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Barney S. Heath  
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## ZONING REVIEW MEMORANDUM

Date: November 8, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Fox & Toby LLC, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to alter and extend a nonconforming two-family dwelling use and to determine dimensional controls**

Applicant: Fox & Toby LLC	
Site: 219 Melrose Street	SBL: 41018 0026
Zoning: SR3	Lot Area: 16,976 square feet
Current use: Two-family dwelling	Proposed use: Two-unit dwelling

### BACKGROUND:

The property at 219 Melrose Street consists of 16,976 square feet in the Single Residence 3 zoning district improved with a two-family dwelling constructed circa 1870. The parcel gains access from Melrose Street via a twenty-foot wide right of way, which is shared with 215 and 223 Melrose Street. Additionally, the parcel has thirty feet of frontage along the unimproved portion of Higgins Street. The petitioner proposes to raze the existing two-family dwelling and construct a two-unit dwelling, requiring a special permit.

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

- Zoning Review Application, prepared by Terrence P, Morris, submitted 2/21/2022
- Floor plans and elevations, prepared by MGD+, architect, dated 9/28/2022
- Existing Plot Plan, prepared Dellorco Associates, surveyor, dated 6/25/2022
- Proposed Plot Plan, prepared by Dellorco Associates, surveyor, dated 10/19/2022
- Proposed Site Plan, prepared by Flow Design Architects, dated 5/3/2022
- FAR worksheet, signed and stamped by Ronald F. Jarek, architect, dated 10/11/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The property is located in the Single Residence 3 zoning district and is improved with a legal nonconforming two-family dwelling constructed circa 1870. The petitioner proposes to raze the existing two-family dwelling and construct a dwelling with two units. The proposed two unit dwelling is designed so that the garage for Unit 1 shares a party wall with Unit 2’s habitable space. The proposed dwelling does not meet the definition of a detached two-family dwelling, which requires that only the habitable space of each dwelling unit provide the shared wall connection for the two units. The proposed two-unit dwelling configuration requires a special permit to change from one nonconforming use to another, requiring a special permit per sections 3.4.1 and 7.8.2.C.2 to extend a nonconforming two-family dwelling in an SR2 district.
2. Per section 3.1.2.A.3 where a density or dimensional control is not set forth for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall apply. A two-unit dwelling is not a specified use in the Zoning Ordinance and as such, does not have any by right dimensional controls. The Council must determine the appropriateness of the proposed building dimensions found below:

SR3 Zone	Existing	Proposed
Lot Size	16,976 square feet	No change
Frontage	30 feet	No change
Setbacks		
• Front	0 feet	25.9 feet
• Side	55.5 feet	24.9 feet
• Side	53.2 feet	25.8 feet
• Rear	52.6 feet	19.7 feet
Height	31.4 feet	33.59 feet
Number of Stories	2.5	2
FAR	NA	.40
Lot Coverage	11.7%	20.8%
Open Space	67.6%	66.5%

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to extend a nonconforming residential use	S.P. per §7.3.3
§3.1.2.A.3	To determine density and dimensional controls for the proposed use	S.P. per §7.3.3