



Diane N. Tradd
Assistant City Manager/DPD Director

MEMORANDUM

R. Eric Slagle
Director of Development Services

TO: Michael Geary, City Manager
Diane Tradd, DPD Director

Shaun Shanahan
Building Commissioner

FROM: R. Eric Slagle, Director of Development Services

RE: MOTION BY COUNCILOR C. CIRILLO - REQ. CITY MGR. HAVE THE DIVISION OF PLANNING AND DEVELOPMENT PRODUCE A ZONING AMENDMENT TO ALLOW THE ZONING BOARD OF APPEALS TO ISSUE A SPECIAL PERMIT FOR THE ADDITION OF FRONT PORCHES TO EXISTING HOMES.

This memorandum addresses the request from Councilor Cirillo for a zoning ordinance to allow the addition of front porches of existing homes by special permit. Development Services wanted to highlight the current procedure, which we believe meets the intent of this motion.

Currently, the Lowell Zoning Ordinance allows for covered porches to extend into the front setback in all of the single and two family residential zones in the City. In the City's Suburban Single Family (SSF) zone, the minimum front setback is 25 feet, and a porch can extend 8 feet into that setback. Similarly, in the Traditional Single, Two-Family and Multi-Family zones and the Urban Single Family zone, a porch can extend 6 feet into the setback. In our Urban Multi-Family zone, porches are allowed to conform to the existing setbacks on the block where the property is located. We believe that this allowance of porches within the setbacks provides opportunities for porches to be built on existing structures in the City's residential zones.

The challenge for a homeowner in adding a porch to an existing structure outside of the flexibility already allowed under the zoning ordinance is that they currently would be required to obtain a variance from the Zoning Board of Appeals. While the proposal to allow such porches by special permit would lower the legal standard for obtaining such relief, in practical terms, the legal standard is not the hurdle that prevents such projects. Rather, it is the statutory requirements for obtaining such relief that are burdensome. Obtaining relief in the form of either a variance or a special permit requires the following procedural steps: obtaining an abutters list and mailing out notice to each abutter within 300 ft. of the property; purchasing a legal ad in the local newspaper to run two weeks before the public hearing and again one week before the public hearing; preparing a plan and presenting the proposal to a land use board at a public hearing. These steps can often take one to two months, after which the board can still deny the proposal, and allowing such projects by special permit would not remove these statutory requirements from M.G.L. 40A.

Additionally, Development Services has to be very vigilant with porches within the setbacks to prevent property owners from enclosing those porches within the structure of the house. While easing the limitations on porches may result in a small number of additional porches being constructed, it would provide a greater opportunity for property owners to illegally enclose those porches, and push the structures closer to the property lines.

As such, Development Services believes that the current zoning strikes the proper balance between encouraging porches in residential neighborhoods, and establishing appropriate front setbacks to maintain the neighborhood character.

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