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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: April 25, 2012

To: John Lojek, Commissioner of Inspectional Services

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

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

RE: Request to extend a nonconforming structure and exceed allowed FAR

Applicant: Dino Rossi	
Site: 258 Nevada Street	SBL: 14008 0016
Zoning: MR1	Lot Area: 11,122 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling

BACKGROUND:

The property at 258 Nevada Street consists of an 11,122 square foot lot currently improved with a two-family dwelling. The applicant proposes to construct an addition to the rear of the existing structure and reconfigure and enlarge the dwelling units.

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

- Architectural plans, signed and stamped by Steven J. Petitpas, dated 3/14/12
 - SK12 – Floor Plans
 - SK13 – Elevations
- Existing site plan, unsigned and unstamped by VTP Associates, Surveyors, dated 2/8/12
- Proposed site plan, unsigned and unstamped by VTP Associates, Surveyors, revised 3/15/12
- A letter, signed by Commissioner John Lojek clarifying the interpretation of setbacks for the property, dated 4/20/12

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to reconfigure the existing two-family use so that one unit will occupy the existing structure and a second unit will occupy the proposed addition. The Commissioner of Inspectional Services has determined that the proposed structure meets the definition of a two-family dwelling. Therefore the proposed use is allowed by right.

2. The property is in the MR1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a post-1953 lot (see chart below). The Commissioner of Inspectional Services has determined that the existing side and rear lot lines will continue to apply to the new addition.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	11,122 square feet	No change
Lot Area Per Unit	5,000 square feet	5,561 square feet	No change
Frontage	80 feet	150 feet	No change
Setbacks			
• Front	30 feet	16.5 feet	No change
• Side	10 feet	16.8 feet	12.1 feet
• Rear	15 feet	75.1 feet	35.3 feet
FAR	.48	.31	.57
Building Height	36 feet	34.15 feet	33.1 feet
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	30%	14.0%	26.6%
Min. Open Space	50%	71.9%	55.7%

3. The existing structure is nonconforming with regard to the front setback from Linwood Avenue. The applicant's plans show that the proposed structure would be extended along the Linwood Avenue frontage within the required setback distance but no closer to the lot line. This represents an extension of a nonconforming structure. Therefore, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to extend a nonconforming structure.
4. Per Section 30-15(u), an 11,122 square foot lot located in the MR1 district is allowed a Floor Area Ratio (FAR) of up to .48 by right. The applicant's plans show that the existing structure has an FAR of .31 and that the proposed structure has an FAR of .57. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen waiving the FAR limit per Section 30-15(u)(2).
5. The applicant's plan shows that each dwelling unit has two parking stalls, one located in an enclosed garage and the other located outside. Both outside surface stalls are located in the front setback; one is also located in the side setback and the other in the rear setback. Per Section 30-19(g)(1), in a two-family dwelling, one parking stall per dwelling may be located in the required front and side setbacks. The two interior parking stalls, though located within the front setback, are enclosed within the extended nonconforming structure and therefore do not require any additional zoning relief.

6. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-21(b)	Extend a nonconforming structure with regard to the front setback	S.P. per §30-24
§30-15(u), §30-15(u)(2)	Allow an FAR of .57 where .48 is allowed by right	S.P. per §30-24