



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: January 15, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the January 23, 2025 Board of Appeal's Sub Committee Hearing.

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



Case	BOA1660267
ZBA Submitted Date	2024-10-08
ZBA Hearing Date	2025-01-23
Address	305 to 307 Meridian ST East Boston 02128
Parcel ID	0102593000
Zoning District & Subdistrict	East Boston Neighborhood MFR/LS
Zoning Article	53
Project Description	Remove the conditional use proviso that was granted only to a previous take-out restaurant operator.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

The petitioner operates a take-out restaurant at this site within a three-story, mixed-use commercial and residential building on a corner lot. The petitioner requests the removal of a proviso that was granted to a previous take-out restaurant operator limiting the conditional use to that operator. No other work or alteration is proposed to the building.

The property is located on a main street in East Boston that holds several commercial uses, including many take-out restaurants. Many businesses that are on predominantly residential blocks on the eastern side of Meridian Street are located on the corner lots of those blocks, such as this property.

The petitioner’s business and take-out use has been in operation for over a decade and the use fits the land use context of the surrounding area. Additionally, this existing restaurant use encourages local commercial activity and aligns with the recommendation in PLAN: East Boston (April 2024) to “prioritize active ground floor uses along the length of Meridian Street.” These existing conditions and alignment with the plan justify extending relief for the existing property and use.

Zoning Analysis:



This application has received one violation under Art. 6, Sec. 6-4 for “Other Conditions Necessary as Protection,” encompassing the potential for conditions or safeguards to be attached to the decision for this application if needed.

In April 2024, this property was rezoned from the MFR/LS district, where restaurant use with takeout is conditional, to the EBR-3, where the use would be allowed and would not require zoning relief; the proponent filed before the updated zoning took effect.

As stated, this business has been in operation for over a decade and it aligns with the existing land use character of this area. Due to no other work or alterations being proposed, there is no case for attaching additional conditions to this property.

Plot plan completed on November 7, 1995.

Recommendation:

In reference to BOA1660267, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1599811
ZBA Submitted Date	2024-05-08
ZBA Hearing Date	2025-01-23
Address	657 E Fifth ST South Boston 02127
Parcel ID	0602530000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Change use from a one-unit (as approved by the Home Occupancy Committee) to a two-unit dwelling with two rear decks through interior and exterior upgrades.
Relief Type	Variance
Violations	Usable Open Space Insufficient Additional Lot Area Insufficient

Planning Context:

657 E Fifth ST in South Boston is a two-story, two-unit duplex located on a corner of E 5th St and Cutler CT (private way) in a primarily residential area. The lot on which the property sits is thin and rectangular with perpendicular lot lines that are slightly askew in comparison to other parcels for the accompanying rowhouses. The neighborhood has a diversity of housing types including 2- and 3- story row houses, duplexes, and large multi-unit apartment complexes. The proposal seeks to establish occupancy as a two-unit dwelling, renovate and upgrade the interior and exterior of the structure, and provide two rear decks.

Zoning Analysis:

This project is a case for zoning reform to create dimensional regulation requirements that better match the scale of the building and surrounding area. The subject property was cited for two violations in total, both of which are dimensional in nature (insufficient open space and insufficient additional lot area). This property is in the Multifamily Residential (MFR) and regulated by Article 68 (the South Boston Neighborhood District) of the zoning code. In the MFR district 1,000 square feet is required per additional dwelling unit (Table D), as such 2,000 square feet would be required at the subject property. However, the existing lot size is 1,586 square feet. Nonetheless, the limited lot area does not introduce any new impacts beyond the



other dimensional concerns and proposed two-unit use. Relief is recommended for this violation given the size constraints of the parcel.

The property was also cited for insufficient usable open space- Zoning requires 200 square feet per dwelling unit, for a total of 400 square feet for a two-unit building. However, the subject property does have two large wrap around decks accompanying each unit. Although dimensions for the decks are not provided, they appear to be sufficient in size to accommodate seating, and a number of people and is contextual with the neighborhood. To meet the open space requirements, portions of the existing structure would need to be demolished placing an undue economic burden on the current, and any potential property owners. As such zoning relief is appropriate.

Recommendation:

In reference to BOA1599811, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1674592
ZBA Submitted Date	2024-11-26
ZBA Hearing Date	2025-01-23
Address	121 Harvard AV Allston 02134
Parcel ID	2100893000
Zoning District & Subdistrict	Allston/Brighton Neighborhood Harvard Avenue CC-1
Zoning Article	51
Project Description	Extend restaurant use to second story of building
Relief Type	Variance, Conditional Use
Violations	Parking or Loading Insufficient Use: Conditional (Second Story Restaurant)

Planning Context:

The proposed project is located in the Allston Neighborhood at a commercial node. The area is accessible by multiple high-frequency bus lines, including the #66 and #57 bus, and the B Branch of the Green Line. The project intends to extend an existing restaurant use into the second existing story of the building, and complete all related interior renovations. This area of Allston is dominated by restaurant and retail uses. The Allston-Brighton Needs Assessment highlights restaurants as key placemaking elements of the neighborhood.

Zoning Analysis:

The proposed project contains one violation, and one conditional use. In this subdistrict, second story restaurant uses require a conditional use permit. Given the restaurant-heavy fabric of the neighborhood, this use aligns with the neighborhood context. The violation is related to parking below the minimum zoning threshold. The use of parking minimums represent a case for zoning reform to discourage single occupancy vehicle use in transit rich environments. Additionally, the number of parking spaces on site persists from the existing condition and will go unchanged by the proposed project. This demonstrates a case for zoning reform to remove parking minimums as a barrier to the operation of local business. The addition of parking beyond what currently exists on site would require space beyond the present conditions, likely requiring alteration or demolition of part of the existing building.



Recommendation:

In reference to BOA1674592, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1673742
ZBA Submitted Date	2024-11-24
ZBA Hearing Date	2025-01-23
Address	64 Etna ST Brighton 02135
Parcel ID	2202044000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F-5000
Zoning Article	51
Project Description	Convert attic to living space with two bedrooms and play area and legalize existing extension of living space into basement.
Relief Type	Variance
Violations	FAR Excessive Dimensional Violation: Maximum Habitable Stories Exceeded

Planning Context:

The proposed project is located in a residential neighborhood in Brighton on a corner lot. This project intends to make no changes to the exterior of the structure. The proposed changes are internal - to extend living space in the attic and basement of the building. The proposed changes legalize existing living space in the basement, and convert the attic into a two-bedroom space with an additional playroom. The Allston-Brighton Needs Assessment recognizes the need for improved housing stock in the Allston-Brighton Neighborhood, including units with multiple bedrooms to meet the needs of larger households. The proposed project updates existing housing stock to meet the needs identified in this Assessment.

Zoning Analysis:

The proposed project contains two violations of dimensional regulations. The maximum allowed FAR is exceeded, as are the maximum allowed number of habitable stories. Both conditions are due to the extension of living area to previously existing uninhabited space in the structure. The FAR violation is a worsening of an existing condition. The allowed FAR in this subdistrict is 0.6, and the existing condition is 1.08. The proposed interior changes cause the attic and basement spaces to be counted toward the FAR calculation, raising the value to 1.12. The maximum number of stories violation follows a similar pattern. Changes are being made to the interior of



the building to make the existing attic suitable living space. As all changes are interior to the structure, the proposed project meets the current neighborhood context. Future zoning reform could update dimensional regulations to better reflect existing context, allowing interior-only projects like this allowed.

Recommendation:

In reference to BOA1673742, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1613879
ZBA Submitted Date	2023-06-21
ZBA Hearing Date	2025-01-23
Address	43 to 45 Wood AV 18 Mattapan MA 02126
Parcel ID	1807463000
Zoning District & Subdistrict	Mattapan Neighborhood 1F-6000
Zoning Article	69
Project Description	This project is proposing a second driveway with two vertical tandem spaces on the right side of 43-45 Wood Avenue, a new two-family building.
Relief Type	Variance
Violations	Usable Open Space Insufficient Use: extension of nonconforming use

Planning Context:

No new plans have been submitted since the case went before the Zoning Board of Appeal on October 29, 2024 and was deferred. The project was again deferred at the December 10, 2024 subcommittee meeting. The Planning Department's recommendation is unchanged.

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

Zoning Analysis:

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



Recommendation:

In reference to BOA1613879, The Planning Department recommends DENIAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1662652
ZBA Submitted Date	2024-10-17
ZBA Hearing Date	2025-01-23
Address	10 to 12 Bagnal ST Allston 02134
Parcel ID	2201236000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 2F 5000
Zoning Article	51
Project Description	The proponent plans to add a shed dormer and renovate the third floor, creating additional living space that will include three bedrooms and two bathrooms.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient

Planning Context:

The proposed project seeks to renovate an existing two-unit residential dwelling at 10 to 12 Bagnal Street in Allston. This project will primarily expand the living space on the existing third floor and replace the roof to add new dormers on both the left and right side of the pitched roof. No changes to the existing floor plate will be made with this proposal. This block contains two- and three-story residential dwellings that have comparable front yard and side yard patterns. The side yards between the properties all appear to be similar distances of between five to ten feet from the property line.

This project falls under the study area of the Allston-Brighton Needs Assessment (January 2024), which noted that access to quality housing is a key issue for the community. This project would help fulfill this by investing in the existing housing stock and buildings, including expanding living areas to accommodate larger households.

Zoning Analysis:

The violation letter identified three zoning violations: insufficient side yard setback, excessive floor area ratio (FAR), and excessive building height (in stories). Under Article 51, for an area



zoned as 2F-5000, the minimum side yard setback is 10 feet, the maximum FAR is 0.6, and the maximum height is 2.5 stories.

For the side yard setback, the south side yard measures 11.9 feet, while the north side yard is 5.9 feet, falling short of the 10-foot minimum requirement. However, this discrepancy represents an existing non-conformity. This situation highlights the need for zoning reform to permit extensions of non-conformities when a structure otherwise adheres to dimensional requirements, and no additional non-conformities are created. Such reforms would incentivize the retention and improvement of existing structures.

Although the proposed increases in building height (number of stories) and FAR exceed current zoning limits, they align with the built character of the surrounding area, as outlined in the Planning Context. For this reason, the proposal should be considered acceptable.

The reviewed plans, titled 10 to 12 Bagnal Street and dated 06/25/23, were prepared by Nazeh Hammouri, P.E.

Recommendation:

In reference to BOA1662652, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department



Case	BOA1654426
ZBA Submitted Date	2024-09-20
ZBA Hearing Date	2025-01-23
Address	139 Beech ST Roslindale 02131
Parcel ID	2000683000
Zoning District & Subdistrict	Roslindale Neighborhood 1F-6000
Zoning Article	67
Project Description	Remove a portion of the existing rear deck to erect a two-story addition to add additional living space to the existing single-unit dwelling.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proposed project seeks to renovate the existing single-unit residential dwelling at 139 Beech Street in Roslindale. This renovation includes removing a portion of the existing rear deck and replacing it with a two-story rear addition. This addition will expand the kitchen on the first floor and add a bedroom and bathroom on the second floor. While most properties in the area appear to comply with the dimensional regulations, there is a common discrepancy with side yards, as many properties do not meet the minimum required side yard setback. This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it 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 is one violation: insufficient side yard. Under Article 67, for an area zoned as 1F-6000, the minimum required side yard is 10 feet. While the east side yard meets this requirement, the proposed west side yard is 5.1 feet. However, since the proposed changes to this structure are limited to the rear and do not affect the width, this is an existing non-conformity. This is a case for zoning reform to allow the extension of non-conformities as 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 ElectronicPlans_07242024Ver_6.pdf and were prepared by Mitchell Construction Group, LLC. They are dated July 17, 2024.

Recommendation:

In reference to BOA1654426, The Planning Department recommends APPROVAL.

Reviewed,

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Planning and Zoning Director, Planning Department