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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 1, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David Miller and Ruth Hertzman-Miller, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further extend a nonconforming side setback of an accessory structure

Applicant: David Miller and Ruth Hertzman-Miller	
Site: 92 Manet Road	SBL: 61012 0006
Zoning: MR1	Lot Area: 6,825 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 92 Manet Road consists of a 6,825 square foot lot improved with a single-family residence prior to 1924 and a detached garage built in 1924. The garage was constructed 1.3 feet from the southern side lot line. The petitioner proposes to raze the existing garage and a separate shed located behind the garage and construct an enlarged garage, further extending the nonconforming side setback.

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

- Zoning Review Application, prepared by Ruth Hertzman-Miller, applicant, dated 3/20/2019
- FAR Worksheet, submitted 3/20/2019
- Plot Plan, prepared by Rober Survey, surveyor, dated 12/13/2018
- Proposed Plot Plan, prepared by Rober Survey, surveyor, dated 12/13/2018

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to raze an existing detached garage and a 96 square foot detached shed located behind the garage in the southern corner of the lot. The existing garage was constructed 1.3 feet from the side lot line in 1924. The petitioner intends to construct a 698.5 square foot garage, extending the 1.3-foot setback further along the side lot line, encompassing the space that the existing garage and shed now occupy. A special permit pursuant to Sections 3.4.3.A.1 and 7.8.2.C.2 is required to further extend the nonconforming side setback to allow for construction of the detached garage.
2. Section 3.4.2.B.1 requires that a private garage of more than 700 square feet requires a special permit. The petitioners propose to construct a 698.5 square foot detached garage structure. In the event that the proposed garage exceeds 700 square feet once constructed, a waiver from this provision is requested.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,825 square feet	No change
Frontage	70 feet	65 feet	No change
Setbacks: Principal <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	23 feet 8.4 feet 41 feet	No change No change No change
Setbacks: Accessory <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	>50 feet 1.3 feet 11.9 feet (to shed)	No change No change 9 feet
FAR	.53	.41	.45
Max Lot Coverage	30%	16.9%	18.6%
Min. Open Space	50%	75.4%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.3.A.1, §7.8.2.C.2	Request to further extend a nonconforming side setback	S.P. per §7.3.3
§3.2.4.B.1	Request to construct a garage greater than 700 square feet	S.P. per §7.3.3

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? N