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James Freas
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ZONING REVIEW MEMORANDUM

Date: February 12, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney for the applicant
James Freas, Acting Director of Planning and Development
Quida Young, Associate City Solicitor

RE: Request to extend a nonconforming structure, to exceed building height, to allow a for-profit educational use, and for a waiver from various parking facility requirements

Applicant: Langione Family Realty Trust	
Site: 38 Border Street	SBL: 33015 0023
Zoning: MAN	Lot Area: 27,874 square feet
Current use: Non-profit education	Proposed use: For-profit education and office

BACKGROUND:

The property at 38 Border Street consists of a 27,874 square foot lot improved with a single-story commercial building built in 1952 and a surface parking area located in the Manufacturing district. The building was previously occupied by the Barry Price Center, a non-profit educational program for adults with disabilities. The applicant proposes to relocate a dance instruction studio from 35 Border Street to the existing building. They plan to construct a small first floor addition of an entrance vestibule, a small second floor addition of an office, and to also relocate two handicapped parking stalls within the reconfigured parking lot on site.

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

- Zoning Review Application, prepared G. Michael Peirce, Attorney, dated 12/30/2014
- FAR worksheet
- Plot Plan Showing Proposed Conditions, signed and stamped by David A. Dwyer, dated 12/29/2014
- Proposed Floor Plans and Elevations, signed and stamped by Vivian D. Low, architect, dated 12/29/2014
- Landscape Plan, prepared by Fisher Design Group, dated 1/23/2015
- Parking calculations, prepared by G. Michael Peirce, attorney, dated 1/29/2015

9. Section 30-19(i)(2) requires interior landscaping for facilities greater than 20 stalls. There is no interior landscaping on site, and a special permit is required to waive these provisions.

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-5(a)(2)	To allow for a for-profit educational use in the MAN district	S.P. per §30-24
§30-21(b)	To extend a nonconforming structure	S.P. per §30-24
§30-15, Table 3	To allow a building height greater than 24 feet but less than 36 feet	S.P. per §30-24
§30-19(h)(1), §30-19(m)	To locate parking in the front, side and rear setbacks	S.P. per §30-24
§30-19(h)(5), §30-19(m)	To allow tandem parking	S.P. per §30-24
§30-19(i), §30-19(m)	To waive the landscape screening and interior landscaping requirements	S.P. per §30-24

ADMINISTRATIVE DETERMINATIONS:

1. For-profit educational uses are allowed by special permit in in the Manufacturing district pursuant to Section 30-5(a)(2), which allows educational uses either by right or by special permit throughout the City.
2. The existing structure is one story with a height of 20 feet. The applicant proposes to add a second story addition which would increase the height to 27 feet. Two stories are allowed by right, however the maximum by-right height is 24 feet. To construct a second story up to 27 feet, but not exceeding 36 feet, requires a special permit per Section 30-15, Table 3.
3. The existing building is nonconforming due to an 8.3 foot front setback, where 15 feet is required, and due to a 4.9 foot side setback where half the building height is required. The existing setback requirement is 10 feet, after the proposed addition the side setback requirement will be 13.5 feet. A special permit is required to extend a nonconforming structure, per Section 30-21(b) of the Ordinance.
4. The for-profit educational use requires one parking stall per each employee of the dance school per Section 30-19(d)(16). The applicant anticipates six employees for the dance school, requiring six parking stalls. Part of the second floor addition includes a 1,200 square foot office space for one of the owners for his business unrelated to the dance school. Section 30-19(d)(11) requires one parking stall per each 250 square feet of office space, requiring five stalls. In total, the two uses will require 11 parking stalls. There are 35 stalls on site, which is more than enough to satisfy the parking requirements for these uses.
5. The applicant proposes to reconfigure the existing parking lot to accommodate better flow for drop-off and pick-up of students of the school, but will maintain the same number of parking stalls (35). The new plan creates a one-way loop through the lot, with tandem parking for employees, and a drop-off area at the front entrance. It also relocates the two handicapped parking stalls to an area adjacent to the front entrance and ramp. These changes make the parking lot more conforming than what exists currently.
6. Section 30-19(h)(1) requires that no parking be located in a setback. Several parking stalls are proposed to be located in the front and rear setbacks. A special permit is required to waive this provision.
7. There are ten parking stalls arranged in a tandem configuration (five and five). The tandem stalls are intended for employee parking. Section 30-19(h)(5) requires a waiver under Section 30-19(m) to allow for tandem parking.
8. Section 30-19(i)(1) requires parking lots be screened from abutting streets and properties. The parking area extends to the sidewalk with no landscaping or screening present. To the rear, the property abuts, but does not have access to, Washington Street, where there is a vegetative buffer. To maintain the present condition along the streetscape, a special permit to waive the requirements of section 30-19(i)(1) is necessary.