



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Petition: #309-23
Public Hearing:
10/3/23

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: September 29, 2023

TO: City Council

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

SUBJECT: **Petition #309-23**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the right side and rear of the dwelling exceeding the maximum FAR

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.



93 Ruane Road

I. Project Description

Use: Single family dwelling and attached garage

Lot size: 18,132 square feet

Existing Nonconformities: N/A

Proposal: The petitioner proposes to construct a one-story addition to the right side and rear of the dwelling. The proposed additions will exceed the maximum FAR, requiring a special permit.

The single-family dwelling was permitted and constructed as of right in 2016. Many of the surrounding homes are single story cape or ranch style homes. At two stories, the subject dwelling is taller and consists of more massing than the surrounding neighborhood on Ruane Road. At first glance, the current dwelling may appear out of context with the surrounding neighborhood however, it was permitted and constructed as of right and at the time, complied with the dimensional standards of the Newton Zoning Ordinance (NZO). The petitioners are now seeking a special permit to increase the property's floor area with a single-story addition. The Planning Department is unconcerned with the petition that exceeds the FAR allowed by right. Most of the bulk of the proposed addition is focused to the rear of the existing dwelling and will not be visible from the street.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9	To exceed FAR	S.P. per §7.3.3

For more details around the zoning analysis please refer to **ATTACHMENT A**.

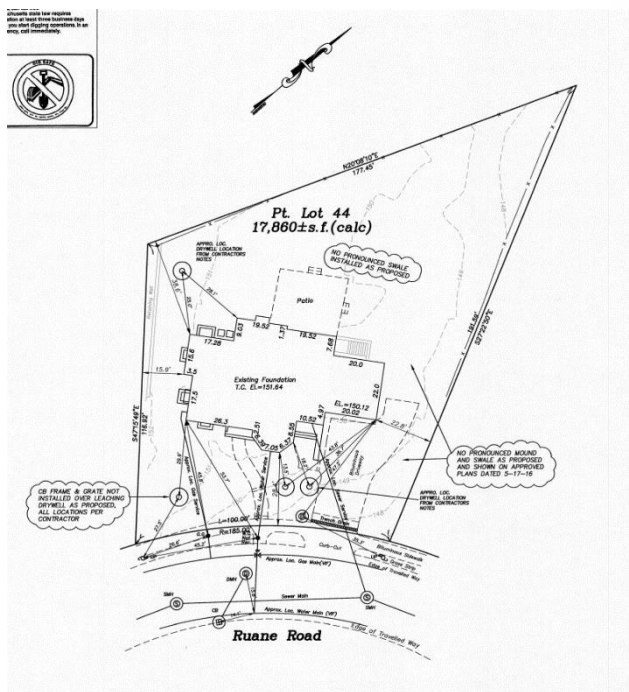
III. Criteria for Consideration per §7.8.2.C.2:

- The proposed increase in the FAR from .29 to .34 where .29 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).

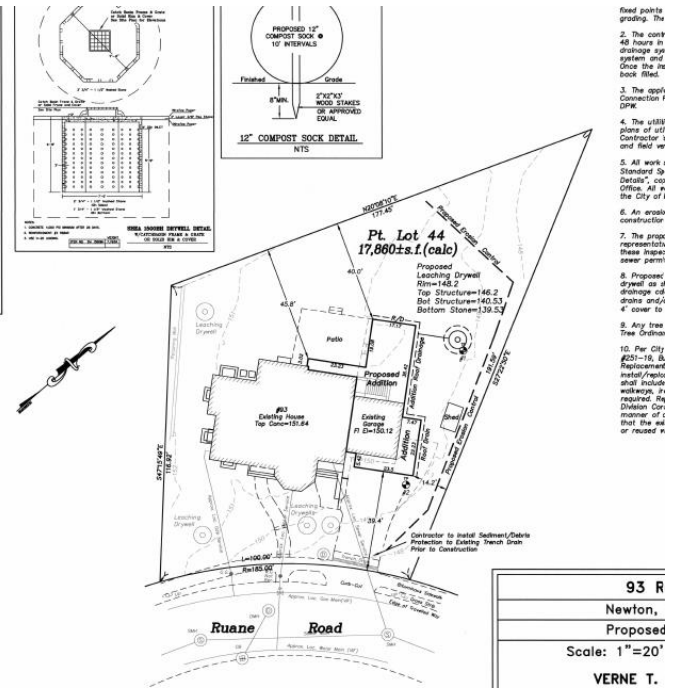
IV. Project Proposal and Site Characteristics

The petitioner is proposing to expand the existing attached garage to accommodate two vehicles and construct a single-story addition at the rear of the dwelling. The addition will add 919 square feet of floor area, resulting in a structure consisting of 6,085 square feet, where 5,166 square feet exists. The addition will increase the FAR from .29 to .34 where .29 is the maximum allowed by right, and thus requires relief.

Existing Site Plan



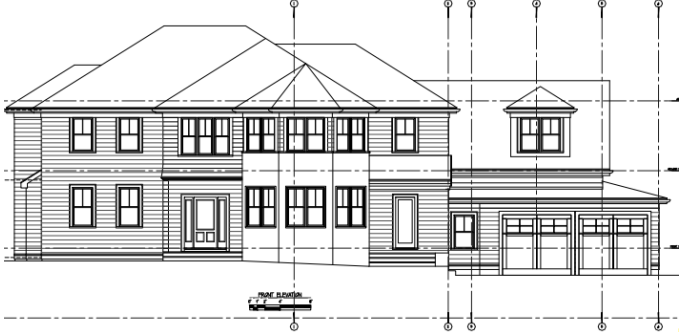
Proposed Site Plan



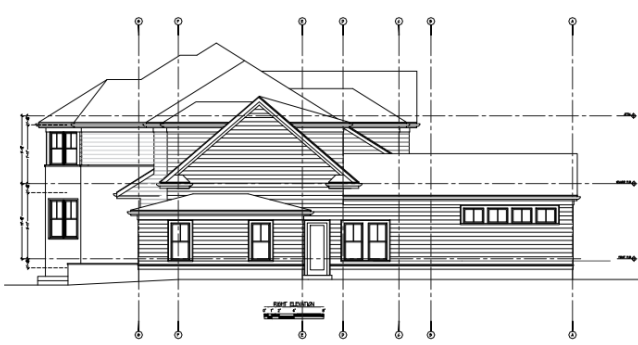
1. The appl. Contractor is and shall be
2. The cont. 48 hours in accordance with system and close the pit back filled.
3. The appl. Contractor is and shall be
4. The appl. plans of the Contractor and shall be
5. All work is Standard Sp. Detail, see Office, All in the City of
6. An arborist contractor
7. The prop. represents these inspec. sewer permit
8. Proposed drywell as it structure and drains and 4' cover is
9. Any trees to be removed
10. Per City #201-16, §5. Replacement and/or repair shall include withering, as required. The Division Commissioner of the City of Newton shall be notified of the removal of any trees.

93 R
 Newton,
 Proposed
 Scale: 1"=20'
 VERNE T.

Proposed Front Elevation



Proposed Right Side Elevation



- I. Interdepartmental Review
Review from other departments is not required at this time.

- II. Petitioner’s Responsibilities
The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
- ATTACHMENT B:** DRAFT Council Order



Ruthanne Fuller
Mayor

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

Attachment A

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 23, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Ryan McAllister, Applicant
Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to exceed FAR**

Applicant: Ryan McAllister	
Site: 93 Ruane Road	SBL: 32021 0030
Zoning: SR1	Lot Area: 17,860 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 93 Ruane Road consists of an 18,132 square foot lot improved with a single-family dwelling constructed in 2016 on an old lot. The petitioner proposes to construct a one-story addition to the right side and rear of the dwelling. The proposed additions will exceed the maximum 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 Peter Sachs, architect, 7/25/2023
- Proposed Conditions Site Plan, signed and stamped by Paul J. Tyrell, engineer and Verne T. Porter, surveyor, dated 10/22/2015
- Proposed Addition Plan, signed and stamped by Paul J. Tyrell, engineer and Verne T. Porter, surveyor, dated 7/17/2023
- Floor plans and elevations, prepared by Peter Sachs, architect, dated 7/21/2023
- FAR calculation, signed and stamped by Peter Sachs, architect, submitted 7/25/2023

ADMINISTRATIVE DETERMINATIONS:

- The petitioners propose to expand the existing garage to accommodate two vehicles, as well as a single-story rear addition of living space. The proposed additions increase the FAR from .29 to .34 where .29 is the maximum allowed. A special permit per sections 3.1.3 and 3.1.9 is required.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	17,860 square feet	No change
Frontage	100 feet	100 feet	No change
Setbacks			
• Front	25 feet	28.6 feet	No change
• Side	12.5 feet	15 feet	No change
• Side	12.5 feet	22.9 feet	14.2 feet
• Rear	25 feet	39.1 feet	No change
Max Number of Stories	2.5	2	No change
Max Height	36 feet	32 feet	31.9 feet
FAR	.29	.29	.34*
Max Lot Coverage	20%	15.8%	20%
Min. Open Space	70%	78%	75.5%

*Requires relief

- See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3	To exceed FAR	S.P. per §7.3.3
§3.1.9		

#309-23
93 Ruane Road

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 increase the floor area ratio (FAR) from .29 to .34 where .29 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 expanded structure that would result from the proposed increase in floor area ratio from .29 to .34 where .29 is the maximum allowed by right will be consistent with and not in derogation of the size, scale and design of other structures in the much of the addition will not be visible from the street given that it will be located to the rear of, and not be higher than, the existing dwelling (§3.1.3, §3.1.9)
2. The site is an appropriate location for the proposed addition which increases the FAR from .29 to .34 where .29 is the maximum allowed by right because it conforms to other relevant dimensional requirements for the district. (§7.3.3.C.1)
3. The addition which increases the FAR from .29 to .34 where .29 is the maximum allowed by right will not adversely affect the neighborhood because it is subordinate to the principal roofline of the dwelling. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because the curb cut will be maintained in its current state. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #309-23

PETITIONER: Ryan McAllister

LOCATION: 93 Ruane Road, Ward 3, West Newton, on land known as Section 32 Block 21 Lot 30, containing approximately 17,860 sq. ft. of land

OWNER: Ryan McAllister

ADDRESS OF OWNER: 93 Ruane Road
Newton, MA 02465

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, and §7.3.3 to exceed the maximum floor area ratio

ZONING: Single Residence 1 District

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. A site plan entitled “93 Ruane Road” signed and stamped by Verne T. Porter, Jr., Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer
 - b. A set of architectural plans entitled “McAllister-Garza Residence,” prepared by Peter Sachs Architect, unsigned and unstamped, dated 8/24/23:
 - i. Proposed front elevation (A-6)
 - ii. Proposed right elevation (A-7)
 - iii. Proposed back elevation (A-8)
 - iv. Proposed left elevation (A-9)
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:

- a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
- b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.