



MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: March 15, 2024

RE: BPDA Recommendations

Please find attached, for your information, BPDA recommendations for the March 21, 2024 Board of Appeal's Subcommittee Hearing.

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



Case	BOA1563183
ZBA Hearing Date	2024-03-21
Address	49 Jeffries ST East Boston 02128
Parcel ID	0104664000
Zoning District & Subdistrict	East Boston Neighborhood 3F-2000
Zoning Article	Article 53
Project Description	Enclose rear deck to extend living space, and erect new rear deck.
Relief Type	Variance
Violations	FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The proposed project sits within a three-family residential zoning subdistrict in the Jeffries Point area of East Boston. The site is located within immediate proximity (<1/4 mile walk) to several parks within the area, including Porzio Park, Navy Fuel Pier Park, and Piers Park. The MBTA's 120 bus route also has 2 stops within a 1 block radius of the parcel. Currently, the site is home to an existing three-story, three-family condo structure. The surrounding area is comprised of similarly scaled structures with mostly two- and three-family occupancies. A handful of 4-6 unit multifamily residences exist on a few of the area's larger lots.

The project also sits within the East Boston Interim Planning Overlay District (IPOD), as the project's application was filed prior to the IPOD's sunset in November 2023. Despite this, the project does not meet the IPOD's applicability thresholds set forth in Article 27T of the Zoning Code. Because of this, the project will not require an IPOD permit for approval.

The project proposed renovations to the existing structure, which will enclose the ground floor level's covered rear porch to create additional living space for the unit. A small rear deck will also be erected for the unit, underneath the existing rear egress stair. This scope is in keeping the City planning goals outlined in Housing a Changing City, Boston 2030 (September 2018): to preserve the existing housing stock and add flexibility for growing living arrangements. It also aligns with the housing goals of PLAN: East Boston (adopted January 18, 2024), which support projects making appropriately-scaled alterations to existing owner-occupied structures.



PLAN: East Boston's draft zoning, which is pending Zoning Commission consideration, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of 3 stories and a maximum occupancy of 3 dwelling units. This project complies with both of those regulations, as well as all of the other dimensional requirements proposed in the draft zoning.

Zoning Analysis:

The project's side yard, rear yard, and usable open space zoning violations are existing conditions on the site, not proposed to be worsened through the project.

The project's FAR violation is an existing nonconformity proposed to be worsened through the project, albeit minimally. This extension stems from the project's proposed enclosure of the ground floor's rear porch. The move adds 140 square feet of living space to the structure, increasing its FAR from 1.33 to 1.44. While this figure exceeds the permitted subdistrict maximum (1.0), it still falls below the average for the area (surrounding structures have FARs ranging from 1.7-2.0). Because the addition does not alter the structure's existing footprint (the existing porch is covered/structural), the project will have minimal impacts to the surrounding area.

Recommendation:

In reference to BOA1563183, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1516277
ZBA Hearing Date	2024-03-21
Address	30 Moore ST East Boston 02128
Parcel ID	0100729000
Zoning District & Subdistrict	East Boston Neighborhood 2F-4000
Zoning Article	53
Project Description	The proponent seeks to add new decks on the first and second floors of an existing two-family, residential building, totaling roughly 400 square feet of deck space. Proponent also seeks to replace all windows, reconfigure interior walls, and install a new 150 sf cement pad beneath the first floor deck for outdoor storage. Number of units will remain unchanged.
Relief Type	Conditional Use
Violations	GPOD Applicability Rear Yard Insufficient Extension of Non Conforming Use

Planning Context:

The proponent seeks to add new decks on the first and second floors of an existing two-family, residential building, totaling roughly 400 square feet of deck space. Proponent also seeks to replace all windows, reconfigure interior walls, and the development of a new 150 sf cement pad beneath the 1st floor deck for outdoor storage. Number of units will remain unchanged.

The property is a corner parcel, which is shared in common ownership with a vacant parcel containing a driveway and parking area to the south along Moore Street. The proposed deck addition would be on the side of the building, adjacent to an existing driveway beside the existing residential building. The driveway straddles two lots that are owned by the same property owner.

The proposed project is currently within a 2F-4000 subdistrict, which supports two-family housing. It is located within the East Boston Neighborhood District, and within the study area of the PLAN: East Boston neighborhood plan, approved by the BPDA Board on January 18, 2024, and pending Zoning Commission consideration, PLAN: East Boston provided land use recommendations for a changing East Boston context, recommending that this property be



moved into an EBR-3 district that allows up to 3 units. PLAN: East Boston also provides updated dimensions for land use regulations that reflect predominant building form and introduce requirements for permeable area of lot to improve stormwater infiltration and environmental performance across the neighborhood.

Zoning Analysis:

The violations raised from this project are due to existing nonconformities and its location within a Greenbelt Protection Area.

Art. 53, Sec 9 requires that all buildings within the 2F-4000 district allocate a minimum of 40 feet for the rear yard. The proposed zoning would require a rear yard that is one-third the depth of the lot. The existing building covers nearly the full depth of the lot, and allows for roughly 4 feet of rear yard space; the rear yard is an existing non-conformity under current and proposed future zoning and will not be extended by the addition of the decks in the southern side yard. Compared to some neighboring properties (e.g. 31, 35, and 36 Moore St.), the parcel on which the existing residential building sits in, is relatively small (about 1,700 sf and half-size) and nearly square in nature, proving the hardship of the existing building to conform to zoning requirements for rear yard setbacks and other dimensional regulations. The recommendations in PLAN: East Boston would require a corner lot to provide at least 15% of lot area as permeable.

The project also raises an Article 9 Extension of a Nonconforming Use violation. The project site is made up of two separate, but adjacent parcels: Parcel 010072900 and Parcel 0100730000. The existing residential building sits on the 729 parcel, and an off-street concrete driveway services the existing building on the 730 parcel. Due to the fact that the two parcels are distinct, even though they are both owned by the same individual on the same deed, the driveway is an existing nonconforming use for the 2F-4000 subdistrict. The proposed deck extension is 8.4 feet in width, extending from the side of the building and towards parcel 730. While the deck will run very close to the lot line dividing parcel 729 and parcel 730, it should not extend over the lot line as these remain separate parcels.

Lastly, the project site is located within a Greenbelt Protection Overlay District (GPOD), which requires a conditional use permit. Some of the purposes of GPOD are to protect the supply of vegetation and open space along the city's Greenbelt Roadways and protect the city's Greenbelt Roadways from traffic congestion and to abate serious and present safety concerns.



Given that the proposed project has a minimal increase in size, and will not erect, enlarge, or substantially rehabilitate one or more buildings by more than 5,000 sf, and nor will increase the impervious area of a site by more than 2,000 sf, the plans satisfy conditions of GPOD.

The plans entitled 30 MOORE STREET BOSTON, MA prepared by KIRWIN RESIDENCE on April 3, 2023 were used in preparation of this recommendation.

Recommendation:

In reference to BOA1516277, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO. Plans shall be submitted to the Agency for design review with attention to the deck addition, new cement pad, and the cement pad's impact to the total permeable area.

Reviewed,

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Director of Planning, BPDA



Case	BOA1554364
ZBA Hearing Date	2024-03-21
Address	85 Newbury ST Boston 02116
Parcel ID	0501288000
Zoning District & Subdistrict	Boston Proper B-3-65
Zoning Article	Underlying Zoning
Project Description	The proponent is seeking legalization of an existing outdoor patio.
Relief Type	Conditional Use
Violations	Extension of Nonconforming Use; Use: conditional (Items 36A and 37; outdoor dining patio)

Planning Context:

The proponent is seeking to legalize an existing 30-person outdoor seating area on Newbury Street in front of a ground floor coffee shop called the Thinking Cup that is separated from the sidewalk by a fence.

Zoning Analysis:

The parcel is located in the Boston Proper District, within a General Business subdistrict. It sits within the Back Bay Architectural District. There are two violations: one for a conditional restaurant use for items 36A (“Retail Catering”) and 37 (“Eating Places and Entertainment”) for the proposed outdoor patio pursuant to Article 8-7; and the second for an extension of a nonconforming use (the existing patio) regulated by Article 9-1. There are five applicable standards to meet for the granting of a conditional use permit for the legalization of the patio. First, the site is an appropriate location for outdoor dining and an outdoor patio. Revival, another cafe on the same side of the block, also has an outdoor dining patio fronting the sidewalk. Additionally, Newbury Street is a busy commercial corridor, particularly in this location just three blocks from the Arlington T stop. There are no obvious adverse effects or nuisances that would result from legalizing this already-existing outdoor patio, nor is there a serious hazard to vehicles or pedestrians caused by the current use.

The last standard is that adequate and appropriate facilities be provided for the use. The plans do not include labeled or scaled measurements of the distance between the existing tree pit and



the outdoor dining patio fence that divides the enclosure from the sidewalk. A minimum of 5' is needed to accommodate pedestrians on this busy block. Similarly, the plans do not include labeled dimensions of the space between outdoor dining tables. To allow for the unobstructed passage of people using wheelchairs, 3' at a minimum between tables would be needed.

Recommendation:

In reference to BOA1554364, The Boston Planning & Development Agency recommends APPROVAL: that revised plans shall be submitted to the Boston Landmarks Commission for design review, and that revised plans shall be submitted to the Agency for design review.

Reviewed,

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

Director of Planning, BPDA



Case	BOA1559488
ZBA Hearing Date	2024-03-21
Address	46 Sturges RD West Roxbury 02132
Parcel ID	2002340000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Locate a prefabricated shed in the western side of the rear yard, aligned with an existing driveway.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The BOA1559488 plans detail the creation of a 10X12 shed in the rear yard of a single family dwelling, at the end of an existing driveway. In this section of the neighborhood, many of the other homes have sheds or garages with limited to no side yard setbacks. The property is located across from Billings Field, and thus would require design review by the Boston Parks Department.

Zoning Analysis:

The parcel located at 46 Sturges RD West Roxbury 02132, is in a single family residential zone (1F-6000) that requires a side yard of at least 10 feet. The eastern side yard, which is not being modified by this proposal, is an existing non-conformity at 6 feet.

As stated in Section 56-40, an accessory building may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line. The plan currently details a side yard set back of 1.5 feet from the western lot line (creating a 2.5 foot violation). Given the alignment of the shed with the existing driveway, a common feature of the surrounding area, zoning relief is appropriate in this case.

This recommendation was prepared based on the hand-drawn dimensions specified on a Mortgage Inspection Plan and specifications submitted by Tuff Shed, undated.



Recommendation:

In reference to BOA1559488, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1554305
ZBA Hearing Date	2024-03-21
Address	302 Beacon ST Boston 02116
Parcel ID	0503279002
Zoning District & Subdistrict	Boston Proper H-3-65
Zoning Article	Art 19, Art 32
Project Description	Convert existing two unit condo building into single family home with full interior renovation, as well as changes to the exterior including a hallway connector between the house and existing garage and a new elevator.
Relief Type	Variance, Conditional Use
Violations	Side Yard Insufficient GCOD Applicability

Planning Context:

The proposed site is located in Back Bay along Beacon Street, mid-block between Exeter and Fairfield Streets. The site is currently occupied by a two-unit, 4.5 story residential building attached by party walls to the residential buildings on either side, a paved courtyard, and an existing garage with a roof deck in the rear. The garage door faces Back Street, which runs along Storrow Drive.

Per Article 25A, the site is also in the Coastal Flood Resilience Overlay District (CFROD) meaning that it is anticipated to be flooded with a 1% chance storm event in 2040 with 40 inches of sea level rise. The Base Flood Elevation of the proposed site is 13.5 feet, according to the BPDA Zoning Viewer. A letter from a Project Engineer was attached to the proposed project's plan, explaining the resiliency measures of the project, including a storage volume more than the required one inch over the impervious area of the site, a description of the new proposed stormwater recharge system, and a sump pump for the proposed elevator three feet below the lowest elevation. The project proposes no increase in occupiable space below the Base Flood Elevation.

Zoning Analysis:



Per Article 13 Table B, the required side yard in the H-3-65 Apartment Residential subdistrict is "Ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. See further Section 19-4." The proposed hallway connecting the existing residence and existing garage is located in the eastern side yard.

Section 19-4 Side Yards in H Districts exempts side yards in an H district between the front yard and 70 feet to the rear of the front yard, as well as "along any part of a side lot line on which a building on the adjoining lot abuts between the rear yard required by this code and said line seventy feet in the rear of the front yard." Based on this, the zero side yard of the existing residence is exempted. Section 19-4 allows for the signature attached townhouses of Back Bay.

However, the zero side yard of the garage is an existing nonconformity.

The proposed hallway extends this existing nonconformity, and therefore Approval is recommended.

Per Article 25A, the site is also in the Coastal Flood Resilience Overlay District (CFROD) although the project does not meet the size threshold for a required CFROD review.

Recommendation:

In reference to BOA1554305, the Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1543554
ZBA Hearing Date	2024-03-21
Address	94 I St South Boston 02127
Parcel ID	0602257000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LA
Zoning Article	68
Project Description	Renovate existing cellar into a family room, full bathroom, and mechanical area
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The site is a 3-story rowhouse on a block of predominantly 2-story rowhouses. The project renovates the building's existing cellar space.

The proposed changes would create a living room and additional bathroom for the narrow rowhouse without expanding the existing footprint or changing the exterior that is consistent with adjacent rowhouses.

Some rowhouses on the block also expanded living space in their basement and/or made additions in the rear of the property. The site is not in a Coastal Flood Resilience Overlay District.

Zoning Analysis:

By expanding the living space of the property into a basement, the project exceeds the 1.5 FAR maximum of Article Article 68 Section 8. The existing building and the majority of existing rowhouses on the block already exceed this limit. The additional FAR for this project, however, does not add any additional building mass, does not reduce permeable area of lot, and does not impact the exterior continuity of existing rowhouses on the block.

This is a case for zoning reform to update dimensional regulations to align with the existing conditions of the area.

Recommendation:



In reference to BOA1543554, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1540540
ZBA Hearing Date	2024-03-21
Address	384 K ST South Boston 02127
Parcel ID	0702368000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Proposal to install two new dormers on the roof, extend living space into the basement, remove and replace existing roofing and shingling, rebuild the existing covered porch within its existing footprint, build a new rear entry deck, and repair and maintain other exterior architectural facade elements. Underpinning of foundation also included.
Relief Type	Variance, Conditional Use
Violations	Roof Structure Restrictions Front Yard Insufficient Side Yard Insufficient

Planning Context:

Property is a single family house in a Multifamily Residential district in South Boston, one block north of William J Day Boulevard and Dorchester Bay. Applicant seeks to upgrade their property, primarily centered around interior improvements, but also including the addition of two dormers. While South Boston has not been the subject of a planning study recently, this proposal does meet the goals of Housing a Changing City, Boston's citywide housing plan. More specifically, the principle of "diverse housing options" describes the continued maintenance of family-appropriate dwellings in lower density zones, like this project.

Zoning Analysis:

Section 68-29 notes that roof structure modifications require a conditional use permit from the ZBA. "No roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing residential Building, or on the roof of a Building not in residential use but originally built as a residential 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 Appeal grants a conditional use therefore. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity." For this application, the following conditions of Article 6 must be met for a conditional use:

- "the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use;"

Many buildings up and down the property's block and adjacent blocks have dormers. This change is contextually appropriate.

- "the use will not adversely affect the neighborhood;"

One dormer faces the side street, as the project is a corner lot, and the other faces a driveway, where there is ample space between the proposed property and its abutter. These dormers should cause no adverse effects on either side.

- "no serious hazard to vehicles and pedestrians;"

No hazard appears relevant to these changes.

- "no nuisance will be created by the use;"

No nuisance appears relevant to these changes.

- "adequate and appropriate facilities will be provided;"

The architectural plans appropriately provide facilities for operation of this building as a continued residential use.

Section 68-8 provides that the front yard setback in this subdistrict is 5', and the existing front yard setback is 2.7'. This is a preexisting nonconformity, and is unchanged by this proposal.

Section 68-8 provides that the side yard setback in this subdistrict is 3', and the existing side yard setback is 2.6'. This is a preexisting nonconformity, and is unchanged by this proposal.

Plans by Intent Architects submitted September 15, 2023, and reviewed by AA on March 7, 2024.



Recommendation:

In reference to BOA1540540, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1519024
ZBA Hearing Date	2024-03-21
Address	41 Delle AVE Mission Hill 02120
Parcel ID	1000540000
Zoning District & Subdistrict	Mission Hill Neighborhood Row House Residential
Zoning Article	59
Project Description	Divide an existing single family rowhouse into two units within the existing building envelope
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Additional Lot Area Insufficient

Planning Context:

This project proposes to divide an existing single family rowhouse into two units within the existing building envelope. There are no proposed modifications to the exterior of the building. The proposal suggests that an existing single family residence totalling four stories will be divided into two two-story units. Both units are of equal quality with the exception of the location of the utilities closet solely within the confines of unit #1. ISD has flagged this within the project plans, nothing that access to the utilities should be provided to both units. The project scope, which proposed to increase the occupancy from one to two dwelling units furthers the goals of Housing a Changing City and Imagine Boston 2030 by increasing the housing stock. The proposed change preserves the existing rowhouse structure while adding housing units.

Zoning Analysis:

This project is located with the Mission Hill Neighborhood District, within a Row House Residential Subdistrict, pursuant to Article 59 of the Zoning Code. The proposal does not include the minimum off-street parking spaces required by the Zoning Code. Per the Zoning Code, residential uses of this nature require 1.0 off street parking spaces per dwelling unit. As there is no existing parking or this structure, this is an existing non-conformity extended by the addition of a unit. However, the building is located proximate to transit options in an area with available on street parking. In an effort to reduce reliance on single occupancy vehicle use, the suggested parking for this location ranges from 0 to 1.0 spaces per dwelling unit per the BTM parking maximums. The nonconformity with respect to FAR persists from an existing condition,



and adds to the case for zoning reform, that existing nonconformities should not pose a hardship to future change and better reflect existing conditions such as the historic rowhouse district. .

The size of the building and lot area are contextual for the neighborhood in which the Zoning Code sets forth that "the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or a Row House Building, is four (4)." Given the relative similarity of parcel size and building footprint across the block, the addition of a unit without a change in the building envelope allows the project to remain contextual with the rest of the neighborhood. This project supports the case for zoning reform to allow uses without requiring an overlarge lot area such that allowed uses can occur within the existing built form and lot pattern of the neighborhood.

Recommendation:

In reference to BOA1519024, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that no building code relief be granted without access to utility room in basement by both units.

Reviewed,

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Director of Planning, BPDA



Case	BOA1550101
ZBA Hearing Date	2024-03-21
Address	24 Beaumont ST Dorchester 02124
Parcel ID	1603274000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-7000
Zoning Article	Article 65
Project Description	Replace existing detached garage and add patio in the rear yard.
Relief Type	Variance
Violations	Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This site is located within a 1F residential neighborhood within 1/4 mile of the Ashmont MBTA Station. The applicant proposes to replace an existing detached garage in the rear of the site with a garage of similar height and nearly the same footprint, and the expansion of an existing patio along with the installation of a hot tub with a secure cover. Several nearby properties have similar detached garages situated in the rear of the site that are also within 4' of their rear and/or side lot lines.

Zoning Analysis:

Pursuant to Article 65 Section 42.8, accessory buildings may be erected in a side or rear yard provided that they are at least four (4) feet from any side or rear lot line. Today, the garage is an existing nonconformity with a 1.9' setback from the side lot line and a 1.9' setback from the rear lot line. The proposed new garage nominally worsens the side yard nonconformity, with a proposed setback of 1.0'. Given the proposed worsening of this side yard nonconformity, the applicant should maintain the existing setback. There is substantial screening on that side yard, with a stone retaining wall and a densely planted hedge providing a continuous screen more than 10' tall. The residence is built right at the required 12' side yard setback and the 10'-wide driveway is situated squarely within this side yard. Given the location of the driveway on the site and alignment with the detached garage, it would be challenging to site a new detached garage much further than the existing setback. An existing deck and landing between the residence and the existing garage creates a pinch point that limits vehicle maneuverability and requires the garage entrance to line up squarely with the existing driveway alignment.



Plans reviewed are titled "Mooring Residence 24 Beaumont Street
Dorchester, MA 02124", prepared by Rivermoor Engineering, LLC, and dated June 20th, 2023.

Recommendation:

In reference to BOA1550101, The Boston Planning & Development Agency recommends
APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review
to maintain or improve the existing side yard setback.

Reviewed,

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Director of Planning, BPDA



Case	BOA1567168
ZBA Hearing Date	2024-03-21
Address	410 to 412 Centre ST Jamaica Plain 02130
Parcel ID	1900182000
Zoning District & Subdistrict	Jamaica Plain Neighborhood LC
Zoning Article	55
Project Description	The proponent is seeking removal of a proviso that limits takeout to only the prior petitioner. There is a new owner that plans to open another restaurant in the same location with no interior changes.
Relief Type	Conditional Use Permit
Violations	Other Protectional Conditions: removal of petitioner-only takeout proviso

Planning Context:

410-416 Centre Street is a parcel on a corner fronting a mixed-use block on the Centre Street side and a primarily residential block on the Paul Gore Street side. It is located within the Jamaica Plain Neighborhood District and sits within the Local Convenience Subdistrict. The top two floors are residential. Two businesses are on the ground floor: Jamaica Plain Laundry Center and the now-closed El Oriental de Cuba restaurant. This application concerns the removal of a takeout proviso for the new owner of the El Oriental de Cuba space. There is no apparent change planned to the layout or interior of the space.

Zoning Analysis:

Small and large takeout restaurants are forbidden uses in Local Convenience subdistricts within the Jamaica Plain Neighborhood District. Small and large restaurants without takeout are an accepted use (Article 55, Table B). The removal of this proviso is aligned with current Squares + Streets zoning efforts to allow takeout as a part of a restaurant use. This represents a case for zoning reform because the proponent is not making any interior changes and the parcel's ground floor will still be used as a restaurant. Allowing provisos like this to be removed without the intervention of the ZBA would save time and money— critical resources for Boston's small business owners.



Recommendation:

In reference to BOA1567168, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1552858
ZBA Hearing Date	2024-03-21
Address	45 Glenellen RD West Roxbury 02132
Parcel ID	2009772000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Article 56
Project Description	Demolish the existing roof to add living space to the second floor, convert the existing back porch to additional living space, and build a new back deck in the rear.
Relief Type	Variance
Violations	Rear Yard Insufficient

Planning Context:

The proposed project seeks to renovate the one-family dwelling at 45 Glenellen Road. The proposed project plans to do so by raising the roof to construct additional living space, converting the existing back porch to additional living space for the first floor, and building a new deck in the rear. The proposed plans will maintain the existing pitched roof so the building will structurally look the same as it currently does. The raised roof will add additional windows and an attic to the building. This area is zoned as 1F-6000 and Glenellen Road is filled primarily with 1-family and 2-family residences.

There are currently no neighborhood planning initiatives for West Roxbury. However, this project would help further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would add additional living area to existing housing for larger households.

Zoning Analysis:

With the project, the refusal letter states a violation that the rear yard is insufficient due to the construction of the new rear deck. Under Article 56 of the Zoning Code, the minimum rear yard setback is set at 30 feet. The project is proposing a rear setback of 21.1 feet which is below the minimum required amount. Relief is not recommended for this violation as the addition of the new rear deck would have the structure extend further into the rear yard than than the abutting properties on Glenellen Road. While there is no information on how the rear deck affects the



rear setback in Article 56, it is recommended that the scale of the proposed deck is decreased to align with the built environment of Glenellen Road.

The plans reviewed are titled 45 Glenellen Road and were prepared by Aesthetic Images. The documents are dated 9/22/23.

Recommendation:

In reference to BOA1552858, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. The applicant should look into reducing the size of the proposed rear deck to meet the minimum required setback.

Reviewed,

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Director of Planning, BPDA



Case	BOA1550759
ZBA Hearing Date	2024-03-21
Address	40 Tyndale ST Roslindale 02131
Parcel ID	2005654000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Article 67
Project Description	Remove existing structure from rear of home and construct a new rear addition with new rear deck. Pour foundation, frame, side & install finishes for bedroom, bath and laundry.
Relief Type	Variance
Violations	Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This project proposes the removal of a rear sunroom and deck from an existing two-story residential building and the construction of a new rear one-story addition, new rear deck and new exterior stairs to the eastern side of the addition. The project will include the demolition of an existing garage that is in the southeastern rear yard.

The existing sunroom and rear deck have a western side yard depth that is offset about one foot further from the side yard lot line compared to the side yard depth of the primary residential dwelling. The new rear addition will maintain that slightly deeper side yard depth and extend further into the rear yard than the existing sunroom and deck currently do, thus decreasing the rear yard depth of the property. The new rear deck will resultantly be located further in the rear yard than the existing rear deck is currently located.

The proposed alteration will not include any changes to the northern front or eastern side sections of the existing primary dwelling due to the rear addition being limited to the southwestern area where the existing sunroom is located. The existing sunroom has an estimated eastern side yard depth of over 19 feet (this existing dimension is not provided in the plans). While this proposed addition does maintain the western side yard depth of the existing sunroom, the addition will also be wider than the existing sunroom and thus will reduce the side yard depth from about 19 feet to 15.15 feet. The removal of the existing garage will provide more side yard space along the southeastern corner of the lot.



The existing building footprint for this property and the existing lot condition matches the majority of building footprints and lots within this part of Roslindale. There are a couple nearby properties on Tyndale Street that have building footprints that extend into the rear at a similar depth as the proposed addition, though this is not a very common building trend in the area. This property's eastern side yard depth is slightly larger than its western side yard depth to accommodate a driveway that leads to the existing rear yard garage. This side yard pattern is common on properties within the surrounding area with most buildings being offset in the lot to accommodate driveways. This proposed height and position of the rear addition means it would not be visible from the public realm when looking from Tyndale Street. The southern rear lot line of this property and all properties along this portion of Tyndale Street also abut an area dedicated to railroad tracks used by the MBTA Commuter Rail, separated from the residential area by a row of trees.

Zoning Analysis:

This property is located within the 2F-5000 (Two-Family Residential) subdistrict of the Roslindale Neighborhood Subdistrict (Art. 67). The 2F-5000 subdistrict requires a minimum rear yard depth of 40 feet (Art. 67, Sec. 9). The existing property has an estimated rear yard depth of 40 or more feet, but the new rear addition will reduce the rear yard depth to about 25.5 feet, thus triggering this dimensional regulation. As mentioned in the Planning Context, this deeper building footprint in the rear is not a common trend in the area, but the structure of this rear addition would not be visible to the public realm from Tyndale Street or from the southern lot line where the property abuts train tracks due to existing tree coverage.

The 2F-5000 subdistrict requires a minimum side yard depth of 10 feet (Art. 67, Sec. 9). The property has an existing western side yard depth that varies between about 4 and 5 feet. The existing eastern side yard depth of the primary dwelling varies from about 8 feet to 11 feet while the rear section where the existing sunroom is located has an eastern side yard depth of about 19 feet. The proposed addition would extend the western side yard depth nonconformity further than the rear yard depth that is currently established by the existing nonconformity of the main dwelling. The eastern side yard depth of the primary residential dwelling would not be changed by this addition and will remain about 8 feet; the eastern side yard depth specific to the eastern side of the proposed addition would have a side yard depth of about 15.15 feet.

While it is not a common trend, the presence of some existing buildings with similar rear yard depths as well as offset side yard patterns that accommodate driveways presents a case for

BOA1550759

2024-03-21

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zoning reform in this area of the 2F-5000 subdistrict in Roslindale with attention to rear and side yard requirements.

Site plans completed by Boston Survey, Inc. on June 7, 2023. Project plans completed by Richard Alvord Architects on October 10, 2023.

Recommendation:

In reference to BOA1550759, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1550175
ZBA Hearing Date	2024-03-21
Address	152 Lasell ST West Roxbury 02132
Parcel ID	2006866000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Complete interior renovations and construct a new shed dormer on the second floor that will provide additional living space to accommodate three bedrooms and one bathroom. Legalize preexisting work in the basement including existing bathroom.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

Site is a one-unit home in West Roxbury, less than one block south of VFW Parkway in a residential neighborhood. The home is situated squarely within in a 1F-6000 subdistrict. Proponent wants to perform interior renovations, legalize preexisting work done in the basement, and add a new shed dormer to incorporate additional living space and a bathroom into what is currently an attic. The second floor would have no kitchen or cooking space, and the stair access to the second floor sits within the first floor with full access to the ground level, so this is not an additional unit. While no clear preexisting planning studies exist for this district, these changes do fall into the principle of creating "diverse housing options" from Housing a Changing City, Boston's citywide housing plan. More specifically, by continuing to improve existing housing units to maintain their continued viability, especially by increasing the stock of units that can accommodate larger households, this proposed improvement does advance planning goals.

Zoning Analysis:

Per Article 56, the maximum allowable FAR is 0.4. The current property as assessed has 1400 square feet of living space on a 5209 square foot lot, yielding an FAR of 0.27, though the plans describe the existing condition as 1809 square feet of living space, which would yield an FAR of 0.35 currently. The proposal would legalize pre-existing basement work (leading to the



discrepancy between the two numbers) and create a dormer that is otherwise compliant with

zoning, which would then yield a total living space of 2061 square feet, yielding a proposed FAR of 0.40. More specifically, the FAR would be 0.3956, which rounds to 0.4.

The proposed dormer aligns with the primary structure's northeastern side wall, does not extend over the bumpout side entry on that side, and the roof line is minimally changed. Any excessive FAR is minimal, and the noncompliance is borderline. This proposal is appropriate and certainly in the spirit of the existing zoning code, and the violation as flagged is a cautious interpretation. This is a case for zoning reform to regulate massing through other dimensions that may be appropriate to smaller-scale building forms.

Plans by Jason LaGorga from September 7, 2023, reviewed by Francesco D'Amato on March 6, 2024.

Recommendation:

In reference to BOA1550175, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1547600
ZBA Hearing Date	2024-03-21
Address	31 Pelton ST West Roxbury 02132
Parcel ID	2001817000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-8000
Zoning Article	Article 56
Project Description	Construct a two story addition to the rear of an existing house, adding large shed dormers to increase floor area of existing attic. Project also involves replacing the current curb cut with a smaller curb cut and replacing the current driveway with an impervious/ semi-pervious driveway.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient

Planning Context:

The proposed project is in a residential area characterized by 2-2.5 story homes. The buildings in the immediate surrounding have large rear yards, ranging from 40 to 70 feet, and floor area ratios (FARs) ranging from .24 to .52.

Zoning Analysis:

The proposed project would create new zoning non-conformities for FAR and rear yard. The zoning has a maximum FAR of .3 and minimum rear yard of 40 ft, which the building currently conforms with with a FAR of .21 and a rear yard of 40.2 feet. The proposed addition would bring the building out of compliance with zoning by increasing the FAR to .52 and decreasing the rear yard to 31.75.

The project also violates the zoning height requirement because the proposed dormers would change the top story from a half story to a full story. This would make the building 3 stories and therefore out of compliance with the zoning height maximum of 2.5 stories.



The project is also flagged for a side yard violation. This is because the building is currently nonconforming because the zoning requires a minimum of 12 ft while this building has a side yard of only 8.6 ft. This existing nonconformity would be worsened by the proposed project because the proposed addition would be in alignment with the current building and therefore also encroach into the required side yard.

Recommendation:

In reference to BOA1547600, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE project should be amended to reduce size of addition to comply with FAR and rear yard requirements.

Reviewed,

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Director of Planning, BPDA



Case	BOA1542162
ZBA Hearing Date	2024-03-21
Address	32 Worley ST West Roxbury 02132
Parcel ID	2006831000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	Art. 56
Project Description	Remove an existing three-season room at the rear of the home, and construct a new family room in the same area. Construct a new deck off the back of the new family room.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

This project proposes the removal of an existing three-season room at the southwestern rear of an existing 1.5-story residential dwelling to construct a new one-story family room in the same area with a new first-floor rear deck attached to it. The project does not propose changes to the property in the northeastern front or eastern side of the existing dwelling, limiting the new addition to the southwestern portion of the dwelling where the existing sunroom is located.

The existing side yard depths on the eastern and western sides of the property are small due to the existing building's width taking up about 36 feet of the property's 41-foot front yard lot line width. Surrounding buildings in this area vary in their building width but overall most of them take up much of the width of their lots and have small side yards similar to this property. The existing sunroom extends about 10 feet into the southwestern rear from the existing dwelling while the proposed family room addition would extend about 14 feet into the rear connected to the same portion of the existing dwelling, thus extending the existing side yard condition further into the lot. This reduces the rear yard depth, but the property has a large rear yard with the overall lot having a variable depth of 123 to 142 feet. Existing buildings in the surrounding area vary in their rear yard depths and have lots of varying depths; this lot is comparable to the longest of lot depths found in some other surrounding properties. The building footprint area of this project is similar to the area size of other adjacent properties.



Zoning Analysis:

This property is located within the 1F-6000 (One-Family Residential) subdistrict of the West Roxbury Neighborhood District (Art. 56). In the 1F-6000 subdistrict, properties are required to have a minimum side yard depth of 10 feet (Art. 56, Sec. 8). The dwelling has an existing eastern side yard depth of about 6.5 feet and a variable western side yard depth of between 7 and 8 feet. This project proposes demolition of the existing three-season room that establishes this nonconformity and will reconstruct a new family room that would be in line with the existing side yard nonconformity of the dwelling. The proposed reconstruction would extend the western side yard nonconformity and since the addition is limited to the southwestern rear it would not change the eastern side yard nonconformity. The reconstruction of the family room would re-establish the western side yard nonconformity and would encroach further than the rear yard depth that is currently established by the existing nonconformity, but it would remain conforming with this subdistricts minimum rear yard depth requirement.

This project and the surrounding area present a case for zoning reform due to the great variety in lot conditions such that it may be difficult to apply certain dimensions regulations to each equitably. Zoning that takes into account building width and building lot coverage percentages may provide greater relief for existing buildings and projects that propose future additions such as this one.

Site plans completed by Peter Nolan & Associates, LLC. on May 17, 2023. Project plans completed by Concepts by Design, Inc. on February 7, 2023.

Recommendation:

In reference to BOA1542162, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA