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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 3, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Mark Landsberg, Architect
Stephen Thomas, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to extend a nonconforming side setback in an accessory structure and to extend a nonconforming front setback**

Applicant: Stephen Thomas	
Site: 25 Emerson Street	SBL: 11025 0025
Zoning: MR2	Lot Area: 4,456 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 25 Emerson Street consists of a 4,456 square foot lot improved with a single-family residence built circa 1900 and a detached garage structure. The petitioner proposes to construct an addition to the rear of the garage to convert the space into a home office with a bathroom, with a rooftop deck.

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

- Zoning Review Application, prepared by Mark Landsberg, architect, submitted 8/19/2020
- FAR worksheet, prepared by Mark Landsberg, architect, submitted 8/19/2020
- Site Plan, signed and stamped by Robert Belaggi, surveyor, dated 5/12/2020
- Architectural plans and elevations, prepared by Mark Landsberg, architect, submitted 8/19/2020

ADMINISTRATIVE DETERMINATIONS:

1. The existing detached masonry garage is located directly on the side lot line on the northern boundary, where five feet is required per section 3.4.3.A.1. The petitioner intends to infill low existing rear walls in the garage to match the height of the rest of the structure, as well as to construct a rooftop deck. As the garage structure is on the side lot line, the increased headroom and rooftop deck vertically extend the nonconforming side setback requiring a special permit per section 7.8.2.C.2.
2. The existing front setback of the principal dwelling structure is 14.9 feet where 18.55 feet is required per the front setback averaging provisions of section 1.5.3.B. The petitioners propose to raze the existing covered front entrance and construct a covered porch that extends the entire length of the façade. The proposed porch further extends the nonconforming front setback to 12.7 feet, requiring a special permit per sections 1.5.3.B, 3.1.3 and 7.8.2.C.2.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,456 square feet	No change
Frontage	80 feet	50 feet	No change
Setbacks – Principal			
• Front	18.55 feet*	14.9 feet	12.7 feet
• Side	7.5 feet	7.1 feet	No change
• Rear	15 feet	41.6 feet	No change
Setbacks – Accessory			
• Front	18.55 feet	>50 feet	No change
• Side	5 feet	0.3 feet	No change
• Rear	5 feet	12.5 feet	No change
FAR	.58	.42	No change
Lot Area Per Unit	3,000 square feet	5,539 square feet	4,154 square feet
Max Lot Coverage	30%	22.7%	26.2%
Min. Open Space	50%	74%	70%

* Due to averaging

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.3.A.1 §7.8.2.C.2	Request to vertically extend a nonconforming side setback in an accessory structure	S.P. per §7.3.3
§1.5.3.B §3.2.3 §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