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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 27, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Maureen Dowling, Trustee M&D Family Trust
Terrence Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request for a special permit to exceed FAR and to extend a nonconforming front setback and a variance from the rear setback requirement**

Applicant: M&D Family Trust	
Site: 73 Falmouth Road	SBL: 34046 0008
Zoning: SR3	Lot Area: 4,254 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with an accessory apartment

BACKGROUND:

The property at 73 Falmouth Road consists of a 4,254 square foot corner lot improved with a single-family residence constructed in 1937 and a detached garage. The petitioners propose to renovate and expand the existing garage and construct an addition attaching it to the main dwelling. The proposed addition requires a special permit to exceed the allowable FAR.

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

- Zoning Review Application, prepared Terrence Morris, attorney, dated 4/1/2019
- FAR Worksheet, submitted 4/1/2019, updated 6/6/2019
- Existing Conditions Site Plan, prepared by Verne T. Porter, surveyor, dated 10/18/2018
- Architectural plans and elevations, prepared by C.D. Calhoun, architect, dated 12/19/2018, updated 6/6/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to expand an existing detached garage structure and attach it to the main dwelling to be used as an accessory apartment. The proposed construction adds 681 square feet to the existing 1,621 square feet. The proposed addition increases the FAR from .38 to .54, which exceeds the maximum of .48 allowed by sections 3.1.3 and 3.1.9, requiring a special permit.
2. Utilizing the averaging provisions for front setbacks per section 1.5.3, the required front setback is 21.45 feet. The existing dwelling has a front setback of 15.9 feet from Elsworth Road. The petitioners intend to extend the house to construct an attached garage off of Elsworth Road, with a proposed setback of 21.1 feet. The petitioner requires a special permit to extend the nonconforming front setback per section 7.8.2.C.2.
3. Per section 1.5.3.A, in the case of a corner lot, the rear lot line is that which is opposite the street on which the main entrance is located, which in this case is Falmouth Road. The petitioners propose to construct an addition resulting in a rear setback of 7.5 feet, where 15 feet is required per section 3.1.3. To allow a reduction of the required rear setback a variance per section 7.6 is required.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,254 square feet	No change
Frontage	70 feet	50 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Falmouth Rd) • Front (Elsworth Rd) • Side • Rear 	25 feet 21.45 feet* 7.5 feet 7.5 feet**	26 feet 15.9 feet 7.5 feet 28.8 feet	No change No change No change 7.5 feet
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	27.3 feet	No change
FAR	.48	.38	.54
Max Lot Coverage	30%	24%	26.9%
Min. Open Space	50%	62.62%	63%

*per section 1.5.3.B

**per section 3.1.13

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3 §3.2.11	Request to exceed FAR	S.P. per §7.3.3
§1.5.3 §3.2.3 §7.8.2.2	Request to further extend a nonconforming front setback	S.P. per §7.3.3
§3.1.3	Request for a variance from rear setback requirement	Variance per §7.6

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N