



Planning Department

CITY of BOSTON

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: November 26, 2024

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the December 05, 2024, Board of Appeals Hearing.

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



Case	BOA1629666
ZBA Submitted Date	2024-07-22
ZBA Hearing Date	2024-12-05
Address	20 Flavia ST Dorchester 02122
Parcel ID	1603560000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	The proponent is seeking to add a two-story addition to the rear of an existing two-story one-unit residential building.
Relief Type	Variance
Violations	Side Yard Insufficient FAR Excessive Rear Yard Insufficient

Planning Context:

This single-family home at 20 Flavia St is in a predominantly small-scale residential area of mostly two- to three-story buildings. The existing house is one of the smallest, dimensionally, compared to others on the block and neighboring blocks. In this neighborhood, the distance between houses and the side yard line is often less than the required ten feet, and this lot has a regular-sized yard relative to other lots in the area. The proposed addition includes a new mudroom, a washer drier closet, and a powder room in the first level and an enlarged primary bedroom suite with a closet, a bathroom and an office in the second story.

Zoning Analysis:

Required side yards in this zoning district are 10 feet, but the existing non-conforming side yards are 6.1 feet on one side and 8.4 feet on the other. The proposed addition would extend the existing side yards along the rear addition, but not worsen the nonconformity. The existing house was built in 1927 and therefore Boston’s zoning code that was created in 1964.

The proposed addition would increase the Floor Area Ratio (FAR) from 0.45 to 0.56, exceeding the maximum allowed FAR of 0.5. This is a minimal increase over the limit, and given that the



proposed building will have a very similar FAR to other buildings on the block, it highlights a case for potential zoning reform to better align dimensional regulations with existing context.

Although the refusal letter cites an insufficient rear yard, the plans show a proposed rear yard of 28.4 feet, exceeding the 20-foot minimum requirement.

This recommendation is based on the plans titled KERN RESIDENCE AT 20 FLAVIA ST prepared by CIVIL ENVIRONMENTAL CONSULTANTS and dated 5/3/2024.

Recommendation:

In reference to BOA1629666, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1577332
ZBA Submitted Date	2024-03-06
ZBA Hearing Date	2024-12-05
Address	15 Packard AVE Dorchester 02124
Parcel ID	1703321000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-6000
Zoning Article	65
Project Description	Addition of a third floor, side porch, and front portico to what is currently a two-story single-family dwelling.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Front Yard Insufficient Side Yard Insufficient

Planning Context:

Parcel is a 5,156 square foot lot just north of Morton Street to the northwest of central Lower Mills in Dorchester. A two-story single family house currently sits on the lot, and the proponent wants to add a third story to the structure. No other occupancy changes are proposed. The new story would allow for a new bedroom, a new family room, and two bathrooms. No additional kitchen is proposed, meaning that this addition is not on its own viable as an additional dwelling unit. The exterior of the first two floors does not substantively change, beyond the addition of a small portico to the front and a porch with a sliding door on the side.

The project is in line with planning goals in Housing a Changing City, Boston 2030 (2018), that detail the need to ensure diverse types of housing stock. In this case, maintaining an existing structure with overall improvements allows for the continued use of an existing housing structure.

This kind of improvement is an excellent example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via



variances. While this particular project does not seek the addition of an ADU, the addition of a third story is also one of the proposed schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November.

Zoning Analysis:

Per Article 65, Table C, the maximum FAR allowed in a 1F-6000 subdistrict in Dorchester is 0.5. The current structure, at 2605 square feet (per the tax assessor records), yields an FAR of 0.51, which is already nonconforming. Per the submitted plans, the proposed FAR would be 0.662, which would worsen the FAR violation by 0.15. Properties on the same block have FAR values as high as 0.7, suggesting that zoning's existing FAR is already incorrectly calibrated relative to existing conditions. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.

Per Article 65, Table C, the maximum allowed number of stories in a 1F-6000 in Dorchester is two and a half. The current building is two, and the proposal yields three, which would be a new violation. While the refusal letter cites height (feet) instead of height (stories), this appears to be incorrect. The proposed height is marked on plans alternately as both 26 and 31 feet, both of which are lower than the allowable 35 feet. Either way, while it is true that most buildings in the neighborhood are 2.5 stories tall, their perceived height is, in many cases, closer to 3 or 3.5 stories, given the degree to which grade changes on yards allow basements to be more or less visible as an entire story. As this site has less grade change than many neighbors, the perceived bulk is contextually similar.

Per Article 65, Table C, the minimum front yard depth in a 1F-6000 in Dorchester is 15 feet. The existing structure has a front yard of 11.5 feet, which is a preexisting nonconformity, and this proposal would worsen it to 8.5 feet, through the addition of a small portico. The portico is not enclosed, and simply provides better accessibility to the front door. Similar porticos are prevalent up and down the block and across the subdistrict, and these violations are de minimis. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.



Per Article 65, Table C, the minimum side yard depth in a 1F-6000 in Dorchester is 10 feet. The existing structure has a front yard of 10.7 feet, which conforms, and this proposal would lower it to 6.2 feet, through the addition of a small side porch. The porch is not enclosed, is at the rear of the side of the house, and its extent is restricted to the width of a proposed sliding door on the house. Similar side porches or carports with seating areas are prevalent across the subdistrict, and these violations are de minimis. Future zoning reform should consider adjusting dimensional regulations to at a minimum reflect baseline conditions. More ideally, zoning reform should allow for small-scale renovations to be accomplished by-right, as noted by the Neighborhood Housing Zoning initiative.

Recommendation:

In reference to BOA1577332, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1626437
ZBA Submitted Date	2024-07-12
ZBA Hearing Date	2024-12-05
Address	58 Cedrus AVE Roslindale 02131
Parcel ID	1805184000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	Add a second floor dwelling unit, changing use from single-family into two-unit residential building.
Relief Type	Variance
Violations	Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Side Yard Insufficient

Planning Context:

The existing building is a 1.5-story, single-unit residential building. The project proposes to add a full second floor with a second dwelling unit, resulting in a change of use from a one-unit to a two-unit building.

The existing lot has an approximately 18-foot front yard, 45-foot rear yard, five-foot side yard on the east, and a 10-foot side yard on the west with a driveway to surface parking in the rear.

Abutting the lot to the east is a 1.5-story, one-unit building and to the west is a 2.5-story residential building. The Phineas Bates Elementary School is across Cedrus Avenue from the site. Otherwise, the street is composed of a mix of 1.5- to three-story residential buildings with front, side, and rear yards consistent with the existing building on the site.

Zoning Analysis:

The project is cited for dimensional violations. Adding a second unit would create a new zoning violation of the minimum additional lot area required. 42 Cedrus Avenue is four parcels away from the site and is occupied by a two-family dwelling on a 4,840 square foot lot; similarly, 38 Cedrus Avenue is occupied by a two-family dwelling on a 4,840 square foot lot, according to Boston Assessing. In addition, two-family uses are allowed on the site, but given the size of the



lot, would be prohibited by this dimensional requirements. Therefore, the proposed ratio of units to lot size is consistent with the neighborhood context, and requiring a building to meet the dimensional requirement would prohibit reasonable use of the land.

The maximum FAR is 0.5. According to plan materials, the proposed FAR is 0.49. However, based on the plan materials, the first and second floors are approximately 1,056 square feet in gross floor area (as measured from the exterior faces of the walls per Article 2). The lot area is 4,084 square feet. Therefore, based on the materials, the proposed FAR is approximately 0.51, a de minimus amount greater than the maximum of 0.5. Reducing the FAR below 0.5 would require a change to the existing building footprint or an irregular second story that does not match the first story dimensions.

The minimum usable open space is 1,750 square feet per unit, and the project proposes 1,500 square feet per unit. The existing front, side, and rear yards will be unaffected by the proposed project. The rear yard currently includes a paved parking space, as well as a grassy space and three to five mature trees. This usable space is adequate in size to serve an additional unit. Two-unit buildings with similar dimensions to and the same size lot as the proposed project currently exist at 42 Cedrus and 38 Cedrus. Given the dimensions of the existing home and the lot, requiring more usable open space may limit the viability of adding a second unit on the site.

For a 2-family detached use, the minimum lot area is 5,000 square feet for one unit and 3,000 for an additional unit. The lot is 4,840 square feet and therefore is already non-compliant with the minimum lot area. Similarly, the minimum side yard is 10 feet. The project proposes maintaining the existing side yard of eight feet, four inches, therefore, continuing but not exacerbating an existing non-conformity.

The proposed project demonstrates a need for zoning reform in this area to establish dimensional regulations that better match existing context and allow improvement of existing structures.

The plans reviewed were prepared by HiARCHi Design Collaborative and dated April 23, 2024.

Recommendation:

In reference to BOA1626437, the Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1613879
ZBA Submitted Date	2024-06-11
ZBA Hearing Date	2024-12-05
Address	43 to 45 Wood AV 18 Mattapan MA 02126
Parcel ID	1807463000
Zoning District & Subdistrict	Mattapan Neighborhood 1F-6000
Zoning Article	69
Project Description	The proponent is seeking to construct a second driveway.
Relief Type	Variance
Violations	Usable Open Space Insufficient Use: extension of nonconforming use

Planning Context:

No new plans have been submitted since the case went before the Zoning Board of Appeal on October 29, 2024 and was deferred. The original recommendation is below.

This project is proposing a second driveway with two vertical tandem spaces on the right side of 43-45 Wood Avenue, a new two-family building. A previous BOA case (BOA975323) was approved by the Board on October 19, 2019 and granted a variance to build the property (along with the first driveway, which is located to the immediate left of the structure).

Zoning Analysis:

The proposed project received violations for insufficient usable open space and an extension of a nonconforming use triggered by the addition of the second driveway. The project would require both a conditional use permit and a variance to move forward, but does not appear to meet the standards of either form of zoning relief. Given the existence of another driveway, a second driveway on the other side of the property is not an appropriate location (Section 6-3(a)). Additionally, there are no apparent special circumstances or conditions that justify the addition of a second driveway (Section 7-3(a)).

Recommendation:

In reference to BOA1613879, The Planning Department recommends DENIAL.



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Reviewed,

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Planning and Zoning Director, Planning Department