



Setti D. Warren
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

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 7, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Peter Sachs, Architect
Barbara and Christian Talvitie, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed maximum allowed FAR, to extend a nonconforming structure, and to add a second garage structure

Applicant: Barbara and Christian Talvitie	
Site: 1446 Beacon Street	SBL: 53014 0009
Zoning: SR-2	Lot Area: 13,915 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1446 Beacon Street consists of a 13,915 square foot lot improved with a single-family residence constructed in 1924 and a detached garage built in 1934. The structure consists of two and a half stories and a basement (the original construction of the dwelling included a garage in the basement). The topography is sloped so-as to create a walk-out basement in the rear. As such, the basement is considered the first floor, creating three stories.

A 3-story addition was built with a building permit at the rear of the house in 2009 which added a two-car garage with two floors of living space above. A special permit should have been required for the addition, as it was increasing a nonconforming structure by adding additional living space to a nonconforming three-story structure, where only 2.5 stories are allowed. Without a special permit, the dwelling is noncompliant.

The applicants are proposing to legitimize the existing nonconformities now through the special permit process, to raze the existing detached accessory building, build a two car detached garage, and to exceed maximum allowable FAR.

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

- Zoning Review Application, prepared by Peter Sachs, architect, submitted 11/25/2014
- FAR Worksheet, prepared by Peter Sachs, architect, submitted 11/25/2014
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 7/2/2014, 10/14/2014
- Garage Plans and Elevations, signed and stamped by Peter Sachs, Architect, dated 8/8/2014, revised 11/1/2014
- FAR Worksheet, prepared by Peter Sachs, architect, dated 11/1/2014
- Architectural Plans, prepared by Peter Sachs, architect, dated 7/2/2014, revised 7/8/2014, 7/14/2014, 8/8/2014
 - Basement Plan
 - Proposed Second Floor Plan
 - Proposed Attic Plan
 - Proposed Elevations
 - Existing Elevations
 - Existing Basement Plan
 - Existing First Floor Plan
 - Existing Second Floor Plan
 - Existing Attic Plan

ADMINISTRATIVE DETERMINATIONS:

1. The maximum number of stories allowed in an SR2 district is 2.5 according to 30-15 Table 1. Due to the significantly downward sloping topography, the existing structure has a walk-out basement, making it a story, thus creating a three-story structure. The applicants received a building permit in 2009 and built a three-story addition to the rear of the house, which should have received a special permit to extend a nonconforming three-story structure. The applicants now wish to legitimize the existing situation with a building permit per Section 30-21(b) of the Ordinance.
2. The applicant's existing FAR is at .35, where .36 is the maximum allowed. The proposed additions to the main dwelling and the addition of the two-car detached garage will create an FAR of .44. A special permit is required to exceed the allowable maximum FAR per sections 30-15 Table A, and 30-15(u)(2).
3. The applicants propose to raze an existing detached accessory structure built as a garage in 1934 and build in its place a 1.5 story two-car garage with a ground floor area of 670 square feet. There are three garage bays totaling 700 square feet of garage space attached to the house. Section 30-15(m)(5) requires a special permit to have more than one garage on a property.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	13,915 square feet	No change
Frontage	80 feet	80.78 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	31.6 feet 14.5 feet 79.5 feet	26.5 feet No change No change
Building Height	36	34.55 feet	No change
Max Number of Stories	2.5	3	No change
FAR	.36	.35	.44
Max Lot Coverage	30%	13.7%	19%
Min. Open Space	50%	72.7%	62.3%
Detached Garage			
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	92.25 feet 2.1 feet 52.97 feet	90.3 feet 5.3 feet 51.1 feet
Building Height	22 feet	---	18.74 feet
Max Number of Stories	1.5	1	1.5

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1 30-21(b)	To extend a nonconforming 3-story single-family dwelling	S.P. per §30-24
§30-15 Table A, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24
§30-15(m)(5)	Allow two garages on one property	S.P. per §30-24