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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 29, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: John Arone, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: **Request to further extend nonconforming front setback**

Applicant: John Arone	
Site: 140 Windermere Road	SBL: 43008 0019
Zoning: SR2	Lot Area: 12,445 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 140 Windermere Road consists of a 12,445 square foot lot improved with a single-family residence constructed in 1930 at the corner of Windermere and Woodland Roads. The petitioner proposes to replace the sloped roof over existing first-floor sunporch with a flat roof to create a second-floor deck off the master bedroom. The existing front setback is nonconforming at 16.76 feet, and the proposed deck extends that nonconforming setback vertically.

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

- Zoning Review Application, prepared John Arone, applicant, dated 3/27/2018
- FAR Worksheet, submitted 3/27/2018
- Plan of Land, prepared by Bibbo Brothers, surveyors, dated 1/29/18
- Architectural Plans, prepared by

ADMINISTRATIVE DETERMINATIONS:

1. The property is located at the corner of Windermere and Woodland Roads, and thus has two front setback requirements. The proposed second-floor deck is located on the 16.5 foot by 12.2 foot footprint of the existing first-floor sunporch. While the *de minimus* provisions of section 7.8.2.B allow for decks less than 200 square feet within a setback, they also require that alterations to the front of a structure must be less than 75 square feet within the setback, even if within the footprint of the existing structure. The deck adds approximately 128 square feet within the setback, exceeding the allowable 75 square feet, and requires a special permit per sections 3.1.3 and 7.8.2.C.2.

The remaining additions and alterations proposed by the petitioner may be done by right with a valid building permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,445 square feet	No change
Frontage	80 feet	73 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Windermere Rd) • Front (Woodland Rd) • Side • Rear 	25 feet 25 feet 7.5 feet 15 feet	30.5 feet 16.76 feet 17.09 feet 80 feet	No change No change No change 29.7 feet
Max Number of Stories	2.5	2.5	No change
FAR	.36	25	.34
Max Lot Coverage	30%	--	19.9%
Min. Open Space	50%	--	74.3%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.8.2.C.2	Request to 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