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## ZONING REVIEW MEMORANDUM

Date: January 11, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

Re: **Request to allow four attached dwellings in two groups, waive the required side and rear setbacks and maximum permitted lot coverage, and permit dormers greater than 50% of the floor below, without a continuous roof-line overhang, closer than three feet from the main building end wall nearest the dormer, and projecting above the main ridgeline.**

Applicant: DT-ARCO, LLC	
Site: 37 Elm Street	SBL: 33023 0020
Zoning: MR1	Lot Area: 25,000 square feet
Current use: Two-family dwelling	Proposed use: Four attached dwellings

### Background:

The property at 37 Elm Street consists of a 25,000 square foot lot that is currently improved with a two-family dwelling constructed in the 1880's, a detached two-car garage, and a detached accessory shed/greenhouse. The applicant proposes to relocate the existing primary structure to the middle of the lot and add an addition, demolish the existing accessory structures, and construct a new structure containing two additional attached dwelling units for a total of four attached dwellings in two structures.

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

- A letter, signed and stamped by Lawrence Z. Reeves, Architect, certifying compliance with the dormer and half-story calculations, dated 12/13/11
- Revised architectural plans, by Reeves Design Associates, Architect, unsigned and unstamped, dated 12/13/11
  - Front (East) Elevation of Front Building
  - Front (Courtyard) Elevation

- Left Side (South) Elevation of Front Building
  - Left Side (South) Elevation of Rear Building
  - Rear (West) Elevation of Front Building
  - Rear (West) Elevation of Rear Building
  - Right Side (North) Elevation of Front Building
  - Floor Plans – Units #1 and #2, Main Floor Plan
  - Floor Plans – Units #1 and #2, Upper Floor Plan
  - Floor Plans – Units #1 and #2, Attic Floor Plan
  - Floor Plans – Units #3 and #4, Main Floor Plan, Upper Floor Plan, Attic Floor Plan
- Revised site plan, by VTP Associates, Surveyor, unsigned and unstamped, dated 12/12/11, showing new building heights and average grade plan calculations
  - Architectural plans showing rear building front elevation, by Reeves Design Associates, Architect, unsigned and unstamped, dated 12/7/11
  - Architectural plans showing front building north elevation, by Reeves Design Associates, Architect, unsigned and unstamped, dated 12/7/11
  - Architectural plans, by Reeves Design Associates, Architect, unsigned and unstamped, dated 11/23/11
  - Proposed site plan, by VTP Associates, Surveyor, unsigned and unstamped, dated 11/23/11
  - Existing site plan, by VTP Associates, Surveyor, unsigned and unstamped, dated 11/7/11

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicant proposes to relocate, reconfigure, and add onto an existing two-family dwelling and to construct a new structure to the rear. The structures will contain four attached dwellings in two groups. Per the requirements of Section 30-9(b)(5), the applicant must obtain a special permit from the Board of Aldermen to allow the proposed use.
2. The property is in the MR1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for attached dwellings (see chart below).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	25,000 square feet	No change
Lot Area per Unit	4,000 square feet	12,500 square feet	6,125 square feet
Frontage	80 feet	100 feet	No change
Setbacks			
● Front	25 feet	54.7 feet	40.2 feet
● Side	25 feet	15.6 feet*	15.5 feet
● Rear	25 feet	131.3 feet	16.2 feet
Building Height	36 feet	32 feet	35.11 feet**
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	25%	10.2%	28.4%
Min. Open Space	50%	69.6%	54.0%

\* Conforming for current two-family use

\*\* See #5 below

3. The proposed site plan shows structures that do not conform to the dimensional requirements of Section 30-15, Table 1. The applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b) for an exception to the dimensional controls in Section 30-15, Table 1 for side and rear setbacks and maximum lot coverage.

4. Per Section 30-9(b)(5)a), no driveway for attached dwellings shall be located within ten feet of a side or rear lot line. The existing driveway is located less than ten feet from the side lot line. This condition is conforming for the existing two-family uses on the site. However, the applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b) to waive this requirement with the change of use to allow the driveway to remain where it is.
5. Per Section 30-15, Table 1, and Ordinance Z-91, structures in the MR1 zone are limited to 36 feet in height. The applicant's elevations show two ornamental towers, one of which is a dormer, which exceed this limit but which are allowed under the exception contained in the definition of height in Section 30-1.
6. Per Section 30-15(t), and Ordinance Z-20, dormers must meet certain criteria or obtain a special permit. A number of extensions beyond the roof are determined to be dormers. The applicant's plans for these dormers do not show compliance with the requirements of Section 30-15(t) and Ordinance Z-20. Dormers on the north elevation of the front building, and the east and west elevations of the rear building exceed 50% of the exterior wall next below, as required by Section 30-15(t)(1). The dormers on the east elevation of the rear building and the north elevation of the front building are not skirted by a continued roof overhang, as required by Section 30-15(t)(2). Dormers on the north elevation of the front building and the west elevation of the rear building are closer than three feet to the main building end wall nearest the dormer, as required by Section 30-15(t)(3). The dormer on the north elevation of the front building projects above the main roof ridgeline, which is not permitted per Section 30-15(t)(4). The applicant must obtain a special permit from the Board of Aldermen per Section 30-15(t) to build the dormers as proposed. *- determined not to be a dormer*
7. Per Section 30-19(d)(2), the parking requirement for attached dwellings is two stalls per dwelling unit. For four dwelling units, a total of eight parking stalls would be required. The applicant's site plan shows a total of eight parking stalls, satisfying this requirement. As the parking stalls are located within separate attached garages dedicated to each dwelling, they do not qualify as a single parking facility.
8. The site is currently improved with a two-family dwelling. The applicant proposes to add two additional dwelling units by special permit for a total of four dwellings. This increase does not trigger the inclusionary housing provisions of Section 30-24(f), which would apply to a residential project allowed by special permit that increases the number of existing units by more than two, per Section 30-24(f)(2).
9. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-9(b)(5)	Allow four attached dwellings in two buildings	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-15, Table 1; §30-9(b)(5)b)	Allow side setbacks of 15.5 feet and 15.9 feet and a rear setback of 16.2 feet where 25 feet is required	S.P. per §30-24
§30-15, Table 1; §30-9(b)(5)b)	Allow a lot coverage of 28.4% where a maximum of 25% is allowed	S.P. per §30-24
§30-9(b)(5)a); §30-9(b)(5)b)	Allow a driveway closer than 10 feet from the side lot line	S.P. per §30-24
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-15(t)(1)-(4)	Allow a dormer greater than 50% of the exterior wall next below, without a continuous roof-line overhang, closer than three feet to the building end wall nearest the dormer, and projecting above the main ridgeline.	S.P. per §30-24

*1 dormer removed*