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James Freas  
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## ZONING REVIEW MEMORANDUM

Date: December 3, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Timothy Burke, architect  
James Freas, Acting of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to establish an accessory apartment exceeding 1,000 square feet in an existing single-family dwelling and to exceed FAR**

Applicant: Rodney Farnsworth	
Site: 100 Evelyn Road	SBL: 53003 0013
Zoning: SR2	Lot Area: 18,052 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment

### BACKGROUND:

The property at 100 Evelyn Road is improved with a single-family dwelling built in 1950 in the Single Residence 2 district on an 18,052 square foot lot. The applicant proposes to raze the one-story portion of the dwelling consisting of a two-car garage, and construct a three-car garage and living space with an accessory apartment above. The proposed addition exceeds the allowable floor area ratio, and the proposed accessory apartment exceeds the 1,000 square feet allowed by right. A special permit is required to construct the project as proposed.

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

- Zoning Review Application, prepared by Timothy Burke, architect, dated 10/27/2014
- FAR calculations, prepared by Timothy Burke, architect, dated 10/20/2014
- Certified Plot Plan, prepared by Ron Natoli, PLS, dated 10/13/2014
- Architectural Plans, signed and stamped by Timothy Burke, dated 10/15/2014
  - Existing first floor plan
  - Existing second floor plan
  - Existing elevations

- Proposed first floor plan
- Proposed second floor plan
- Proposed elevations
- Existing landscape plan
- Proposed landscape plan

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The proposed 1,979 square foot addition creates an FAR of .39, from the existing .28, where .33 is the maximum allowed by right. A special permit is required to exceed the maximum FAR per Sections 30-15(u)(2) and 30-15, Table 3.
2. The existing single-family structure is located in an SR2 district. The applicant proposes to construct an addition to the existing dwelling consisting of a three-car garage and mudroom with an accessory apartment above. The apartment is proposed to be approximately 1,500 square feet. Per Section 30-8(d)(c), a special permit is required to create an accessory apartment exceeding 1,000 square feet in a single-family dwelling.
3. Table 30-8 requires a lot have at least 15,000 square feet for an accessory apartment by right. The applicant's lot has 18,052 square feet.
4. Table 30-8 requires that a building housing an accessory apartment have at least 3,100 square feet. The applicant's existing single-family dwelling has 5,164 square feet, including the basement. After the proposed addition, the structure will have 7,143 square feet.
5. Section 30-8(d)(1)a) requires that an accessory apartment within a single-family dwelling have one of the units be occupied by the owner of the property. The owner of the property intends to maintain residency in the main dwelling.
6. Section 30-8(d)(1)(b) requires a single-family dwelling to have been constructed at least ten years prior to the date of application for the permit for the accessory apartment. The dwelling was built circa 1950 and thus meets the requirement.
7. Any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d).
8. Per Section 30-8(d)(1)(e), the addition made to the existing dwelling is not necessary to meet the requirements of Table 30-8, Dimensional Requirements For Accessory Apartments.
9. Section 30-8(d)(1)(f) requires that there is no more than one accessory apartment per lot. The plans show only one accessory apartment on the site.
10. No lodgers are allowed in any unit, per section 30-8(d)(1)(g).

11. Sections 30-8(d)(1)(h), 30-19(d)(19) and 30-19(g) require two parking stalls for the dwelling unit, and one stall for the accessory unit. The applicant proposes to construct an attached three-car garage, which will satisfy the parking requirement of the Ordinance.
12. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-9(h)(1)(i).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	18,052 square feet	No change
Frontage	80 feet	100 feet	No change
Lot size required for an accessory apartment	15,000 square feet	18,052 square feet	No change
Building size required for an accessory apartment	3,100 square feet	5,164 square feet	7,143 square feet
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	20 feet 7.5 feet 15 feet	49.6 feet 8.1 feet 67.5 feet	41.0 feet 8.0 feet No change
Max Lot Coverage	30%	18.6%	18.2%
Min Open Space	50%	68.8%	65.2%
Max Height	36 feet	23.4 feet	No change
FAR	.33	.28	<b>.39</b>

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-15(u)(2), §30-15 Table 3	Exceed allowable FAR	S.P. per §30-24
§30-8(d)(c)	Permit an accessory apartment in excess of 1,000 square feet	S.P. per §30-24