

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 further extend an existing nonconforming side setback horizontally, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed horizontal extension of an existing nonconforming one-foot side setback where five feet is the minimum allowed by-right of will not be substantially more detrimental than the existing nonconforming side setback to the neighborhood given that the proposed garage front addition would be small in scale and blends with the existing garage. (§7.8.2.C.2)

PETITION NUMBER: #285-23

PETITIONER: Liu Xiao Hu

LOCATION: 75 Royce Road, Newton Centre, on land known as Section 24 Block 41 Lot 19, containing approximately 22,995 sq. ft. of land

OWNER: Liu Xiao Hu

ADDRESS OF OWNER: 75 Royce Road  
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit to further extend nonconforming side setback (§7.8.2.C.2)

ZONING: Single Residence 2 (SR2) 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 the following plans:
  - a. A site plan entitled "Proposed Plot Plan in Newton, Massachusetts (Middlesex County) For: Liu" (depicting 75 Royce Rd. and indicating location of the "Proposed Garage Addition"), prepared by Stamski and McNary, Inc., dated , as revised through May 4, 2023 last revised November 20, 2023, signed and stamped by Joseph March, 11/28/23.
  - b. Architectural plans entitled "75 Royce Rd- Garage Addition," prepared by CLDA Architects, dated April 28, 2023, signed and stamped by Xiaoying Chen, Registered Architect, consisting of the following sheets:
    - i. Garage Plans (A003)
    - ii. Garage Elevations (A004)
    - iii. Building Section & Structural Plan (A005)
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.
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 and the petitioner has:
  - a. Filed with the building permit record statements by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.