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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 2, 2018
Land Use Action Date:	December 11, 2018
City Council Action Date:	December 17, 2018
90-Day Expiration Date:	December 31, 2018

DATE: September 28, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner
Michael Gleba, Senior Planner

SUBJECT: **Petition #480-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing carriage house and attach it with a breezeway to a new multi-level principal structure addition, extending the nonconforming height and exceeding the FAR where .28 exists, .35 is allowed, and .36 is proposed at 44 Ballard Street, Ward 7, on land known as Section 73 Block 31 Lot 11 containing approximately 16,633 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



44 Ballard Street

EXECUTIVE SUMMARY

The property at 44 Ballard Street consists of a 16,633 square foot lot improved with an approximately 3,411 square foot, two and a half floor single-family residence constructed circa 1896 and a 2,002 square foot, two-level detached garage. The petitioners intend attach the garage, which was recently relocated from the southwest corner of the lot to a location closer to the Glendale Road, to the dwelling with a “covered way” that would connect to a new multi-floor addition to the rear of the dwelling. The proposed connection would render the now detached garage into an attached garage, combining the dwelling and garage into a single principal structure. An internal 758 square foot accessory apartment would be located on the second level of the newly attached garage.

The existing single-family dwelling has a nonconforming height of 39.5 feet, where 36 feet is maximum allowed per section 3.1.3. The proposed modifications and related grading would cause an increase the measured height of the existing dwelling to 41.3 feet, requiring a special permit per section 7.8.2.C.2. The property’s existing floor area ratio FAR is 0.28, where 0.35 (0.33 plus the 0.02 bonus for meeting new lot setback requirements) is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed additions would add 1,158 square feet to the dwelling, resulting in a FAR of 0.36, requiring a special permit pursuant to Sections 3.1.3 and 3.1.9 to exceed FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The project as designed, which will increase the floor area ratio (FAR) from 0.29 to 0.36 where 0.35 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9)
- The project as designed, which will increase the dwelling’s nonconforming height from 39.5 feet to 41.3 feet where 36 feet is the maximum allowed by right, will not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located at the southeast corner of the intersection of Ballard Street and Glendale Road. The area is predominantly occupied by single-family dwellings, with exceptions including several properties occupied by religious uses (**Attachment A**). The site and surrounding area to the north of Ward Street are zoned Single Residence 2 (SR2); the area to the south across Ward Street is zoned Multi-Residence 2 (MR2) (**Attachment B**).

B. Site

The property consists of a 16,633 square foot lot improved with a single-family residence constructed circa 1896 and a detached, two-floor carriage house. The petitioner has relocated the detached garage from the southeast corner of the site to an area approximately 26 feet from the parcel’s Glendale Road frontage. Vehicular access to the

property is provided by a curb cut on Glendale Road.

The property slopes significantly downward from west to east. As the site is currently under construction, much of the site is disturbed; that said the property also features lawn areas and mature vegetation including shrubs and trees, including some rather dense screening along Glendale Road.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence; however, an internal accessory apartment will be created on the second level of the relocated garage.

B. Building and Site Design

The petitioner is proposing to construct modifications to the existing dwelling that would add 832 square feet of floor space to that structure. The proposed changes would add 153, 257 and 54 square feet of FAR-includable floor space to the basement, first floor and attic levels, respectively, as well as 370 square feet of includable atrium space. The petitioner is also enlarging the ground level of the relocated garage by 324 square feet.

The petitioner is proposing to connect the expanded dwelling to the relocated garage with a covered way consisting of a "copper roof" as shown in the architectural drawings submitted with the petition (see Sheet A-9), thus rendering the now detached garage into an attached garage and making the thus connected dwelling and garage into a single principal structure.

As designed, the additions would result in a total of 5,910 square feet of gross floor area on the lot, increasing the floor area ratio (FAR) from 0.28 to 0.36, where 0.35 is the maximum allowed by-right. Various grade changes would be handled with several retaining walls throughout the property, including one within the rear setback that is less than four feet in height. The existing single-family dwelling has a nonconforming height of 39.5 feet, where 36 feet is maximum allowed per section 3.1.3. The proposed additions, combined with changes to the average grade, would result in an increase in the overall measured height of the dwelling to 41.3 feet.

As a corner lot, the property has two front setbacks (along Ballard Street and Glendale Road); the existing nonconforming front setback of 16.5 feet where 25 feet is required would remain unchanged. The side setback, i.e., along the property line perpendicular to Ballard Street, would be reduced slightly by the addition to 28.3 feet, remaining well above the required 7.5 feet. The attachment of the relocated garage to the principal structure would reduce the lot's rear setback, i.e. along the property line perpendicular to Glendale Road, from 67.8 feet to 15.1 feet, essentially the required minimum 15 feet. It should be noted that before its relocation the garage was located approximately 8 feet from that same property line.

The parcel's lot coverage would increase from 17.9% to 21.5%, remaining below the maximum 30% allowed. The open space on the parcel would increase, from 71% to 74%, well above the required 50%. As the submitted site plan indicates, approximately 825 square feet of driveway

pavement will be removed; the Planning Department is awaiting calculations from the petitioner indicating the extent of any change of impervious area on the property.

C. Parking and Circulation

The petitioners are proposing to provide two vehicle spaces on the first floor of the relocated garage accessed via a 12-foot wide curb cut off Glendale Road and associated paved area.

D. Landscaping

As shown in the submitted Layout Plan, several mature trees will be preserved on the property. The area previously occupied by the now-relocated garage will be modified into lawn area. Considerable bluestone- or granite- paved areas would be installed adjacent to the dwelling on its north and west sides, as well as in the area between it and the relocated (and to be connected) garage.

Lawn space would also be located in the area between the garage and the west property line, adjacent to the abutting property on that side. The Planning Department recommends that the petitioner be prepared to provide detail as to what if any vegetative screening is being considered along that property line.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to
 - further extend a nonconforming height (§3.1.3, §7.8.2.C.2);
 - exceed floor area ratio (FAR) (§3.1.3, §3.1.9).

B. Engineering Review

Based upon current information about the impervious area of the proposed project, engineering review is not required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed work in the event this petition is approved.

C. Newton Historic Commission

On October 10, 2017, the Newton Historic Commission found the property to be historically significant but approved the project based on submitted materials, requiring only review of final plans.

V. PETITIONER'S RESPONSIBILITIES

The Planning Department will work with the petitioner to verify the existing and proposed Floor Area calculations as well as the proposed impervious surface area.

ATTACHMENTS:

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

ATTACHMENT A






Land Use

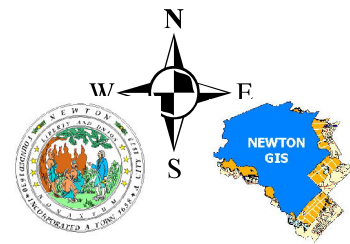
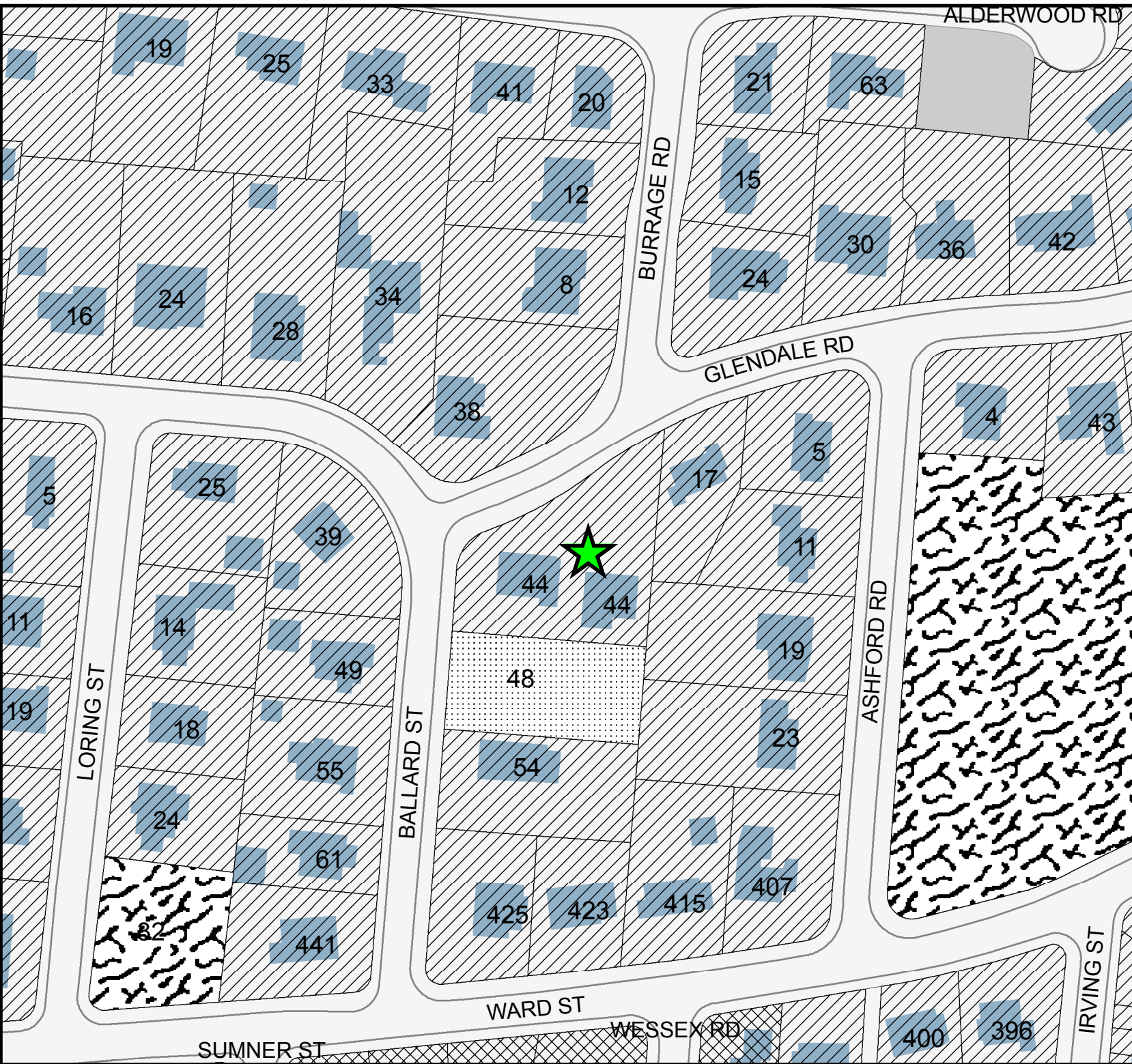
44 Ballard St.

City of Newton,
Massachusetts

Land Use

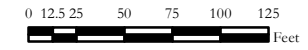
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Nonprofit Organizations
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield






ATTACHMENT B

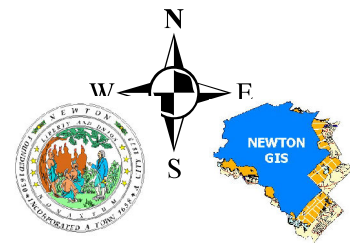
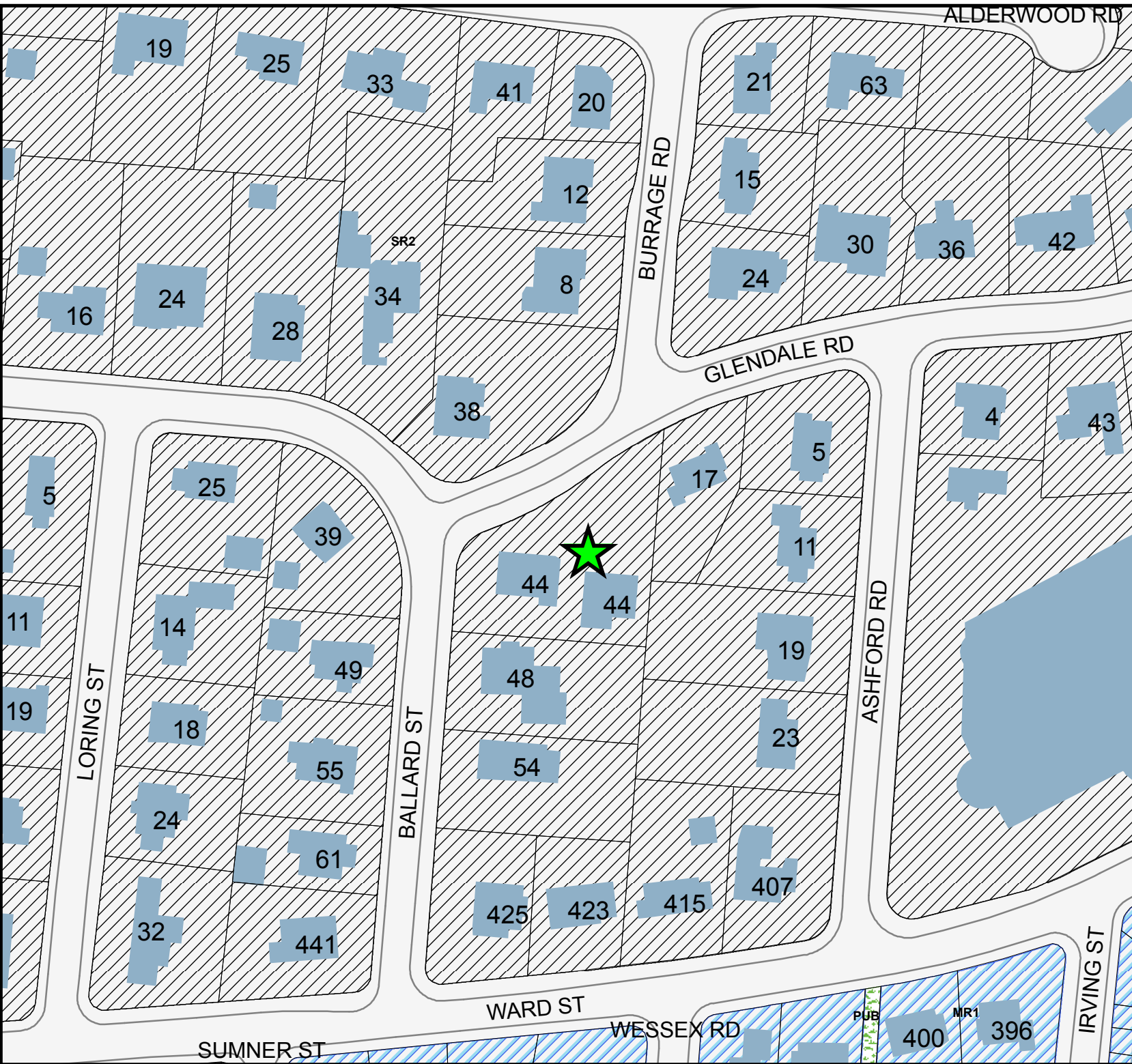
Zoning

44 Ballard St.

City of Newton,
Massachusetts

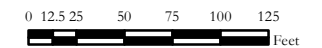
Legend

-  Single Residence 2
-  Multi-Residence 1
-  Public Use



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ATTACHMENT C



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Director

ZONING REVIEW MEMORANDUM

Date: September 10, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, Architect
Melissa Fang and Andrew Hargens, Applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR and to further extend nonconforming height

Applicant: Melissa Fang and Andrew Hargens

Site: 44 Ballard Street	SBL: 73031 0011
Zoning: SR2	Lot Area: 16,633 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 44 Ballard Street consists of a 16,633 square foot lot improved with a single-family residence constructed circa 1896 and a detached carriage house. The petitioners intend to relocate the existing carriage house closer to the street and attach it to the main dwelling with a breezeway, which will connect to a new multi-level addition. An internal 758 square foot accessory apartment will be located on the second level of the newly attached garage.

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

- Zoning Review Application, prepared Peter Sachs, Architect, dated 8/9/2018
- FAR Worksheet, submitted 8/9/2018
- Certified Plot Plan, signed and stamped by Bruce Bradford, surveyor, dated 8/8/2018
- Architectural Plans, prepared by Peter Sachs, architect, dated 4/30/2018, revised 6/21/2018, 8/3/2018

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family dwelling has a nonconforming height of 39.5 feet, where 36 feet is maximum allowed per section 3.1.3. The petitioners making addition at the top structure, however due to the average grade, the additions cause an increase the overall height of the existing dwelling to 41.3 feet, requiring a special permit per section 7.8.2.C.2.
2. The petitioners’ existing FAR is .28, where .35 (.33 plus the .02 bonus for meeting new lot setback requirements) is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed additions add 1,158 square feet to the dwelling, resulting in an FAR of .36. A special permit pursuant to Sections 3.1.3 and 3.1.9 is required to exceed FAR.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	16,633 square feet	No change
Frontage	80 feet	>80 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	16.5 feet 33.6 feet 67.8 feet	No change 28.4 feet 15.1 feet
Max Number of Stories	2.5	2.5	No change
FAR	.35 (.33 + bonus)	.28	.36
Max Lot Coverage	30%	17.9%	21.5%
Min. Open Space	50%	71%	74%

1. See “Zoning Relief Summary” below:

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