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Barney S. Heath  
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## ZONING REVIEW MEMORANDUM

Date: August 10, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurance Lee, Attorney  
David and Lauren Thill, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow more than 700 square feet of total garage area on a lot, to exceed FAR, and to allow a detached accessory apartment**

Applicant: David and Lauren Thill	
Site: 12 Kingsbury Road	SBL: 63026 0007
Zoning: SR1	Lot Area: 21,731 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

### BACKGROUND:

The property at 12 Kingsbury Road consists of a 21,731 square foot lot improved with a single-family dwelling constructed in 1889 and a detached garage. The petitioner proposes to raze the garage and construct a larger detached structure to be used as an accessory apartment as well as construct an addition to the principal dwelling.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 6/25/2021
- Architectural plans and elevations, signed and stamped by David Michael Collins, architect, submitted 6/25/2021
- Site Plan, Existing Conditions, signed and stamped by Bruce Bradford, surveyor, dated 5/13/2021
- Site Plan, Proposed Conditions, signed and stamped by Bruce Bradford, surveyor, dated 5/14/2021
- Proposed Additions, signed and stamped by Bruce Bradford, surveyor, dated 6/25/2021
- FAR worksheet, signed and stamped by David Michael Collins, architect, dated 6/10/2021

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to demolish the detached garage and construct an accessory building to be used as an accessory apartment with a one-car garage. 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, or up to 1,500 square feet with additional relief. The petitioners propose a 900 square foot accessory apartment, less than both the 40% and 1,200 square feet allowed, requiring no relief.
3. Per section 3.4.4.E.1 there may be no more than 700 square feet in total garage area on a lot for a residential building with one unit. The petitioners propose to construct a 600 square foot attached two-car garage and a 345 square foot detached garage, resulting in 945 square feet of total garage area on the lot, requiring a special permit.
4. The existing single-family dwelling is nonconforming with three stories, where 2.5 stories are the maximum allowed per section 3.1.3. The petitioners propose to construct additions to the basement, first and second stories. The proposed addition increases the floor area of the second story, rendering the attic a half story, eliminating the nonconformity.
5. The proposed additions to the principal dwelling and the construction of the accessory structure results in a total of 7,669 square feet, increasing the FAR from .22 to .35, where .27 is the maximum allowed per section 3.1.9. A special permit per sections 3.1.3 and 3.1.9 is required to exceed the maximum allowable FAR.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	21,723 square feet	No change
Frontage	100 feet	160 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 12.5 feet 12.5 feet 25 feet	40 feet <b>9.2 feet</b> ± 100 feet ± 35 feet	No change <b>No change</b> ± 85 feet No change
Setbacks - Accessory <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 12.5 feet 12.5 feet 25 feet	NA NA NA NA	60.3 feet 13.7 feet ± 35 feet ± 115 feet
Max Number of Stories <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	2.5 1.5	<b>3</b> NA	2.5 1.5
Height <ul style="list-style-type: none"> <li>• Principal</li> <li>• Accessory</li> </ul>	36 feet 22 feet	35.4 feet NA	36 feet 18.5 feet
FAR	.22	.27	.35
Max Lot Coverage	30%	9.6%	18.4%
Min. Open Space	50%	86%	73.3%

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
§3.4.4.E.1	To allow a 945 square feet of total garage area	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	To further extend a three-story structure to 3.5 stories	S.P. per §7.3.3
§3.1.3 §3.1.9	To exceed FAR	S.P. per §7.3.3