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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, Attorney
Michael & Dena Rashes, Applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

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Newton City Clerk
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David A. Olson, CMC
Newton, MA 02459

RE: Request to extend a nonconforming structure with regard to height, and to amend Board Order 127-80(2) to allow for the proposed changes

Applicant: Michael & Dena Rashes	
Site: 93 Bellevue Street	SBL: 12 021 0039 and 0040
Zoning: SR-2	Lot Area: 94,410 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 93 Bellevue Street consists of a 94,410 square foot lot improved with a single-family residence constructed in 1875. The property was originally part of a much larger parcel which included the neighboring carriage house at 99-109 Bellevue Street. In 1980, the larger parcel was subdivided into three lots, known as Lots 38, 39 and 40. Lot 38 is the site of the Carriage House Condominium, containing six units, and lots 39 and 40 are the two lots comprising the applicants' property. The site is subject to the terms of Board Order 127-80(2), which authorized the multi-family development, and to preservation and conservation restrictions on 93 Bellevue Street.

The existing single-family dwelling consists of approximately 11,225 square feet with a detached garage. The applicant proposes to add a new 2,372 square foot addition to the rear of the existing dwelling containing a three-car garage and additional living space. The applicant also intends to relocate the existing detached garage from the western side of the property to the eastern side of the property.

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

- Zoning Review Application, prepared by Stephen Buchbinder, Attorney, submitted 5/16/2014
- Title Documents
 - Board Order #127-80(2)
 - Preservation Restrictions of Record
 - Conservation Restrictions of Record
- FAR calculations, prepared by David P. Boronkay, Slocum Hall Design Group
- Existing Conditions Site Plan, prepared by Verne T. Porter, PLS, dated 5/12/2014
- Proposed Conditions Site Plan, prepared by Verne T. Porter, PLS, dated 5/12/2014
- Architectural Plans, prepared by Slocum Hall Design Group, dated 5/12/2014
 - Proposed Addition and Garage Floor Plan
 - Proposed Addition Elevations
- Proposed Landscape Plan, prepared by Past Designs, dated 2/28/2014

ADMINISTRATIVE DETERMINATIONS:

1. The dwelling has an existing height of 42.6 feet, which is lawfully nonconforming. By constructing the addition, the average grade of the surrounding topography will change from 202.58 feet to 200.31 feet. The change in the grade impacts the average grade plane, and therefore raises the height of the structure from 42.6 feet to 44.91 feet, increasing the nonconformity. The proposed project is an expansion of a nonconforming structure, and requires a special permit per section 30-21(b) of the Ordinance.
2. The applicants propose to relocate an existing detached garage on the property, and to build an attached three-car garage as well. Per section 30-8(b)(7), a special permit is required for more than one private garage accessory to a single-family dwelling.
3. Board Order 127-80(2) and the preservation and conservation restrictions limit changes to the topography of Lots 39 and 40 as long as the neighboring property at Lot 38 is used for more than a single-family dwelling. Specifically, the restrictions prohibit any change in topography requiring excavation or removal of any "natural deposit" from the property. There is also a restriction that prohibits the destruction of any "tree, grasses or other vegetation" on the property. Waivers of these restrictions and an amendment to Board Order 127-80(2) is required to construct the project as proposed.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	94,410 square feet	No change
Frontage	80 feet	253.6 feet	No change
Setbacks			
• Front	25 feet	70.5 feet	No change
• Side	7.5 feet	25.8 feet	15.8 feet
• Rear	15 feet	129.2 feet	110.2 feet
Building Height	36 feet	42.6 feet	44.91 feet
FAR	.30		.16
Max Lot Coverage	30%	6.54%	8.34%
Min. Open Space	50%	88.48%	76.42%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1, 30-21(b)	Extend nonconforming height	S.P. per §30-24
§30-8(b)(7)	Allow for more than one garage accessory to a single-family dwelling	S.P. per §30-24
	Amend Board Order 127-80(2) and conservation and preservation restrictions	