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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 14, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Robert Heinstein, Applicant
Alan Mayer, Architect
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to further increase nonconforming front setback

Applicant: Robert Heinstein	
Site: 12 Acorn Drive	SBL: 44029 0010
Zoning: SR3	Lot Area: 7,610 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 12 Acorn Drive consists of a 7,610 square foot new lot improved with a single-family residence constructed in 1959. The lot was granted a variance in 1958 from the lot area and frontage requirements for a new lot to allow the construction of a single-family home. The petitioners propose to construct a by-right two-story rear addition, as well as covered front entry. The existing dwelling is nonconforming with regard to the front setback, and the proposed entry further decreases the 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 Alan Mayer, architect, dated 3/12/2018
- FAR Worksheet, submitted 3/12/2018
- Variance decision #17-58, dated 6/25/1958
- Existing Plot Plan, signed and stamped by Bruce Bradford, surveyor, dated 4/5/2018
- Proposed Plot Plan, signed and stamped by Bruce Bradford, surveyor, dated 4/5/2018
- Architectural Plans, signed and stamped by Alan Mayer, architect, dated 10/3/2016

ADMINISTRATIVE DETERMINATIONS:

1. The lot was granted a variance in 1958 from the lot area and frontage requirements of a new lot. An approved as-built plan from 1959 in the Inspectional Services file shows the dwelling with a 26 foot front setback, where 30 feet is (and was at the time) required. The survey submitted with this application shows a 27.2 foot front setback, which is still less than that which is (and was) required, rendering the dwelling out of compliance with the Zoning Ordinance.

A 2016 change to Section 7 of MGL Chapter 40A (The Zoning Act) allows for a special permit granting authority to make a finding that a non-compliant structure in existence for ten years without any action being taken for enforcement may be deemed a nonconforming structure and subject instead to a "Section 6" finding rendering it legally nonconforming.

The petitioner proposes to construct a covered front entrance, which would further extend the nonconforming front setback from 27.2 feet to 19.67 feet, where 30 feet is required per section 3.1.3. To extend the nonconforming front setback as proposed, a special permit per section 7.8.2.C.2 is required.

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	7,610 square feet*	No change
Frontage	80 feet	61 feet*	No change
Setbacks			
• Front	30 feet	27.2 feet	19.67 feet
• Side	10 feet	12.4 feet	10.4 feet
• Rear	15 feet	53.75 feet	51.17 feet
Max Number of Stories	2.5	2.5	No change
FAR	.47	.21	.26
Max Lot Coverage	30%	11.6%	15.1%
Min. Open Space	50%	74%	70%

*Allowed by variance #17-58

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3, §7.8.2.C.2	Request to further extend a nonconforming front setback	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:

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