



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: June 9, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Sean Zheng, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to extend a nonconforming detached accessory structure and to further increase nonconforming FAR

Applicant: Sean Zheng	
Site: 34 Westbourne Rd	SBL: 73044 0012
Zoning: SR2	Lot Area: 7,640 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 34 Westbourne Road consists of a 7,640 square foot lot improved with a single-family dwelling constructed circa 1895. The petitioner proposes to raze the detached garage and construct a new larger garage which will further extend the nonconforming setbacks and increase 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 Sean Zheng, applicant, dated 4/6/2022
- Existing conditions plan, submitted 4/6/2022
- Proposed Conditions Plot Plan, signed and stamped by Alexander Crucioli, surveyor, dated 2/28/2022, revised 5/31/2022
- Floor Plans and Elevations, signed and stamped by John Karavolas, civil engineer, submitted 4/6/2022
- FAR calculations, submitted 4/6/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing 324 square foot detached garage structure at the rear of the property and construct a 528 square foot detached garage. The proposed construction increases the nonconforming FAR from .44 to .46, where .42 is the maximum allowed per sections 3.1.3 and 3.1.9. A special permit per section 7.8.2.C.2 is required to further increase the nonconforming FAR.
2. The detached garage has a nonconforming side setback of 3 feet where 5 feet is required per section 3.4.3.A.1. The petitioners propose to further extend the nonconforming side setback four feet towards the front, further extending the nonconformity, requiring a special permit per section 7.8.2.C.2.
3. The detached garage has a nonconforming rear setback of 2.3 feet where 5 feet is required per section 3.4.3.A.1. The proposed construction extends the nonconforming rear setback southward and further reduces it to 2 feet, requiring a special permit per section 7.8.2.C.2

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,640 square feet	No change
Frontage	80 feet	78.6 feet	No change
Setbacks (Accessory) <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	>70 feet 3 feet 2.3 feet	>70 feet No change* 2 feet*
Height (Accessory)	22 feet	NA	19 feet
Stories (Accessory)	1.5	1	1
FAR	.41	.44	.46*
Max Lot Coverage	30%	20.1%	22.8%
Min. Open Space	50%	59.8%	57.1%

*Requires relief

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	To further increase nonconforming FAR	S.P. per §7.3.3
§3.4.3.A.1 §7.8.2.C.2	To further extend a nonconforming side setback in a detached garage	S.P. per §7.3.3
§3.4.3.A.1 §7.8.2.C.2	To further extend and reduce a nonconforming rear setback in a detached garage	S.P. per §7.3.3