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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 25, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Michael Huller, Architect
Alan Lobovits and Lisa Rosenfeld, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a special permit to further increase nonconforming FAR and to further extend an existing nonconforming front setback, and a variance from the rear setback requirement

Applicant: Alan Lobovits and Lisa Rosenfeld	
Site: 168 Allerton Road	SBL: 52027 0008
Zoning: SR-2	Lot Area: 9,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 168 Allerton Road consists of a 9,000 square foot corner lot improved with a single-family residence constructed in 1905 and a detached garage constructed in 1952. The applicant proposes to raze the existing detached garage and construct an attached garage with a mudroom and kitchen addition. The proposed addition extends the existing nonconforming front setback on Cushing Street, as well as further increases the nonconforming FAR, requiring a special permit. The addition is proposed at 7.6 feet from the rear lot line, where 15 feet is required, requiring a variance.

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

- Zoning Review Application, prepared Michael Huller, Architect, submitted 6/21/2016
- FAR Worksheet, submitted 6/21/2017
- Proposed Additions Plan, signed and stamped by Bruce Bradford, surveyor, dated 6/14/2017
- Area Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/9/2015
- Architectural Plans, signed and stamped by Michael Huller, Architect, dated 6/1/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing FAR is .50, where .40 is the maximum allowed. The proposed addition adds 518 square feet to the dwelling, resulting in an FAR of .55. 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. The dwelling has an existing nonconforming front setback from Cushing Street of 10.3 feet, where 25 feet is required per Section 3.1.3. The applicants’ addition is proposed at 16.8 feet, which requires a special permit for the extension of the existing nonconforming front setback per Section 7.8.2.C.2.
3. The applicants’ lot is at the corner of Allerton Road and Cushing Street, with the front door of the dwelling facing Allerton Road. Per Section 1.5.3, in the case of a corner lot, the rear lot line is the lot line opposite the front door. The applicants’ addition is proposed for what is considered the rear of the house per the Ordinance, and to be located 7.6 feet from the rear lot line, where 15 feet is required per Section 3.1.3. The construction of the addition located at 7.6 feet from the rear lot line where 15 feet is needed requires a variance.

SR2 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	9,000 square feet	No change
Frontage	70 feet	90.5 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	21.3 feet 28.1 feet 33.2 feet	No change No change 7.6 feet
Max Number of Stories	2.5	2.5	No change
FAR	.40	.50	.55
Max Lot Coverage	30%	21.9%	26.9%
Min. Open Space	50%	70%	67%

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 increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further decrease nonconforming front setback	S.P. per §7.3.3
§3.1.3	Request to allow a rear setback of 7.6 feet	Variance per §7.6

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