

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 the construction of dormers exceeding 50% of the wall plane below and increasing nonconforming Floor Area Ratio for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for a dormer exceeding 50% of the length of the wall below as architectural designs and features such as oversized dormers are common in the neighborhood. (§7.3.3.C.1; §3.1.3; §3.1.9)
2. The dormer exceeding 50% of the length of the wall below will not adversely affect the neighborhood as dwellings of a similar size and character are common in the neighborhood. (§7.3.3.C.2; §3.1.3; §3.1.9)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the dormer exceeding 50% of the length of the wall below as the proposal does not affect traffic or circulation to and from the site. (§7.3.3.C.3; §3.1.3; §3.1.9)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the construction of a dormer exceeding 50% of the length of the wall below as the proposed alterations do not affect traffic or circulation to and from the site. (§7.3.3.C.4; §3.1.3; §3.1.9)
5. The proposed increase in nonconforming Floor Area Ratio from 0.47 to 0.49 where 0.34 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 given other dwellings of similar size, scale, and design are common in the neighborhood. (§3.1.3; §3.1.9)

PETITION NUMBER: #296-24

PETITIONER: Jaime and Ryan Kim

LOCATION: 45 Bishopsgate Road, Ward 7, Newton Centre, on land known as Section 61 Block 22 Lot 09, containing approximately 11,298 sq. ft. of land

OWNER: Jaime and Ryan Kim

ADDRESS OF OWNER: 45 Bishopsgate Road
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 and §7.8.2.C.2 to construct oversized dormers and further extend nonconforming FAR

ZONING: Single Residence 1

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 and stamped by Bruce Bradford, Registered Land Surveyor, as revised August 13, 2024.
 - b. Architectural plans signed and stamped by Timothy Burke, Registered Architect, dated August 8, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front and right/west), A1.3
 - ii. Proposed elevations (showing front, rear, right, and left), A1.4
2. 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.

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.