

City of Newton Planning and Development

Petition #112-23

Special Permit/Site Plan Approval to further extend nonconforming FAR; to allow an oversized detached accessory apartment and to allow a dormer within three feet of the intersection of the roof and main building wall



20 Norwood Avenue

April 24, 2023

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
§6.7.1.E.2	Request to allow an oversized detached accessory apartment	S.P. per §7.3.3
§1.5.4.G.2.c	Request to allow a dormer within three feet of the intersection of the roof and main building wall	S.P. per §7.3.3

- would increase floor area by approx. 1,996 square feet, from 4,347 to 6,343 SF, increasing nonconforming FAR from 0.38 to 0.54 where 0.36 is the max. allowed by right
- detached accessory apartment would have 1,488 square feet of habitable space- more than max. of the lower of 900 square feet & 50% of the total habitable space of principal dwelling- just below the max. 1,500 square feet allowable by SP

Criteria to Consider

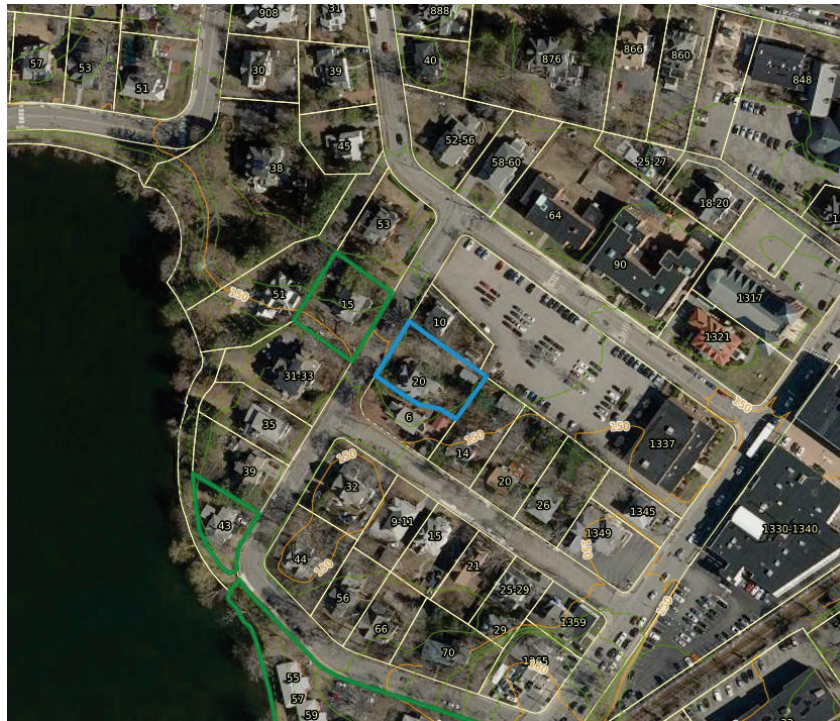
When reviewing this request, the Council should consider:

- The specific site is an appropriate location for the proposed structures as designed with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) (§7.3.3.C.1)
- The proposed structures as designed, with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

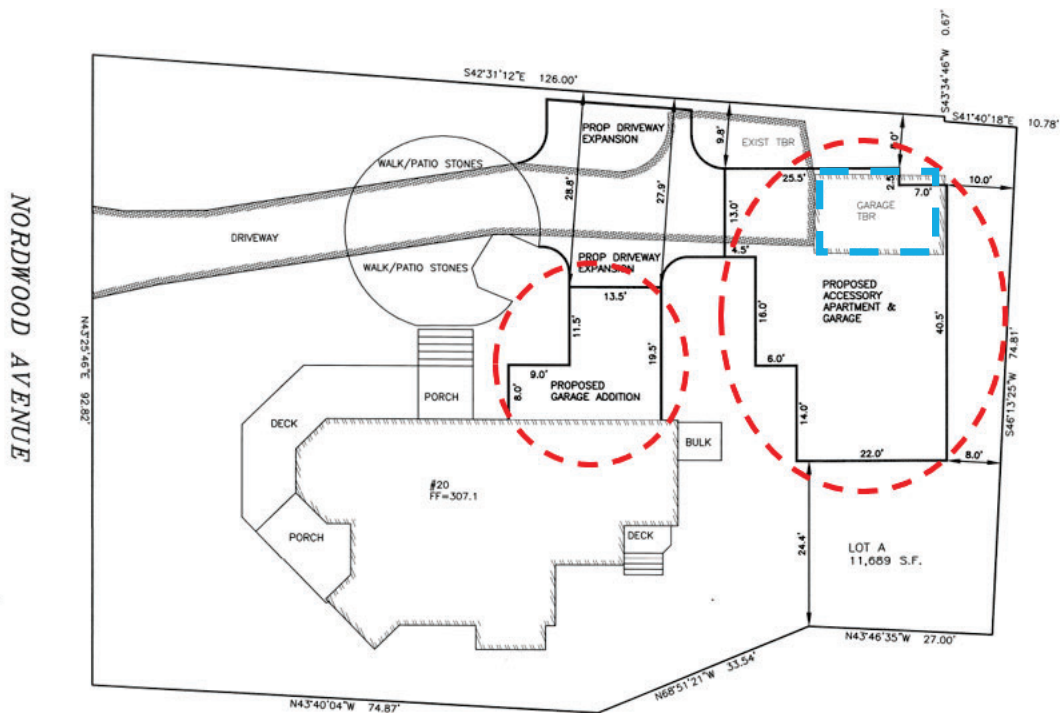
Criteria to Consider (cont.)

- The proposed expanded structures with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 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 structures 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)

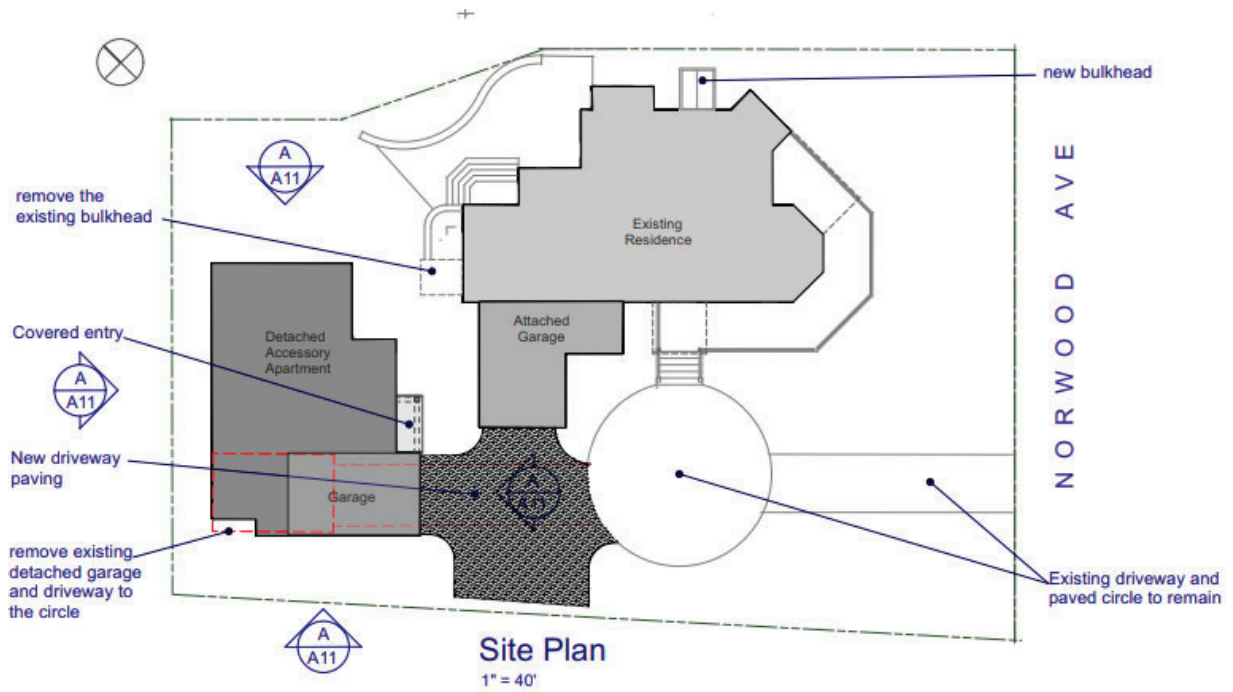
Aerial Map



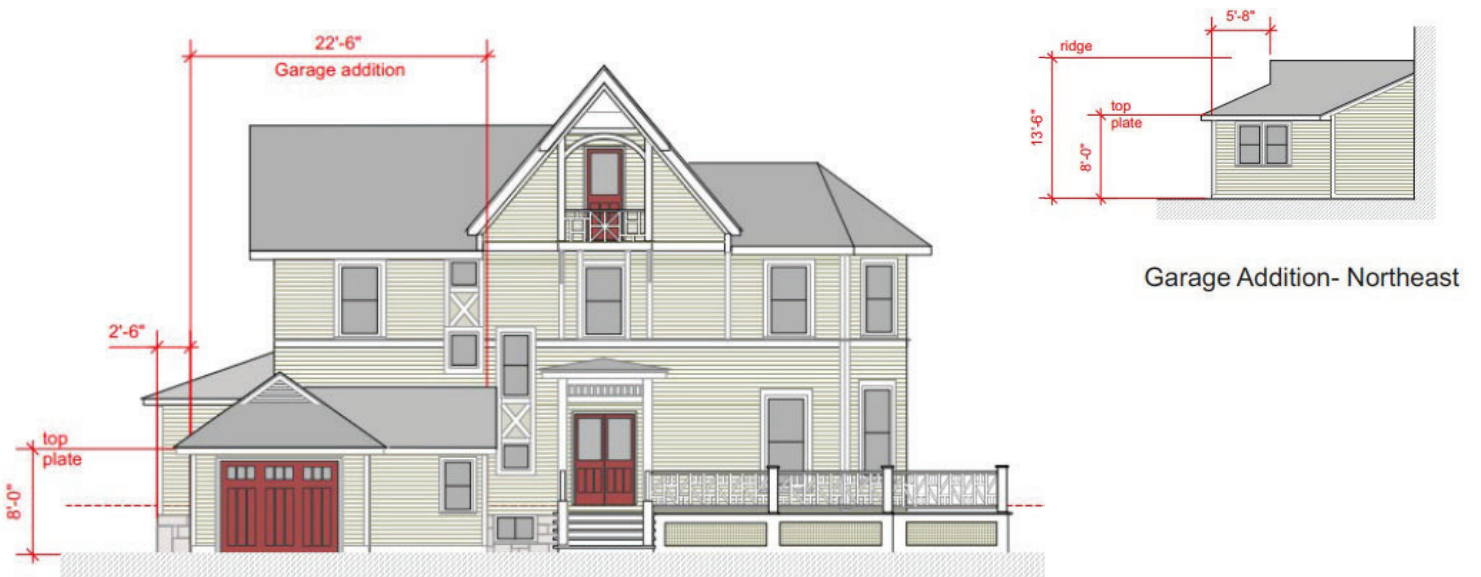
Site Plan



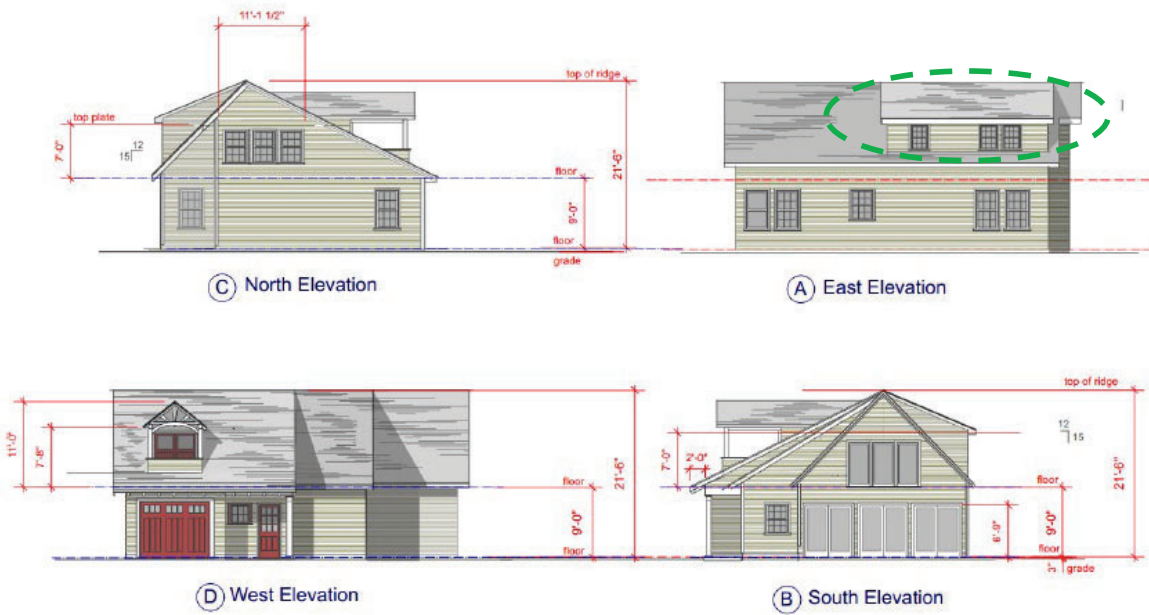
Site Plan



Elevations- existing dwelling w/proposed attached garage



Elevations- proposed accessory structure



Photo



Findings

1. The specific site is an appropriate location for the proposed structure as designed with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures (§1.5.4.G.2.c) (§7.3.3.C.1)
2. The proposed structure as designed, with an increased nonconforming floor area ratio (FAR) of 0.54 where 0.38 exists and 0.36 is the maximum allowed by-right, an oversized detached accessory apartment (§6.7.1.E.2), and a dormer within three feet of the intersection of the roof and main building wall (§1.5.4.G.2.c) will not adversely affect the neighborhood and the dwelling has limited visibility from nearby properties and public rights of way (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

Findings

5. 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 is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures (§3.1.9)
6. 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 not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given the mixed use character of the neighborhood which features similarly scaled and designed dwellings and larger institutional and commercial structures, and the dwelling has limited visibility from nearby properties and public rights of way (§7.8.2.C.2)

Conditions

- + Plan Referencing Condition
- + Operations and Maintenance Plan (O&M)
- + Pest Control Condition
- + Standard Building Permit Condition
- + Standard Certificate of Occupancy Condition