

City of Newton Planning and Development

Petition #202-23

Special Permit/Site Plan Approval to construct a one-story rear addition to provide an accessible living space which requires relief to increase the nonconforming FAR and height

June 13, 2023



25 Breamore Road

Zoning Relief

202-23

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3	Request to allow a reduced rear setback of 8.4 feet	Variance per §7.6
§3.1.3	Request to exceed maximum lot coverage	Variance per §7.6
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming height	S. P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2C.2	Request to further exceed nonconforming FAR	S. P. per §7.3.3

- + May 24, 2023- ZBA granted variances to:
 - decrease existing conforming rear setback from 20.5 to 8.4 feet (15 feet required)
 - increase existing conforming lot coverage from 24.7% to 42.1% (30% max. allowed).
- + altered average grade increase existing nonconforming height from 37.8 to 38.1 feet (36 feet max. allowed)
- + nonconforming floor area ratio (FAR) increase from 0.58 to 0.73 where 0.48 is the maximum allowed

Criteria to Consider

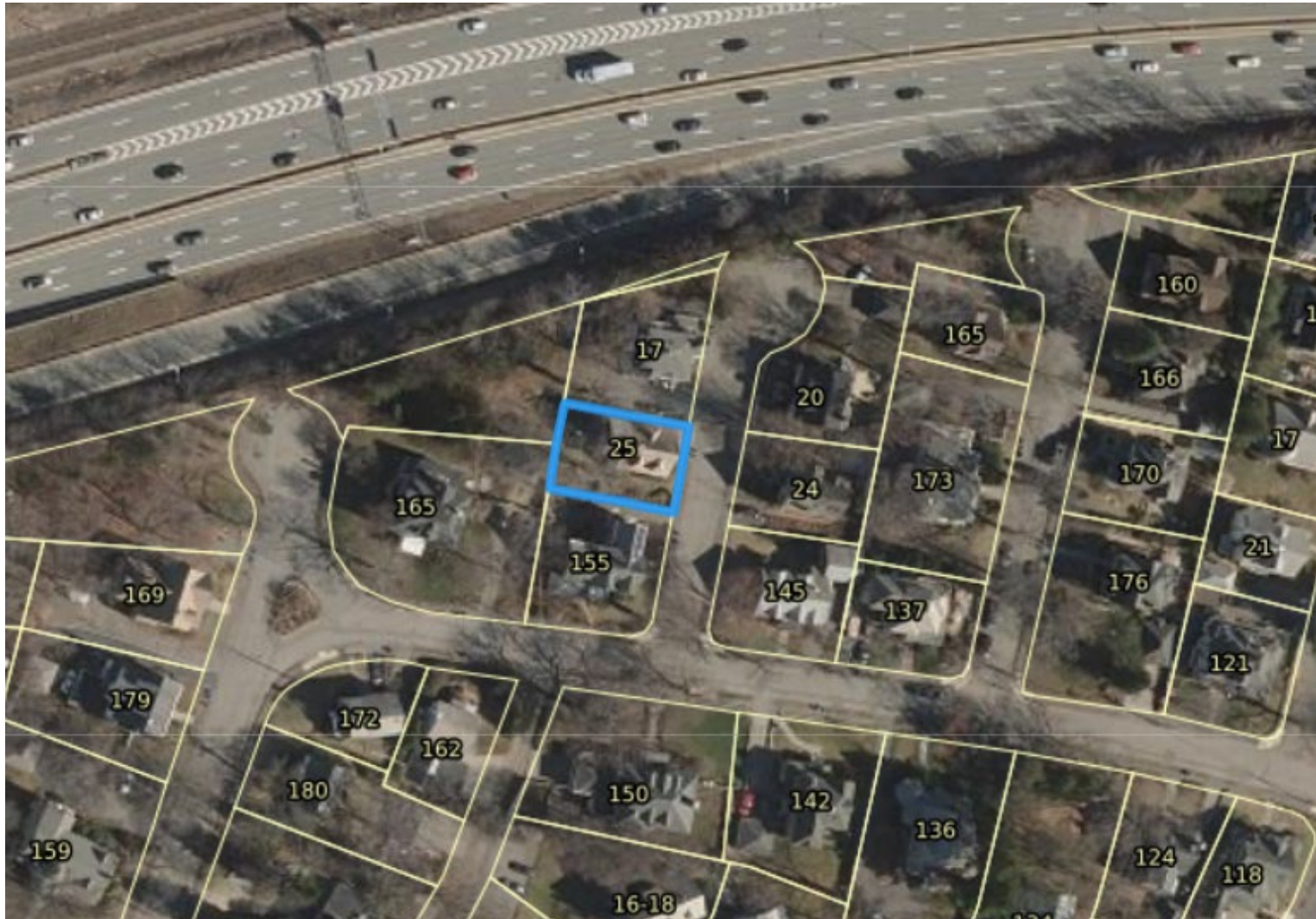
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When reviewing this request, the Council should consider whether:

- the proposed expanded dwelling with an increased FAR of 0.73 where 0.58 exists and 0.48 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)
- the proposed expanded single family dwelling as designed which increases both the nonconforming height and nonconforming FAR would be substantially more detrimental than the existing nonconforming dwelling is to the neighborhood (§7.8.2.C.2)

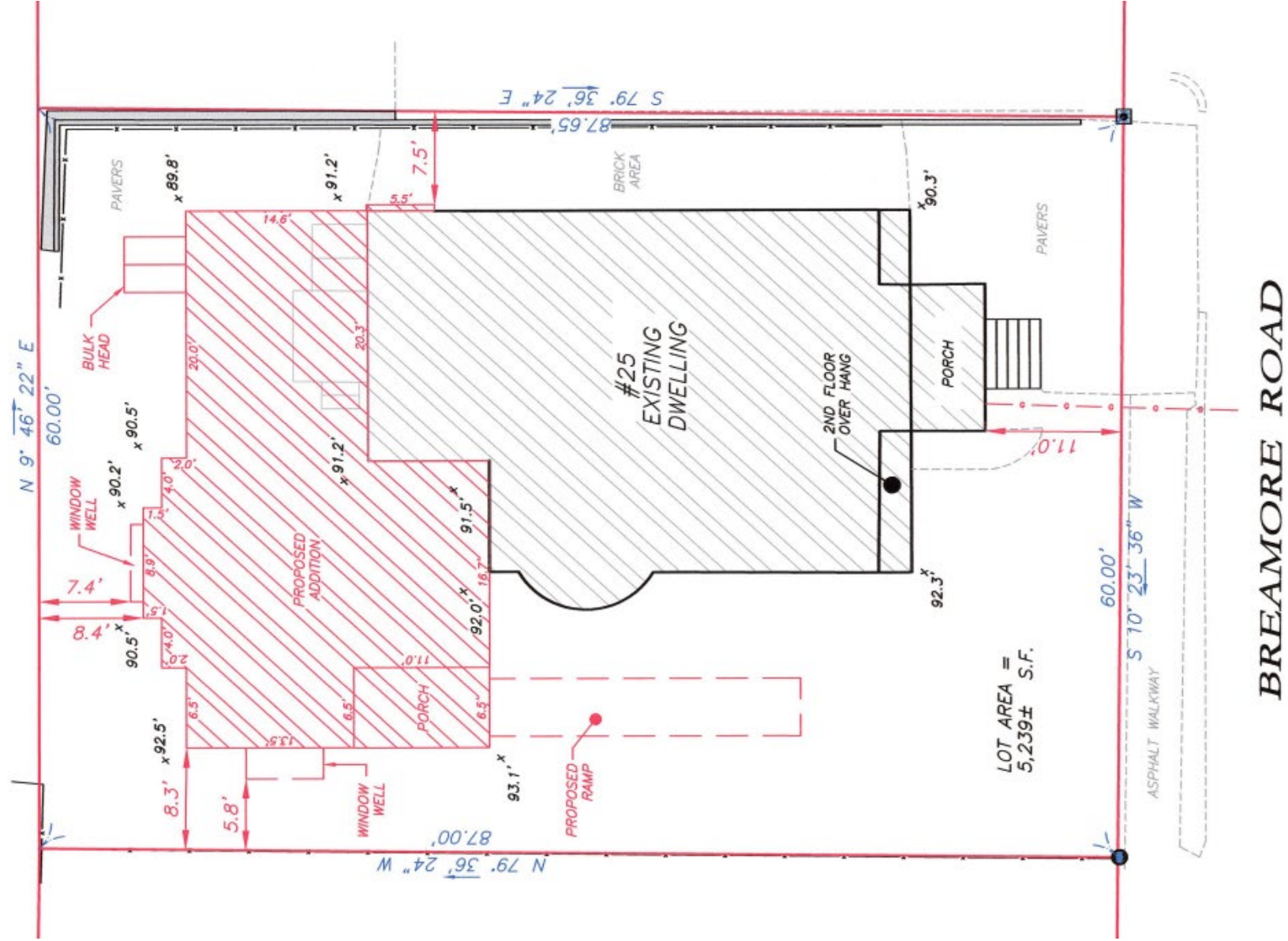
Aerial Map

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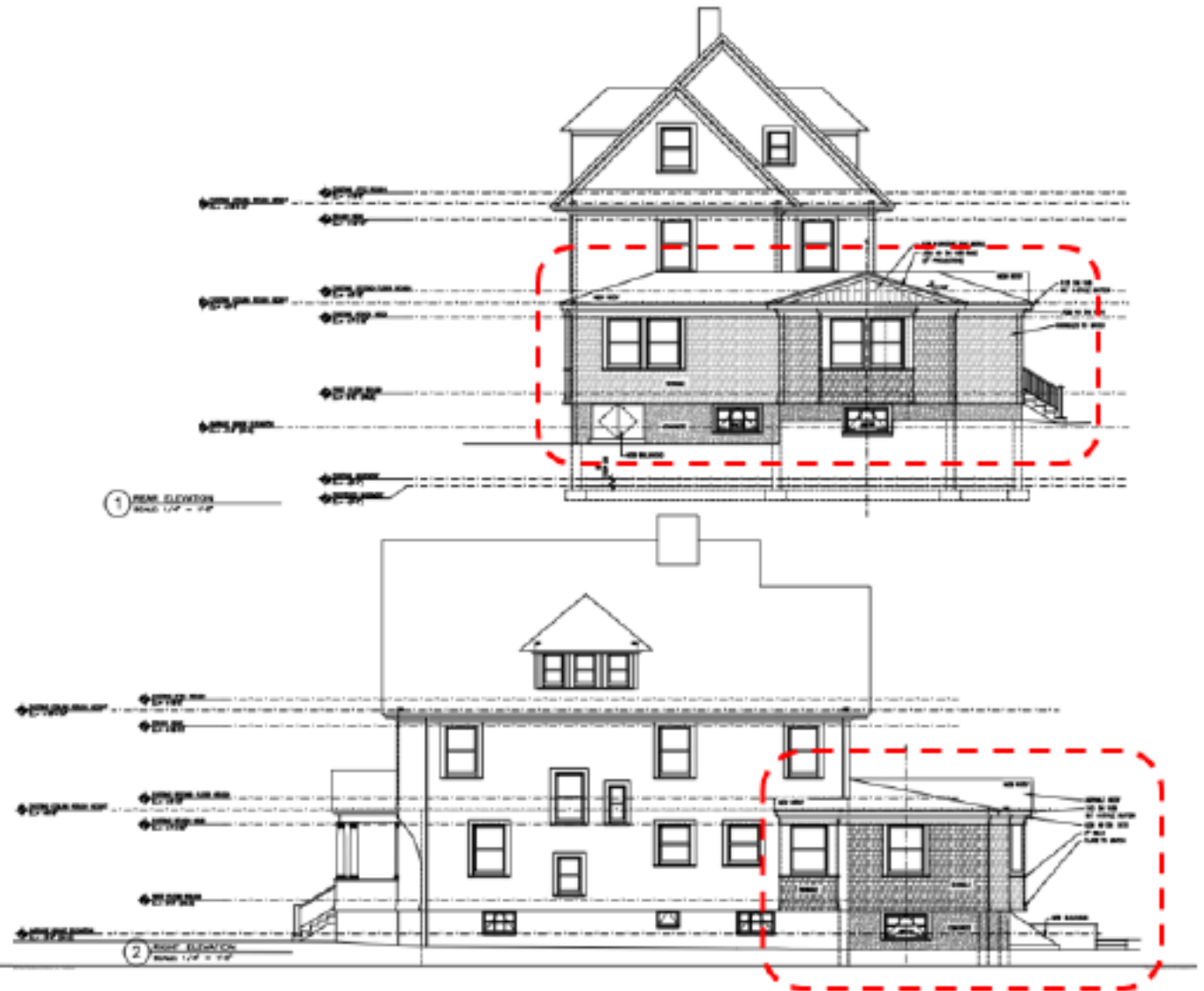
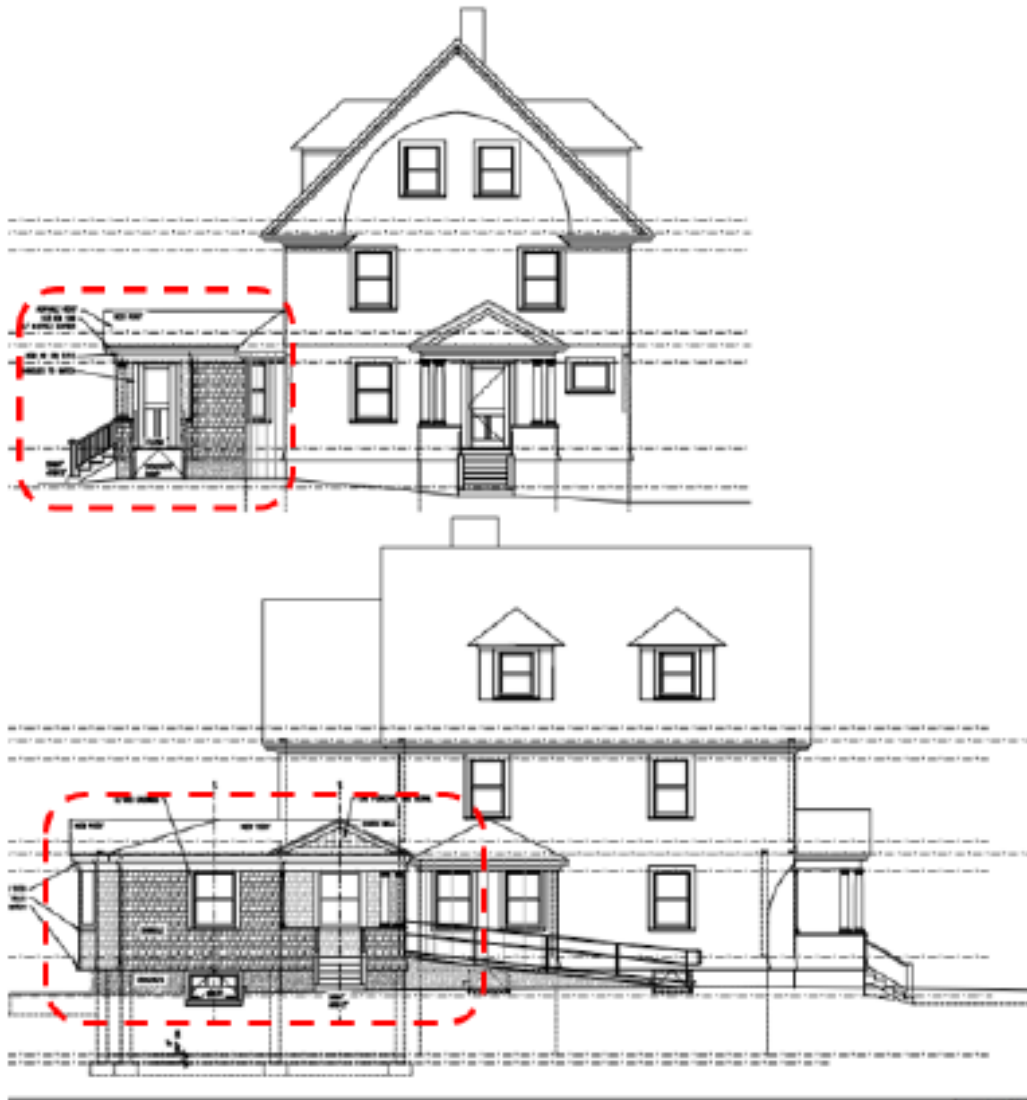
Site Plan- Proposed

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Elevations

202-23



Photos

202-23



1. The proposed expanded dwelling with an increased FAR of 0.73 where 0.58 exists and 0.48 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood given its modest height subordinate to the existing portions of the dwelling, and limited visibility from nearby properties and/or public rights-of-way. (§3.1.9)
2. The proposed expanded single-family dwelling as designed which increases both the nonconforming height and nonconforming FAR would be substantially more detrimental than the existing nonconforming dwelling is to the neighborhood given its modest height subordinate to the existing portions of the dwelling, and limited visibility from nearby properties and/or public rights-of-way. (§7.8.2.C.2)
3. Granting the requested special permit relief is a reasonable accommodation under the provisions of Title II of the Americans with Disabilities Act (ADA) so as to provide flexibility in the application of land use and zoning regulations necessary to eliminate barriers to housing opportunities individuals with disabilities.

- + *Plan Referencing Condition*
- + *Standard Building Permit Condition*
- + *Standard Final Inspection/Certificate of Occupancy Condition*