



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

99-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: March 15, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sasson and Sabrina Shemesh, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RECEIVED
NEWTON CITY CLERK
2016 MAR 16 PM 2:08
DAVID A. OLSON, CMC
Newton, MA 02459

RE: Request to extend a nonconforming structure with respect to front setback, FAR, lot coverage and open space

Applicant: Sasson and Sabrina Shemesh	
Site: 360 Ward Street	SBL: 73045 0001A
Zoning: SR-2	Lot Area: 3,220 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 360 Ward Street is located at the curve of Ward Street and Westbourne Road in the Single Residence 2 zoning district. The lot consists of 3,320 square feet and is improved with a single-family attached dwelling constructed in 1920. The structure shares a party wall with a second single-family structure located on the adjacent lot.

The site presently has a one-car garage which is not useable due to the configuration of the site. The applicants propose to re-orient the garage to face the street, and add a second bay to create a two-car garage. The existing driveway off of Westbourne Road will be enlarged to accommodate the new garage.

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

- Zoning Review Application, prepared by Sasson Shemesh, applicant, submitted 9/23/2015
- FAR Worksheet, submitted 9/23/2015
- Plot Plan, signed and stamped by Antoni Szerszunowicz, surveyor, dated 9/17/2015
- Photos, submitted 9/23/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing dwelling structure is 9.42 feet from Westbourne Road, where Section 3.1.3 requires a 25 foot front setback. The applicant intends to add to and utilize some basement space and the existing garage space to create a two-car garage. The additional 265 square feet of the garage further extends the nonconforming front setback to 7.67 feet, requiring a special permit pursuant to Section 7.8.C.2.
2. The applicants' existing nonconforming FAR is .75, where .46 is the maximum allowed per Section 3.1.9. The proposed garage adds an additional 265 square feet, creating an FAR of .79. A special permit to further increase the nonconforming FAR is required per Sections 7.8.C.2 and 3.1.9.A.2.
3. The existing nonconforming lot coverage on the site is 32%, where maximum allowed is 30% pursuant to Section 3.1.3. The construction of the proposed garage further increases the nonconforming lot coverage to 41%. Pursuant to Section 1.5.2, lot coverage requirements do not apply for the erection of a garage accessory to a single-family dwelling in existence on December 27, 1922. The subject dwelling was constructed in 1920, no relief is required.
4. The existing nonconforming open space is 38%, where the minimum required is 50% per Section 3.1.3. The construction of the proposed garage further decreases the nonconforming open space to 35%, requiring a special permit per Section 7.8.C.2.
5. To accommodate the construction of the garage, a retaining wall with a maximum height of 6 feet is proposed within the front setback. Pursuant to Section 5.4.2.B, placement of a retaining wall in excess of 4 feet in a setback requires a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	3,220 square feet	No change
Frontage	80 feet	40 feet	No change
Setbacks			
• Front	25 feet	9.42 feet	7.67 feet
• Side	7.5 feet	0 feet	No change
• Rear	15 feet	9.4 feet	No change
FAR	.46	.75	.79
Max Lot Coverage	30%	32%	41%
Min. Open Space	50%	38%	35%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.C.2	To extend an attached single-family dwelling which is nonconforming due to front setbacks	S.P. per §7.3, §7.4
§7.8.C.2 §3.1.9.A.2	To further increase the nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.C.2	To further decrease the nonconforming open space	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §7.3.3