

# City of Newton Planning and Development

## **Petition #142-23**

Special Permit/Site Plan Approval to raze an existing detached garage and construct an attached two-car garage with living space above which increases the non-conforming FAR

**May 16, 2023**



**46 Valley Spring Road**

# Zoning Relief

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§3.1.3	Request to allow 36.4 feet in height	Variance per §7.5

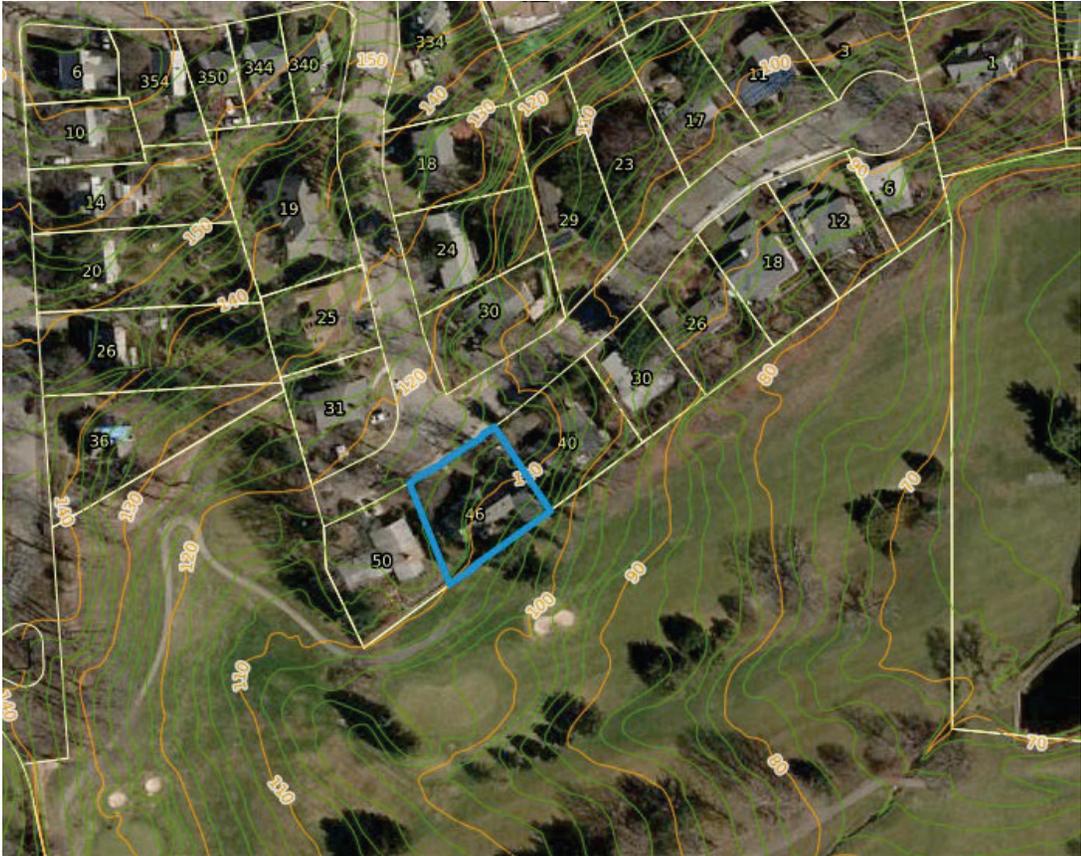
- + Increase the property's floor area by approx. 817 square feet (not 1,336 square feet), from 4,981 to 5,798 square feet, increasing nonconforming FAR from 0.49 to 0.57 where 0.38 is the maximum allowed by right
- + Dwelling's existing conforming ridgeline height of 35.3 feet would not be altered. The two-story garage addition is proposed at lower rear eastern corner of lot would lower average grade around the dwelling by 1.1 feet, increasing dwelling's measured height from 35.3 feet to 36.4 feet, slightly higher than the maximum 36 feet, necessitating a variance recently granted by the Zoning Board of Appeals.

# Criteria to Consider

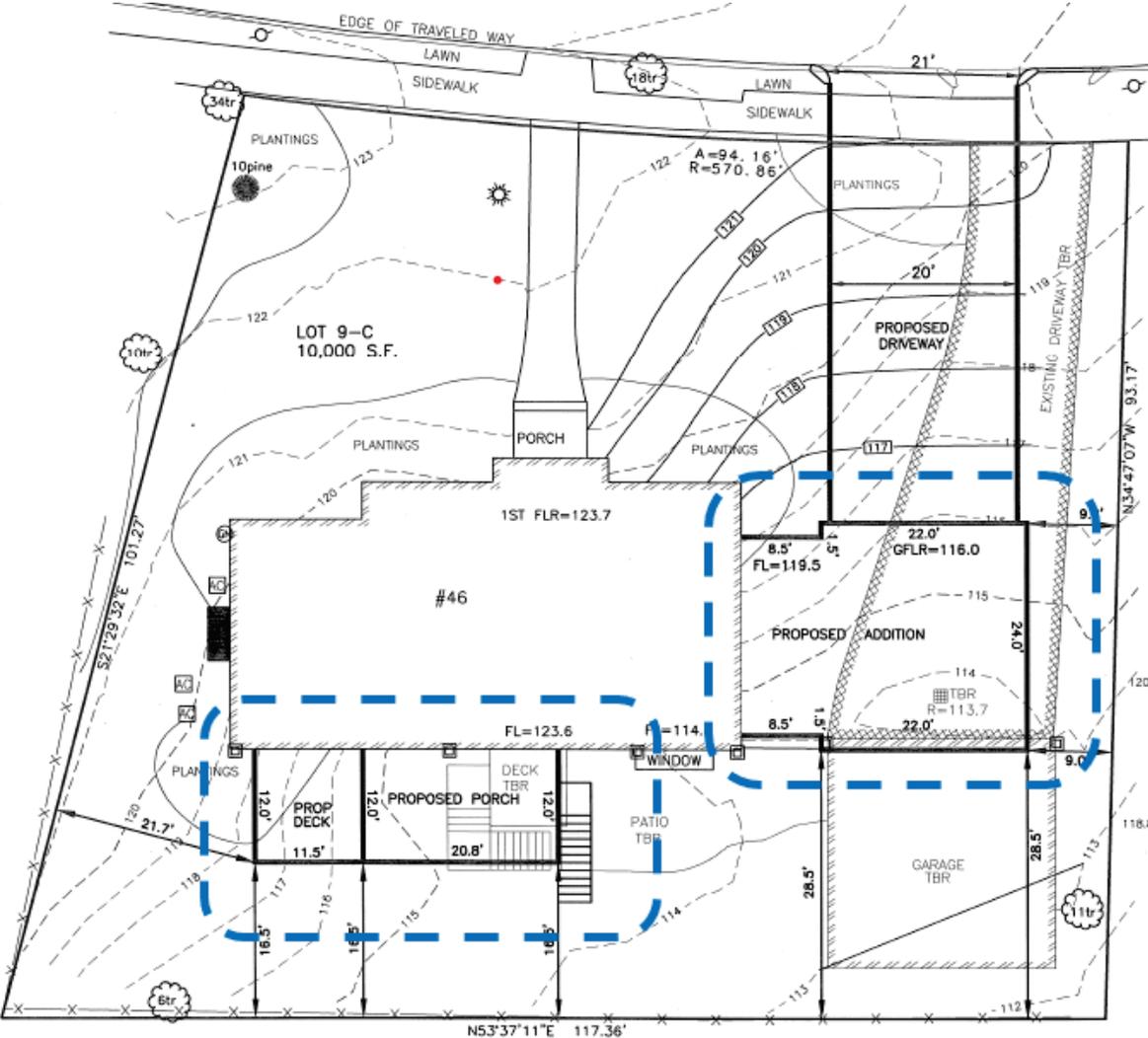
When reviewing this request, the Council should consider:

- The proposed expanded structure with an increased nonconforming floor area ratio (FAR) of 0.49 to 0.57 where 0.38 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 structure with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right would be substantially more detrimental than the existing nonconforming structure is to the neighborhood (§7.8.2.C.2)

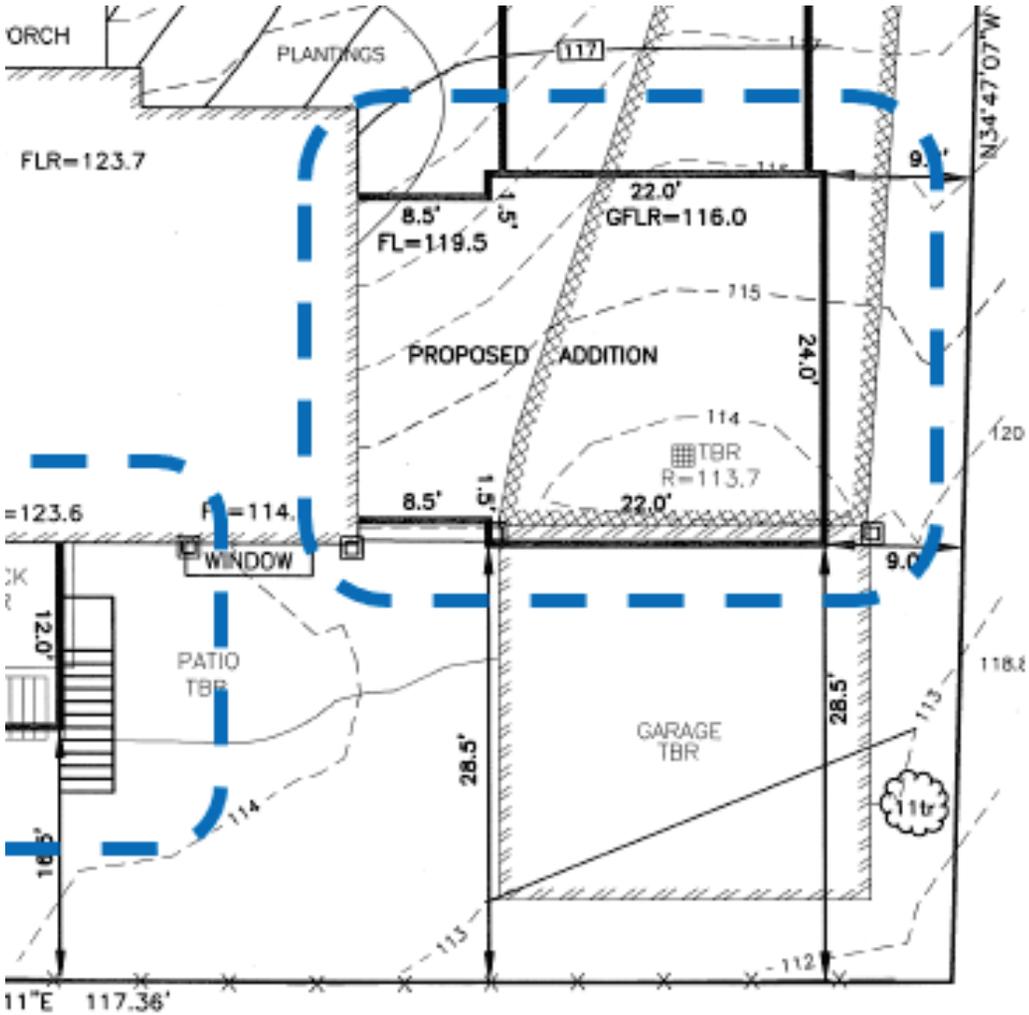
# Aerial Map



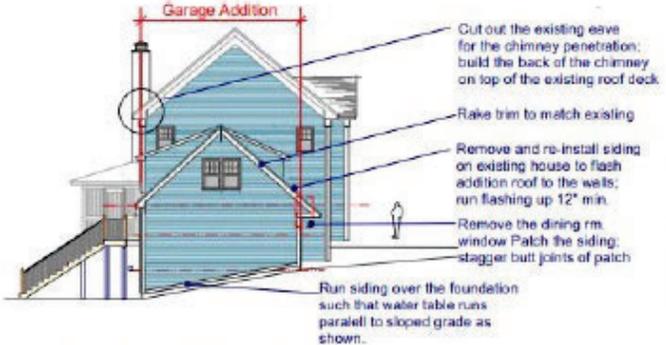
# Site Plan- Existing & Proposed



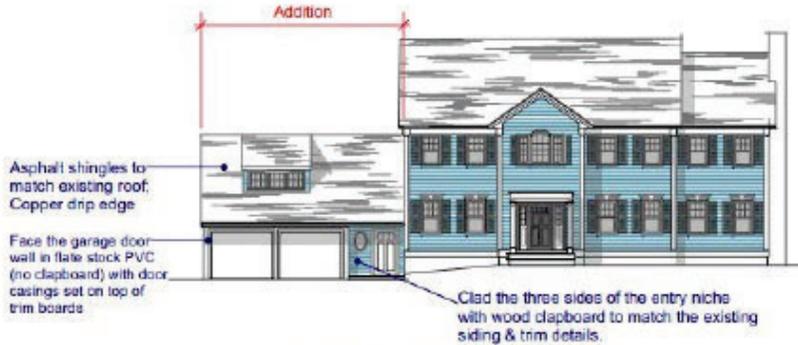
# Site Plan- detail



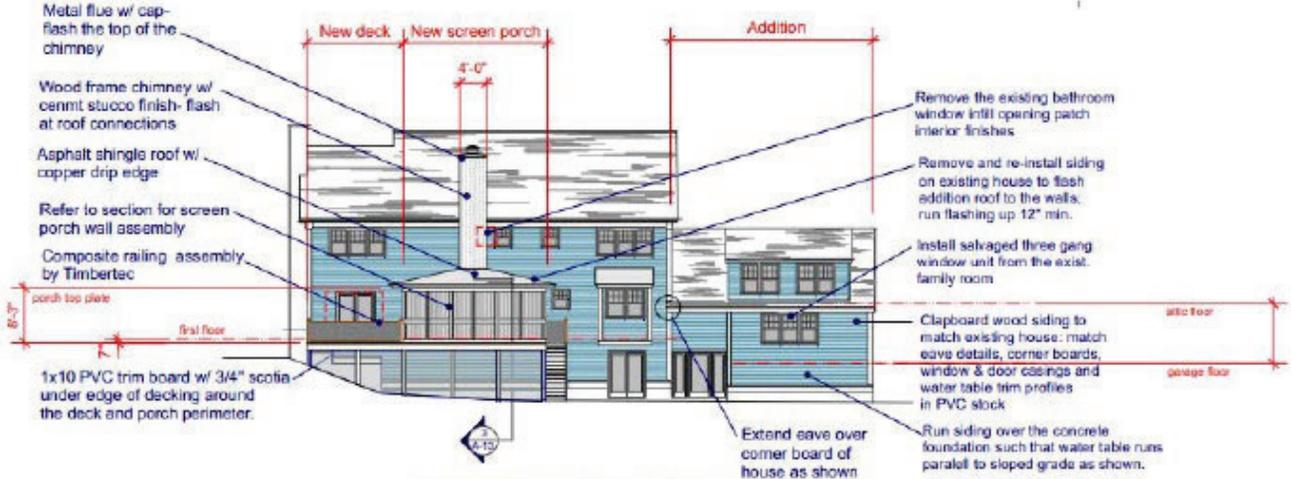
# Elevations- proposed left, front and rear



② Side (east) Elevation



① Front (north) Elevation



③ Rear (south) Elevation

# Photos



# Photos



## Findings

1. The proposed expanded structure with an increased nonconforming FAR of 0.57 where 0.49 exists and 0.38 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 the neighborhood features similarly scaled dwellings, many of which have living space located above attached garages. (§3.1.9)
2. The proposed expanded structure with an increased nonconforming FAR of 0.57 where 0.49 exists and 0.38 is the maximum allowed by-right would not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given the proposed additions would have limited or no visibility from nearby dwellings and public rights of way. (§7.8.2.C.2)

# Conditions

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