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## ZONING REVIEW MEMORANDUM

Date: November 10, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: T. Andrew Hinterman, Architect  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to increase already nonconforming FAR and to extend a nonconforming structure**

Applicant: T. Andrew Hinterman	
Site: 89 Erie Avenue	SBL: 52042 0020
Zoning: SR-2	Lot Area: 6,500 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 89 Erie Avenue consists of a 6,500 square foot lot improved with a single-family residence constructed in 1899 with a detached garage built in 1916. The structure consists of two and a half stories and a basement. The applicant proposes to construct a 148 square foot kitchen, pantry and mudroom addition to the rear of the existing dwelling increasing the FAR from .50 to .53, which exceeds the .44 maximum allowed by right. A new deck is proposed for the rear of the dwelling, which maintains the existing nonconforming side setback of 3.6 feet but extending further to the rear of the lot.

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

- Zoning Review Application, prepared by Andrew Hinterman, AIA, architect, submitted 9/19/2014
- FAR Worksheet, prepared by Andrew Hinterman, architect, submitted 9/19/2014
- Plan of Land, signed and stamped by Justin D. Maloney, surveyor, dated 9/23/2014
- Architectural Plans, prepared by LDA Architecture & Interiors, architects, dated 9/23/2014
  - Ground floor plan - proposed
  - North elevation – proposed
  - East elevation – proposed

- West elevation - proposed
- FAR calculations, prepared by Andrew Hinterman, architect, dated 9/24/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed kitchen addition increases the structure’s nonconforming FAR from .50, to .53, which exceeds the .44 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and Section 30-21(b).
  
2. The dwelling has an existing nonconforming side setback of 3.6 feet, where 7.5 feet is required. The proposed deck maintains this existing side setback, and further increases the nonconformity by extending the nonconforming setback 10 feet further to the rear of the lot. A special permit per Section 30-21(b) is required to further extend the nonconforming side setback.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>6,500 square feet</b>	No change
Frontage	80 feet	<b>50 feet</b>	No change
Setbacks			
• Front	25 feet	<b>16 feet</b>	<b>No change</b>
• Side	7.5 feet	<b>3.6 feet</b>	<b>No change</b>
• Rear	15 feet	61.7 feet	48.9 feet
FAR	.44	<b>.50</b>	<b>.53</b>
Max Lot Coverage	30%	26.4%	28.5%
Min. Open Space	50%	60%	51.6%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table A, 30-21(b)	To extend a nonconforming side setback	S.P. per §30-24