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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: January 13, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurence Lee, Attorney for the applicant
Auction Direct Preowned, Inc. d/b/a Old Time Garage, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming use.

Applicant: Auction Direct Preowned, Inc. d/b/a Old Time Garage	
Site: 1545 Washington Street	SBL: 33002 0007
Zoning: MR1	Lot Area: 10,000 square feet
Current use: Gas station and service	Proposed use: Car service and sales

BACKGROUND:

The property at 1545 Washington Street consists of a 10,000 square foot lot improved with a gas station, auto repair, service and a surface parking area. The property is at the intersection of Washington and Auburn streets. The site has been the location of a car service and gasoline selling station since at least 1922. The legal nonconforming use has been extended over time by special permits granted by the Board of Aldermen. The Newton Zoning Board of Appeals granted a variance in 1960 to include a third parcel of land that was combined with the site as being subject to the existing nonconforming use. The Board of Aldermen granted a special permit in 1960 to extend the nonconforming use for the entire site. And in 1980 the Board of Aldermen granted a special permit for signs.

The site is improved with a single story pre-existing car service station and office. The building recently underwent interior renovations (by regular building permit), for which work has been completed and signed off by the Inspectional Services Department.

The applicant is proposing to abandon the previously permitted use of a gasoline station and is seeking a special permit to operate a car sales and service business.

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

- Zoning Review Application, prepared Laurence Lee, Attorney, dated 9/4/13
- Commonwealth of Massachusetts Department of Public Safety, Division of Fire Prevention Petition # 73609, Report # 73735 & 73657
- City of Newton Board Order #344-60(2), dated 7/18/1960
- City of Newton Board Order #431-80, dated 9/29/1980
- City of Newton Zoning Board of Appeals Notice of Decision for a Variance #13-60 filed 6/8/1960
- Existing Conditions Plan, prepared by Verne T. Porter, dated 7/15/13
- Area Plan, prepared by Verne T. Porter, dated 7/15/13

ADMINISTRATIVE DETERMINATIONS:

1. There currently exists on site a gas selling and a service station, which are legal nonconforming uses. Board Order 344-60 issued in 1960 allowed an increase to this nonconforming use. Condition #1 of the Board Order restricted the use of the premises “to be used only as a gas selling and service station”. Any change from these uses requires a special permit per Section 30-21(b). The petitioner is proposing to operate a car sales and service business.
2. The lot has six grandfathered parking stalls based on the historical service use of the site. The parking requirement for the historical service use is one stall per each 300 square feet of gross floor area and one stall per each three employees on the highest shift per Section 30-19(d)(10). The change of use on the site from service to that of service and retail does not change the parking requirements. The applicant should consider the potential growth of the business on site and whether a waiver for additional parking is prudent.
3. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-21(b)	To allow a change/extension of a nonconforming use	S.P. per §30-24