

# **JAMAICA HILLS ASSOCIATION ZONING PROCEDURES**

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## **PART I: GENERAL INFORMATION AND OVERVIEW**

### **INTRODUCTION**

The Jamaica Hills Association is a corporation formed, in part, to

- promote, protect, maintain and encourage the residential character of the Jamaica Hills area
- ensure that affected area residents are informed of all Jamaica Hills Board meetings about proposed projects in the neighborhood

The following procedures serve to

- educate the Jamaica Hills community about zoning regulations and the neighborhood review process
- inform residents about proposed developments in our neighborhood
- balance the rights of homeowners to improve and invest in their properties with the rights and interests of neighbors and the community at-large

## OVERVIEW OF THE PERMITTING AND ZONING APPEALS PROCESSES

We provide a brief overview of the steps involved in applying for a building permit or for relief from zoning code. Refer to the zoning procedures in Part II for more complete guidelines.

1. File the application for a Building Permit with the Inspectional Services Department: Contact ISD for forms, lists of fees, and complete instructions: [www.cityofboston.gov/isd](http://www.cityofboston.gov/isd) or 617-635-5300.
2. ISD will either grant or deny the request for a permit.
3. If ISD denies request for a permit because of zoning code violations, the applicant has 45 days to appeal for relief from zoning requirements. ISD requests that the Appeal Form and fee be submitted in person: 1010 Massachusetts Avenue, Boston.
4. ISD sends the completed Appeal Form to the Zoning Board of Appeal, which schedules a hearing and votes on whether or not to grant relief. Contact the ZBA for a complete guide to the Zoning Appeals Process: [www.cityofboston.gov/isd/building/boa](http://www.cityofboston.gov/isd/building/boa) or 617-635-4775.
5. Prior to the ZBA hearing, Jamaica Hills residents must first present their case to the Jamaica Hills Board and then to the Jamaica Plain Neighborhood Zoning Committee.

Because the ZBA can defer hearing a zoning case if the applicant has not adequately informed abutters and neighborhood groups, the following steps guide the applicant in scheduling these two presentations and informing abutters.

At the same time the Appeal Form is filed, the applicant contacts:

- a. Polly Selkoe, Chair of the JHA Zoning Committee, to schedule the presentation before the JHA Board: [zoning@jamaicahills.org](mailto:zoning@jamaicahills.org)
  - b. Abutters within the specified area
  - c. Kevin Leary, Chair of the JP Neighborhood Zoning Committee, to schedule the presentation before its zoning committee: 617-542-8905
  - d. Leslie Delaney Hawkins, JP Neighborhood Services Coordinator: [Lesley.DelaneyHawkins@cityofboston.gov](mailto:Lesley.DelaneyHawkins@cityofboston.gov).
6. Prior to the JHA meeting, the applicant addresses any questions or concerns abutters and neighbors may have.
  7. (a) When the JHA meeting is scheduled, the JHA prepares meeting announcements that the applicant delivers to abutters in the specified area. (b) When the JPNZC meeting is scheduled, the JPNZC prepares meeting announcements that the applicant delivers to abutters in the specified area.
  8. Twenty days prior to the ZBA hearing, the ZBA notifies abutters within 300 yards of the proposed construction, as well as the general public through ads in local newspapers.
  9. The ZBA may grant or deny relief.
  10. Applicants or abutters who wish to appeal the ZBA's decision can take their case to the Massachusetts Superior Court.

## SPECIFICATIONS

This section provides a convenient reference to

- a. the boundaries of Jamaica Hills
- b. the requirements in the zoning code that ISD complies with when issuing a building permit
- c. the conditions the ZBA considers when reviewing an applicant's appeal for relief from the zoning code

### Boundaries

Jamaica Hills is bounded by the Brookline Town Line; Jamaica Pond; the Arborway, both sides, Centre Street to Allandale Road, both sides; and encompassing Brownson Terrace; and again by the Brookline Town Line; also including that part of South Street which abuts the Arnold Arboretum.

For maps of the Jamaica Plain zoning subdistrict, refer to Article 55 of the Boston Zoning Code: <http://www.ci.boston.ma.us/bra/zoning/downloadZone.asp>.

### Regulations and Dimensional Requirements

Jamaica Hills is a one-family, residential area of the Jamaica Plain Neighborhood district. If your property is also part of the Conservation Subdistrict (Article 55, Section 10) or the Greenway Overlay (Article 55, Section 27), additional regulations may apply.

The regulations and dimensional requirements for Jamaica Hills are listed in Article 55, Table E, of the Boston Zoning Code: <http://www.ci.boston.ma.us/bra/pdf/ZoningCode/Article55.pdf>.

The basic regulations for single-family use are:

- *Lot Size:* As of 1996, lot sizes have been zoned for 9000 square feet.
- *Floor Area Ratio (FAR):* The Floor Area Ratio is the property's living area divided by its lot area. The maximum allowed FAR is 0.3.
- *Front-Yard Setback:* The minimum setback is 25 feet.
- *Side-Yard Setback:* The minimum setback is 12 feet.
- *Rear-Yard Setback:* The minimum setback is 40 feet.
- *Lot Width:* The minimum lot width is 70 feet.
- *Building Height:* The maximum height is 35 feet.

Refer to the Boston Zoning Code for the complete regulations: <http://www.ci.boston.ma.us/bra/pdf/ZoningCode/Article55.pdf>.

### Conditional Uses and Variance

Relief can be granted for either conditional use or variance. The conditions required for variance are stricter than those for conditional uses. Refer to the Boston Zoning Code's Article 6 (Conditional Uses) and Article 7 (Variance):

Article 6: <http://www.cityofboston.gov/bra/pdf/ZoningCode/Article6.pdf>

Article 7: <http://www.cityofboston.gov/bra/pdf/ZoningCode/Article7.pdf>.

Pertinent sections from Articles 6 and 7 are also attached at the end of these procedures for your reference.

## **PART II: PERMITTING AND ZONING APPEALS PROCESSES**

### **APPLYING FOR A BUILDING PERMIT**

Whether you are putting up a fence, having electrical or plumbing work done, adding dormers, or building a new house, you need to apply for a building permit. Boston's Inspectional Services Department issues building permits to ensure that work is done in compliance with the Massachusetts Building Code and Boston's Zoning Code. The issuance of a permit alerts building inspectors that work will occur at a particular site so they can then inspect construction as it progresses for code compliance.

If you are unsure whether or not you need a building permit, contact ISD: [www.cityofboston.gov/isd](http://www.cityofboston.gov/isd) or 617-635-5300. Applications, fees, and complete instructions are available online or by calling ISD.

### **APPEALS PROCESS AND COMMUNITY OUTREACH**

#### **Neighborhood Review Process**

If the Inspectional Services Department (ISD) denied an application for a building permit because of zoning code violations, the applicant has 45 days to appeal to the Zoning Board of Appeal (ZBA) for relief.

The ZBA sets a hearing date and 20 days prior to the hearing notifies abutters within 300 yards of the proposed project, as well as the general public through ads in local newspapers.

However, prior to the hearing before the ZBA, the applicants (appellants) need to appear first before the Jamaica Hills Association and then before the Jamaica Plain Neighborhood Zoning Committee to present their case.

#### **Community Notification**

Because the ZBA notification occurs only three weeks before a hearing, as soon as an appeal is filed, the applicant must notify:

1. The Chair of the JHA Zoning Committee: Polly Selkoe, [zoning@jamaicahills.org](mailto:zoning@jamaicahills.org)
  - a. The Chair will schedule your presentation before the JHA Board.
  - b. The applicant should deliver the following materials to the Chair.
    - Lot size and setbacks
    - Plot plans
    - Existing living area
    - Existing building height
    - Proposed changes to existing dimensions
    - Full-sized project plans and elevations (submitted to ISD) with dimension labels, as well as reduced photocopies
    - Photographs of the existing site and in relation to surrounding properties
    - Refusal letter from ISD
    - Appeal application to the ZBA
2. Abutters within the specified area of the proposed project. See Area of Notification below.

In your letter, include the refusal letter and appeal application, sketches, dimensions, and details about the project, as well as the specific violations to the zoning code and the reasons for your appeal.

3. Jamaica Plain Neighborhood Zoning Committee (JPNZC): J. Kevin Leary, 617-542-8905

The Chair of the JPNZC will schedule your presentation before the JPNZC after you've met with the JHA Board. The JPNZC sends out additional requirements to the applicant.

4. Jamaica Plain Neighborhood Services Coordinator: Leslie Delaney Hawkins,  
[Lesley.DelaneyHawkins@cityofboston.gov](mailto:Lesley.DelaneyHawkins@cityofboston.gov)

Neighborhood Services is part of the Mayor's Office. The Mayor's Office, as well as the City Councilors, may make recommendations to the ZBA.

5. The JHA will prepare notices of the scheduled presentation that the applicant distributes to the community two weeks prior to the JHA meeting. See Area of Notification below. Zoning Notices are also featured on the JHA website. (Refer to the JPNZC packet for JPNZC meeting announcement instructions.)

**IMPORTANT:** Failure to properly notify and inform abutters can mean that the JHA, the JPNZC, and the ZBA might defer hearing your case, or otherwise, until you have done so.

#### **Area of Notification**

- Any property that directly abuts the subject property,
- Any property abutting an abutter of the subject property,
- Any property within 100 feet of the subject property,
- Any property directly across the subject property, as well as any property to the right and to the left of this abutter, and
- Any property from which the project would be visible.
- Every unit in a condominium should receive a leaflet.

#### **Preparing for the Presentation Before the JHA**

The Jamaica Hills Association strives to create a meeting format that is professional and fair to appellants, abutters, and the members of the community.

The purpose of this presentation is for the Board to consider the applicant's case and the community's support of or opposition to the project. The Board then votes to recommend to the Jamaica Plain Neighborhood Zoning Committee and the Boston Zoning Board of Appeal:

- a. not to oppose the appeal for relief, or
- b. to oppose the appeal for relief

It is important to keep in mind that all parties involved must be prepared to state their cases before the JHA Board professionally and straightforwardly. It is assumed that prior to the zoning presentation facts about the proposed project have been discussed with interested parties.

The applicant's presentation should include the following materials:

- Lot size and setbacks
- Plot plans
- Existing living area
- Existing building height
- Proposed changes to existing dimensions
- Full-sized project plans and elevations (submitted to ISD) with dimension labels, as well reduced photocopies to hand out
- Photographs of the existing site and in relation to surrounding properties
- Refusal letter from ISD
- Appeal application to the ZBA
- Signatures and addresses of direct abutters who support the project
- Certificate of Notification (attached) stating that the appellant has informed abutters within the specified area of a proposed project

JHA Board members are encouraged to visit the site of the proposed project before voting.

### **Rights of Abutters and the Community At-Large**

Abutters and the community at-large may request information about an appellant's proposed project to understand its impact on their properties and the neighborhood as a whole. We encourage residents to take seriously all zoning notices that affect their community.

Project plans, applications, and related correspondences are on file at the ZBA office and are accessible by the public.

Upon receiving information about a proposed project, neighbors may show support or opposition in writing or by attending the JHA meeting. Correspondence must be signed and dated and include the writer's address to be considered.

We advise appellants to address neighbors' concerns about their proposed projects. This exchange is a typical part of the zoning process and a necessary factor in fostering positive community relations.

### **Institutions**

Although Jamaica Hills is a residential district, we are home to several important institutions. Institutions work closely with the JHA to schedule public meetings to inform the community about proposed developments and address neighborhood interests and concerns.

## **ADDITIONAL INFORMATION**

### **City of Boston Resources**

From the Ground Up: A Contractor's Guide to Boston Inspectional Services:  
<http://www.cityofboston.gov/isd/BOA/forward.asp>

### **Contractor's Guide to Boston Inspectional Services**

A Guide to the City of Boston's Zoning Board of Appeal Process:  
<http://www.cityofboston.gov/isd/BOA/>

Also see Zoning Resources on the JHA website for links to zoning codes, regulations, and other helpful references.

### **Contact the JHA Zoning Committee**

These procedures have been created to assist neighbors in understanding the permitting and zoning appeals processes. To request further assistance or to offer suggestions, contact [zoning@jamaicahills.org](mailto:zoning@jamaicahills.org).

## ARTICLE 6: CONDITIONAL USES

### “SECTION 6-3. Conditions Required for Approval.

The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute conforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use;
- (f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and
- (g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

(As amended on December 29, 1983, February 27, 1986, June 1, 1987 and May 9, 1996.)”

Source: **Boston Zoning Code**, Article 6 Section 3:

<http://www.cityofboston.gov/bra/pdf/ZoningCode/Article6.pdf>

## ARTICLE 7: VARIANCES

### “SECTION 7-3. Conditions Required for Variance.

The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

(a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;

(b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

(c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

(d) That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements. In determining its findings, the Board of Appeal shall take into account:

- (1) the number of persons residing or working upon such land or in such structure;
- (2) the character and use of adjoining lots and those in the neighborhood; and
- (3) traffic conditions in the neighborhood.

(As amended on December 29, 1983, February 27, 1986, and May 9, 1996.)”

*Source: Boston Zoning Code, Article 7 Section 3:*

<http://www.cityofboston.gov/bra/pdf/ZoningCode/Article7.pdf>



**JAMAICA HILLS ASSOCIATION  
ZONING COMMITTEE**

**CERTIFICATE OF NOTICE TO THE COMMUNITY**

Dated: \_\_\_\_\_

As the applicant, I

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Zoning Board of Appeal Case Number)

certify that notices were delivered as required by the Committee's procedures.

Signed under the penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)