

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to alter an existing nonconforming front and side setback, amending Order #131-16 which granted SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximately 348 square foot addition to the home that includes a new attached garage accessed from Francis Street, additional kitchen space and an interior stairway with a chair lift and to construct a 210 square foot carport on a section of the existing driveway which together will further increase the non-conforming Floor Area Ratio from 0.52 to 0.59, where .41 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The extension of the nonconforming structure with the proposed addition will not be substantially more detrimental than the existing nonconforming structure as it will largely occupy the location of an existing, similarly sized garage. (§3.2.3. and 7.8.2.C.2.)
2. The proposed Floor Area Ratio (FAR) of 0.59, where 0.41 is the maximum allowed by right and 0.52 exists, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. The addition and carport will increase the gross floor area by only approximately 558 square feet on a lot of 8,090 square feet and the addition will be located largely where an existing garage and an outdoor deck will be removed. (§3.1.9.A.2 and §7.8.2.C.2)
3. The site in a Single Residence 2 zoning district is an appropriate location for the proposed addition and carport as they are consistent with the residential use of the property. (§7.3.3.C.1)
4. The expanded structure will not adversely affect the neighborhood as the addition will be located largely at the location of an existing garage and outdoor deck which shall be removed and the carport will be setback approximately 40 feet from Westbourne Road and will be largely shielded by existing fencing and vegetation. (§7.3.3.C.2)
5. Neither the addition nor the carport will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).

PETITION NUMBER: #92-18

PETITIONER: Joyce Zakim

LOCATION: 37 Westbourne Road, on land known as Section 73, Block 45, Lot 9, containing approximately 8,090 square feet of land

OWNER: Joyce Zakim

ADDRESS OF OWNER: 37 Westbourne Road
Newton, MA 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3. and §7.8.2.C.2., to alter a nonconforming front and side setback; and amend Order #131-16.

ZONING: Single Residence 2 district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #92-18 are null and void.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Plan of Land, 37 Westbourne Road, Proposed Conditions, signed and stamped by Bruce Bradford, surveyor, dated 2/18/2014
 - b. Architectural drawings, entitled "Renovations to 37 Westbourne Road, Newton, MA 02459- Special Permit Set," prepared by Kessler, McGuinness & Associates, LLC, dated March 8, 2016:
 - i. Proposed First Floor Plan (A1.1);
 - ii. Existing First Floor (X1.1);
 - iii. Demolition Plan First Floor (D1.1)
 - iv. Proposed Elevations (A2.1);
 - v. Existing Elevations (X2.1).

2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.