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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: September 20, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

ET

Cc: Stephen J. Guillette and Frances O'Brien, applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow an addition to the rear of a single-family house that will extend an existing nonconforming rear setback and to legalize an existing noncompliant shed and parking configuration**

| Applicant: Stephen J. Guillette and Frances O'Brien | |
|---|--------------------------------------|
| Site: 29 Brewster Road | SBL: 54010 0013 |
| Zoning: SR2 | Lot Area: 5,176 square feet |
| Current use: Single-family dwelling | Proposed use: Single-family dwelling |

BACKGROUND:

The property at 29 Brewster Road consists of a 5,176 square foot lot improved with a single-family dwelling constructed in 1918 and a small shed. The applicant has proposed to replace an existing rear deck with a mudroom addition.

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

- Architectural plans, two pages showing existing and proposed floor plans and elevations, signed and stamped by Margaret Schiff, Registered Architect, dated 7/26/12
- Existing site plan, signed and stamped by Michael A. Coleman, Professional Land Surveyor, dated 4/27/12
- Proposed site plan, signed and stamped by Michael A. Coleman, Professional Land Surveyor, dated 4/27/12
- FAR calculations, signed by Margaret Schiff, Registered Architect, dated 7/26/12
- Average grade plan calculations, signed by Margaret Schiff, Registered Architect, dated 7/26/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the SR2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

| SR2 Zone | Required/Allowed | Existing | Proposed |
|-------------------|--------------------|--------------------------|------------------|
| Lot Size | 10,000 square feet | 5,176 square feet | No change |
| Frontage | 80 feet | 80 feet | No change |
| Setbacks | | | |
| • Front | 25 feet | 18.1 feet | No change |
| • Side | 7.5 feet | 38.1 feet | No change |
| • Rear | 15 feet | 8.8 feet | 3.0 feet |
| FAR | .46 | .41* | .42* |
| Building Height | 36 feet | Not provided** | No change |
| Maximum Stories | 2.5 | 2 | No change |
| Max. Lot Coverage | 30% | 28.2% | 28.7% |
| Min. Open Space | 50% | 59% | 58.9% |

* Calculated in error on the applicant's submission as .61 and .62

** Not required as no change is proposed

2. The applicant's site plan shows a number of noncompliant features. The rear deck appears to have been built without permits. As the applicant proposes to demolish this feature, no further zoning relief is required. A permit was issued for the removal of the previous garage in 2009 but there was no mention of the shed in the west corner of the lot. The property file contains no record of a building permit for the shed, which is located closer than five feet to the side and rear property lines, as allowed per Section 30-15(m). The applicant must either relocate the shed to comply with the setback requirements or obtain a variance from the Zoning Board of Appeals per Section 30-27.
3. The applicant's plans show a new addition off the rear of the existing structure to replace the existing noncompliant deck. This addition represents an extension of the existing nonconforming rear setback. The applicant may not take advantage of the *de minimus* rules of Section 30-21(c) because the addition will extend closer than five feet to the lot line. Therefore, to construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-21(b).
4. Per Section 30-15(u), a maximum Floor Area Ratio (FAR) of .46 is permitted on a 5,176 square foot lot in the SR2 zone. The applicant has provided calculations showing an existing FAR of .61 and a proposed FAR of .62. However, these calculations are incorrect; the existing FAR is actually .41 and the proposed addition will increase the FAR to .42, in conformity with the requirements of Section 30-15(u). No further zoning relief is required.
5. Section 30-19(g)(1) allows up to one parking stall within the front setback and requires that parking stalls be set back at least five feet from the front property line. However, the applicant's plan shows two existing parking stalls, as required by Section 30-19(d)(1), located within the front setback and set back zero feet from the property line. Since the building file in the Inspectional Services Department contains a 2009 demolition permit for a garage, which until it was demolished likely fulfilled the property's parking requirements, the existing parking configuration cannot be

considered pre-existing nonconforming and is therefore noncompliant. The applicants plans and communications with the surveyor show that the existing parking stalls are each only 9'x18' where 9'x19' is required per Section 30-19(g)(2). To legalize the existing parking stalls in their current configuration, the applicant must obtain a special permit, per Section 30-19(m), to waive dimensional requirements for parking stalls and to allow two stalls within the front setback.

6. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|------------------------------------|---|------------------------|
| <i>Ordinance</i> | <i>Site</i> | <i>Action Required</i> |
| §30-15 Table 1; §30-21(b); | Allow the extension of an existing nonconforming structure with regard to the rear setback | S.P. per §30-24 |
| §30-15(m) | Locate an accessory structure within a required side and rear setback distance | Variance per §30-27 |
| §30-19(g)(1) and (g)(2); §30-19(m) | Locate two 9'x18' parking stalls in the front setback and closer than five feet to the front property line where 9'x19' is required and a maximum of one stall in the front setback, located at least five feet from the street, is permitted | S.P. per §30-24 |