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ZONING REVIEW MEMORANDUM

Date: May 1, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
Benedetto C. Caira, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow three single-family attached dwellings

Applicant: Benedetto C. Caira	
Site: 264 Pearl Street	SBL: 11014 0010
Zoning: MR2	Lot Area: 14,608 square feet (calculated)
Current use: Two-family dwelling	Proposed use: Three single-family attached dwellings

BACKGROUND:

The property at 264 Pearl Street consists of 14,608 square feet (calculated, 15,040 by deed) and is improved with a two-family dwelling built in 1905 in the MR2 zoning district. The petitioner proposes to raze the existing two-family dwelling and construct three attached single-family dwellings in one building with private garages for each unit.

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

- Zoning Review Application, prepared by Laurance Lee, Attorney, dated 3/20/2019
- FAR worksheet, signed and stamped by Charles D. Calhoun architect, dated 3/19/2019
- Elevations and sections, prepared by C.D. Calhoun, architect, dated 1/2/2019, revised 1/28/2019
- Zoning Site Plan, prepared by VTP Associates, surveyors, dated 2/20/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct three attached single-family dwellings within a single structure in the Multi Residence 2 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR2 district.
2. Section 3.2.4 requires 80 feet of frontage for single-family attached dwellings. The lot has 60 feet of frontage, requiring a special permit to waive the required frontage per section 3.2.4.
3. The existing single-family dwelling is nonconforming with regard to the front and side setback requirements, with setbacks of 7.3 feet and 4.1 feet respectively, where 25 feet and 7.5 feet are required per section 3.2.3. Section 3.2.4 requires a 25-foot setback for attached dwellings. The proposed structure increases the setback for the front to 25.3 feet, and 10.3 and 20.4 feet at the sides, but still does not meet the 25-foot requirement. A waiver from the side setbacks of 25 feet are required per section 3.2.4.
4. Section 3.2.4 requires a minimum lot size of 15,000 square feet for an attached single-family dwelling project. The subject lot is said to have 15,040 square feet per the deed description, but has been calculated by the surveyor to have 14,608 square feet. Given the difference in the amount of square footage attributed to the lot, the petitioners request relief from section 3.2.4 from the 15,000 square foot lot area requirement.
5. The petitioners propose to utilize and extend the existing driveway along the northern property line to serve all three units. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line. The driveway runs along the side lot line, requiring a waiver.
6. Retaining walls are proposed on the northern and southern property boundaries. The walls are located within the required 25-foot setback, and both are four feet in height. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	14,608* square feet	No change
Frontage	80 feet	60 feet	No change
Setbacks			
• Front	25 feet	7.3 feet	25.3 feet
• Side	25 feet	4.1 feet	10.3 feet
• Rear	25 feet	177.1 feet	101.5 feet
Building Height	36 feet	25.88	30.74 feet
Max Number of Stories	2.5 (3 by special permit)	2	2.5
Lot Coverage	25%	6.7%	21.5%
Open Space	50%	84.5%	56.4%
Lot Area Per Unit	4,000 square feet	14,608 square feet	4,869 square feet

*As calculated by the surveyor. The deed states a lot size of 15,040 square feet

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setbacks	S.P. per §7.3.3
§3.2.4	To reduce required frontage	S.P. per §7.3.3
§3.2.4	To reduce required lot area	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3