

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 allow for an addition that vertically extends a nonconforming front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed additions that increase the Floor Area Ratio from .48 to .51 where .37 is the maximum allowed by right are not substantially more detrimental than the existing nonconforming use to the neighborhood given the proposed additions are to the rear of the dwelling and only a single story. (§7.8.2.C.2)
2. The proposed additions that increase the Floor Area Ratio from .48 to .51 where .37 is the maximum allowed by right are consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood given the proposed additions are only 355 square feet total and closely match the size, scale, and design of the surrounding neighborhood. (§3.1.9)

PETITION NUMBER: #81-24

PETITIONER: Ivan Hernandez

LOCATION: 21 Marvin Lane, Ward 8, Newton Centre, on land known as Section 84 Block 30 Lot 10, containing approximately 11,333 sq. ft. of land

OWNER: Thiagarajan and Sudha Sridhar

ADDRESS OF OWNER: 21 Marvin Lane
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.8.2.C.2 and §3.1.9 to further extend nonconforming Floor Area Ratio

ZONING: Single Residence 2

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. Plot Plan signed, stamped, and dated by George C. Collins, Professional Land Surveyor, dated December 7, 2023.
 - b. Architectural plan signed, stamped, and dated by Erion Nikkola, Registered Architect, dated December 5, 2023 consisting of the following sheets:
 - i. Proposed elevations (showing front and right), A15
 - ii. Proposed elevations (showing rear and left) A16
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.
 - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.