this top floor addition, the proposed exterior design is still in keeping with the surrounding neighborhood character of 2 ½ and 3 story homes, many of which feature a variety of dormers. The dwelling's proposed full height will be 33'2", which is still below the maximum height in feet stipulated by zoning (35'). Due to the fact that the dwelling is not located in a Neighborhood Design Overlay District, and also that the proposed dormer appears to fit the surrounding character of the neighborhood and is designed to fit the pre-existing roofline, BPDA Design Review is not recommended as a condition of approval.

The plans reviewed are titled "55 Samoset St." and are dated 12/2/21. They were prepared by Alfaro Mendoza & Company.

**Recommendation:**

In reference to BOA1535324, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Annee Rand", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1527583
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	899 to 901 Washington St., Dorchester 02124
<b>Parcel ID</b>	1703084000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Confirm existing use of property by changing from 1 family to 2 family.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient

**Planning Context:**

This property is situated within 1/2 mile of the Ashmont Red Line Station and within a residential neighborhood of predominantly 2- and 3-unit homes. There is no proposed new construction to establish a second unit within the property, rather, this is a confirmation of the existing use of the property as a 2-unit building. Given that two-family is an allowed use here, there are no effective changes to the actual use of the property, and the surrounding context of 2- and 3- unit homes, this is an appropriate use for the site.

Changes reflected on the plans respond to a Building Code Refusal dated July 17th, 2023. This refusal cited an existing bathroom and shower facility in the shared basement of the building; the bathroom and shower have since been removed and a storage area has been added.

**Zoning Analysis:**

The proponent is cited for insufficient lot area. Pursuant to Article 65 Table C, the required lot area within this 2F-5000 subdistrict is 5,000 square feet. This is an existing nonconformity: the property is just shy of the requirement at 4,435 square feet. The 2-unit building is existing and many of the surrounding properties within this same 2F-5000 are under 5,000 square feet. Finally, two-family is an allowed use within this 2F-5000 subdistrict.

Lot area minimums are an area for broader zoning reform, as evidenced by this existing nonconformity and the condition of other nearby parcels.



Plans reviewed are titled "Change of Occupancy 1 to 2 Family Dwelling 899-901 Washington ST, Dorchester MA 02124," dated June 9, 2023, and prepared by Harold McGonagle, AIA Architect.

**Recommendation:**

In reference to BOA1527583, The Boston Planning & Development Agency recommends

**APPROVAL.**

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1525805
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	44 Bournedale Rd., Jamaica Plain 02130
<b>Parcel ID</b>	1904973000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood District 1F-4000 Subdistrict
<b>Zoning Article</b>	55
<b>Project Description</b>	Erect L-shaped extension for new bathroom and rear deck.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Side Yard Insufficient

**Planning Context:**

44 Bournedale Road is already a single family home. The proposed project will add a bathroom and a deck through the construction of an L shaped addition wrapping around the already existing building. The proposed addition is consistent with the context of apparent additions to adjacent dwelling. Due to the proposal's location at the confluence of three streets, the parcel is irregularly shaped and has frontage on three streets.

The proposed project is in an area of Jamaica Plain that is characterized by predominantly single family detached homes. Closer to Hyde Park Avenue buildings are larger, with an increase in mixed use development. While the property is listed as on Bourndale Road, it actually has a considerable amount of frontage and also gated exits on Northbourne Road and Bourne Street.

**Zoning Analysis:**

The proposed addition is subject to Zoning Article 55, the Jamaica Plain Neighborhood District. As it currently stands, the proposed project would trigger the overall building to violate two setback requirements. The side setback and the rear setback would both become non code conforming. The side and rear setbacks are already in violation of the zoning code but were grandfathered before current zoning was established.



This Project is located on a unique parcel that would prevent almost all forms of development by right. The parcel itself is a 5-sided irregular polygon that is surrounded by roads on 3 sides. The current structure would be in violation of the zoning code if built today because the shape of the parcel is so unusual. The hardship becomes apparent when viewing neighboring properties and seeing that this addition would not violate zoning on almost any other regularly shaped parcel in the immediate area.

**Recommendation:**

In reference to BOA1525805, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

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

Director of Planning, BPDA



<b>Case</b>	BOA1543234
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	77 Woodland Rd., Jamaica Plain 02130
<b>Parcel ID</b>	1902346001
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	Art. 55
<b>Project Description</b>	Confirm occupancy of an existing one-family residential dwelling. Renovate existing building and build addition into the side yard.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

This project proposes renovation of an existing two-story, one-family residential dwelling with a two-story addition to the southeastern side of the building. The proposed addition is about 22 ft by 29 ft and with an estimated square footage of about 900 sq ft (based on comparing the existing and proposed useable open space as noted in the plans). The proponent is also confirming occupancy of this one-family residential dwelling.

The southeastern side yard lot line of this lot is about 5 ft shorter than the northwestern lot line, which creates a shorter rear yard condition in the southern section of the lot. This slight variation means that any further additions to the existing building towards the southeastern side of the lot would result in a lower rear yard depth than the existing building's rear yard depth, even if the addition's rear wall is in alignment with the existing building's rear wall.

There are existing adjacent one-story and two-story residential buildings within this area and each of the lots for these buildings have side yard lot lines of varying lengths that make this rear yard depth variation a common condition in the area. The existing building is slightly offset towards the northwestern side yard lot line, leaving room in the southeastern side yard that the proposed addition would fill, thus making the whole building more centered in the lot. The addition will align with the roofline of the existing building, maintaining the visual height of the building and maintaining a two-story height throughout the building. The proposed addition and overall building scale would thus align with the building scale of other properties in the area.



### Zoning Analysis:

This property is located within the 1F-9000 (One-Family Residential) subdistrict of the Jamaica Plain Neighborhood District (Art. 55). The 1F-9000 subdistrict requires a minimum side yard of 12 ft and a minimum rear yard of 40 ft. The existing building's rear yard depth is a non-conformity at 36.6 ft and the proposed addition would further this non-conformity by reducing the rear yard depth to 34.3 ft, a difference of less than 3 ft. The southwestern-facing rear wall of the addition would be in alignment with the rear wall of the existing building. However, as mentioned in the planning context, the nature of this lot causes this rear yard condition in which an extension in building alignment creates a reduced rear yard depth. This condition presents a case for zoning reform with attention to updating the dimensional regulations to better reflect the varying rear and side yard depths that occur within the 1F-9000 subdistrict.

The proposed addition is about 22 ft x 29 ft at about 900 sq ft. The addition will reduce the southeastern side yard to 10.7 ft, thus creating the side yard non-conformity. The northern front section of the addition has a conforming side yard depth of 15.2 ft and then the side yard depth decreases to the non-conforming depth towards the addition's southern rear section. This reduction in side yard depth is likely due to the southeastern side wall of the proposed addition not running parallel to the southeastern side yard lot line to maintain a conforming side yard depth at or above 12 ft.

Site plans completed by Vineyard Engineering & Environmental Services, Inc. on September 27, 2023. Project plans completed by Studio Sargis on August 9, 2023.

### Recommendation:

In reference to BOA1543234, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**: The proponent should resubmit plans with an addition that does not create a new side yard non-conformity and that does not further reduce the rear yard depth of the building as there is available space on the lot for these adjustments to be made.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA





<b>Case</b>	BOA1544745
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	615 to 619 Centre ST Jamaica Plain 02130
<b>Parcel ID</b>	1901957000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood LC
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Change occupancy to include a juice/smoothie bar and remove conditional use proviso.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Other Protectional Conditions: remove proviso petitioner Conditional use

**Planning Context:**

The project proposes a change of occupancy to a juice/smoothie bar in an existing ground floor commercial establishment on Centre Street in Jamaica Plain.

Centre Street is Jamaica Plain's primary commercial and local service corridor, and provides a diverse array of retail, service, restaurant, and other local business uses to Jamaica Plain residents. Take-out restaurants, both large and small, are a common and established occurrence along Centre Street, which features a large variety of cafes, restaurants, and other eateries for its 1.5 mile extent throughout Jamaica Plain. The specific corner along Centre Street where the smoothie bar is proposed to be located currently houses a bakery, a glasses store, and a realty office, and is across the street from three restaurants/cafes, all of which offer take-out as a dining option. The proposed smoothie bar will be re-tenanting a space previously used by an ice cream shop that operated in this space for almost a decade and allowed take-out during that entire time frame.

**Zoning Analysis:**

The zoning refusal letter cites Article 6-4 of the Zoning Code, which outlines other conditions necessary as protection for approving a conditional use. 615-619 Centre Street is zoned for Local Convenience (LC). In this instance, the prior establishment (an ice cream shop) was granted a conditional use permit for a small take-out restaurant use. The prior tenant of the space, an ice-cream shop, was allowed to operate under a conditional use permit with a proviso that it extend only to that specific appellant. Once the ice-cream shop closed, this meant that the

BOA1544745

2024-02-15



proposed smoothie bar that is re-tenanting the exact same space will not be allowed to offer take-out without the removal of this proviso with respect to takeout.

As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (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.

As described in the Planning Context, a small take-out restaurant fits the overall character of Centre Street, which features dozens of small restaurants and cafes that allow take out uses along its extent. The proposed new restaurant use of a juice/smoothie shop is not functionally different from the prior use within this space, which was an ice cream shop that also offered take-out. Adverse effects and nuisance from the shop are deemed minimal to none, and the plans show appropriate and adequate facilities supporting proper operation of the use.

This project is an example of a case for both zoning reform and a map amendment. First, Article 55 should be modernized to allow for small take-out restaurants in LC subdistricts in order to reflect the common and established uses that are present in JP's LC subdistricts as well as a style of dining that has become routine and even an expected offering by restaurants and cafes over the past few decades. Secondly, the block that the proposed smoothie shop is located borders a Neighborhood Shopping (NS) subdistrict, which does allow more types of local commercial and uses than LC. This block containing 615-619 Centre Street is not markedly different in use, scale, or density of building, and yet it is zoned under a different neighborhood business designation that does not match its actual condition in real life, and could be considered for a map amendment to be designated under NS. Lastly, updates to Section 6-4 of the Code which govern protectional conditions for conditional uses should be made to allow for faster re-tenanting of local commercial spaces.



The plans reviewed are titled "Proposed Smoothie Shop Layout" and dated 10/25/23. They were prepared by Inner Vision Concepts.

**Recommendation:**

In reference to BOA1544745, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rana". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1528556
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	14 Converse St., Brighton 02135
<b>Parcel ID</b>	2202659000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 1F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Remodel to install new kitchen addition, remove first floor bath, and update rear deck and landing within existing foundation.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proposed development includes internal changes to an existing structure within the confines of the existing foundation, as well as a remodel to a rear deck. The zoning violation in this case results from an existing nonconformity with respect to the side yard setback, a dimension that will remain unchanged with the remodel proposal. As per the Land Use and Planning section of Imagine Boston 2030, it is important to make the "regulatory review process more efficient and predictable." Thus where a variance has already been granted for a noncompliant setback, it would represent a hardship not to issue a continuation of the existing variance for the proposed development.

**Zoning Analysis:**

The relevant zoning article for this development is Article 51. Within the Allston/Brighton neighborhood, this site is located within a One Family Residential (1F-5000) subdistrict. The required side setback within this subdistrict is 10' for the proposed use. The existing side setbacks are 6' to the west of the structure and 5' to the east. The proposed remodel takes place within the confines of the existing structure, to update the rear deck and landing, and add area to the kitchen, and remove an existing bathroom on the first floor. The nonconformity cited in the Refusal Letter persists from the existing condition. This remodel supports the case for zoning reform to prevent zoning violations made to existing buildings with nonconformities.

**Recommendation:**

BOA1528556  
2024-02-15  
1 Boston Planning & Development Agency



In reference to BOA1528556, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director of Planning, BPDA