



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: 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