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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: October 21, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Mohammed and Josephine Aref, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to exceed FAR and to vertically extend the nonconforming side and rear setbacks of a detached accessory structure

Applicant: Mohammed & Josephine Aref	
Site: 68 Manet Road	SBL: 61012 0010
Zoning: MR1	Lot Area: 6,300 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with an internal accessory apartment

BACKGROUND:

The property at 68 Manet Road consists of a 6,300 square foot lot improved with a two-family residence and a detached garage structure constructed in 1923. The petitioner proposes to construct dormers in the attic level to create an accessory apartment, as well as install a spiral stair to the roof of the detached garage to create a roof deck.

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

- Zoning Review Application, prepared Mohammed Aref, applicant, dated 9/12/2019
- FAR Worksheet, submitted 9/12/2019
- Plot Plan, signed and stamped by Patrick Roseingrave, surveyor, 7/11/2019
- Architectural plans and elevations, signed and stamped by Najim Azad, architect, dated 5/29/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct dormers at the attic level of the existing two-family dwelling, adding 769 square feet of habitable space to create an accessory apartment. The existing FAR is .53, where .55 is the maximum allowed. The proposed dormers result in an FAR of .65. A special permit pursuant to Sections 3.2.3 and 3.2.11 is required to exceed FAR.
2. The existing detached garage structure has legally nonconforming side and rear setbacks, with the original building permit allowing for the structure to be built on the lot lines. The rear setback is 0.5 feet and 0.0 feet on the side, where section 3.4.3.A.1 requires 5 feet. The petitioner would like to construct a spiral stair to allow access to the roof of the detached structure, to be used as a roof deck, and to allow for easier snow removal. The addition of railings further vertically extends the nonconformity of the side and rear setbacks requiring a special permit per section 3.4.3.A.1 and 7.8.2.C.2.
3. The petitioner intends to create an accessory apartment in the attic space. The proposed apartment meets the requirements of section 6.7.1 and does not require any additional relief.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,300 square feet	No change
Frontage	70 feet	60 feet	No change
Setbacks - Principal			
• Front	25 feet	19 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Side	7.5 feet	15.1 feet	No change
• Rear	15 feet	23.1 feet	No change
Setbacks – Accessory			
• Front	25 feet	>75 feet	No change
• Side	5 feet	0 feet	No change
• Side	5 feet	>30 feet	No change
• Rear	5 feet	0.5 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	31 feet	No change
FAR	.55	.53	.65
Max Lot Coverage	30%	30%	No change
Min. Open Space	50%	52%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §3.2.11	Request to exceed FAR	S.P. per §7.3.3

§3.4.3.A.1	Request to vertically extend a nonconforming side	S.P. per §7.3.3
§7.8.2.C.2	setback in an accessory structure	

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:

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