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James Freas
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ZONING REVIEW MEMORANDUM

Date: May 14, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Diomid Bashkinov, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to exceed maximum allowed FAR**

Applicant: Diomid Bashkinov	
Site: 228 Wiswall Road	SBL: 84020 0012
Zoning: SR-2	Lot Area: 12,556 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 228 Wiswall Road consists of a 12,556 square foot lot at the corner of Wiswall Road and L Roadway improved with a single-family residence constructed in 2006, replacing a ranch-style home built in 1948. The structure consists of two and a half stories with an attached garage.

The lot was created prior to construction of the original structure in or before 1948, at 10,039 square feet. The applicant recently purchased 2,517 square feet of land from the adjacent parcel at 53 Van Roosen Road, creating a 12,556 square foot lot. The lot retains its "old lot" status pursuant to the provisions of Section 30-26.

The applicant is proposing to build a single-car attached garage on the same side as the existing attached garage. The additional square footage of the garage exceeds allowable FAR and requires a special permit.

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

- Zoning Review Application, prepared by Diomid Bashkinov, applicant, submitted 1/22/2015, revised 4/25/2015

- FAR Worksheet, prepared by Diomid Bashkinov, applicant, dated 1/22/2015, revised 4/25/2015
- Site Plan, signed and stamped by Peter J. Nolan, surveyor, dated 9/6/2014, revised 4/25/2015
- Garage plan and elevations, signed and stamped by Richard A. Volkin, engineer, dated 1/15/2014, revised 4/25/2015

ADMINISTRATIVE DETERMINATIONS:

1. Prior to the purchase of 2,517 square feet of land from the adjacent parcel at 53 Van Roosen Road, the applicant’s lot was 10,039 square feet. The current dwelling was built with the benefit of a building permit in 2005. At that time, FAR calculations did not include basement and attic space. It appears that in 2005 the dwelling had an FAR of .40, where .30 was the maximum allowed, and that the permit was issued in error. At the time the building permit was issued, a .5 bonus was available to new construction which met “new lot” setbacks. It appears that bonus was incorrectly applied, and also that the FAR for the dwelling was not calculated correctly.

The 12,556 square foot lot has a maximum allowable FAR of .35, and an existing FAR of .37. While the additional land puts it more into conformance, it is still over the allowable FAR.

The addition of a 252 square foot attached garage structure increases the property’s FAR to .38.

The dwelling was built with a valid building permit which was issued in error. A special permit is required to legitimize the existing conditions, and to further increase the FAR with the addition of the additional garage.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,556 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks			
• Front	25 feet	27.8 feet 30.3 feet	No change No change
• Side	7.5 feet	14.5 feet	No change
• Rear	15 feet	+/-44 feet	No change
FAR	.35	.37	.38
Max Lot Coverage	30%	13.7%	21.8%
Min. Open Space	50%	72.7%	68.5%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-15 Table A, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24