Zoning memo – 191 Marginal Way – Site Plan 2016-179 – Ann Machado, Zoning Administrator

The Property is located in the B-7 Mixed Development District Zone.

The proposed site plan shows 12 parking spaces located in front of the part of the existing building that is remaining. Section 14-295(a)(24) addresses surface parking that has existed as of March 9, 2005 and been in continuous existence “thereafter, including the reorganization of parking spaces and maneuvering aisles. This section shall apply to surface parking accessory to a principal use…”. Currently there are 6 spaces located in front of the right side of the building (NAPA parts store) and the space in front of the left side of the building has been used for parking as well. The April 20, 2006 google earth photo clearly shows 11 spaces in front of the building. The December 30, 2003 google earth photo shows cars parked there as well although the lines are not as clear. Since there have been a minimum of 17 parking spaces that have existed in front of the building since March 9, 2005, the twelve proposed parking spaces are meeting this section.

Section 14-298(c)(2)(f) states that additions to the “buildings existing as of March 9, 2005 that are nonconforming as to the maximum setback need not to conform to the maximum street setback… [for] those portions of the building addition that are constructed closer to the street line than the building footprint existing as of March 9, 2005…”. The existing building is not located within ten feet of the front yard. Part of the building (1628 sf) that is being demolished before the addition is added is located closer to the street (23.7’), but the new part of the addition closer to the street (2,200 sf) will be located approximately 4.33’ from the front property line. This requirement is being met.

Section 14-298(d) addresses the minimum length of the building wall that is required to be located along the street frontage of lot. Subsection 2 requires that the minimum length of the building wall located along the street frontage must be a “minimum of twenty-five percent (25%) of building perimeter within 10 feet of the street”. The perimeter of the addition that is closer to the street is approximately 186’. 61.9’ of the wall of the addition is within 10’ of the street line. This is 33.3% of the perimeter of the addition that is closer to the street, so this is being met.

The minimum building height for new buildings for this property is three floors based on the bayside height overlay map. The prosed addition is not three floors. Section 14-298(h)(5) states that “those portions of the building addition(s) that are constructed closer to the street line than the building footprint existing as of (March 9,2005)” are exempt from the minimum floor provisions. The addition does not need to be a minimum of three floors.