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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 3, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Mark and Martha Fishman, Applicants
Stephan Potts, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further increase the nonconforming FAR, to increase the nonconforming third story, and to allow an oversized dormer

Applicant: Mark and Martha Fishman	
Site: 43 Kenwood Avenue	SBL: 64020 0022
Zoning: SR2	Lot Area: 10,652 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 43 Kenwood Avenue consists of a 10,652 square foot lot improved with a single-family residence constructed circa 1890. Due to the average grade, the basement level is considered the first story, resulting in a 3.5 story structure. The petitioners propose to construct a rear addition and to construct a dormer to the front facade. The proposed changes will further increase the nonconforming FAR, increase the nonconforming third story, and create an oversized dormer, requiring a special permit.

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

- FAR Worksheet, submitted 8/2/2018
- Plot Plan, prepared by Merrill Engineers and Surveyors, surveyor, dated 3/4/2021
- Architectural Plans, signed and stamped by Stanev Potts Architects, dated 5/27/2021

ADMINISTRATIVE DETERMINATIONS:

1. The FAR is .50, where .37 is the maximum allowed. The proposed addition and dormer add 200 square feet to the dwelling, resulting in an FAR of .52. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the nonconforming FAR.
2. Due to the average grade, the basement is considered the first story, resulting in a 3.5-story structure, where 2.5 stories are the maximum allowed per section 3.1.3. The petitioners propose to an addition and a dormer addition to the third story. To further increase the nonconforming third story requires a special permit per sections 3.1.3 and 7.8.2.C.2.
3. Per section 1.5.4.G.2.b, a dormer may be no wider than 50% of the length of the exterior wall of the story next below. The petitioners propose to construct a dormer within the footprint of a second-story bump out. The proposed dormer is 100% of the width of the story next below, requiring a special permit.
4. Per section 1.5.4.G.2.c, a dormer may not be closer than three feet from the vertical plane of the intersection with the roof and the main building without a special permit. The petitioners proposes a dormer that extends to the intersection with the roof and main building with no separation, requiring a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,667 square feet	No change
Frontage	80 feet	82 feet	No change
Setbacks			
• Front	25 feet	~30 feet	No change
• Side	7.5 feet	9.2 feet	No change
• Rear	15 feet	39.8 feet	No change
Max Number of Stories	2.5	3.5	No change
Height	36 feet	29.2 feet	No change
FAR	.37	.50	.52

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3, §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase a nonconforming third story	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the length of the exterior wall of the story next below	S.P. per §7.3.3

§1.5.4.G.2.c	Request to allow a dormer within three feet of the intersection of the roof and main building	S.P. per §7.3.3
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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