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ZONING REVIEW MEMORANDUM

Date: April 9, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Civico Gardner, LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow for a four-unit multi-family dwelling, to extend nonconforming setbacks and to allow a retaining wall greater than four feet within a setback**

Applicant: Civico Gardner LLC	
Site: 13-17 Gardner Street	SBL: 11025 0005 and 11025 0006
Zoning: MR2	Lot Area: 16,579 square feet (total)
Current use: One single- and one two-family dwelling	Proposed use: Four-unit multi-family dwelling

BACKGROUND:

The subject site consists of two parcels; 13 and 17 Gardner Street totaling 16,579 square feet. 13 Gardner Street is improved with a two-family dwelling and 17 Gardner Street is improved with a single-family dwelling, both to be razed. The petitioner proposes to combine the two lots and construct a four-unit multi-family dwelling.

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

- Zoning Review Application, prepared by David Visco. Civico Gardner, LLC, applicant, submitted 8/9/2019, revised 2/17/2020
- Proposed Civil Plan, prepared by Peter Nolan & Associates, surveyor, and Spruhan Engineering, P.C., dated 7/17/2019
- Floor Plans and elevations, prepared by P.L.A.N.S. Company, dated 8/9/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing single- and two-family dwellings, combine the lots and construct a four-unit multi-family dwelling. Per section 3.4.1, a special permit is required to construct a multi-family dwelling in the MR2 zoning district.
2. Per section 3.2.6, the required front setback in the MR2 zoning district is 25 feet, however section 1.5.3.B allows for the front setback on a lot to be determined by the average of the abutting structures. The existing structure at 17 Gardner St has a setback of 8.7 feet, and the structure at 13 Gardner has a 14.9-foot existing front setback, with an average setback of 11.8 feet. The proposed multi-family dwelling maintains the front setback of 8.7 feet, where 11.8 feet is required which extends the nonconforming front setback of the existing structure at 13 Gardner St.
3. The existing dwelling at 13 Gardner Street has a nonconforming side setback of 1.7 feet, where 7.5 feet is required per section 3.2.6. The proposed multi-family dwelling alters this existing nonconforming side setback to construct a multi-family dwelling at 1.9 feet from the side lot line, requiring a special permit per sections 3.2.6 and 7.8.2.C.2.
4. A retaining wall greater of four feet or greater within a setback requires a special permit per section 5.4.2.B. The petitioners propose a retaining wall of 4.1 feet in height at the front right corner of the driveway, requiring a special permit.
5. Per section 5.1.4, two parking stalls are required per each dwelling unit. Per this requirement, the four-unit multi-family dwelling must provide eight parking stalls. The petitioners propose to provide a below-grade garage accommodating eight vehicles for the four dwelling units requiring no relief.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	16,616 square feet	No change
Frontage	80 feet	107 feet	No change
Setbacks			
• Front	11.3 feet*	8.7 feet	8.7 feet
• Side	7.5 feet	1.7 feet	1.9 feet
• Rear	15 feet	84.7 feet	31.2 feet
Building Height	42	22.98 feet	23.05 feet
Stories	3	1.5	2
Lot Area Per Unit	3,000 square feet	5,539 square feet	4,154 square feet
Max Lot Coverage	30%	14.4%	29.3%
Min. Open Space	50%	78.1%	51.4%

* Due to averaging

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to allow a multi-family dwelling	S.P. per §7.3.3
§3.2.6 §7.8.2.C.2	Request to alter and extend a nonconforming front setback	S.P. per §7.3.3
§3.2.6 §7.8.2.C.2	Request to alter and extend a nonconforming side setback	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of four feet within a setback	S.P. per §7.3.3