



City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: September 26, 2024

TO: City Council

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

SUBJECT: **Petition #357-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition as well as an attached garage in the location of an existing carport further extending nonconforming FAR at 15 York Road, Ward 5, Waban, on land known as Section 55 Block 44 Lot 07, containing approximately 8,075 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/840669>

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.



15 York Road

I. Project Description

Use – Single-family dwelling

Zone – Single-Residence 2

Lot size – 8,075 square feet

Existing Nonconformities – Lot size, Floor Area Ratio (FAR), side setback

Proposal- The petitioner proposes to construct a single-story rear addition and an attached garage to replace the existing carport.

Analysis

The proposed additions are limited and will extend the existing footprint by less than two feet to the rear and right with no additional height or relief required beyond FAR. The proposed addition to the rear totals 82 square feet and decreases the rear setback by 1.5 feet. The remaining additional square footage that contributes to FAR comes from the replacement of the existing carport with a garage, adding 487 square feet in gross floor area. These two changes plus 132 square feet of gross floor area underneath the sloped roof along the right side of the dwelling will add a total of 701 square feet. The total changes bring the FAR from 0.45 to 0.54 where 0.41 is the limit. The dwelling is in an area where undersized lots are common and where many homes appear to exceed FAR. Planning believes the proposed additions are minimal in scale and will not result in a structure that will be imposing or out of character for the neighborhood.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming 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:

1. The proposed additions that will increase the nonconforming Floor Area Ratio shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§7.8.2.C.2)
2. The proposed additions that will increase the nonconforming Floor Area Ratio 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, §7.3.3)

IV. Project Proposal and Site Characteristics

Existing Conditions

The site consists of a single-family dwelling constructed in 1950 on an 8,075 square-foot lot. In 2005, a second story was added, bringing the dwelling to a nonconforming FAR of 0.45 where 0.41 or below is required. The dwelling has a nonconforming right side setback of 20.2 feet where 25 feet is the minimum standard and a nonconforming lot area of 8,075 square feet where 10,000 square feet is required. Situated in the Single-Residence 2 zone and to the south of the Waban Village Center, the dwelling is in a neighborhood that largely consists of small lots and single-family dwellings constructed before the Zoning Ordinance.

Proposed Project

The proposed project consists of additions totaling 701 square feet, increasing the FAR from 0.45 to 0.51. These additions will occur to the rear and front of the existing dwelling as well as the replacement of the carport with a garage. The addition to the rear will be a single-story, projecting an additional 1.5 feet towards the rear, but remaining outside of the required 15-foot rear setback. Currently, the front-right portion of the dwelling consists of a carport that can house two cars with living space to the rear and deck space above spanning the length of the carport and right façade. A 487 square foot two-car garage will replace the carport and extend 1.8 feet to the right but will not decrease or vertically extend the nonconforming right side setback as the front right corner of the dwelling will not change in location or height. The proposed addition is a full story below the roofline of the main part of the dwelling.

No changes to the use, grading, parking, or vehicular site access will occur. No further relief is required beyond extension of the nonconforming FAR.

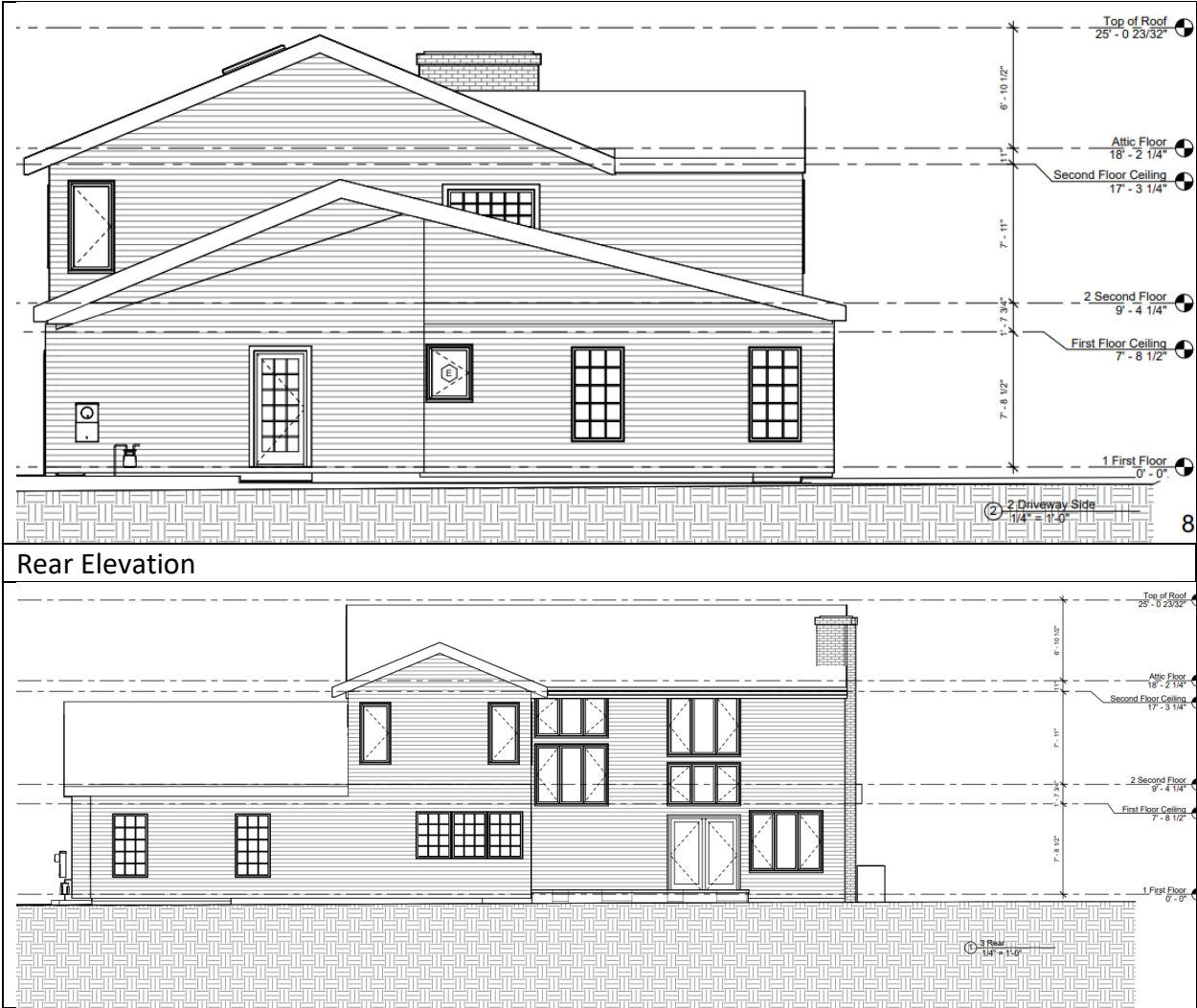
Elevations
Front Elevation



Side (Left/South) Elevation



Side (Right/North) Elevation



V. Interdepartmental Review

No further departmental review is required. As the petitioners are not renovating or demolishing more than 50% of the existing dwelling, Historical Review is not required under the scope of this project.

VI. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

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



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 9, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Bee Howes, Architect
Hardagiri Reddy and Veena Molagavalli, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further extend nonconforming FAR

Applicant: Hardagiri Reddy & Veena Molagavalli	
Site: 15 York Road	SBL: 55044 0007
Zoning: SR2	Lot Area: 8,075 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 15 York Road consists of an 8,075 square foot lot improved with a single-family dwelling constructed in 1949 with an addition of a second story in 2005. The property is located in the SR2 zoning district. The petitioners propose to construct a single story rear addition as well as an attached garage in the location of an existing carport. A special permit is required to further extend the nonconforming FAR with the two additions.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Bee Howes, architect, submitted 7/8/2024
- Existing Conditions, prepared by Spruhan Engineering, P.C., dated 10/28/2021
- Proposed Plot Plan, signed and stamped by Christopher C. Charlton, surveyor, and Edmond T. Spruhan, engineer, dated 5/8/2024
- Existing and proposed floor plans and elevations, prepared by Bee Howes, architect, submitted 7/8/2024
- FAR calculations, prepared by Bee Howes, architect, submitted 7/8/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to construct a 150 square foot rear addition to the first story, making interior reconfigurations to improve the functionality of the habitable space and to replace the existing carport with an attached garage. The proposed additions increase the existing nonconforming FAR from .45 to .54 where the maximum allowed per sections 3.1.3 and 3.1.9 is .41. A special permit is required to further extend the nonconforming FAR per section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,075 square feet	No change
Frontage	80 feet	95 feet	No change
Setbacks			
• Front	25 feet	26.9 feet	25.3 feet
• Side	25 feet	20.2 feet	No change
• Side	7.5 feet	9.6 feet	8.2 feet
• Rear	15 feet	16.8 feet	15.3 feet
Height	36 feet	25.3 feet	No change
Stories	2.5	2.5	No change
FAR	.41	.45	.54*
Max Lot Coverage	30%	30.6%	31.7%
Min. Open Space	50%	60.8%	59.1%

BOLD indicates a nonconformity

*Relief required

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3

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 construction of additions and an attached garage further extending nonconforming Floor Area Ratio (FAR) for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed additions that will increase the nonconforming FAR shall not be substantially more detrimental than the existing nonconforming use to the neighborhood as the additions will not expand the existing structure horizontally any greater than two feet and the height of the additions is only 1.5 stories. (§7.8.2.C.2)
2. The proposed additions that will increase the nonconforming FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as undersized lots with dwellings constructed prior to the Zoning Ordinance are common to the neighborhood and the conversion of a carport to a two-car garage accounts for the majority of the increase in FAR. (§3.1.3, §3.1.9, §7.3.3)

PETITION NUMBER: #357-24

PETITIONER: Hardagiri Reddy and Veena Molagavalli

LOCATION: 15 York Road

OWNER: Hardagiri Reddy and Veena Molagavalli

ADDRESS OF OWNER: 15 York Road
Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to extend nonconforming Floor Area Ratio (§3.1.3, §3.1.9, §7.8.2.C.2)

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 and stamped by Edmond Spruhan, Registered Professional Engineer and Christopher Charlton, Registered Land Surveyor, dated May 8, 2024.
 - b. Architectural plans prepared by Bee Howes dated April 8, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front, left/south), A-2.1
 - ii. Proposed elevations (showing rear, right/north), A-2.2
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 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.