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Director

ZONING REVIEW MEMORANDUM

Date: July 20, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Braden Houston, Applicant
Terrence Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to extend a nonconforming multi-family dwelling, extend nonconforming height and to reduce parking to 1.25 stalls per unit.

Applicant: Braden Houston	
Site: 68 Chestnut Street	SBL: 31004 0007
Zoning: BU1	Lot Area: 10,419 square feet
Current use: Three-unit multi-family dwelling	Proposed use: 6-unit multi-family dwelling

BACKGROUND:

The property located at 68 Chestnut Street consists of a 10,419 square foot lot improved with a three-unit multi-family dwelling originally constructed as a single-family dwelling circa 1900 and converted to a two-family in 1924. The property currently has three units, with Inspectional Services records indicating multiple units on the property dating back to the 1970s. The parcel is located in the BU1 zoning district adjacent to the Mass Pike. The petitioner seeks to extend the existing dwelling to accommodate four units, and two additional units within carriage house style structure attached by a deck, for a total of six units on site

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 5/29/2020
- Existing Conditions Site Plan, prepared by VTP Associates, surveyor, dated 3/13/2020
- Proposed Conditions Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 5/27/2020
- Architectural Plans and Elevations, signed and stamped by Ronald Jarek, dated 5/13/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing structure was constructed circa 1900 as a single-family dwelling. A building permit was issued in 1924 to convert the structure into a two-family dwelling. Historical Inspectional Services records indicate that the dwelling has had multiple units since at least the 1970s. Per section 4.4.1, a multi-family residential use on the ground level requires a special permit. The petitioner proposes to expand the existing ground floor residential use by constructing three additional units by expanding the existing dwelling to accommodate four units and by constructing a new two-unit dwelling, requiring a special permit per sections 4.4.1 and 7.8.2.C.2.
2. The existing structure has a nonconforming height of 39.99 feet, where 24 feet is the maximum allowed per section 4.1.3. The proposed additions increase the nonconforming height of the structure to 40.36 feet, requiring a special permit per sections 4.1.3 and 7.8.2.C.2.
3. Per section 4.1.2.B.3 a special permit is required for a three-story structure. The proposed additions to the existing dwelling increase the overall height, thereby extending the nonconforming three-story dwelling, requiring a special permit per sections 4.1.2.B.3 and 7.8.2.C.2.
4. Per section 4.1.3, the required side setback is half the building height or equal to the abutting side yard setback. The property abuts the Pike to the west, therefore a setback of half the building height is required on that side. The structure has an existing nonconforming side setback of 12.6 feet where 20 feet (half the existing height of 39.99 feet) is required. The petitioner proposes to increase the height of the structure to 40.36 feet, resulting in a required setback of 20.2 feet. The proposed additions further extend the nonconforming side setback of 12.6 feet to the rear of the property, requiring a special permit per sections 4.1.3 and 7.8.2.C.2.
5. The petitioner proposes to construct eight parking stalls for the six dwelling units.. Section 5.1.4.A requires two parking stalls per dwelling unit, but Section 5.1.13 allows a reduction to 1.25 stalls per unit by special permit.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,419 square feet	No change
Setbacks-			
• Front	10 feet	12.7 feet	No change
• Side	5.8 feet (equal to abutter)	40.6 feet	10 feet
• Side	20.2 feet (½ building height)	12.6 feet	No change
• Rear	0 feet	22.3 feet	20.3 feet
Building Height	24 feet	39.99 feet	40.36 feet
Max Number of Stories	2	3	No change
Lot Area Per Unit	1,200 square feet	3,473 square feet	1,737 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to extend a nonconforming residential use	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to further increase nonconforming height	S.P. per §7.3.3
§4.1.2.B.3 §7.8.2.C.2	Request to further extend nonconforming stories	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to extend the nonconforming side setback	S.P. per §7.3.3
§5.1.4	Request to allow 1.25 parking stalls per unit	S.P. per §7.3.3