



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: July 31, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Dan Han, Applicant
Liu Xiao Hu, Owner
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to extend a nonconforming side setback for a detached garage

Applicant: Dan Han	
Site: 75 Royce Road	SBL: 24041 0019
Zoning: SR2	Lot Area: 22,995 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 75 Royce Road consists of a 22,995 square foot lot improved with a single-family dwelling constructed circa 1905 and a detached garage. The property has 40 feet of frontage at the dead end of Royce Road from which it gains driveway access, as well as a ten-foot wide strip of frontage along Bullough Park providing no practical access. A by-right building permit has been issued for interior work and two-story addition, however a special permit is required to extend a detached garage with an existing nonconforming side setback, requiring a special permit.

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

- Zoning Review Application, prepared by Dan Han, applicant, dated 6/20/2023
- Proposed Plot Plan, signed and stamped by Joseph March, surveyor, dated 3/8/2023
- Proposed Plot Plan (showing garage addition), signed and stamped by Joseph March, surveyor, dated 3/8/2023, revised 5/4/2023
- Floor plans and elevations, signed and stamped by Xioaying Chen, dated 4/28/2023
- FAR calculation, submitted 6/20/2023

ADMINISTRATIVE DETERMINATIONS:

1. The existing detached garage was permitted in 1929 and built with a nonconforming 1-foot side setback where 5 feet is required per section 3.4.3.A.1. The petitioner seeks to extend the rear of the garage by eight feet, further extending the existing nonconforming side setback towards the rear of the property. A special permit is required per section 7.8.2.C.2 to further extend the nonconforming side setback.

SR2 Zone	Required	Existing*	Proposed
Lot Size	10,000 square feet	22,995 square feet	No change
Frontage	80 feet	40 feet	No change
Setbacks - Principal			
• Side (east)	7.5 feet	51.9 feet	No change
• Side (west)	7.5 feet	20.4 feet	No change
• Side (south)	7.5 feet	64.2 feet	No change
• Rear (north)	15 feet	53.2 feet	No change
Setbacks - Accessory			
• Front (east)	25 feet	>50 feet	No change
• Side (south)	5 feet	1.0 feet	No change**
• Side (west)	5 feet	6.8 feet	5 feet
Max Number of Stories (Accessory)	1.5	1	No change
Max Height (Accessory)	22 feet	8.9 feet	No change
FAR	.33	.26	.27
Max Lot Coverage	30%	12.8%	13.6%
Min. Open Space	50%	83.1%	82.3%

Nonconformities are indicated in **BOLD**

*Includes by-right work

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.3.A.1 §7.8.2.C.2	Request to extend a nonconforming side setback of a detached garage	S.P. per §7.3.3