



bpda

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: September 14, 2023

RE: BPDA Recommendations

Please find attached, for your information, the BPDA's recommendations for the Zoning Board of Appeal's Subcommittee Hearing scheduled for Thursday, September 21, 2023.

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



Case	BOA1497572
ZBA Hearing Date	2023-09-21
Address	65 High ST Charlestown 02129
Parcel ID	0200382000
Zoning District & Subdistrict	Charlestown Neighborhood Three-Family Residential (3F-2000)
Zoning Article	Art. 62 - Sec. 25
Project Description	Removal of an existing one-story rear addition and existing rear deck, erection of a new two-story addition (610 sqft), extension of living space to the basement through both the main building and the new addition, erection of a new first-story rear deck behind the new addition, and erection of a new rear roof deck above the first story of the new addition. Extending electrical and HVAC systems into the new addition. Replacement of windows throughout the building.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

The proponent plans to remove an existing one-story rear addition and existing rear deck and replace them with a new two-story addition (610 sqft) on a parcel in the Original Peninsula area of Charlestown. As part of this addition, the living space will extend into the basement through both the main building and the addition. The proponent will also erect a new first-story rear deck behind the addition and erect a new rear roof deck above the first story of the addition. The addition will have electrical and HVAC systems extended into it. The main building will have interior renovations for the expansion of living space and windows will be replaced.

The proposed project brings the existing property further into alignment with the designs of existing, adjacent buildings. The current property is a three-story, one-family dwelling with an existing rear addition. The project does not propose any changes to the existing structure that face or are visible from the public realm. The proposed changes align with an existing adjacent building since the project will extend the proponent's property into the rear at about the same lot depth as the building to its immediate right (61 High Street).



The existing rear addition has a 0' setback on the northwest side of the parcel while the main building has a 3.2' setback on the northwest side. This creates a side yard condition on the northwest side that prevents an uninterrupted alleyway passage from the southwestern front of the parcel on High Street to the rear yard in the north. The new rear addition will have a 3.2' setback on the northwest side, thus improving the side yard condition by creating that alleyway passage and creating greater space between the proponent's property and the left side abutter's property. The proposed new roof deck use on the first story of the proponent's addition also aligns with the left-side abutter's (69 High Street) roof deck on the first story of their existing side yard addition. The project efficiently uses available rear yard space to expand the livable area of the main structure by aligning the new rear addition with the building footprint of the existing main structure. 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).

The new rear addition is two stories high and the new roof deck that is proposed above the first story of the addition will be accessible from the second floor of the main building. This roof deck will not be visible from the public realm due to the main building being a story taller. The new roof deck only takes up 96 sqft of the new addition's second story while the remaining 257 sqft of the second story will be for livable space. This roof deck aligns with the planning goals outlined in the draft of *PLAN: Charlestown (2023)* which details that roof deck additions on residential buildings in the Original Peninsula area are permitted on flat roofs and should be located in the rear of the rooftop footprint to reduce visibility from the public right of way.

The property is located in a Massachusetts Historic Inventory Area and should be responsive to the historic character of the existing building and surrounding area with this new addition.

Zoning Analysis:

The proposed project is in the Charlestown Neighborhood District (Art. 62) within a Three-Family Residential Subdistrict (3F-2000). The parcel is also located within the Charlestown Neighborhood Design Overlay District (Art. 62 - Sec. 19). The plans for the project show a potential variation in design between the main building and the new rear addition, warranting further design review to improve alignment with the surrounding context.

The violation related to Roof Structure Restrictions (Art. 62 - Sec. 25) requires a conditional use permit through the Zoning Board of Appeals process for a roofed structure built on an existing

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building. This project's proposed roof deck is part of the new addition and would not alter or relocate the existing roof structure of the main building. Additionally, the roof deck is part of the second floor of the rear addition and sits lower than the third story of the main building, placing it out of view of the public realm. Zoning relief is recommended for the modification of this property towards the goals outlined in the plans.

Site plans prepared by DeCelle-Burke-Sala & Associates, Inc. on 05/02/2023. Plans titled "65 High Street" prepared by The Holland Companies on 05/10/2023.

Recommendation:

In reference to BOA1497572, 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 Charlestown Neighborhood Design Overlay District (NDOD) guidelines and the alignment of historic design of the rear addition to the main building and surrounding context.

Reviewed,

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Director of Planning, BPDA



Case	BOA1466435
ZBA Hearing Date	2023-09-21
Address	889 Dorchester AV Dorchester 02125
Parcel ID	0702902002
Zoning District & Subdistrict	Dorchester Neighborhood MFR/LS
Zoning Article	Article 65
Project Description	Request for removal of a proviso for takeout restaurant.
Relief Type	Conditional Use
Violations	Conditional use

Planning Context:

The proposed conditional use for a restaurant offering take-out is in keeping with the area along Dorchester Ave, which is a mixed-use commercial area with many other restaurants offering takeout.

Zoning Analysis:

Zoning for the conditional use of a takeout restaurant in MFR/LS areas along Dorchester Ave is out of date with the current, approved, and common uses that have been established. Take-out and retail catering are common uses that are reflected in many establishments along Dorchester Ave.

The plans reviewed are titled "MJ Teriyaki" and prepared by CLDA Architect. They are dated 1/22/23.

Recommendation:

In reference to BOA1466435, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1491061
ZBA Hearing Date	2023-09-21
Address	10 E Cottage ST Roxbury 02119
Parcel ID	0800175000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 10
Project Description	The project proposes a new curb cut to create a driveway with two tandem spaces. The existing space for the driveway is a paved area. The main use of the property is a church.
Relief Type	Variance
Violations	Limitation of parking areas

Planning Context:

The location of the proposed driveway on the site is currently paved and no additional paved area would be created by the project. In addition, the area immediately abutting the proposed driveway is a parking lot. Therefore, the neighboring lot would be minimally impacted by the close proximity vehicular use of the new driveway (since this area of the abutting lot is also used for parking).

As noted in the abutter's letters of support, this project would allow the church to park their bus off-street, which would open up one or two on-street parking spaces to be used by other residents.

The two spaces would be used by the same owner (the church), which minimizes the potential issues caused by tandem spacing.

Zoning Analysis:

Article 10 Section 1 states that, in any residential district, no accessory use shall occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than 5 feet from the side lot line. The proposed parking area is about 2 feet from the side lot line. It therefore occupies part of the side yard required by this code (which is 5 feet, per Article 50 Table F) and is less than 5 feet from the side lot line.

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Recommendation:

In reference to BOA1491061, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1468501
ZBA Hearing Date	2023-09-21
Address	55 Monadnock ST Dorchester 02125
Parcel ID	1301251020
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	Article 65
Project Description	Construct addition to existing single unit duplex and convert to 2 units.
Relief Type	Variance
Violations	FAR Excessive Lot Area Insufficient Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient

Planning Context:

The addition of housing units while preserving existing structures advances planning goals of increasing housing stock citywide as detailed in Housing a Changing City, Boston 2030 (September 2018). The site is within 1/4 mile of Upham's Corner and both rapid transit and bus transit; the addition of housing units here is appropriate.

The property sits within the historic Monadnock Street district as defined by the Massachusetts Historical Commission Historic Inventory Areas, but the building itself is not identified as a historic property or contributing to the historic character of the Monadnock Street district.

Zoning Analysis:

The surrounding dense residential neighborhood within the 2F-6000 sub-district includes a mix of townhomes, 2-unit, 3-unit, and 6-unit homes on parcels of similar size (3,000-4,000 square feet).

The existing townhouse unit is on a separate, but neighboring, lot from its other adjoined townhouse, meaning there is an existing 0 foot side yard condition on the north side of the lot. The proposed side lot to the south is proposed to be 12.4 feet wide, which is greater than the minimum required side yard of 10 feet. The proposed 10.4 foot front yard setback is an existing

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nonconformity per the plans that will not be worsened by constructing this additional unit.

The usable open space required for two units is 1,500 square feet and the construction of this additional unit and 1 required additional parking space removes some existing open space on the site; the remaining open space is not indicated on the site plans. Maintaining the existing chain-link fence on the site further restricts the amount of usable open space. Additionally, the tree located on the southeast corner of the parcel is of concern as it relates to the proposed driveway relocation.

Opportunities to increase this usable open space include but are not limited to moving parking to the side of the building, removing one of the parking spaces, or decreasing the building footprint and adjusting the massing.

Plans reviewed are titled "Proposed Renovations to 55 Monadock St Boston, MA", prepared by Phung/Prozio Inc., and dated January 28th, 2023.

Recommendation:

In reference to BOA1468501, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE.

Reviewed,

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Director of Planning, BPDA



Case	BOA1483184
ZBA Hearing Date	2023-09-21
Address	80 Pleasant ST Dorchester 02125
Parcel ID	1302158000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	Article 9
Project Description	Legalize 4 off-street parking spaces.
Relief Type	Conditional Use
Violations	Extension of Nonconforming Use

Planning Context:

The proposed 4 off-street parking spaces are an existing condition and have been in place for at least 10 years.

Zoning Analysis:

With reference to Article 9 Section 1, the use of this 3-unit building is an existing nonconformity and the existence of these 4 parking spaces does not change that existing nonconformity.

Plans reviewed are titled "Certified Plot Plan Located at 80 Pleasant Street Dorchester, MA", prepared by Boston Survey, Inc., and dated March 6th, 2023.

Recommendation:

In reference to BOA1483184, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1484588
ZBA Hearing Date	2023-09-21
Address	47 to 49 Owencroft RD Dorchester 02124
Parcel ID	1704267000
Zoning District & Subdistrict	Dorchester Neighborhood Two-Family Residential (2F-5000)
Zoning Article	Art. 65 - Sec. 9
Project Description	Legalize an existing extension of livable area from the second-story unit into the attic in a two-family residential dwelling.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proponent has an existing second-story residential unit that has an extended livable area into the attic. The property is a three-story, two-family dwelling located in the Ashmont area of Dorchester. There is no proposed work to the existing extended livable area.

According to the Assessor's Report for this property, the existing livable area of the whole property is 3,287 sqft of the 5,228 sqft lot area, a 0.63 floor area ratio (FAR). Several existing, adjacent buildings to this property on the same side of that block are three-story, two-family dwellings with similar livable areas around 3,200 sqft and lot areas around 5,200 sqft, making this amount of livable area space a common nonconformity in the neighborhood. Adding more livable area to existing dwellings as this proponent did 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).

Zoning Analysis:

The property is in the Dorchester Neighborhood District (Art. 65) within a Two-Family Residential subdistrict (2F-5000).

The violation related to excessive FAR (Art. 65 - Sec. 9) requires a maximum FAR of 0.5. The property is an existing nonconformity with an FAR of 0.63 and that is due to the expansion of the livable area from the second-story unit into the attic. The excessive FAR violation is related



to expansion of use within the building rather than an increase of the building's actual footprint. Additionally, this is a common nonconformity within the neighborhood and is a nonconformity that supports housing availability for growing living arrangements, thus furthering City housing goals. Zoning relief is recommended for the legalization of this property's existing extension of livable area into the attic as it makes efficient use of a viable livable area.

Plans titled "Griffin Residence: Attic Extended Living Area" prepared by Social Impact Collective, LLC on 03/23/2023.

Recommendation:

In reference to BOA1484588, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1428568
ZBA Hearing Date	2023-09-21
Address	84 to 100 River ST Dorchester 02126
Parcel ID	1704030000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	Article 65
Project Description	Change use from bank to nail salon.
Relief Type	Conditional Use
Violations	Conditional Use

Planning Context:

PLAN: Mattapan, adopted by the BPDA in 2023, recommends that the area in which this parcel lies be designated a Local Convenience sub-district. The site is within an existing strip mall containing other retail and service uses, including a fitness center, dentists' office, shoe store, and beauty store. Through the planning process, the community expressed desires for businesses that help residents enjoy their neighborhood and support their needs. The conversion of this currently vacant bank commercial space to a nail salon is an appropriate use to serve the community.

Zoning Analysis:

The project proposes a nail salon, which is a conditional use in a Dorchester Neighborhood Shopping Sub-District (see Article 65 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.

Plans reviewed are titled "Nail Salon Construction 90 River Street Boston, MA", prepared by T Design, LLC, and dated July 16th, 2022.

Recommendation:

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In reference to BOA1428568, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1502177
ZBA Hearing Date	2023-09-21
Address	32R Augustus AV Roslindale 02131
Parcel ID	1804639000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Article 67
Project Description	Existing 2 car garage to be demolished. Erect new two car garage with an open storage loft above. Includes electrical and plumbing for a wash sink and two water spigots.
Relief Type	Variance
Violations	Height Excessive (ft)

Planning Context:

The proposed 2-car garage replaces an existing structure fulfilling the same use. A curb cut is already present for the driveway. The project also proposes an occupiable second story space that provides additional living or storage space for the owners, and given the context, would have aligned the project well with the City's previous ADU 2.0 Pilot (2021).

Zoning Analysis:

The proposed structure exceeds the maximum height for accessory rear yard structures by 6'. Despite this, the footprint is set back from the public right of way and largely out of view from the street, thus limiting its impact on the surrounding area. Similarly scaled accessory structures exist on multiple parcels in the project site's adjacent blocks. A proviso for BPDA Design Review has been added to limit paving and retain permeable surface on the lot.

Proposed project plans, titled "Detach Garage Construction, 32R Augustus Avenue, Roslindale, MA" were prepared by T Design. LLC on 11/14/2022.

Recommendation:

In reference to BOA1502177, The Boston Planning & Development Agency recommends

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APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review with attention to site plan and retention of permeability.

Reviewed,

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Director of Planning, BPDA



Case	BOA1441910
ZBA Hearing Date	2023-09-21
Address	25 Neillian CRES Jamaica Plain 02130
Parcel ID	1902325000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	Article 55, Article 88
Project Description	Construct new vestibule in front of dwelling.
Relief Type	Variance
Violations	Front Yard Insufficient Design Review

Planning Context:

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:

The insufficient front yard dimension of 15' is below the minimum required by zoning of 25', but is an existing condition of the dwelling that remains unchanged and will not be worsened by the scope of this project. The dwelling's front yard setback is contextual to the surrounding front setbacks along the block.

Since the dwelling is located in a Neighborhood Design Overlay District, it requires design review. The zoning code states that Neighborhood Design Overlay Districts are established to protect the historic character and existing scale of neighborhoods. Section 36-2 of the neighborhood article dictates that "In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period." The Design Review process will ensure that the materials and design of this new front entryway are consistent with surrounding dwellings.

The plans reviewed are titled "Proposed Alterations to: 25 Neillian Crescent, Jamaica Plain, MA, 02130," and prepared by I.S. Hernandez Design Services, Inc. They are dated 2/18/2022.



Recommendation:

In reference to BOA1441910, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review .

Reviewed,

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Director of Planning, BPDA



Case	BOA1496409
ZBA Hearing Date	2023-09-21
Address	38 Sycamore ST Roslindale 02131
Parcel ID	1904189000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Article 67
Project Description	The proposed project includes upgrades and an addition to an existing 2 story, single-family dwelling. The scope includes a rear addition, side dormer, front landing, and upgrade to the siding of the building. The rear addition would be 2 stories with a 2 story porch, the upper level of which would be fully enclosed. This addition and the porches would be the full height of the existing structure. The proposal also includes a dormer to raise the ceiling height of an existing side bump out. This bump out would remain shorter than the main part of the structure. The project would also include adding a canopy over the front landing and upgrading the material of the siding on the upper portion of the building.
Relief Type	Variance
Violations	Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient FAR Excessive

Planning Context:

Adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability and flexibility for growing living arrangements, as detailed in Housing a Changing City, Boston 2030 (September 2018).

The proposed project is on a block characterized by detached, single family dwellings which are similar in scale to the existing building. Many neighboring properties have covered landings similar to the one proposed for this project, meaning the front elevation would fit well with the character of the neighborhood. Most neighboring properties have rear yards between 20 and 30



feet, which means the proposed project (with rear yard of 19.7 ft) would have a rear yard that is slightly smaller than that of the typical dwelling in this neighborhood.

The rear addition would be minimally visible from Sycamore St. It would, however, be visible from Wilkins Pl. The tall roof height of the enclosed second story porch means that the rear addition could have a noticeable impact on the neighborhood.

Zoning Analysis:

The proposed project creates new nonconformities for FAR and usable open space:

Zoning requires 1,750 sq ft of usable open space for a single dwelling unit in this subdistrict (Article 67 Table C). The plans submitted for this project state that the proposed changes would result in 1,696 sq ft of usable open space. However, this appears to be counting both levels of the deck. These spaces, however, should not be counted as part of usable open space, as they are not at least 75% open to the sky (see the definition of usable open space in Article 2). Therefore, the proposed project has approximately 1,450 sq ft of usable open space.

The proposed project also makes the property noncompliant with FAR regulations. Because the proposed project creates new gross floor area, it increased the FAR from .48 to .65. This means it becomes noncompliant with the FAR maximum of .50 (Article 67 Table C).

The project also increases the pre-existing yard nonconformities in the west side and the rear yards:

For the side yard, the requirement is 8.5 feet. This is because this is a narrow lot, and Article 67 Section 33 states that "For each full foot by which a Lot existing at the time this Article takes effect is narrower than the minimum Lot Width specified for such Lot in this Article... a deduction



of one and one half (1-½) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot" The width of this lot is 38 ft, the minimum lot width is 50 ft, and the required side yard stated in table C is 10 ft. $50 \text{ ft} - 38 \text{ ft} = 12 \text{ ft}$, $12 \text{ ft} \times 1.5 \text{ in} = 1.5 \text{ ft}$, $10 \text{ ft} - 1.5 \text{ ft} = 8.5 \text{ feet}$. The existing building has a side yard of 7.4 feet on the west side. Because the building is oriented diagonally on the lot, the rear addition would make this side yard to 5.1 ft.

The required rear yard is 29.5 feet. This is because this is a shallow lot, and Article 67 Section 33 states that "For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot." The depth of this lot is 79 ft and the required rear yard stated in table C is 40 ft. $100 \text{ ft} - 79 \text{ ft} = 21 \text{ ft}$, $21 \text{ ft} \times 6 \text{ in} = 10.5 \text{ ft}$, $40 \text{ ft} - 10.5 \text{ ft} = 29.5 \text{ ft}$. The existing rear yard is 26.2 ft and the proposed project's rear yard is 19.7 ft.

Recommendation:

In reference to BOA1496409, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Applicant should limit scale of the addition to minimize usable open space and yard nonconformities. Applicant should also consider lowering roof height to minimize impact on the neighborhood.

Reviewed,

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Director of Planning, BPDA



Case	BOA1492359
ZBA Hearing Date	2023-09-21
Address	25 Oriole ST West Roxbury 02132
Parcel ID	2002163000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Article 56, Article 10
Project Description	Create curb cut for tandem parking spaces.
Relief Type	Variance Conditional Use
Violations	Usable Open Space Insufficient Limitation of Parking Areas Off Street Parking Design Conditional Use

Planning Context:

The City does not support the removal of healthy and mature trees and plantings, and open space to accommodate the development of off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increase tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees, 2022) outline this point. Additionally, the proposed parking condition creates a double curb (22.5' in width) with that of the adjacent residential property. That condition does not align with the preferences of BPDA Transportation staff or BTDA's 12' maximum curb cut dimension for residential uses in Boston.

Zoning Analysis:

The location of the proposed parking does not adhere to the provisions of either (1) Section 56-37, which requires a 5' planting buffer between parking and adjacent residential lots, (2) Section 56-39, which forbids accessory front yard parking with a width greater than 10', or (3) Section 10-1, which forbids accessory parking occupying the Code's required front yard setbacks or in side yards less than 5' from the side lot line. The proposed parking also creates nonconformity relating to the site's amount of usable open space.

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The plans reviewed are titled "Proposed New Curb Cut - Two Family Residence - 25 Oriole Street, West Roxbury, MA 02132" and prepared by Marc Besio & Associates Civil Engineering, Land Surveying. The plans are dated October 18, 2021.

Recommendation:

In reference to BOA1492359, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE: Proposed parking should be moved to the left side of the lot (mirroring the condition of the adjacent 21 Oriole Street) to avoid the removal of existing plantings and greenery, and prevent a double curb cut. Paving materials should be permeable. A future proposal shall also seek to comply with the 10' maximum parking width, as detailed in the Code.

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



Case	BOA1492091
ZBA Hearing Date	2023-09-21
Address	3 Ardmore RD West Roxbury 02132
Parcel ID	2006228000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Article 10
Project Description	Construct driveway and 2 parking spaces on the side of the dwelling
Relief Type	Variance
Violations	limitation of parking areas: parking less than 5ft from side lot line

Planning Context:

The proposed construction of the parking area would pave over existing grass and shrubs on the property. The City does not support the reduction of permeable surface area to accommodate the development of off-street parking as identified in Climate Ready Boston(2016) which outlines goals to increase permeability and decrease the heat island effect. Additionally, while the proposed parking spaces conform with the zoning parking minimums for the neighborhood district, they do not align with the City's goal of reducing dependence on private vehicles, as detailed in Go Boston 2030 (March 2017).

Zoning Analysis:

Article 10 Section 10-1 states that off-street parking can only be located in the side yard if it is five feet from the side lot line. The proposed parking area does not meet this requirement and could not meet this requirement as it has an 11 foot side yard setback on both sides of the lot.

Recommendation:

In reference to BOA1492091, The Boston Planning & Development Agency recommends DENIAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1480464
ZBA Hearing Date	2023-09-21
Address	44 Blenford RD Brighton 02135
Parcel ID	2102836000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	Article 50
Project Description	Confirm occupancy as a 2-family dwelling. Extend living space from unit 1 into basement as per plans.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient

Planning Context:

The proposed project seeks to expand basement living space and confirm the occupancy of an existing two-family residence. Adding more living space to existing dwellings is in keeping with planning goals of preserving housing stock and increasing housing availability and flexibility for growing living arrangements. In addition, because the extended living area contains bedrooms, full bathrooms, and a moderately sized living space with room for a kitchen, it could also be easily converted to a separate unit in the future. This would also contribute to planning goals of increasing housing stock. These goals are detailed in *Housing a Changing City, Boston 2030* (September 2018).

Zoning Analysis:

The project violates FAR requirements by turning an existing basement into habitable living space. While the total gross floor area of the structure is expanded through this renovation, the footprint of the existing building is not, and therefore not detrimental to the neighborhood.

The project's side yard violation is an existing condition slightly expanded (4') to enable a second entry and egress stair for the basement living space. The stair is situated along the rear portion of the existing structure and beyond its parking spaces, making it minimally intrusive to view from street. Additionally, because of the stair's location and minimal footprint (4' width), adequate access to rear yard is still able to be provided along the side of the structure (4' wide path).



Proposed project plans - titled "44 Blenford St, Boston, MA 02124" - were prepared by Dellamora Architecture on 12/5/2022.

Recommendation:

In reference to BOA1480464, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted.

Reviewed,

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Director of Planning, BPDA



Case	BOA1448246
ZBA Hearing Date	2023-09-21
Address	24 Common ST Charlestown 02129
Parcel ID	0203457010
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	Article 62
Project Description	Construct parking spot
Relief Type	Variance
Violations	Front Yard Insufficient

Planning Context:

The project is located in the Original Peninsula, as identified by Draft PLAN: Charlestown (July 2023). The project's parcel is a through lot, located between Common St and Ellwood St. The proposed parking spot is located on the Ellwood St side. One of the existing Common St-fronting dwellings has a parking spot along Ellwood, similarly designed to the proposed parking area. As a result, the proposed parking spot would match the existing street context.

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 St is smaller than 20 feet (~ 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.

Recommendation:

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



Reviewed,

A handwritten signature in black 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	BOA1033851
ZBA Hearing Date	2023-09-21
Address	35 Rockwood ST Jamaica Plain 02130
Parcel ID	1902262000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-9000
Zoning Article	Article 55
Project Description	The project proposes renovating an existing deck. The existing railing and deck boards are proposed to be upgraded to composite PVC railing system. The existing conventional wood framing structures and footings are proposed to remain unless damaged or rotten. The project would marginally increase the size of the deck due to the new deck and railing materials.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The property sits in a one-family residential subdistrict in Jamaica Plain. The deck is an existing structure and therefore the project's scope aligns with the stated planning goals of the area to preserve existing structures and allow for minor and contextually sensitive changes to structures, as stated in the Establishment of Residential Districts in the Jamaica Plain Neighborhood District (Boston Zoning Code Article 55 Section 7).

The site of this project (35 Rockwood ST) has a sloping topography in the rear yard. Therefore, back deck allows the property owner to make use of a flat, outdoor living space.

Zoning Analysis:

The definitions of side and rear yards in Article 2 of the Zoning Code state that open porches without roofs, and the like, that do not extend more than 3 feet above the floor of the first story, may encroach into the required rear yard, except that they may not come within 10 feet of a rear lot line or within 8 feet of an accessory building. Therefore, because the existing deck is within



10 feet of the rear lot line, it is not in compliance with zoning. This is a pre-existing nonconformity that would be only marginally increased by the proposed project.

The project was reviewed by the BPDA in August 2023 using plans dated March 27, 2019. The BPDA recommended Approval with a proviso for design review because the plans used to review showed a large privacy screen which would have increased the impact of the project on the surrounding area. The plans reviewed for this recommendation (dated October 1st, 2019) show that this screen has been removed and therefore design review is no longer needed.

Recommendation:

In reference to BOA1033851, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand", with a stylized flourish at the end.

Director of Planning, BPDA