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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 1, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: John Arone, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to allow retaining walls exceeding four feet within a setback and to exceed FAR

Applicant: John Arone	
Site: 26 Magnolia Avenue	SBL: 72039 0023
Zoning: SR2	Lot Area: 15,787 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 26 Magnolia Avenue consists of a 15,787 square foot lot. The petitioner proposes to construct a new dwelling along with changes to the topography at the rear. The proposed structure will exceed maximum FAR and require construction of retaining walls exceeding four feet within the setbacks at the side and rear of the property, requiring a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by John Arone, applicant, submitted 11/18/2021, revised 2/14/2022
- Plan of Land Showing Proposed Walls, signed and stamped by Robert Bibbo, surveyor, dated 6/9/2021, revised 2/14/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a new dwelling, as well as grade changes to increase usable yard space. With the new construction and grade changes, the FAR increases from .33 to .40 where .33 is the maximum allowed per section 3.1.3 and 3.1.9, requiring a special permit.
2. The petitioner is proposing retaining walls: one wall along the entire southern side lot line; two walls across the property from north to south; and one wall along the rear boundary. The walls reach a maximum height of nine feet, exceeding four feet within the side and rear setbacks. Per section 5.4.2.B, the petitioner requires special permits to construct the proposed walls.

SR2 Zone	Required	Proposed
Lot Size	10,000 square feet	15,787 square feet
Frontage	80 feet	75 feet
Setbacks		
• Front	25 feet	27 feet
• Side	7.5 feet	10.8 feet
• Side	7.5 feet	13.8 feet
• Rear	15 feet	88.6 feet
Height	36 feet	35.2 feet
Stories	2.5	2.5
FAR	.33	.40
Max Lot Coverage	30%	22%
Min. Open Space	50%	70.4%

*Requires relief

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§5.4.2.B	Request to allow a retaining wall exceeding four feet within the setback	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

1. Two (2) copies of the completed Special Permit Application (signed by property owner)
2. Filing Fee (see Special Permit Application)
3. Two (2) copies of the Zoning Review Memorandum
4. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
5. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
6. One (1) copy of any previous special permits or variances on the property (as applicable)
7. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
8. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N