

# City of Newton Planning and Development

## Petition #34-23

Special Permit/Site Plan Approval to construct a detached garage structure exceeding FAR and to ~~allow parking within five feet of the street~~ **waive the maximum driveway entrance width**

**May 15, 2023**



**50 Elmore Street**

# Zoning Relief

Original:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	Request to allow parking within five feet of a street	S.P. per §7.3.3

Modified:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§5.1.7.C §5.1.13	Request to waive the maximum driveway entrance width	S.P. per §7.3.3

Note: Garage's 484 SF foot ground floor and 245 square feet countable toward FAR above; would increase floor area by 729 square feet, raising FAR from 0.38 to 0.47, 0.05 (387 SF) more than maximum 0.42 (3,248 SF) allowed by right  
Changes to driveway(s)

# Criteria to Consider

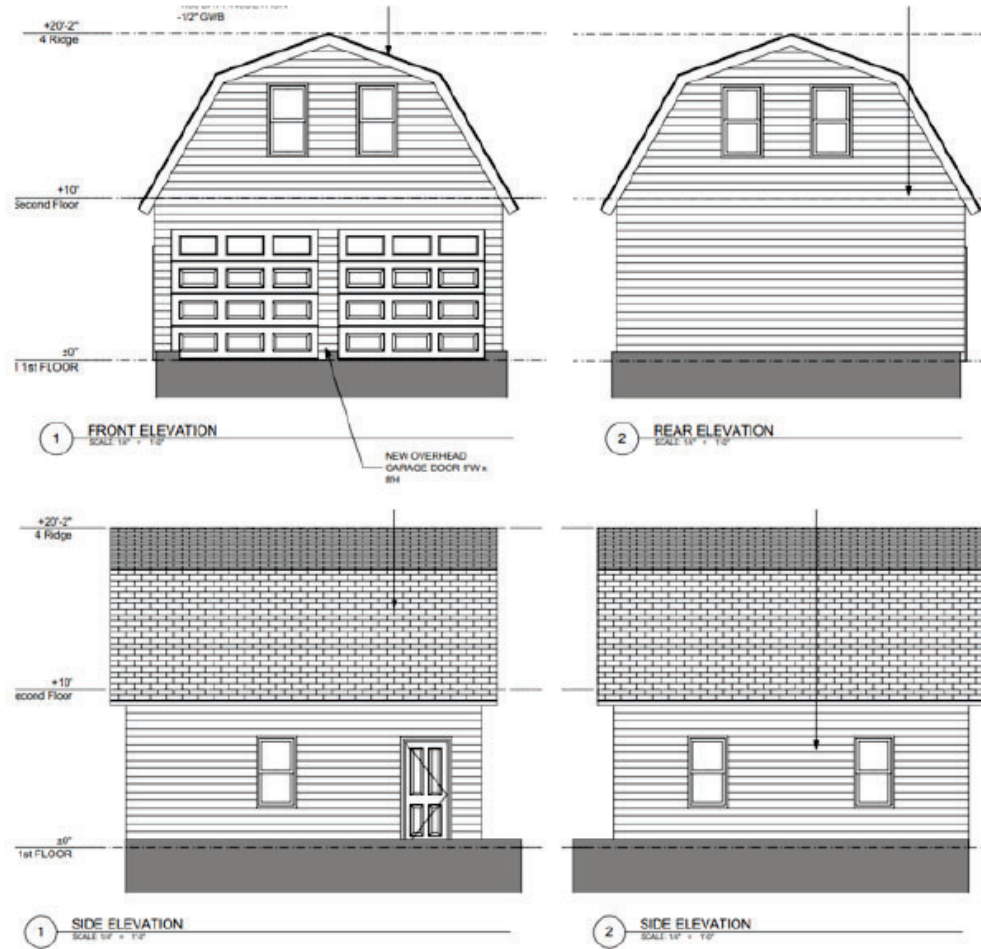
When reviewing this request, the Council should consider whether:

1. The specific site is an appropriate location for the proposed detached garage and driveway entrance exceeding 20 feet as the neighborhood features other single-family home with detached garages with limited visibility from adjacent properties and public rights-of-way. (§7.3.3.C.1)
2. The proposed detached garage and driveway entrance exceeding 20 feet will not adversely affect the neighborhood. (§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)
5. Granting an exception to literal compliance with the requirement that driveways not have an entrance width exceeding 20 feet would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)
6. The proposed increase of the property's floor area ratio (FAR) from 0.38 to 0.47 where 0.42 is the maximum allowed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as there are similar dwellings throughout the neighborhood with detached garages in the rear of the properties . (§3.1.9)





# Elevations- proposed



## Findings

- 1. The specific site is an appropriate location for the proposed detached garage and driveway entrance exceeding 20 feet as the neighborhood features other single-family home with detached garages with limited visibility from adjacent properties and public rights-of-way. (§7.3.3.C.1)*
- 2. The proposed detached garage and driveway entrance exceeding 20 feet will not adversely affect the neighborhood. (§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. *Granting an exception to literal compliance with the requirement that driveways not have an entrance width exceeding 20 feet would be in the public interest, or in the interest of safety, or protection of environmental features.* (§5.1.13)
6. *The proposed increase of the property's floor area ratio (FAR) from 0.38 to 0.47 where 0.42 is the maximum allowed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as there are similar dwellings throughout the neighborhood with detached garages in the rear of the properties .* (§3.1.9)



## Conditions

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