

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 alter and extend the nonconforming two-family use, to alter and extend the nonconforming front setback, and to allow an oversized dormer as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The property, located in an SR-3 zoning district, is an appropriate location for the dormer exceeding 50% of the length of the wall below because there are other nonconforming two-family dwellings in the vicinity that are built to a similar scale. (§7.3.3.C.1)
2. The proposed dormer exceeding 50% of the length of the wall below will not adversely affect the neighborhood because the dormers allow additional habitable space without increasing the footprint of the dwelling. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the driveway and curb cut will be maintained in the same location. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed alteration and extension of a nonconforming two-family use and extension of the nonconforming front setback will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because it complies with other dimensional regulations including the required minimum open space, maximum height, maximum lot coverage, and maximum floor area ratio. (§7.3.3.C.1)

PETITION NUMBER: #301-24

PETITIONER: Donna Cvitkovich

LOCATION: 12-14 Stoneleigh Road, Ward 3, West Newton, on land

known as Section 31 Block 18 Lot 10, containing approximately 11,021 sq. ft. of land

OWNER: Donna Cvitkovich

ADDRESS OF OWNER: 12-14 Stoneleigh Road  
Newton, MA 02465

TO BE USED FOR: Two Family dwelling

RELIEF GRANTED: Special Permit to alter and extend the nonconforming two-family use, to alter and extend the nonconforming front setback (§3.4.1, §7.8.2.C.2), and to allow an oversized dormer (§1.5.4.G.2.b, § 7.3.3).

ZONING: Single Residence 3 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 signed and stamped by Bruce Bradford, Professional Land Surveyor, dated 4/5/2024 and revised 4/9/2024.
  - b. A set of architectural plans entitled "12-14 Stoneleigh Road" prepared by Dimiter Kostov, unsigned and unstamped, dated 4/30/2024 consisting of seven sheets.
    - i. "Proposed Elevations", showing proposed exterior elevations, A.3
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.