



<b>Case</b>	BOA1253685
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	809 to 811 Harrison AV Roxbury 02118
<b>Parcel ID</b>	0801524016
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR/LS
<b>Zoning Article</b>	Art. 6, Sec. 4
<b>Project Description</b>	Remove proviso attached to previous take-out restaurant use.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Other Conditions Necessary as Protection

**Planning Context:**

**Zoning Analysis:**

This property is located in a Multifamily Residential/Local Services subdistrict in the South End, adjacent to a Multifamily Residential subdistrict. In the South End in an MFR/LS district, restaurants and takeout restaurants are conditional uses.

**Recommendation:**

In reference to BOA1253685, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1449528
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	253 Huntington AVE Hyde Park 02136
<b>Parcel ID</b>	1807822000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Construct a second floor addition on a single story dwelling
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The project is proposing to construct a second story addition on an existing single-story dwelling to accommodate two additional bedrooms and a bathroom. The addition is consistent in scale and massing with the existing neighborhood context. Making necessary updates to existing dwellings is in keeping with planning goals of preserving and improving housing stock, as detailed in Housing a Changing City, Boston 2030 (September 2018).

**Zoning Analysis:**

The insufficient side yard setback is an existing nonconformity and is not being exacerbated by the addition of a second story.

**Recommendation:**

In reference to BOA1449528, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

Director of Planning, BPDA



<b>Case</b>	BOA1462924
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	25 Burr ST Jamaica Plain 02130
<b>Parcel ID</b>	1900699000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Widening existing curb cut from 20' to 37.9'.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Front Yard Insufficient

**Planning Context:**

The existing 20' curb cut is wider than most others along this street and the neighboring blocks. The proposed width of the curb cut is also wider than the abutting Burr Street. Increasing the width of the curb cut negatively impacts the safety of sidewalk users. Per Boston Complete Streets guidelines, published in 2013, residential driveways should be no more than 12' wide and situated at least 20' from an unsignalized intersection; the existing and proposed curb cut here would not be compliant with these guidelines. Per the Boston Public Works "Guidelines for the Issuance of a Curb Cut Permit" published on February 1st, 2013, driveways serving three or more parking spaces should have a maximum 24' curb cut; anything greater than that would require approval by the Public Improvement Commission. Further, minimizing the width of curb cuts advances pedestrian safety goals through Vision Zero and Boston Complete Streets.

**Zoning Analysis:**

The side yard and front yard violations are existing nonconformities, which are not worsened by widening the curb cut here.

However, City policy and guidance from Boston Public Works indicates that widening the curb cut here would be inappropriate and there is no indication from the Public Improvement Commission that this proposal would be approved.



Plans reviewed are titled "Certified Plot Plan Located at 25 Burr Street Jamaica Plain, MA" and dated June 6th, 2022.

**Recommendation:**

In reference to BOA1462924, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE .

Reviewed,

A handwritten signature in blue ink that reads "Amee Rand". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1467152
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	713 to 715 Centre ST Jamaica Plain 02130
<b>Parcel ID</b>	1901878000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood NS
<b>Zoning Article</b>	Article 55
<b>Project Description</b>	Grant permission to Casa Verde restaurant, located on neighboring parcel (711 Centre Street) under common ownership, to use outdoor area on this parcel for outdoor seating.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient

**Planning Context:**

The project's proposed use of the abutting property's outdoor space as outdoor seating for the restaurant is an existing use. The proposal would legalize the existing use of the space from parking to restaurant outdoor space. This change aligns with the City's goal of reducing dependence on private vehicles through the reduction of parking spaces, as detailed in Go Boston 2030 (March 2017).

**Zoning Analysis:**

The usable open space violation is an existing nonconformity. The outdoor space was formerly used as parking spaces which would not count as usable open space.

**Recommendation:**

In reference to BOA1467152, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

Director of Planning, BPDA



<b>Case</b>	BOA1496428
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	10 Linden ST South Boston 02127
<b>Parcel ID</b>	0700995000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Expand occupancy from a one-family to two-family residence. Construct rear addition with a roof deck as well as two full length dormers on the third story.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions Additional Lot Area Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient

**Planning Context:**

The project sits in a multifamily residential district in South Boston with a mix of existing housing typologies and uses, ranging from single-family to multifamily dwellings. The project proposes to increase the existing structure's occupancy from one to two dwelling units, and construct third story shed dormers and a rear addition to expand the amount of living space available to each unit.

The project's scope is in keeping with the City planning goals outlined in Housing a Changing City, Boston 2030 (September 2018): to preserve the existing housing stock, increase housing availability, and add flexibility for growing living arrangements.

The project's proposed design is contextually sensitive to its surroundings and will not require additional design review.

**Zoning Analysis:**



The project's side yard violation is an existing condition that is contextual to the area (shared by each structure on the block) and not proposed to be exacerbated by the project.

The project's narrow lot makes the development of off-street parking infeasible for the site. The site's off-street parking condition (0 existing or proposed spaces) is also typical for the area. Only one lot on the block (sitting on a corner lot with 4x the width of any other parcel) has off-street parking spaces, the number of which (2) is still insufficient by the Code's standards.

The project's rear yard violation stems from the proposed rear addition. It creates a building footprint that exceeds the minimum rear yard setback by 5'. This is a common condition for the area that is found on several lots immediately surrounding the project. The dimensions of this proposed addition are more modest than the majority of the area's properties that have pursued similar projects.

A mix of housing typologies, ranging from single-family to multifamily dwellings, already exist on similarly sized lots along Linden Street, thus rendering the project's additional lot area per dwelling violation not injurious to the neighborhood context. Neither this project's site, nor any others surrounding meet the area's minimum lot size requirements (2,000 sqft) either.

The project's violation regarding roof structure restrictions is triggered by the project's proposed 3rd story shed dormer additions. Upper story shed dormers are common throughout the area.

Because of the wide array of both existing and potential dimensional nonconformities, future planning for the area should pursue changes to zoning which recalibrate regulatory standards to better match the neighborhood's existing urban form and patterns of development. These efforts should contemplate the elimination off-street parking minimums as well as updates to dimensional requirements (including amended setbacks and the removal of minimum lot areas), which are currently misaligned with the area's existing context.



**Recommendation:**

In reference to BOA1496428, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1506437
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	4 O'Donnell TER Dorchester 02122
<b>Parcel ID</b>	1600964000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-5000
<b>Zoning Article</b>	Art. 65
<b>Project Description</b>	Build a second-story addition above the existing porch to create a third bedroom.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

Site is located in a 1F-5000 single-family district in Dorchester, as part of a larger residential section of the neighborhood. As identified by both Imagine Boston 2030 and Housing a Changing City, there is strong need to address the citywide and regional housing crisis. Applicant seeks to create a second story addition that sits entirely within the existing building footprint, to build a new bedroom that will sit above the current front porch. This improves the quality and livability of the existing property, increases the suitability of this property for family occupancy. It is designed to match the existing building's style and layout, without changing the intensity of the site's use within the broader subdistrict.

**Zoning Analysis:**

In 1F-5000 in Dorchester, per Article 65 Table C, the maximum floor area ratio is 0.5. With a lot size of 2680 square feet and existing living area of 1356 square feet, current FAR is 0.506. This new addition is fully contained within the existing building footprint, but includes an additional 79 square feet of living area. This would bring the FAR of the building to 0.535, a 6% increase. Many other buildings on the block, include both the residence across the street and one abutting neighbor, have identical rooms above their porches, and all other buildings on the block have either a full room or a bay window in this location. Taking into account the relatively small increase in FAR, the substantial increase in livability in accordance with Imagine Boston 2030



and Housing a Change City, and the contextual alignment of this proposed improvement with surrounding properties, this nonconformity is overly restrictive.

In 1F-5000 in Dorchester, per Article 65 Table C, the front yard minimum depth is 15'. Proposed bedroom does not change the building footprint at all, and this would be a continuation of an existing nonconformity.

In 1F-5000 in Dorchester, per Article 65 Table C, the side yard minimum width is 10'. Proposed bedroom does not change the building footprint at all, and this would be a continuation of an existing nonconformity.

**Recommendation:**

In reference to BOA1506437, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink that reads "Amee Rand".

Director of Planning, BPDA



<b>Case</b>	BOA1513760
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	753 E Broadway South Boston 02127
<b>Parcel ID</b>	0602603000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	Art. 6 - Sec. 4
<b>Project Description</b>	Remove a "petitioner only" proviso to extend an existing conditional use approval from the previous restaurant with takeout occupant to a new restaurant with takeout occupant.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Other Conditions Necessary as Protection

### **Planning Context:**

This property is a three-story building on a corner lot at the intersection of E Broadway and L Street with an existing restaurant use with takeout on the ground floor. There is a coffee shop on the adjacent corner to the west and a restaurant and other coffee shop south of that corner along L Street. There are a mix of residential and retail uses along both E Broadway and L Street.

The previous petitioner was granted a conditional use for a restaurant use with takeout and delivery by the Zoning Board of Appeals. This previous use was considered by the ZBA as "a reasonable use of the land that will not adversely affect the surrounding neighborhood" and is "in harmony with the general purpose and intent of the Code" (ZBA decision, Aug 27, 2019).

The proposed restaurant use with takeout and delivery in this application provides the same reasonable land use and is supportive of economic activity in an area with other surrounding restaurant uses that offer takeout and delivery.

### **Zoning Analysis:**

The property is in the South Boston Neighborhood District (Art. 68) within a Multifamily Residential/Local Shopping subdistrict (MFR/LS).

The violation (Art. 6 - Sec. 4) pertains to a protective condition in the form of a proviso that was attached to the previous tenant's conditional use approval for a restaurant use with takeout and

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delivery. The proviso that triggers this violation states: "Relief is limited to this petitioner only." The proponent requests the removal of this "petitioner only" proviso in order to extend the conditional use permit on the property from the previous tenant to the current tenant. Since the proponent is seeking a conditional land use that has already received approval on this property, it should receive relief by way of removal of this proviso as it poses no adverse effects to the property and surrounding community.

This case is representative of a need for zoning code reform in this area of the neighborhood subdistrict to make restaurants with takeout an allowed land use instead of a conditional use, which would enable switching tenant occupancy for the same use without needing to enter the appeals process.

This application was submitted without plans. As such, there are concerns only if there are any substantive changes in building dimensions, parking areas, exterior design, and/or performance standards that the proponent intends with this occupancy change.

**Recommendation:**

In reference to BOA1513760, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that adequate plans be submitted to the Agency for planning review with attention to the retention of building and lot conditions for the approved conditional use.

Reviewed,

A handwritten signature in blue ink that reads "Amee Rando".

Director of Planning, BPDA



<b>Case</b>	BOA1517797
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	46 Linwood ST Roxbury 02119
<b>Parcel ID</b>	1100082000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Create curb cut and private driveway for electric vehicle plug-in
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The City does not support front yard parking or the removal of open space and healthy, mature plantings to accommodate paving for off-street parking. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022) outline this point.

While the City does support and incentivize EV growth, it does so, largely, through Recharge Boston programs that prioritize the creation of larger scale and publicly accessible EV charging stations (including the EV Readiness Policy for New Developments and Public Access EV Charging Program). BPDA Transportation staff strongly recommend that the development of personal EV infrastructure be focused on areas without immediate access to already existing charging stations and transit, and especially when its construction results in the unnecessary addition of impervious paving and loss of existing open space. Because the project's site sits within walking distance (<1/2 mile) of the Roxbury Crossing MBTA station and has several existing EV charging stations within immediate proximity (<1/4 mile) to the site, the BPDA Transportation team categorized this project as unnecessary for its context.

The project's proposed curb cut also creates issues regarding sidewalk accessibility.



**Zoning Analysis:**

The proposed project's side yard violation stems from the lot's narrow width. It is an existing condition on one side that is exacerbated by the proposed parking on the other.

**Recommendation:**

In reference to BOA1517797, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1525804
<b>ZBA Hearing Date</b>	2023-10-26
<b>Address</b>	54 John Eliot Sq Roxbury 02119
<b>Parcel ID</b>	0903445000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR/LS
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Change the occupancy of an existing commercial building to a Bank (conditional use).
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (bank)

**Planning Context:**

The location of this project is in a mixed-use (MFR/LS) area characterized by multi-family residences and some low-impact businesses which serve the neighborhood (such as the near by pharmacy and convenience store). The addition of the bank proposed by this project would support the City's goal of encouraging more mixed-use areas which allow residents to easily walk or bike to needed destinations, as detailed in Imagine Boston 2030.

This project proposes maintaining an existing structure within the Highland Park Architectural Conservation District, and so aligns with the goal of preserving the historic buildings and places in Roxbury, as outlined in the Roxbury Strategic Master Plan.

**Zoning Analysis:**

The project proposes changing the use of the existing building to a bank, which is a conditional use in this subdistrict (see Article 50 Table B). Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use.

**Recommendation:**

In reference to BOA1525804, The Boston Planning & Development Agency recommends

APPROVAL.

BOA1525804

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Reviewed,

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Director of Planning, BPDA