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Director

## ZONING REVIEW MEMORANDUM

Date: September 2, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Andrew Salzman and Yuan Salzman Xiujua, Applicants  
Michael Huller, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to further increase the nonconformity of a structure regarding the number of stories, to exceed nonconforming FAR, and to allow an oversized dormer**

Applicant: Andrew Salzman and Yuan Salzman Xiujua	
Site: 10-12 Sumner Street	SBL: 73048 0024
Zoning: MR1	Lot Area: 6,434 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 10-12 Sumner Street consists of a 6,434 square foot lot improved with a 3.5-story, two-family dwelling constructed in 1940. The petitioners propose to construct dormers to the half story adding living space. The proposed construction will further extend the nonconforming 3.5-story structure and FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Michael Huller, architect, dated 7/14/2020
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 4/3/2020
- Architectural Plans and Elevations, prepared by Michael Huller, architect, submitted 7/14/2020
- FAR worksheet, submitted 7/14/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to increase the height of the structure by raising the roof, and to construct dormers in the half story adding two bedrooms, a bath and laundry, totaling 633 square feet. The proposed additions increase the nonconforming FAR from .67 to .76, where .54 is the maximum allowed per sections 3.2.3 and 3.2.11. A special permit per section 7.8.2.C.2 is required to further increase the nonconforming FAR.
2. Due to the average grade of the property, the basement of the dwelling is considered the first floor, resulting in a 3.5-story structure, where section 3.2.3 allows a maximum of 2.5 stories by right and three by special permit. The proposed dormers further extend the nonconforming half-story above the third story, requiring a special permit per section 7.8.2.C.2.
3. Section 1.5.4.G.2.b requires that a dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. To accommodate the roof configuration at the rear, the petitioners intend to connect the two dormers at a corner. The proposed dormers exceed 50% of length of the exterior wall below, requiring a special permit.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>6,434 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>52 feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	25.1 feet	No change
• Side	7.5 feet	9 feet	No change
• Side	7.5 feet	9.8 feet	No change
• Rear	15 feet	58.3 feet	No change
Height	36 feet	31.4 feet	35.5 feet
Stories	2.5	<b>3.5</b>	<b>No change</b>
FAR	.54	<b>.67</b>	<b>.76</b>
Max Lot Coverage	30%	20.9%	No change
Min. Open Space	50%	47%	No change

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2..2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	Request to extend a nonconforming 3.5 story structure	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the length of the wall plane below it	S.P. per §7.3.3