



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 18, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Sarah Sherman, Applicant
Matthew Simitis, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: Sarah Sherman	
Site: 95 Suffolk Road	SBL: 72020 0007
Zoning: SR1	Lot Area: 11,178 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 95 Suffolk Road consists of an 11,178 square foot corner lot improved with a single-family residence constructed in 1910 and a detached garage which received a variance from the side lot setback requirements in 1998. The petitioners propose to construct a one-story rear mudroom addition behind the existing detached garage. The proposed addition will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by Matthew Simitis, architect, submitted 10/10/2019
- FAR Worksheet, submitted 10/10/2019
- Existing Plan of Land, prepared by Everett M. Brooks Co., surveyor, dated 3/27/1998
- Proposed Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 10/2/2019
- Architectural Plans and Elevations, signed and stamped by Matthew Simitis, architect, dated 10/9/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a one-story rear addition, adding a mudroom that extends behind the existing detached garage, though is not attached to it. The existing FAR is .41, where .33 is the maximum allowed. The proposed addition adds 189 square feet to the dwelling, resulting in an FAR of .43. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. A variance was granted in 1998 to allow for a reduction of the side setback for the detached garage from the required 5 feet to 4 feet. The garage has been constructed in accordance with the variance. No amendment to the variance is required.
3. Per section 1.5.2.D.2, the lot coverage requirements found in section 3.1 do not apply to a private garage accessory to a single- or two-family structure in existence on December 27, 1922. According to City records, the existing single-family dwelling was constructed in 1910. Therefore, the detached garage structure does not count against lot coverage. The figures in the table below are reflective of relief this provision applies.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	11,178 square feet	No change
Frontage	100 feet	91 feet	No change
Setbacks			
• Front	25 feet	53.5 feet	No change
• Side (right)	12.5 feet	7.4 feet	No change
• Side (left)	12.5 feet	34 feet	12.5 feet
• Rear	25 feet	24.4 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.33	.41	.43
Max Lot Coverage	20%	16.1%	18.5%
Min. Open Space	65%	72%	70%

1. See “Zoning Relief Summary” below:

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

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N