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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 14, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Mark and Kelly Anselmi, Applicants
Dan Quaille, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to exceed FAR and to further extend a nonconforming front setback

Applicant: Mark & Kelly Anselmi	
Site: 728 Walnut Street	SBL: 64008 0001
Zoning: SR2	Lot Area: 7,815 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 728 Walnut Street consists of a 7,815 square foot lot improved with a single-family residence constructed in 1930. The petitioners propose to construct additions to all sides of the dwelling. The proposed additions will increase the FAR beyond the maximum allowed and further extend a nonconforming front setback, requiring a special permit.

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

- Zoning Review Application, prepared by Dan Quaille, architect, dated 7/21/2020
- FAR Worksheet, submitted 7/21/2020, revised 8/2/2020
- Proposed Site Plan, signed and stamped by Bryan G. Parmenter, surveyor, dated 7/8/2020
- Architectural Plans, prepared by Lincoln Architects LLC, architect, dated 7/27/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners intend to construct first and second story additions to the outside of the existing dwelling on all sides, as well as increasing the habitable space in the half story. The existing FAR is .27, where .42 is the maximum allowed. The proposed additions result in a FAR of .56, exceeding the maximum allowed, requiring a special permit pursuant to Sections 3.1.3 and 3.1.9.
2. The existing dwelling has a nonconforming front setback from Fenno Road of 21.7 feet where 25 feet is required per section 3.1.3. The nonconforming front setback is due to a deck constructed more than ten years ago. At the time the deck was constructed, the building permit allowed for the front setback to be averaged with the dwelling at 61 Fenno Street. The Commissioner has since determined that the averaging provisions should not have been applied, as a vacant parcel separates the two lots, and that the required front setback for the district of 25 feet should be applied. The deck is now considered legally nonconforming. The proposed additions further decrease the nonconforming front setback to 15.58 feet, as well as adding to the structure within the required setback, requiring a special permit per section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,815 square feet	No change
Frontage	80 feet	92.48 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Walnut St) • Front (Fenno St) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	25.7 feet 21.7 feet 11.3 feet 11 feet	26.02 feet 15.58 feet 8.69 feet No change
Max Number of Stories	2.5	2	No change
Max Height	36 feet	NA	34.9 feet
FAR	.42	.27	.56
Max Lot Coverage	30%	14.3%	22.3%
Min. Open Space	50%	61.1%	55.8%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<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 front setback	S.P. per §7.3.3