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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: March 8, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, Architect  
Daniel Kolodner and Lauren Kohl, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to exceed FAR, to extend a nonconforming rear setback and to allow a retaining wall exceeding four feet within a setback**

Applicant: Daniel Kolodner & Lauren Kohl	
Site: 42 Oakwood Road	SBL: 22029 0006
Zoning: SR2	Lot Area: 6,610 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 42 Oakwood Road consists of a 6,610 square foot corner lot improved with a single-family dwelling constructed in 1904. The petitioner proposes to construct a two-story addition at the rear and side of the dwelling including a one-car attached garage. The proposed construction will exceed the maximum FAR and further extend the nonconforming rear setback, requiring a special permit.

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

- Zoning Review Application, prepared Peter Sachs, architect, dated 2/3/2022
- Topographic Site Plan-Existing Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 6/16/2020
- Topographic Site Plan-Proposed Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 11/21/2021, revised 2/1/2022
- Floor Plans and Elevations, signed and stamped by Peter Sachs, architect, dated 1/31/2022
- FAR calculations, submitted 2/3/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to construct an addition on the Oakwood Road façade, a two-story addition to the portion of the dwelling facing Upland Road, as well as a single-story one-car garage and mudroom addition on the rear of the dwelling. An existing detached garage will be razed. The proposed construction increases the FAR from .37 to .51, where .44 is the maximum allowed per sections 3.1.3 and 3.1.9. A special permit per section 3.1.9.A.2 is required to exceed FAR.
2. The structure has a nonconforming rear setback of 7 feet, where 15 feet is required per section 3.1.3. The proposed addition further reduces the setback to 5.3 feet, requiring a special permit per sections 3.1.3 and 7.8.2.C.2.
3. Per section 5.4.2.B a retaining wall exceeding four feet in height within a setback requires a special permit. The petitioners propose to construct retaining a retaining wall along the southern side of the driveway which will reach a maximum height of 5.3 feet, requiring a special permit.
4. A 29 square foot addition is proposed on the Oakwood Road façade. The addition does not encroach further into the setback and is less than 75 square feet and is allowed by right through the de minimis provision of section 7.8.2.B.2.i.

<b>SR2 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	<b>6,610 square feet</b>	<b>No change</b>
Frontage	80 feet	173 feet	No change
Setbacks			
• Front (Oakwood Rd)	25 feet	<b>16.2 feet</b>	<b>No change</b>
• Front (Upland Rd)	25 feet	37.4 feet	25 feet
• Side	7.5 feet	16.9 feet	No change
• Rear	15 feet	<b>7 feet</b>	<b>5.3 feet*</b>
Height	36 feet	25.5 feet	No change
Stories	2.5	2	No change
FAR	.44	.37	<b>.51*</b>
Max Lot Coverage	30%	24.9%	29.1%
Min. Open Space	50%	61.6%	63.7%

Figures in **BOLD** are nonconforming

\*Requires relief

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further extend a nonconforming rear setback	S.P. per §7.3.3
§5.4.2.B	Request to allow a retaining wall exceeding four feet in a setback	S.P. per §

**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:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. 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)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. 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