



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 7, 2022
Land Use Action Date:	August 23, 2022
City Council Action Date:	September 5, 2022
90-Day Expiration Date:	September 5, 2022

DATE: June 3, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

SUBJECT: **Petition #297-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second-story sunroom within the existing footprint, further increasing the nonconforming FAR at 58 Greenlawn Avenue, Ward 6, on land known as Section 64, Block 13, Lot 14, containing approximately 8130 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



58 Greenlawn Avenue

EXECUTIVE SUMMARY

The subject property located at 58 Greenlawn Avenue consists of 8,130 square feet of land improved with a single-family dwelling and a detached, single car garage. The dwelling has a nonconforming floor area ratio (“FAR”) of .44, where .41 is the maximum allowed as of right. The petitioner is seeking to construct a 97-square foot, second story addition within the footprint of the existing structure. The addition further increases the nonconforming FAR from .44 to .45, where .41 is the maximum allowed as of right.

The Planning Department is unconcerned with the petition that increases the nonconforming FAR. The proposed addition is focused to the rear of the existing dwelling, will not be visible from the street and is within the footprint of the existing dwelling.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .44 to .45 where .41 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 (§3.1.3, §3.1.9, and §7.8.2.C.2).
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3, §3.1.9, and §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

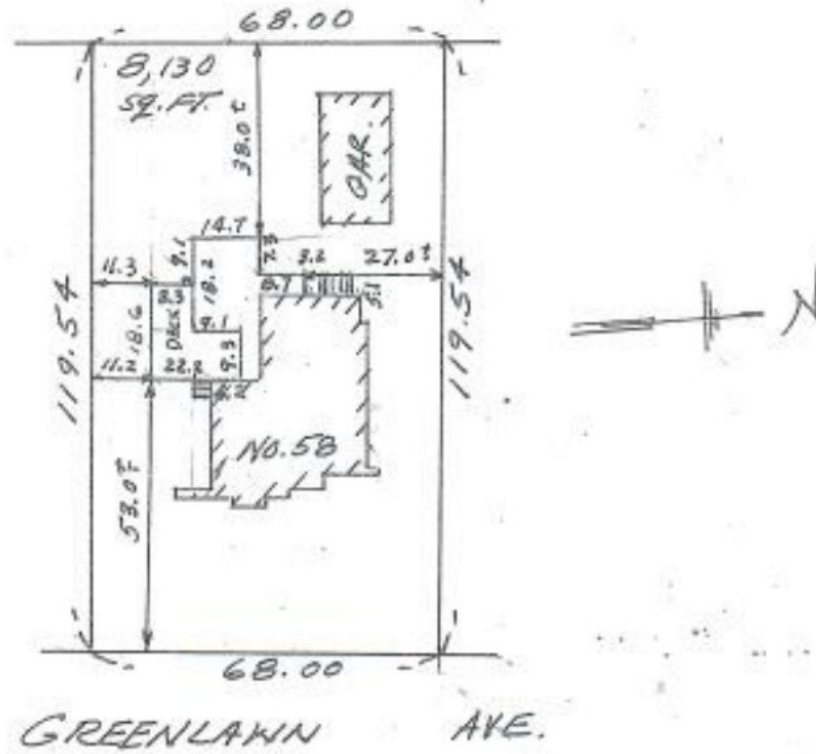
A. Neighborhood and Zoning

The subject property is located on Greenlawn Avenue in the Single Residence (“SR-2”) zone in Newton Centre. The surrounding area is also within the SR-2 zone, aside from the public use zone that runs along the rear of the properties between Park Lane and Hancock Avenue to the southeast (**ATTACHMENT A**). The uses in the immediate area consist of single-family residential uses (**ATTACHMENT B**).

B. Site

The site consists of 8,130 square feet of land and is improved with a single-family dwelling constructed in 1931 as well as a detached, single car garage. The site is accessed by one curb cut from Greenlawn Avenue which provides access to the driveway and detached garage at the northwest corner of the property. The dwelling has a nonconforming FAR of .44, where .41 is the maximum allowed as of right.

Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

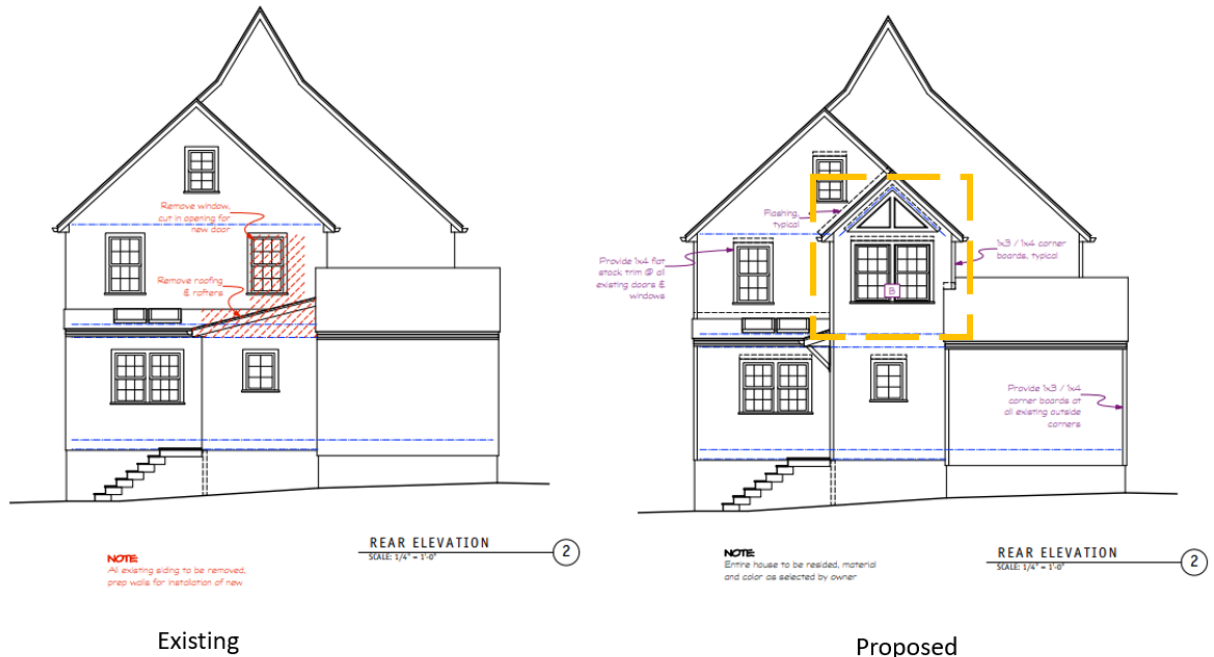
A. Land Use

The use of the site will remain a single-family use.

B. Site and Building Design

The petitioner is proposing a second story addition within the footprint of the dwelling. The addition will add 97 square feet of floor area, resulting in an increase in the nonconforming FAR from .44 to .45. The addition results in a structure consisting of 3,650 square feet, where 3,333 square feet is the maximum allowed as of right and 3,553 square feet exists.

Rear Elevations



The Planning Department is unconcerned with the petition that increases the nonconforming FAR. The proposed addition is focused to the rear of the existing dwelling, will not be visible from the street and is within the footprint of the existing dwelling.

C. Parking and Circulation

The petitioner is not proposing any changes to parking or circulation.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the

proposal regarding zoning. The petitioner is seeking the following relief:

➤ §3.1.3, §3.1.9 §7.8.2.C.2 of Section 30, to further extend the nonconforming FAR

B. Engineering Review

Engineering Review is not required at this time.

C. Newton Historical Commission

Review from the Newton Historical Commission or Chief Preservation Planner is not required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
ATTACHMENT B: Zoning Map
ATTACHMENT C: Zoning Review Memorandum
ATTACHMENT D: DRAFT Council Order

Zoning

58 Greenlawn Avenue

City of Newton,
Massachusetts

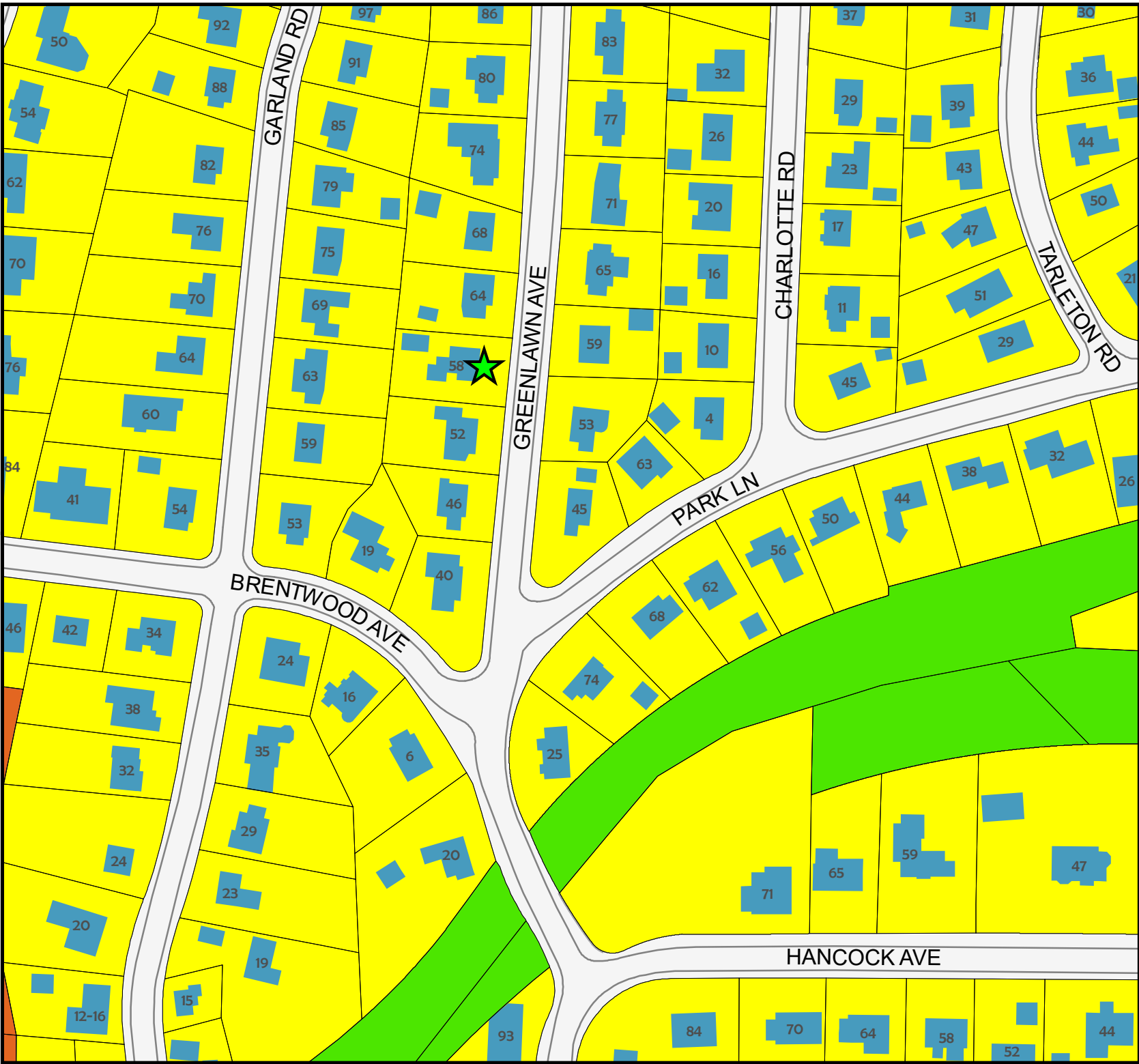
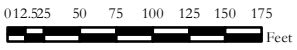
Zoning

- Single Residence 2
- Business 2
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



ATTACHMENT B

Land Use

58 Greenlawn Avenue

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

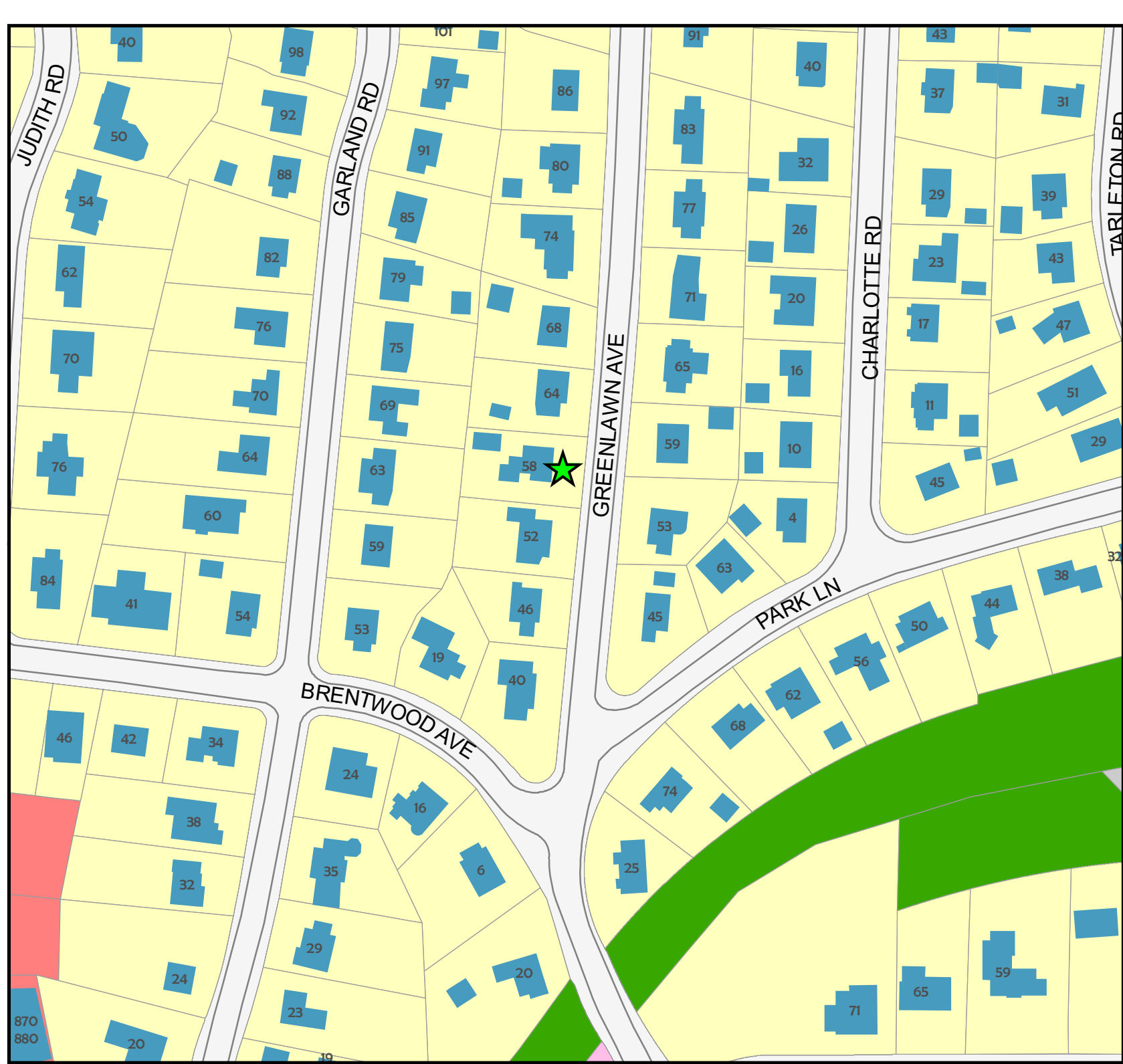


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.525 50 75 100 125 150 175 Feet

Map Date: June 02, 2022





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 5, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: John Scherry, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to further extend nonconforming FAR

Applicant: John Scherry	
Site: 58 Greenlawn Avenue	SBL: 64013 0014
Zoning: SR2	Lot Area: 8,130 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 58 Greenlawn Avenue consists of an 8,130 square foot lot improved with a single-family dwelling constructed in 1931. The petitioner proposes to construct a second story sunroom within the existing footprint. The proposed addition further increases the nonconforming FAR, requiring a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by US Siding and Roofing, submitted 3/31/2022
- Plot Plan, signed and stamped by David J. DeBay, surveyor, dated 10/6/2021
- Plans and elevations, signed and stamped by Charles M. Navratil, architect, dated 12/17/2021
- FAR calculation, signed and stamped by Charles M. Navratil, architect, submitted 3/31/2022

ADMINISTRATIVE DETERMINATIONS:

1. The proposed to construct a 95 square foot second-story sunroom addition over existing first story space. The existing nonconforming FAR is .44 where .41 is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed additions result in a FAR of .45, further increasing the nonconforming FAR, requiring a special permit pursuant to Section 7.8.2.C.2.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single story addition, increasing the nonconforming FAR from .44 to .45, where .41 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the nonconforming FAR from .44 to .45 where .41 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 because the addition is focused to the rear and will not be visible from the street (§3.1.3, §3.1.9, and §7.8.2.C.2).
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the existing footprint, and focused to the rear of the dwelling (§3.1.3, §3.1.9, and §7.8.2.C.2).

PETITION NUMBER: #297-22

PETITIONER: John Scherry and Hyunsun Lee

LOCATION: 58 Greenlawn Avenue, on land known as Section 64, Block 13, Lot 14, containing approximately 8,130 square feet of land

OWNER: John Scherry and Hyunsun Lee

ADDRESS OF OWNER: 58 Greenlawn Avenue
Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9, and §7.8.2.C.2 to increase the nonconforming FAR

ZONING: Single Residence 2

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Plot Plan, signed and stamped by John M., Professional Land Surveyor, dated October 16, 1990
 - b. Architectural Plans and Elevations, "Addition to 58 Greenlawn Avenue" prepared by Architects 2., signed and stamped by Charles Navratil, most recently revised December 17, 2021 consisting of the following three (3) sheets:
 - i. Left Side Elevation, A2.1
 - ii. Rear Elevation, A2.2
 - iii. Right Side Elevation, A2.3
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.