

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, APRIL 22, 2013

7:45 PM  
Room 202

**ITEMS SCHEDULED FOR DISCUSSION:**

- #127-13      ALD. GENTILE, HARNEY, SANGIOLO proposing to amend **Chapter 30, Section 15(c)(1)b** of the City of Newton Zoning Ordinances by increasing the lot size from “at least five thousand (5,000) square feet of area” to “at least seven thousand (7,000) square feet of area”. [03/25/13 @ 10:14 AM]
- #77-13      ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the **City of Newton Zoning Ordinances** so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case be considered valid non-conforming properties. [02/27/13 @ 3:06 PM]
- #146-13      THE ZONING & PLANNING COMMITTEE requesting information from the Planning Department concerning the nature and character of vacant lots that were confirmed as unbuildable by the Mauri Appeals Court decision. [04/01/13 @ 9:44 AM]
- #406-12      ALD. JOHNSON requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding campaign signs, and the failure of candidates to comply with current removal requirements. [11/19/12 @ 9:24AM]

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The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at [TGuditz@newtonma.gov](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

***ITEMS FOR ZONING REFORM DISCUSSIONS WHEN SCHEDULED:***

- #80-13      THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
- #220-12      RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a be clarified with respect to “lot width,” “lot area,” or “lot frontage.”
- #219-12      RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
- #218-12      RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #217-12      RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #216-12      RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #65-11(3)      ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
- #154-10(2)      ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]
- #154-10      ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:****REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]
- #308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]

**REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES**

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]
- #129-13 ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for "attached dwellings" in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #128-13 ALD. ALBRIGHT, FULLER, CROSSLEY, LAREDO requesting the creation of a comprehensive, 10-year strategic plan for Newton's conservation lands which would include a multi-year prioritized list of short-term and long-term projects with appropriate estimated budget. This plan should be finished in time to include high priority item(s) in the FY15 Budget, with any project exceeding \$75,000 added to the Capital Improvement Plan. [03/15/13 @ 10:56 AM]
- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #108-13 ECONOMIC DEVELOPMENT COMMISSION submitting its 2012 annual report as required by City of Newton Ordinances, **Chapter 22, Section 92**. [03/07/13 @ 1:17 PM]
- #48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]
- #81-13 DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]

- #64-13      NEWTON HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.  
[02/05/13 @ 11:35 AM]
- #152-10      ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #391-09      ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.
- #260-12      ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]
- #328-12      DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report [10/26/12 @ 11:08 AM]
- #282-12      ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*. [09-09-12]
- #215-12      ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts.  
[07-17-12 @ 2:55PM]
- #214-12      ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment.  
[07-09-12]
- #64-12      ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b) to clarify the inclusionary zoning preference provisions for

initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]

#11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]

#153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts. [05- 10-11 @3:19 PM]

#153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

#102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

#95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]  
**FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012**

#183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @12:00 PM]

- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
- #61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

Respectfully Submitted,

Marcia T. Johnson, Chairman

required in the special permit by the board of aldermen.

(b) Lot frontage.

- (1) In the case of a lot on a street, the line of which has a curve with a radius of less than two hundred (200) feet, the required lot frontage shall be measured along the setback line;
- (2) In the case of a lot on a street and a public footway, the required lot frontage may be measured along the public footway with the permission of the board of aldermen in accordance with the procedure provided in section 30-24;
- (3) In the case of corner lots, the frontage when measured on the street line shall run to the point of intersection of the two (2) street lines;
- (4) In all other cases the required lot frontage shall be measured on the street line.

(c) *Exceptions Applicable in Residential Districts.* Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall apply to any lot in a residential zoning district except to the extent that either the provisions of Massachusetts General Laws, Chapter 40A, Section 6, as in effect on January 1, 2001, or the following provisions, provide otherwise.

Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall not apply to any lot in a residential district if all of the following requirements are met:

- (1) At the time of recording or endorsement, whichever occurred sooner, or on October 11, 1940 if the recording or endorsement occurred before October 11, 1940, the lot
  - a) conformed to the requirements in effect at the time of recording or endorsement, whichever occurred sooner, but did not conform to the increased requirements, and

\* b) had at least five thousand (5,000) square feet of area, and

c) had at least fifty (50) feet of frontage.

(2) The size or shape of the lot has not changed since the lot was created unless such change complied with the provisions of section 30-26.

(3) Either

a) The lot was not held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question,

or

b) If the lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question, such lot had on it a single-family or two-family dwelling.

(d) *Front Set Back.* No building need be set back more than the average of the setbacks of the buildings on the lots nearest thereto on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. In no case shall any part of a building in a residence district extend nearer the street line than ten (10) feet.

(e) *Setback Line.* Distances shall be measured from the lot lines to the nearest portion of the structure, including outside vestibule or porch. Steps and bulkheads may project into the setback. Gutters, cornices, projecting eaves and ornamental features may project up to two (2) feet into the setback. In the case of rear lots, the setback requirements shall be measured from the rear line of the lot in front; provided, however, that on a rear lot, no building shall be erected nearer than twenty-five (25) feet from the rear line of the lot in front.



sign shall be removed forthwith, and provided that the temporary sign conforms with all applicable dimensional regulations of this section, that it is, in fact, a temporary sign not involving any substantial expense, and that it is displayed in a manner which will not deface the building facade or otherwise impinge upon the review of the proposed sign.

- (2) Construction signs. One or more signs during the construction or alteration of a building identifying the building, owner, contractor, architects and engineers and whether any business is or is not to be conducted therein may be erected. Such signs shall not exceed in the aggregate thirty-two (32) square feet and shall be removed within forty-eight (48) hours after completion of the construction or alteration.
- (3) Real estate signs. One unlighted sign, not exceeding twelve (12) square feet in residential districts and thirty-two (32) square feet in commercial districts, advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed may be erected. Such signs shall be removed within forty-eight (48) hours after the sale, rental or lease.
- (4) Event signs. Signs not exceeding thirty (30) square feet, announcing a fund raising drive or event of a civic, philanthropic, educational or religious organization, displayed on the site of the event or the property of the sponsoring agency and limited to one per each lot, except that if a lot has frontage on more than one street, there may be a free-standing sign for each street frontage. Such signs shall not be erected before fourteen (14) days preceding the event and shall be removed within forty-eight (48) hours after the event.
- (5) Yard or garage sale signs. Signs, not exceeding five (5) square feet, announcing a yard or garage sale, which are displayed on private property and limited to one per each premises, may be erected. Such signs shall

not be erected before three (3) days preceding the sale and shall be removed within twenty-four (24) hours after the sale.

\* (6) *Election signs.* Except as otherwise provided in these ordinances, election signs on a single lot shall be allowed in all zoning districts and shall conform to the following:

- a) The face of the sign shall be no higher than and no wider than three (3) feet;
- b) The total area of all signs on the lot shall not exceed thirty-two (32) square feet;
- c) Signs may be located anywhere on the lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than eight (8) feet to the edge of the paved portion of the public way;
- d) Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;
- e) Signs shall not use obscene language in violation of established community standards;
- f) Signs shall not be artificially illuminated except as permitted by section 30--20(i)(4);
- g) Election signs may be erected no earlier than forty-five (45) days before an election and shall be removed within forty-eight (48) hours after the election; and
- h) No more than one (1) election sign per candidate or per ballot issue shall be erected on a single lot.





Setti D. Warren  
Mayor

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Candace Havens  
Director

## WORKING SESSION MEMORANDUM

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**DATE:** April 19, 2013

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development   
James Freas, Chief Planner, Long-Range Planning

**RE:** #127-13: ALD. GENTILE, HARNEY, & SANGIOLO proposing to amend Chapter 30, Section 15(c)(1)b) of the City of Newton Zoning Ordinances by increasing the lot size from "at least five thousand (5,000) square feet of area" to "at least seven thousand (7,000) square feet of area".

**MEETING DATE:** April 22, 2013

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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### INTRODUCTION

Section 15(c) of the Newton Zoning Ordinance allows property owners owning single, undeveloped, non-conforming lots relief from any increases in the dimensional requirements of the lot or setbacks from those requirements which applied at the time of the creation of the lot as long as certain conditions are met (see ordinance language below). Section 15(c)(1)b) requires that such lots be a minimum of 5,000 square feet in order to be granted this relief. This requirement mirrors that of the Massachusetts General Laws chapter 40A, Section 6, which is referenced in this section of the zoning ordinance. Increasing the minimum required lot size to 7,000 square feet would constitute a diminishment of the protection afforded (i.e., fewer lots would be protected) from that which is currently in Newton's Zoning Ordinance and from what is required by Chapter 40A. While the City may increase the level of protection offered to its citizens through its local ordinances as compared to what is required by State law, for example by reducing the minimum to 4,000 square feet, the City cannot

decrease the level of protection; therefore, the Planning Departments recommends the Committee concur that no action is necessary (NAN) on petition #77-13.

Newton Zoning Ordinance: Section 30-15(c)

*(c) Exceptions Applicable in Residential Districts.*

*Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall apply to any lot in a residential zoning district except to the extent that either the provisions of Massachusetts General Laws, Chapter 40A, Section 6, as in effect on January 1, 2001, or the following provisions, provide otherwise.*

*Any increase in area, frontage, or setback requirements prescribed in Table 1 of this section shall not apply to any lot in a residential district if all of the following requirements are met:*

*(1) At the time of recording or endorsement, whichever occurred sooner, or on October 11, 1940 if the recording or endorsement occurred before October 11, 1940, the lot*

*a) conformed to the requirements in effect at the time of recording or endorsement, whichever occurred sooner, but did not conform to the increased requirements, and*

*b) had at least five thousand (5,000) square feet of area, and*

*c) had at least fifty (50) feet of frontage.*

*(2) The size or shape of the lot has not changed since the lot was created unless such change complied with the provisions of section 30-26.*

*(3) Either*

*a) The lot was not held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question,*

*or*

*b) If the lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question, such lot had on it a single family or two-family dwelling.*



Setti D. Warren  
Mayor

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Candace Havens  
Director

## WORKING SESSION MEMORANDUM

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**DATE:** April 19, 2013

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
James Freas, Chief Planner, Long-Range Planning 

**RE:** #77-13: ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the City of Newton Zoning Ordinances so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case, be considered valid non-conforming properties.

**MEETING DATE:** April 22, 2013

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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### INTRODUCTION

As a result of the court decision invalidating the City's interpretation of section 30-15(c)(3)(b) any home built on one of these lots formerly in common ownership would now be considered non-compliant according the Newton Zoning Ordinance raising potentially severe issues for these homeowners. At this time, City staff has been able to confirm nine such lots, which were developed with either single- or two-family homes between 2001 and 2009. The Planning and Law Departments are exploring two options for rectifying this situation such that these homes would not be noncompliant: first, an amendment to section 30-15(c)3 and second, whether variances could be issued to these properties.

Zoning Amendment

The Zoning Ordinance amendment option would allow these homes to become nonconforming under the provisions of section 30-15(c). In this context, “nonconforming” simply means that the house exists legally and may be modified or expanded consistent with the regulations of the zoning ordinance, but the dimensions of the lot are not consistent with the current requirement of the zoning ordinance for the zoning district in which that lot sits. The best approach to incorporating this policy into the zoning ordinance that staff has been able to identify thus far would be to add an additional provision to 30-15(c)3 as shown below.

*Proposed text for 30-15(c)3*

(3) Either

a) The lot was not held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question,

**OR**

b) If the lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the lot in question, such lot had on it a single-family or two-family dwelling;

**OR**

c) If the lot was:

i) not the site of a single or two family dwelling as of July 7, 2001; and

ii) was held in common ownership at any time after January 1, 1995 with an adjoining lot that had continuous frontage on the same street and the adjoining lot was the site of a single or two family dwelling; and

iii) the lot has on it a single or two family dwelling that was constructed in compliance with a building permit issued between July 7, 2001 and October 6, 2009.

Amending the zoning ordinance to include this, or a similarly effective provision, would have the advantage of protecting all nine of the identified homes, as well as any others that may not have been found to-date, in a single action. There are two disadvantages to this approach: 1) it creates a small, special case provision in the ordinance that contributes to the overall challenge of the usability of the ordinance (this is a minor concern in this context, and 2) it could be found to be a violation of the equal protection clause, a.k.a. spot zoning. There is a clear public purpose to the action, but the exclusion of other similarly-situated lots from the benefit provided by this section of the zoning Ordinance could be found to be arbitrary should a property owner choose to bring a lawsuit against the City.



### Variance

The Planning and Law Departments are also considering the option of applying to the Zoning Board of Appeals (ZBA) for variances for each of the effected lots. The granting of a variance requires three findings according to the Massachusetts General Laws Chapter 40A, Section 10:

1. *“owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located”;*
2. *“a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner”;* and
3. *“desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”*

While meeting the requirements of these findings for the lots in question would require a well-constructed argument, and could certainly be subject to challenge, staff believes that an effective argument could be made. The key aspects of such an argument would be to demonstrate that the situation faced by these property owners is not generally shared by other properties in the neighborhood or zoning district, it is a hardship created by the shape (size) of the lot, it is not knowingly self-inflicted, that it represents a financial hardship not just to themselves but to all potential future owners, and that granting the variance would not be to the detriment of the community.

The primary advantage of the variance approach is that it would potentially be less subject to challenge. Conversely, protection for these homes would only be available as they are found; though a variance could be requested each time one is discovered. Staff does not believe there are a significant number of these lots that have already been built on. This approach would depend on the ZBA granting the variances, subject to making the necessary findings as outlined above.

### **NEXT STEPS**

The Planning Department recommends that the Committee discuss its preferences regarding the two approaches described above. In addition, the Committee could consider employing both approaches, for example the zoning amendment could be prepared and implemented if the ZBA fails to grant the requested variances.