



Setti D. Warren
Mayor

City of Newton, Massachusetts

Department of Planning and Development

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Candace Havens
Director

Public Hearing Date: May 14, 2013
Land Use Action Date: July 16, 2013
Board of Aldermen Action Date: July 22, 2013
90-Day Expiration Date: August 13, 2013

DATE: May 14, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Jane Santosuosso, Chief Zoning Code Official

SUBJECT: **Petition #142-13**, Peter and Elizabeth Nurczynski, for a special permit/site plan approval to extend a nonconforming two-family structure to construct a rear addition to expand the first floor unit by approximately 510 square feet to include a master bedroom suite, bathroom and screened-in porch, and two-car carport, which will increase the nonconforming Floor Area Ratio from .56 to .65, where .54 is allowed by right at **99-101 Atwood Street**, Ward 2, Newtonville, on land known as SBL 22, 23, 08, containing approximately 7,434 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



99-101 Atwood Ave.

EXECUTIVE SUMMARY

The subject property consists of a 7,434 square foot lot improved with a two-family dwelling built in 1930. The existing house consists of 2½ stories, plus the basement level totaling 4,831 square feet. The petitioners are seeking to construct a rear addition to expand the first floor unit by approximately 510 square feet to include a master bedroom suite, bathroom, screened-in porch and decks, including a roof deck. In addition to the new master suite there will be a two-car carport below. Because the carport is open on all sides it does not count towards Floor Area Ratio (FAR). The proposed additions will increase the nonconforming FAR from .56 to .65, where .54 is allowed by right.

The proposed additions comply with required setbacks, open space, and lot coverage.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether the proposed extension of a nonconforming structure with regard to FAR will be substantially more detrimental to the neighborhood than the existing structure.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located between Walnut Street and Edmonds Park in Newtonville. The neighborhood primarily consists of a mix of single- and two-family. The site is within an area zoned Multi Residence 1.

B. Site

The site consists of 7,434 square feet of land and slopes down from the street level. The residence is a 2 ½ story colonial-style house circa 1930 of approximately 4,831 square feet. The structure consists of two 1,444 square foot units, an attic and a two-car garage located in the basement level.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently used as a two-family residence and the petitioners are not proposing any changes to the use with the proposed addition.

B. Building and Site Design

The petitioners are proposing a one-story addition off the rear of the existing 2.5-story residence with a carport underneath. The proposed addition will be set on a two-car

carport at grade but at the basement level (which does not count towards FAR), and a 510 square foot first floor addition consisting of a master suite, laundry room, deck, screened porch, and roof deck above.

The proposed rear addition will not significantly change the look of the house as viewed from the street, and is in keeping with some other homes in the neighborhood. The addition will be visible to the abutters on either side from back portions of their property, but minimally visible from those abutting to the rear and across the street. The addition significantly adds to the length of the house and while it meets the side setback requirement and is no closer than the existing house, is located along the required setback.

C. Parking and Circulation

The petitioners are proposing to add a two-car carport under the new addition. Access into the site will remain the same.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (**SEE ATTACHMENT "A"**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting special permits to allow an extension of a structure which is nonconforming with regard to FAR.
- B. Comprehensive Plan: The proposed project would help preserve and update the existing structure while meeting the needs of today's families.
- C. Engineering Review: As the petitioners are increasing the impervious surfaces on site by more than 400 square feet of the lot area, the Engineering Division was required to review this project. Their memo may be found in a separate attachment.
- D. Newton Historical Commission: The proposed project does not trigger the Demolition Review Ordinance.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-15(u), and 30-21(b) to allow an extension of a structure which is nonconforming with regard to FAR from .56 to .65 where .54 is allowed by right.

VI. PETITIONERS' RESPONSIBILITIES

The petitioner is considered complete at this time.

ATTACHMENTS

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map



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City of Newton, Massachusetts
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Attachment A

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: March 21, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Jeffrey Thoma, Landscape Architect
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed FAR

	SBL: 22 023 0008

BACKGROUND:

The property at 99-101 Atwood Ave. consists of a 7,434 square foot lot improved with a two-family residence constructed in 1930. The dwelling consists of two and a half stories, and a basement level totaling 4,831 square feet. The applicant proposes to expand the first floor unit of the existing two-family dwelling by approximately 510 square feet. The expansion will include a new master bedroom suite, bathroom and screened-in porch at the rear of the existing building which will be built over an carport for two cars. A portion of the existing roof of the new expansion will function as a deck and outdoor space accessible to all residents of the building. The proposed expansion will increase the FAR from the existing nonconforming FAR of .56 to .65, where .54 is allowed by right.

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

- Zoning Review Application, prepared by Jeffrey Thoma, landscape architect, submitted 3/15/13
- FAR calculations, prepared by Jeffrey Thoma, landscape architect, submitted 3/15/13
- Grade plane calculation, submitted 3/15/13
- Area plan, prepared by City of Newton Assessors Office, submitted 3/15/13
- Average grade plane exhibit, stamped by Jeffrey Thoma, dated 3/6/13
- Architectural plans, prepared by T. Andrew Hatcher, architect, stamped 3/6/13, submitted 3/15/13

- Illustrative site plan
- Existing conditions plan
- Layout and materials plan
- Grading and drainage plan
- Existing elevations (front, rear, sides)
- Existing basement floor plan
- Existing first floor plan
- Existing second floor plan
- Existing attic plan
- Proposed elevations (front, rear, sides)
- Proposed basement plan
- Proposed first floor plan
- Proposed second floor plan
- Quitclaim deed

ADMINISTRATIVE DETERMINATIONS:

1. The proposed addition increases the dwelling's FAR from .56 to .65, which exceeds the .54 permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and 30-21(a)(2)(b).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	7,434 square feet	No change
Lot size per unit	3,500 square feet	3,717 square feet	3,717 square feet
Frontage	70 feet	57.11 feet	No change
Setbacks for existing structure			
● Front	25 feet	27.5 feet	No change
● Side	7.5 feet	9.1 feet on right 19.4 feet on left	7.52 feet on right No change
● Rear	15 feet	49.6 feet	21.1 feet
FAR	.54	.56	.65
Building Height	36 feet	33.12 feet	No change
Maximum Stories	2.5	2.5	No change
Max. Lot Coverage	30%	20.41%	27.28%
Min. Open Space	50%	54.23%	52.55%

1. See "Zoning Relief Summary" below:




Zoning Relief Required		
Ordinance		Action Required
§30-15 Table A, §30-15(u), §30-15(u)(2) §30-21(a)(2)(b)	Exceed maximum floor Area Ratio (FAR) of .54 to .65 from the existing nonconforming FAR of .56	S.P. per §30-24

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Zoning Map 99-101 Atwood Ave.

*City of Newton,
Massachusetts*

Legend

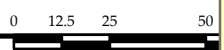
-  Multi-Residence 1
-  Building Outlines
-  Surface Water



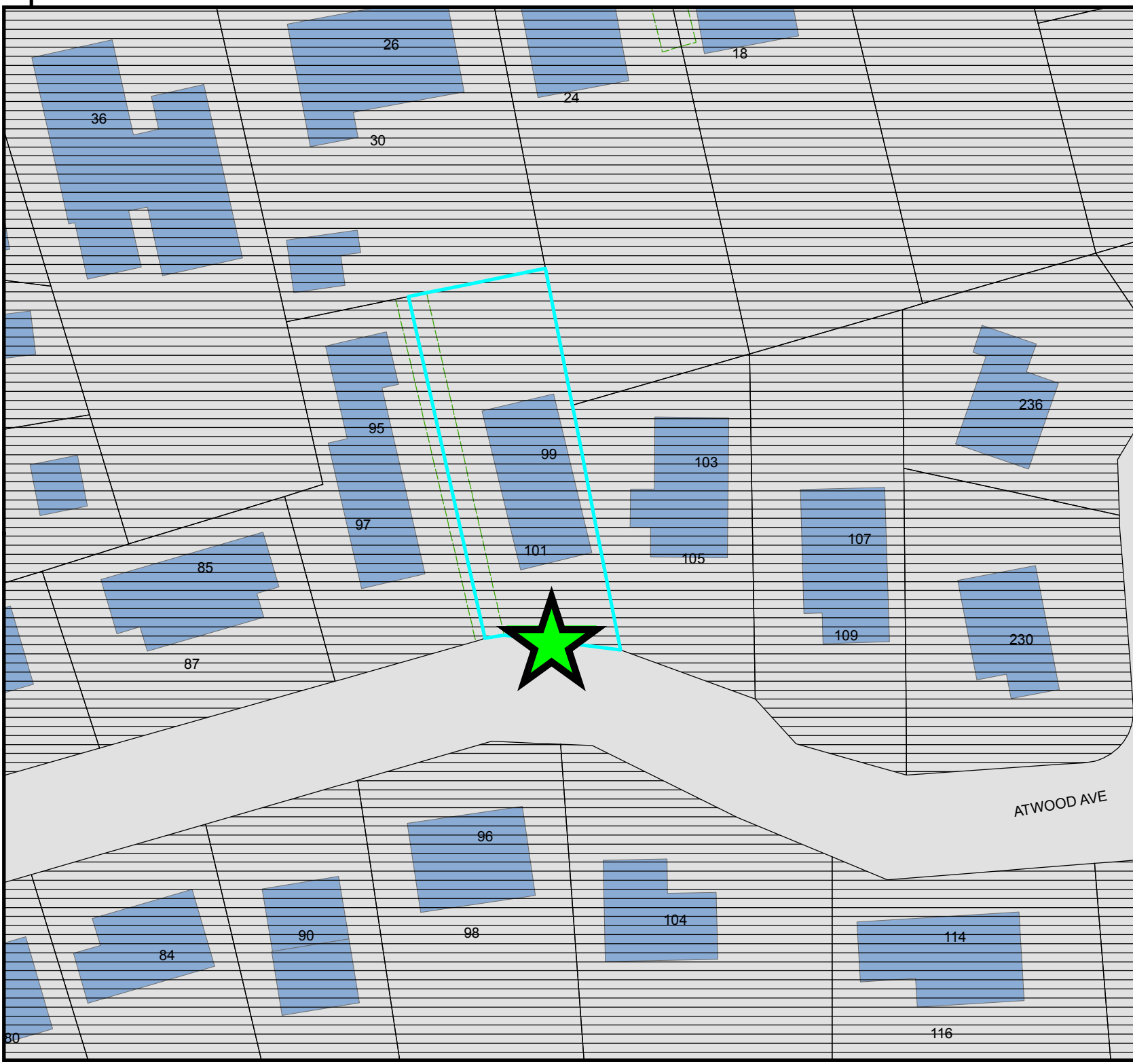
ATTACHMENT "B"

The information on this map is derived from the City of Newton's Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

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 Mayor - Setti D. Warren
 GIS Administrator - Douglas...



Map Date: May 2017



142-13

Land Use Map 99-101 Atwood Ave.

*City of Newton,
Massachusetts*

Legend

Land Use

- Single Family Residential
- Multi-Family Residential

Other

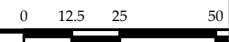
- Building Outlines
- Surface Water



ATTACHMENT "C"

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Map Date: May

