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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 6, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Rachel Segall and James Hurley, Applicants
Izabella Synnott, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow a home business and an accessory apartment in a detached accessory structure**

Applicant: Rachel Segall & James Hurley	
Site: 16 Hyde Street	SBL: 52018 0015
Zoning: SR2	Lot Area: 7,719 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 16 Hyde Street consists of a 7,719 square foot lot currently improved with a single-family dwelling and a detached garage constructed in 1930. The petitioner intends to raze the existing detached garage to construct a new detached accessory structure. The petitioner intends to use the accessory structure for a home business office and an accessory apartment.

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

- Zoning Review Application, prepared by Rachel Segall, applicant, submitted 6/22/2020
- Plan showing existing and proposed conditions, signed and stamped by Dennis O'Brien, surveyor, dated 6/16/2020
- Architectural plans and elevations, dated 6/19/2020

ADMINISTRATIVE DETERMINATIONS:

1. Section 6.7.3.B.1.k.iv states that the City Council may grant a special permit to allow for the use of a detached accessory building for a home business. The Petitioner proposes to use the detached accessory structure as an office for her therapy practice, requiring a special permit.
2. The petitioner intends to construct a kitchen within the detached structure to enable its use as an accessory apartment. Per section 6.7.1.E.1 a special permit is required for a detached accessory apartment.
3. Per section 6.7.1.E.2, a detached accessory apartment may be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the habitable space of the principal dwelling, whichever is less. The principal dwelling has 2,875 square feet of habitable space, allowing an apartment up to 1,150 square feet. The proposed apartment is 360 square feet, requiring no relief.
4. Section 6.7.1.E.5 requires that a detached accessory apartment meet the setback requirements of the principal dwelling except by special permit. The proposed accessory apartment is 5.25 feet from the side and rear lot lines, requiring a special permit.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,719 square feet	No change
Frontage	70 feet	47.37 feet	No change
Setbacks - Principal			
• Front	25 feet	19.8 feet	No change
• Side	7.5 feet	6.4 feet	No change
• Side	7.5 feet	16.5 feet	No change
• Rear	15 feet	32.7 feet	No change
Setbacks – Accessory			
• Front	25 feet	>50 feet	>50 feet
• Side	5 feet	2.4 feet	5.25 feet
• Rear	5 feet	2.7 feet	5.25 feet
Height (Accessory)	22 feet	12.72 feet	18.2 feet
Stories (Accessory)	1.5	1	1.5
FAR	.42	.42	.42bcd
Max Lot Coverage	30%	24.3%	24.5%
Min. Open Space	50%	53.9%	54.7%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§6.7.3.B.1.k.iv	Request to allow a home office in a detached structure	S.P. per §7.3.3
§6.7.1.E.1	Request to allow a detached accessory apartment	S.P. per §7.3.3
§6.7.1.E.5	Request to allow a detached accessory apartment in a structure that does not meet principal setbacks	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