



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: September 10, 2024

RE: Planning Department Recommendations

Please find attached, for your information, the Planning Department recommendations for the September 19, 2024 Board of Appeal's Hearing.

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



Case	BOA1629400
ZBA Submitted Date	2024-07-21
ZBA Hearing Date	2024-09-19
Address	1 to 3 Center PZ Boston 02108
Parcel ID	0302713000
Zoning District & Subdistrict	Government Center/Markets Protection Area
Zoning Article	45
Project Description	Add Body Art use to an existing salon.
Relief Type	Conditional Use
Violations	Conditional use

Planning Context:

The proposed project would add "Body Art" use, which is conditional, to an existing salon. The salon is composed of 40 individual studios rented by individual hairstyle, aesthetician, make-up, nail technician, and other similar business owners. The abutting properties include a wide variety of uses including offices, a cafe, an auto rental business, a convenience store, a restaurant, and a bar. The site is in the heart of Government Center in the Center Plaza building between the Suffolk County Superior Court and Boston City Hall.

Zoning Analysis:

Service and Trade uses including barber shop and beauty shop are Allowed within the subdistrict. However, the proposed Body Art use is conditional. In this case, the proposed Body Art use will be integrated into the existing salon and introduce no new adverse impacts. The proposed use meets the criteria for conditional uses per Article 6.3.

Recommendation:

In reference to BOA1629400, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1606999
ZBA Submitted Date	2024-05-29
ZBA Hearing Date	2024-09-19
Address	141 W Canton ST Roxbury 02116
Parcel ID	0400262000
Zoning District & Subdistrict	South End Neighborhood MFR
Zoning Article	64
Project Description	Extend the structure's existing steel and glass deck. Remove the existing galvanized rails for the installation of a 4.5' x 13' extension to be coupled with new rails and balustrade. Provide footings and sonotube piers for deck support. Repair the underground recharge system and reset the bluestone pavers, as required. Install a 6' privacy fence with integrated storage cabinets and a relocated grill. Replace in kind rotted wood stair and lower storage.
Relief Type	Conditional Use
Violations	Town House/Row House Extensions into Rear Yard

Planning Context:

The proposed project sits in a multifamily residential area in the South End neighborhood. Its surrounding context is comprised predominantly of 3.5- and 4-story structures with a mix of single-family to multi-family residential uses. The site sits within immediate proximity (1/4 mile) to several transit options and civic amenities: including Hayes Park, Titus Sparrow Park, bus stops for the MBTA's 10 and 43 routes, and both the MBTA's Massachusetts Avenue and Back Bay stations (access to the orange line, commuter rail, and Amtrak).

The project site is currently occupied by a 3.5-story single-family residential structure with several porches (on floors 1-3) projecting from the rear façade over the garden level patio. The proposed project seeks to extend the length of the structure's existing first story rear steel and glass deck from 4.8' to 9'. No additional internal/exterior alterations are proposed as a part of the project. This proposed rear porch extension has existing precedent as a commonly found condition across the project's surrounding area, including on several structure's abutting properties. It also adds valuable usable open space to the property and its occupants in a built



context (attached row houses) with limited available ground level yard space. The project scope also aligns with the stated purpose of the South End's MFR Subdistricts: " to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment."

While the project sits in the South End Landmark District, no additional review from the Landmarks Commission will be necessary for the project, as its scope is limited to exterior work hidden from the public right of way.

Zoning Analysis:

The proposed project requires a conditional use permit for the extension of a row house into a rear yard. As per Section 64-9.4 of the Zoning Code, any extension involving the addition of a porch or balcony, other than a roof deck, above the first story is deemed a conditional use. Because the proposed project seeks to extend the length of the structure's existing first story rear porch (which sits above the garden level patio), the need for a conditional use permit is triggered.

According to Article 6 of the Zoning Code, the approval of a conditional use permit requires compliance with the following conditions: (1) the specific site is an appropriate location for such use; (2) the use will not adversely affect the neighborhood; (3) there will be no serious hazard to vehicles or pedestrians from the use; (4) no nuisance will be created by the use; and (5) adequate and appropriate facilities will be provided for the proper operation of the use. Because the project's rear deck is already existing, hidden from the public way, and proposes an extension in line with similar existing precedents scattered throughout the site's immediate surroundings, its presence is recognized as contextual to site and meeting the conditions for approval.

Recommendation:

In reference to BOA1606999, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1616914
ZBA Submitted Date	2024-06-20
ZBA Hearing Date	2024-09-19
Address	51 Wyman ST Jamaica Plain 02130
Parcel ID	1002553012
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	Extend living space into the basement in order to add a bathroom and an office. No external construction required.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The existing building is a two and a half story single family residence, which is very typical for this area of Jamaica Plain. This area of Jamaica Plain is resilient to flooding and isn't prone to the risk that much of the city faces in regards to both storm surge flooding or sea level rise. The proposed project would add a bathroom, office, and living space to the basement of the building. This requires no external construction. The project is in line with neighborhood character as it is not expanding the unit count or changing its external massing. There will be no significant impact on the neighborhood.

Zoning Analysis:

The only violation is in regards to excessive FAR. The zoning allows for an FAR of 0.6, while building after the renovation will have an FAR of 0.87. While the FAR is increasing because the basement is being converted from storage to livable area, it has no impact on the physical massing of the building or use.

Recommendation:

In reference to BOA1616914, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1603914
ZBA Submitted Date	2024-05-20
ZBA Hearing Date	2024-09-19
Address	990 to 996 Dorchester Ave, Dorchester MA 02125
Parcel ID	1302957000
Zoning District & Subdistrict	Dorchester Neighborhood MFR/LS
Zoning Article	65
Project Description	The proponent is seeking removal of a 2022 proviso granting a takeout use to a former petitioner. No interior work or construction is being proposed.
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

990 to 996 Dorchester Avenue is a one-story building with three ground-floor small businesses. According to 2022 satellite imagery, those businesses are a spa, smoke shop, and a catering company. The parcel is surrounded by a mix of uses, including small-scale multifamily housing, professional services, and other restaurants.

The proponent is seeking to extend a conditional small restaurant takeout use that is currently limited to the prior petitioner only. The proviso (under BOA1314013 and ALT 1306115) was issued by the Zoning Board of Appeal on June 21, 2022. No construction work is being proposed. Based on provided plans, it appears that the new commercial occupant will also be a small restaurant with takeout.

Zoning Analysis:

This address sits within a Multifamily Residential/Local Services subdistrict, which was created in part to "encourage...ground floor Retail and Service Uses" (Section 65-7). In this subdistrict, small restaurant takeout uses are conditional, while large restaurant takeout uses are forbidden (Article 65, Table B). Footnote 13 defines a small restaurant as having a gross floor area of



2,500 square feet or less, while a large restaurant exceeds that threshold. Submitted plans indicate that this is indeed a small restaurant as defined by the Code.

This project is an extension of an existing restaurant with takeout use and represents a case for zoning reform. The City has an inherent interest in legalizing existing uses and lessening administrative burdens for small business owners, especially in cases where the use supports the stated goals of the subdistrict. Future zoning reform efforts could address this issue by allowing these provisos to be removed without ZBA intervention or by allowing takeout as a component of restaurant uses.

Recommendation:

In reference to BOA1603914, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana".

Planning and Zoning Director, Planning Department



Case	BOA1585024
ZBA Submitted Date	2024-03-27
ZBA Hearing Date	2024-09-19
Address	14 Hancock ST Dorchester 02125
Parcel ID	1301714000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	65
Project Description	The proponent is seeking the removal of a no takeout restaurant use proviso
Relief Type	Conditional Use
Violations	Other Protectional Conditions

Planning Context:

14 Hancock Street is a single story commercial building approximately 500 feet away from the corner of Columbia Road and Hancock Street in the Upham's Corner neighborhood of Dorchester. There are three commercial spaces within the building tenanted by a restaurant, convenient store, and stain glass restoration and resale business. It is a mixed use area of Upham's Corner including residential buildings, single story commercial buildings, and mixed-use buildings with ground-floor commercial uses such as restaurants, a rental car center, personal service salons, and a furniture store. The proponent is seeking to remove the no takeout proviso and conditions the Board put on prior approval limiting the use to the former petitioner only. No plans were provided.

Zoning Analysis:

The subject property is located in the Uphams Corner Neighborhood Shopping District where small (less than 2,500 square feet) takeout restaurants are permitted by conditional use and restaurants are allowed (Article 65, Table B). While not explicitly named, it is likely the application refers to the space now occupied by Rompe Dieta Restaurant, a legally existing restaurant, given the use item cited in the refusal letter. That means the site is already an adequate and appropriate site for the use (Section 6-3(a)).



In either case, the proposed project is essentially a request to continue with an existing use. As described in the “Reforming the Boston Zoning Code” report, the City has an inherent interest in legalizing existing uses as it seeks to simplify and modernize the Code (Bronin, 2023).

For this reason, this project could be considered a case for zoning reform. Offering a more efficient way to remove petitioner-only provisos would reduce time and cost burdens for small business owners.

Recommendation:

In reference to BOA1585024, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1600852
ZBA Submitted Date	2024-05-10
ZBA Hearing Date	2024-09-19
Address	10 Brewer ST Jamaica Plain 02130
Parcel ID	1901804000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 2F-5000
Zoning Article	55
Project Description	Add a new curb cut to access existing parking space
Relief Type	Variance
Violations	Off-Street Parking & Loading Req: Proposed parking in required front yard

Planning Context:

The proposed project intends to create a ten-foot curb cut on Brewer Street to access a single parking space in the front yard area of the single family residence at 10 Brewer Street. A parking area already exists in this location. According to the submitted plans, the parking area would be extended rearward to accommodate the length of a standard parking space at 20'. Similar front yard parking conditions exist for the other two residences on the same side of this block of Brewer Street. Per Google Map imagery, a parking area in this location has existed since at least 2022. Earlier imagery from 2019 demonstrates that the paved area was previously lawn. Per the parcel report in the Boston Tax Parcel Viewer, there is no parking onsite at the property.

Brewer Street has limited available street parking, with significant stretches demarcated as No Parking zones. The Planning Department generally does not recommend the creation of a new curb to accommodate a single off-street parking space. However, given that there is a No Parking Zone at the property frontage, exceptions may be made as the creation of the curb cut will not affect any existing on street parking.



Zoning Analysis:

Per Section 55-36.- Design Review and Design Guidelines, Parking, storage, and disposal areas should not be located in the front of buildings. However, given that the parking space is an existing condition, and is similar in design to other parking spaces on the block, should the Public Improvement Commission recommend approval for the curb cut, approval is also recommended by the Planning Department. It should be noted that there is a utility pole west of the proposed curb cut. If PIC determines that moving the utility pole is necessary, this will need to occur at the cost of the proponent.

Recommendation:

In reference to BOA1600852, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1614441
ZBA Submitted Date	2024-06-12
ZBA Hearing Date	2024-09-19
Address	66 Farquhar ST Roslindale 02131
Parcel ID	2004811000
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	67
Project Description	This proposal seeks to add a third story addition, rear addition, construct third floor dormers, and add a second story deck at the front of the property.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient

Planning Context:

66 Farquhar St in Roslindale is a single-family, 3-story dwelling that sits within an entirely residential neighborhood of 2- to 3-story houses. The site is approximately 0.4 miles (about a 9 minute walk) from the Roslindale Village Commuter Rail Station and Roslindale Square and approximately 0.2 miles (a 5 minute walk) away from multiple MBTA bus stops, serviced by the 35 and 38 bus routes with frequent access to the Forest Hills MBTA Orange Line Station, along Centre Street.

The property is proposing a change in occupancy from a 1- to 2-family dwelling which is permitted as of right in the zoning subdistrict. Additionally, both of the proposed units contain multiple bedrooms (3+). The Roslindale Strategic Neighborhood Plan, adopted in 2008, called for the creation of diverse unit sizes, including units with 3+ bedrooms to improve the area's family-friendly character and providing much needed housing within close proximity to alternative modes of transit. To account for the additional living space needed, the proposal includes a 3-story rear addition and third floor dormers, neither of which will worsen any existing nonconforming setbacks. The construction of a second story deck to provide outdoor amenity space for the second floor unit is also part of the proposal. The new deck will not extend beyond or be larger than the previously existing covered porch on the first floor of the house.



Zoning Analysis:

The property was cited for four dimensional violations, and one parking violation.

Four (4) of the five (5) violations (insufficient front and side yards, excessive FAR, and excessive building height (stories) are all related to the scale of the proposed building. The FAR maximum for this district is 0.5. The existing building's FAR is 0.38 which is fairly standard across surrounding properties in the neighborhood. Because of the addition and the conversion of the attic to livable floor area, the proposed building's FAR would be 0.75. The rear addition and third floor dormers would provide significant living space for more much-needed multiple bedroom housing units near transit, and do not create a massing out of context with the surrounding area.

The property was also cited for insufficient front and side yard. In the 2F-5000 district, a front yard of 20 feet is required but there is an existing non-conforming front yard setback of 13.4 feet that is not being worsened as part of this proposal. A side yard setback of 10 feet is also required and the property is maintaining an existing nonconforming side setback of 4.23 feet that is being extended but not being worsened by the rear yard addition.

In the 2F-5000 subdistrict, building height of up to 2.5 stories is permitted however the site has, and was cited for, an existing nonconforming building height (stories) of 3 stories. Although the addition of the 3rd story dormers is extending the existing nonconformity, the overall building height in feet will not change, and there are several 3-story buildings in the surrounding area. Together, these violations point to the need to, through zoning reform, set dimensional requirements that better accommodate existing built context.

The fifth violation cited for the property pertains to insufficient parking for the site. According to the Roslindale Neighborhood District Off-Street Parking Requirements, Residential and related uses (Article 67, Table F) the required number of parking spaces for this 2-unit project is 4 spaces (2.0 per dwelling unit). There is an existing garage on the site, suitable for 2 cars making the proposed parking ratio 1.0 per dwelling unit which is also in alignment with BTB's maximum parking ratios for residential uses in the neighborhood. Additionally, given the close proximity to the Roslindale Square, the Roslindale Village Commuter Rail Station, MBTA bus routes, this lower parking ratio is acceptable and highlights a need for zoning reform to reduce parking minimums near transit.



Recommendation:

In reference to BOA1614441, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department