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Director

ZONING REVIEW MEMORANDUM

Date: October 7, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Esther Dezube, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to extend a nonconforming use to convert a single-family dwelling into a two-family dwelling, to allow more than two stories and 24 feet and to extend a nonconforming side setback**

Applicant: Esther Dezube	
Site: 12 Hanson Road	SBL: 84015 0003
Zoning: BU1	Lot Area: 7,829 square feet
Current use: Single-family dwelling	Proposed use: Two-family dwelling

BACKGROUND:

The property at 12 Hanson Road consists of a 7,829 square foot lot improved with a single-family dwelling built in 1946 in the Business 1 zoning district. The petitioner proposes to raze the existing dwelling and construct a two-family dwelling, extending the nonconforming residential use.

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

- Zoning Review Application, prepared by Esther Dezube, applicant, submitted 4/23/2020
- Existing Conditions Plan, signed and stamped by Matthew Belski Jr., surveyor, dated 3/6/2019
- Proposed Site Plan, signed and stamped by Matthew Belski Jr., surveyor, dated 3/24/2019
- Architectural plans, signed and stamped by RAV & Associates, civil engineer, dated 3/28/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family dwelling was constructed in 1946 in what is now the Business 1 zoning district. Per section 4.4.1, the dwelling is a nonconforming use, as single-family dwellings are not allowed in the Business 1 district. The petitioner proposes to raze the existing single-family dwelling and construct a new detached two-family dwelling, altering and expanding the nonconforming residential use. A special permit per sections 4.4.1 and 7.8.2.C.2 is required.

2. Section 4.1.3 requires a side setback equal to the abutting side setback or half the building height, whichever is greater. Half the height of the existing single-family dwelling is 8.1 feet. The abutter to the northwest is 16.9 feet from the side lot line, creating a setback requirement of 16.9 feet. The abutter to the southeast is 13.2 feet from the side lot line, creating a side setback requirement 13.2 feet. The existing side setback is nonconforming at 7.7 feet on the southeast side where 13.2 feet is required per the abutting side setback. The height of the proposed dwelling is 28.4 feet, creating a new side setback requirement of 14.2 feet. The petitioner proposes a side setback of 9.1 feet, which increases the setback but is still nonconforming, requiring a special permit per sections 4.1.3 and 7.8.2.C.2.

The petitioner's proposed side setback on the northwest side is 16.2 feet, where half the building height (14.2 feet) is required. No relief is necessary.

3. Per section 4.1.3, the maximum allowable height in the Business 1 district is 36 feet in three stories by special permit per section 4.1.2.B.3. The petitioner proposes to construct a new 2+-story two-family dwelling with 28.4 feet in height, exceeding the 24 foot by right height limitation, requiring a special permit.

4. Section 4.1.3 allows a maximum of two stories by right and requires a special permit to allow up to three stories. The proposed structure is two stories with additional space above the second story which does not have any area with seven feet in height and is therefore by definition not a full- or half-story. To allow a structure with more than two stories, but not more than three, requires a special permit.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,829 square feet	No change
Setbacks			
• Front	10 feet	23.7 feet	27.3 feet
• Side	14.2 feet*	7.7 feet	9.1 feet
• Side	14.2 feet*	12.9 feet	16.2 feet
• Rear	0 feet	32.9 feet	15.3 feet
Building Height	24 feet (36 feet by SP)	16.2 feet	28.4 feet
Max Number of Stories	2	1	2+*
Lot Area Per Unit	1,200 square feet	7,829 square feet	3,965 square feet
FAR	1.00	.21	.69

*the proposed structure has space above the second floor which does not constitute a story or a half story

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1 §7.8.2.C.2	Request to further extend a nonconforming residential use in a Business 1 zoning district	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to extend and alter a nonconforming side setback	S.P. per §7.3.3
§4.1.3	Request to allow a structure with 28.4 feet in height	S.P. per §7.3.3
§4.1.3	Request to allow a structure with more than two stories	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:

5. Two (2) copies of the completed Special Permit Application (signed by property owner)
6. Filing Fee (see Special Permit Application)
7. Two (2) copies of the Zoning Review Memorandum
8. 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)
9. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
10. One (1) copy of any previous special permits or variances on the property (as applicable)
11. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
12. 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