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## ZONING REVIEW MEMORANDUM

Date: June 2, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Deborah Pierce, Architect/owner  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed allowable FAR, to extend an existing nonconforming use and to increase already nonconforming lot coverage**

Applicant: Deborah Pierce	
Site: 126-128 Westland Ave	SBL: 33034A0010
Zoning: SR-3	Lot Area: 5,000 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 126-128 Westland Ave consists of a 5,000 square foot lot improved with a legally nonconforming two-family residence constructed in 1917. The lot is 100 feet wide and 50 feet deep and the structure consists of two and a half stories and a basement. The applicant proposes to construct a two-story addition of a two-car garage with living space above on one side of the dwelling.

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

- Zoning Review Application, prepared by Deborah Pierce, architect, submitted 4/15/2014
- Historic Newton, National Register Criteria Statement, dated 8/1985
- Newton Historical Demolition Review, project # 12090006, dated 9/11/2012
- Letter to Seth Zeren, Chief Zoning Code Official, dated 10/1/2012
- Plan of Land – Existing Conditions, signed and stamped by Bruce Bradford, dated 4/16/2014
- Plan of Land – Proposed Conditions, signed and stamped by Bruce Bradford, dated 4/16/2014
- Parking compliance statement, signed and stamped by Deborah Pierce, dated 4/18/2014
- Existing floor plans, signed and stamped by Deborah Pierce, dated 11/16/2012
- Proposed floor plans, signed and stamped by Deborah Pierce, dated 4/11/2014
- Existing and proposed elevations, prepared by Pierce Lamb Architects, dated 4/11/2014

- FAR Worksheet, prepared by Deborah Pierce, architect, dated 3/27/2014

### **ADMINISTRATIVE DETERMINATIONS:**

1. The lot at 126-128 is wide and shallow at 100 feet by 50 feet deep. Because of the shallow depth of the lot, the dimensional controls create a building envelope of just 10 feet by 85 feet employing the 25 foot front setback and 15 foot rear setback requirements. Section 30-15(j) states that whenever the strict adherence of the dimensional controls found in the ordinance reduces the buildable area of a lot to less than 20 feet in its shortest dimension, the requirements may be modified, first from the rear lot line, to 7.5 feet, and second if necessary from the street, but to not less than 15 feet. The applicant is proposing to construct a two-car garage with living space above. Utilizing the relief found in section 30-15(j), the applicant is proposing a rear setback of 8 feet and a front setback of 15 feet for the proposed addition.
2. The proposed addition will increase the existing FAR from .45 to .70, where .48 is the max allowed by the Ordinance. To exceed the maximum FAR requires a special permit per section 30-15(u).
3. The existing lot coverage is nonconforming. Section 30-15(i) states that the lot coverage requirements of 30-15, Table 1 shall not apply to the construction of a private garage accessory to a single or two-family residence in existence on December 27, 1922. Therefore, no relief is required to further increase the lot coverage.
4. The existing open space is nonconforming at 44%, where 50% is the minimum required. Because the portion of the lot proposed for development is already paved, the open space will not decrease or increase with the proposed construction.
5. The property is located in an SR3 district. The two-family dwelling use is legally nonconforming. To expand this use by constructing the proposed addition requires a special permit per section 30-21(b) or the zoning ordinance.

<b>SR3 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>5,000 square feet</b>	No change
Frontage	100 feet	105 feet	No change
Setbacks as required by Section 30-15(j)			
• Front	15 feet	<b>3 feet</b>	No change
• Side	7.5 feet	8 feet	No change
• Rear	7.5 feet	11 feet	8 feet
FAR	.48	.45	<b>.70</b>
Max Lot Coverage	30%	<b>31.3%</b>	<b>39.1%</b>
Min. Open Space	50%	<b>44%</b>	<b>44%</b>

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24
§30-21(b)	To extend a nonconforming two-family use in an SR3 district	S.P. per §30-24