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ZONING REVIEW MEMORANDUM

Date: March 10, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jay Walter, Architect
25 Paul Street LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow an accessory apartment in a detached structure, to allow an accessory apartment larger than 1,200 square feet, to further extend a nonconforming accessory building greater than 700 square feet, and to allow a neighborhood clubhouse

Applicant: 25 Paul Street LLC	
Site: 25 Paul Street	SBL: 62013 0006
Zoning: MR2	Lot Area: 15,000 square feet
Current use: Two-family dwelling and a commercial building	Proposed use: Two-family dwelling with a detached accessory apartment and neighborhood clubhouse

BACKGROUND:

The property at 25 Paul Street consists of a 15,000 square foot lot improved with a single-family dwelling constructed circa 1900 and a nonconforming detached commercial building. The Petitioner proposes to convert the existing detached accessory structure into an accessory apartment and a neighborhood clubhouse and construct a two-car garage attached to the accessory building.

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

- Zoning Review Application, prepared by Jay Walter, architect, submitted 4/4/2019, revised 7/30/2019, revised 2/25/2020
- Existing Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 3/12/2019,
- Proposed Conditions Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 4/3/2019, revised 12/4/2019, revised 2/5/2020
- Floor Plans and Elevations, signed and stamped by Jay Walter, architect, dated 12/18/2018, revised 12/4/2019, revised 2/24/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to convert an existing nonconforming building with an existing legally nonconforming commercial use into an accessory apartment and a neighborhood clubhouse. Per sections 6.7.1.E.1, an accessory apartment in a detached accessory building requires a special permit.
2. The petitioner intends to divide the space within the detached building into two, with 1,472 square feet of the space dedicated to the accessory apartment and the remaining to be used as a neighborhood clubhouse and shared entry. Per section 3.4.1, a special permit is required for a clubhouse in the MR2 zoning district.
3. Per section 6.7.1.E.2, a detached accessory apartment may not be less than 250 square feet, or more than 1,200 square feet, or 40% of the total habitable space of the principal dwelling, whichever is less, or up to 1,500 square feet by special permit. Forty percent of the total habitable space is approximately 1,152 square feet. The proposed accessory apartment is 1,472 square feet, requiring a special permit.
4. Per section 6.7.1.E.5, a detached accessory apartment must be at least 6 feet from the principal dwelling. The proposed detached accessory apartment structure is approximately 11.6 feet from the principal dwelling structure.
5. The proposed detached accessory apartment must meet the setback requirements for the principal structure, as required by section 6.7.1.E.6. The proposed apartment in the existing detached structure is located 1.3 feet from the rear lot line where 15 feet is required. The proposed garage addition would otherwise meet the required rear setback for a detached accessory structure, however the proposed accessory apartment use requires that the addition also meet the principal setbacks. A special permit per section 6.7.1.E.6 and 3.2.3 is required to waive the minimum setbacks.
6. The ground floor area of a detached accessory building may not exceed 700 square feet per section 3.4.3.A.3. The existing accessory building has a footprint of 2,090 square feet, which the petitioner intends to expand with the addition of a 594 square foot attached garage and a 260 square foot shared entry mudroom, for a total of 2,944 square feet. To expand the nonconforming footprint of the accessory building requires a special permit per sections 3.4.3.A.3 and 7.8.2.C.2.

MR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	15,000 square feet	No change
Frontage	70 feet	100 feet	No change
Setbacks for principal structure			
• Front	25 feet	26.5 feet	No change
• Side	7.5 feet	28.7 feet	No change
• Rear	15 feet	>60 feet	No change
Setbacks for accessory structure			
• Front	25 feet	90 feet	No change
• Side	7.5 feet	6 feet	No change
• Side	7.5 feet	54 feet	16.1 feet
• Rear	15 feet	1.3 feet	No change
FAR	.43	.33	.39
Max. Lot Coverage	30%	24.1%	31%
Min. Open Space	50%	47%	49%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1	To allow an accessory apartment in a detached accessory structure	S.P. per §7.3.3
§3.4.1	To allow a neighborhood clubhouse	S.P. per §7.3.3
§6.7.1.E.2	To allow an accessory apartment greater than 40% of the of the total habitable space of the principal unit	S.P. per §7.3.3
§3.2.3 §6.7.1.E.6	To allow an accessory apartment in a detached structure that does not meet principal setbacks	S.P. per §7.3.3
§3.4.3.A.3 §7.8.2.C.2	To further enlarge a nonconforming detached structure with a ground floor area larger than 700 square feet	S.P. per §7.3.3