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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 31, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Kevin and Liz Bramson-Boudreau, Applicants
Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further exceed nonconforming FAR, to allow a detached accessory apartment, reduced setbacks for the apartment and to allow oversized dormers

Applicant: Kevin & Liz Bramson-Boudreau	
Site: 33 Berkeley Street	SBL: 32031 0004
Zoning: SR1	Lot Area: 11,097 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 33 Berkeley Street consists of a 11,097 square foot lot in the Single Residence 1 zoning district improved with a single-family dwelling constructed in 1890 and a detached garage. The petitioners propose to raze the detached garage and construct a new larger detached garage with an accessory apartment on the second level, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 4/28/2022
- Floor plans and elevations, prepared by Peter Sachs, architect, dated 4/21/2022
- Existing Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 1/13/2022
- Proposed Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 3/23/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the detached garage in the rear of the property and construct a new larger detached garage with a second story accessory apartment. Per section 6.7.1.E.1 a special permit is required to allow an accessory apartment in a detached structure.
2. The accessory apartment is proposed with 466 square feet, which is less than 10% of the habitable space of the dwelling, meeting the requirement of section 6.7.1.E.2.
3. Per section 6.7.1.E.4 a detached accessory apartment must meet the principal setback requirements. The proposed detached building is set back 5.5 feet from the side and rear lot lines where 7.5 and 15 feet are required respectively per section 3.1.3. A special permit is required to allow a detached accessory apartment that does not meet principal setbacks.
4. Per section 1.5.4.G.2.b a dormer may be no wider than 50% of the length of the exterior wall next below. The petitioners propose dormers on each side of the roof above a 23-foot-wide exterior wall next below. The front dormer is 15.4 feet wide, which is 67% of the wall below. The rear dormer is 20 feet wide, which is 87% of the wall below. The proposed oversized dormers require a special permit.
5. The existing dwelling and garage have a nonconforming FAR of .37 where .33 is the maximum allowed per section 3.1.9. The proposed construction of the garage further increases the nonconforming FAR to .45, requiring a special permit per section 7.8.2.C.2.
6. Per section 1.5.2.D.2, the lot coverage requirements in section 3.1 shall not apply to garages accessory to single- and two-family dwellings constructed prior to December 27, 1922. By not including the 700 square foot footprint of the proposed detached garage in the calculation, the proposed lot coverage is below the maximum allowed.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	11,097 square feet	No change
Frontage	100 feet	72 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> • Front • Side • Rear Setbacks – Accessory <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet 25 feet 7.5 feet 15 feet	33.1 feet 8.2 feet 72.2 feet >100 feet 7.4 feet 6.8 feet	No change No change No change >100 feet 5.5 feet* 5.5 feet*
Height – <ul style="list-style-type: none"> • Principal • Accessory 	36 feet 22 feet	32.78 feet <22 feet	No change 21.9 feet
Stories – <ul style="list-style-type: none"> • Principal • Accessory 	2.5 1.5	2.5 1	No change 1.5
FAR	.33	.37	.45
Max Lot Coverage	20%	17.7%	21.3%
Min. Open Space	65%	54.5%	65.1%

*Requires relief

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1.a	To allow a detached accessory apartment	S.P. per §7.3.3
§6.7.1.E.4	To allow a detached accessory apartment that does not meet principal setbacks	S.P. per §7.3.3
§1.5.4.G.2.b	To allow oversized dormers	S.P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2.C.2	To further exceed nonconforming FAR	S.P. per §7.3.3