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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 23, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Mark Armstrong, Architect
Naomi and Ilan Frankel, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a detached accessory apartment with reduced setbacks and an accessory building with a ground floor area greater than 700 square feet

Applicant: Naomi and Ilan Frankel	
Site: 39 Adella Avenue	SBL: 31013 0002
Zoning: SR3	Lot Area: 10,000 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 39 Adella Avenue consists of a 10,000 square foot lot improved with a single-family dwelling constructed in 1911 and a detached garage structure constructed in 1918. The petitioner proposes to raze the garage and construct a larger detached structure to be used as an accessory apartment.

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

- Zoning Review Application, prepared by Mark Armstrong, architect, submitted 5/5/2021
- Architectural plans and elevations, prepared by Mark Armstrong, architect, dated 3/19/2021
- Site Plan, Existing Conditions, prepared by EMB, surveyor, dated 4/21/2021
- Site Plan, Proposed Conditions, prepared by Mark Armstrong, architect, dated 3/19/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to demolish the detached garage and construct a detached accessory building to be used as an accessory apartment. Per section 6.7.1.E.1, a special permit is required to allow a detached accessory apartment.
2. Per section 6.7.1.E.2, a detached accessory apartment may be a maximum of 40% of the habitable area of the principal dwelling or 1,200 square feet, whichever is less. The principal unit has 2,991 square feet of habitable space, allowing for a 1,196 square foot apartment (40%). The proposed apartment is 1,020 square feet, requiring no relief.
3. Per section 6.7.1.E.5, a detached accessory apartment must meet the setbacks of the principal dwelling unless by special permit. The proposed accessory apartment has a 5-foot side setback where a setback of 7.5 feet is required per section 3.1.3, and a 7.5-foot rear setback where a setback of 15 feet is required. The proposed reduced side and rear setbacks require a special permit.
4. Section 1.5.4.G.1.b requires that no dormer be wider than 50% of the length of the exterior wall next below. The petitioner proposes to construct a clerestory dormer on the eastern side of the accessory building that is 19.33 feet long on the 32.5-foot wall, resulting in a dormer that is 59% of the length of the wall next below, requiring a special permit.
5. Per section 1.5.4.G.1.c the vertical plane of the side wall of any dormer may not be closer than three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. The proposed dormer on the eastern side of the accessory building terminates at the intersection with the main building end wall, requiring a special permit.
6. Per section 3.4.3.A.4, the ground floor area of an accessory building may not exceed 700 square feet, unless by special permit. The petitioner proposes a ground floor area of 750 square feet, requiring a special permit per section 3.4.4.H.1.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	10,000 square feet	No change
Frontage	70 feet	80 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 7.5 feet 15 feet	27.5 feet 14.1 feet ± 40 feet ± 35 feet	No change No change No change No change
Setbacks - Accessory <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 7.5 feet 15 feet	NA 7.5 feet ± 35 feet 13.9 feet	± 75 feet 5 feet ± 35 feet 7.5 feet
Max Number of Stories <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	2.5 1	No change 1.5
Height <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	30.3 feet 18 feet	No change 21.5 feet
FAR	.41	.30	.37
Max Lot Coverage	30%	14.7%	21.7%
Min. Open Space	50%	67.2%	62.2%

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1	To allow detached accessory apartment	S.P. per §7.3.3
§3.1.3 §6.7.1.E.5	To allow a detached accessory apartment with reduced setbacks	S.P. per §7.3.3
§1.5.4.G.1.b	To allow a dormer wider than 50% of the exterior wall next below	S.P. per §7.3.3
§1.5.4.G.1.c	To allow a dormer within 3 feet of the intersection of the roof and wall plane	S.P. per §7.3.3
§3.4.3.A.4 §3.4.4.H.1	To allow an accessory building with a ground floor area exceeding 700 square feet	S.P. per §7.3.3