



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: October 16, 2024

RE: Planning Department Recommendations

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Please find attached, for your information, the Planning Department recommendations for the October 24, 2024 Board of Appeal's Hearing.

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



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| <b>Case</b>                              | BOA1614565   |
| <b>ZBA Submitted Date</b>                | 2024-06-12   |
| <b>ZBA Hearing Date</b>                  | 2024-10-24   |
| <b>Address</b>                           | 36 Robken RD 20 Roslindale MA 02131  |
| <b>Parcel ID</b>                         | 2005114000   |
| <b>Zoning District &amp; Subdistrict</b> | Roslindale Neighborhood<br>1F-6000   |
| <b>Zoning Article</b>                    | 67   |
| <b>Project Description</b>               | Add rear dormer to an existing single-family house at 36 Robken Road to add additional living space via two new bedrooms and a new bathroom. |
| <b>Relief Type</b>                       | Variance   |
| <b>Violations</b>                        | Height Excessive (stories)<br>Side Yard Insufficient   |

**Planning Context:**

The proposed project seeks to renovate the existing single-family home at 36 Robken Road in Roslindale by adding a rear dormer. This dormer will create additional living space, including two bedrooms and a bathroom, while maintaining the structure’s existing floorplate. The area is zoned as 1F-6000, and Robken Road is primarily composed of single- and two-family residences. Most of the properties in this area conform with the subdistrict’s dimensional regulations such as height as they range from 1-story to 2.5 story buildings. However, there does appear to be a discrepancy with the side yard as it appears many of the properties will not meet the minimum side yard requirements. Additionally, several properties, such as 16, 24, and 32 Robken Road, also have rear dormers.

This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as the rear dormer would allow property owners to enhance their living spaces to meet their needs while preserving the existing structure.

**Zoning Analysis:**

The refusal letter states that there are two violations: excessive height in stories, and insufficient side yard.



Under Article 67, for an area zoned as 1F-6000, the maximum allowed height is 35 feet or 2.5 stories. This project is proposing a height of 31 feet with 3 stories. While the proposed project surpasses the maximum height in stories, it is still under the maximum allowed height in feet. Because the change in height is due to the additional living space created by the rear dormer, which is large enough to trigger the measurement of a full story, relief is recommended for the height.

Article 67 also requires a minimum side yard setback of 10 feet. This project is proposing a west side yard of 6.6 feet and an east side yard of 21.9 feet. However, this is an existing non-conformity as the width of the building remains the same with the proposed changes. This is also a case for zoning reform to allow the extension of non-conformities, when the structure otherwise conforms to dimensional requirements and the existing non-conformities are not increasing, to incentivize retention and improvement of existing structures.

The plans reviewed are titled ALT1583819plans\_forBOA052824 and are dated May 18, 2024. They were prepared by Jozokos Architecture Inc.

**Recommendation:**

In reference to BOA1614565, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



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| <b>Case</b>                              | BOA1613879  |
| <b>ZBA Submitted Date</b>                | 2024-06-11  |
| <b>ZBA Hearing Date</b>                  | 2024-10-24  |
| <b>Address</b>                           | 43 to 45 Wood AV 18 Mattapan MA 02126                                 |
| <b>Parcel ID</b>                         | 1807463000  |
| <b>Zoning District &amp; Subdistrict</b> | Mattapan Neighborhood<br>1F-6000                                      |
| <b>Zoning Article</b>                    | 69  |
| <b>Project Description</b>               | Construct a second driveway to serve an existing two-unit building.   |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Usable Open Space Insufficient<br>Use: extension of nonconforming use |

**Planning Context:**

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

**Zoning Analysis:**

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

**Recommendation:**

In reference to BOA1613879, The Planning Department recommends DENIAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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Planning and Zoning Director, Planning Department



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| <b>Case</b>                              | BOA1611785   |
| <b>ZBA Submitted Date</b>                | 2024-06-05   |
| <b>ZBA Hearing Date</b>                  | 2024-10-24   |
| <b>Address</b>                           | 105 Bowdoin AVE 14 Dorchester MA 02121                         |
| <b>Parcel ID</b>                         | 1401172000   |
| <b>Zoning District &amp; Subdistrict</b> | Dorchester Neighborhood<br>LC                                  |
| <b>Zoning Article</b>                    | 65   |
| <b>Project Description</b>               | Remove seating in an existing restaurant to have takeout only. |
| <b>Relief Type</b>                       | Conditional Use  |
| <b>Violations</b>                        | Other Protectional Conditions                                  |

**Planning Context:**

The proposed project seeks to convert the existing restaurant at 105 Bowdoin Avenue in Dorchester into a takeout-only establishment by removing its seating. This site was previously the Oasis Vegan Veggie Parlor and will now accommodate the Boston Fried Chicken. This site will be Boston Fried Chicken’s second location in Dorchester which is part of a chain known for using halal poultry. This project is located in a mixed-use building at the intersection of Bowdoin Avenue and Washington Street. While Bowdoin Avenue is primarily residential, it transitions into a more commercial zone as it intersects with Washington Street, where mixed-use properties with active ground-floor uses are more common.

This project aligns with the goals of Imagine Boston 2030 (July 2017) to encourage the growth of small businesses in commercial hubs. Existing small businesses in the area include hair salons, a yoga studio, and convenience stores.

**Zoning Analysis:**

The violation letter states a violation for “Other Protectional Conditions” as per Section 6-4. The proposed project is located in the Dorchester neighborhood, within a Local Convenience (LC) Subdistrict. Under Article 65, for an area zoned as LC, restaurants are a conditional use. Small take out restaurants are also a conditional use. The removal of seating in the proposed project likely triggered Section 6-4, which outlines "Other Conditions Necessary as Protection," as this was a change to the extent of the facilities. Since this change would enable the establishment of a new restaurant in the area, it is appropriate and should be permitted.



The plans reviewed are titled ZBA REFUSED EPLAN\_105 BOWDOIN AVE\_ALT1611752 and are dated March 2024. They were prepared by AFW Engineering Consultants.

**Recommendation:**

In reference to BOA1611785, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, reading "Amee Rana".

Planning and Zoning Director, Planning Department



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| <b>Case</b>                              | BOA1621090  |
| <b>ZBA Submitted Date</b>                | 2022-12-10  |
| <b>ZBA Hearing Date</b>                  | 2024-10-24  |
| <b>Address</b>                           | 22 Perrin ST 12 Roxbury MA 02119  |
| <b>Parcel ID</b>                         | 1200369000  |
| <b>Zoning District &amp; Subdistrict</b> | Roxbury Neighborhood<br>3F-4000   |
| <b>Zoning Article</b>                    | 50  |
| <b>Project Description</b>               | Convert an existing garage to an accessory dwelling unit through interior renovations and the addition of an external staircase |
| <b>Relief Type</b>                       | Variance  |
| <b>Violations</b>                        | Parking or Loading Insufficient<br>Rear Yard Insufficient<br>Two or More Dwellings on Same Lot                                  |

**Planning Context:**

The proposed project seeks to convert an existing two story garage into a two-story accessory dwelling unit (ADU) with the addition of an exterior staircase to the building and interior renovations. The project’s scope aligns well with the Mayor’s Office of Housing’s ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs. In 2021 and 2022, the Mayor’s Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance to homeowners interested in turning existing exterior structures, like garages, into livable spaces. The Planning Department recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.

The project site is located in the area of the Roxbury Strategic Master Plan, which recommends actions that provide diversity of housing options for residents from a wide variety of socioeconomic backgrounds, age groups, and with differing needs. The Roxbury Strategic Master Plan recommends that new housing opportunities be added in a manner that highlights and retains existing neighborhood character and architectural expression to ensure compatibility with surrounding structures.





**Zoning Analysis:**

There are three total zoning violations cited for the proposed project: Insufficient Parking or Loading, Insufficient Rear Yard, and Two or More Dwellings on Same Lot.

Street parking is available on both sides of Perrin Street, as well as on the adjacent streets to the block, Moreland Street and Irwin Avenue. The project site is located one block from Blue Hill Avenue, a bus corridor through the neighborhood, that connects Roxbury to surrounding neighborhoods.

The proposed project does not include exterior modifications to the building other than an additional egress point through a new stairway on the side of the existing building. The external addition reduces the side setback, but does not change the rear setback from the existing condition.

As noted in the Planning Context section above, the addition of a second dwelling on the same lot aligns with the goals of the Mayor's Office of Housing, as well as the Roxbury Strategic Master Plan to provide a diverse range of housing options to a diverse resident population.

**Recommendation:**

In reference to BOA1621090, The Planning Department recommends APPROVAL.

Reviewed,

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

Planning and Zoning Director, Planning Department