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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: Bernard Bunner, Applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to alter a nonconforming detached structure, and to allow for an uninterrupted wall plane created by a dormer**

Applicant: Bernard Bunner	
Site: 454 Walnut Street	SBL: 22024 0019
Zoning: SR-2	Lot Area: 12,064 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 454 Walnut Street consists of a 12,064 square foot corner lot improved with a single-family residence constructed in 1865 and a detached garage built in 1928. The structure consists of two and one-half stories and a basement. The applicant seeks to erect a new dormer above a new interior staircase between the second and third floors which would have an uninterrupted wall plane where the ordinance requires a break in the plane. The applicant also seeks a special permit to raze the existing detached garage and rebuild it further to the back of the lot, but maintaining the same 2.5 foot nonconforming side setback.

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

- Zoning Review Application, prepared by Bernard Bunner, submitted 4/15/2014
- Existing Site Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 3/2014
- Proposed Site Plan, signed and stamped by Michael Paul Antonino, surveyor, dated 3/2014
- City of Newton Building Permit #1220, dated 6/23/1928
- Architectural Plans, prepared by CMB Design Works and Leon Bombardier, PE, dated 9/2013
- Garage Plans, prepared by CMB Design Works and Leon Bombardier, PE, dated 3/25/2014
- Newton Historical Commission Demolition Review Decision, dated 4/8/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing nonconforming 324 square foot detached garage is 2.5 feet from the side lot setback line. The applicant requests to raze the existing structure and rebuild a new 228 square foot detached garage maintaining the 2.5 foot side setback, though closer to the rear of the property. A special permit is required to alter nonconforming setback by moving the structure further to the rear, though no further into the nonconforming setback per section 30-21(b).
  
2. The applicant seeks to build a new dormer above a new interior staircase between the second and third floors. This dormer will maintain the wall plane between the two floors in an effort to mimic the shape and proportion of the existing window in the stairwell from the first to second floor. The Newton Historical Commission has approved these plans. A special permit is required to construct a dormer creating an uninterrupted wall plan without a roof line overhang extending beyond the two stories per section 30-15(t)(2).
  
3. The applicant is also proposing an attached one-car carport over the existing driveway. This structure may be built by-right.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	12,064 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks for detached accessory structure			
• Front	25 feet	+/-90 feet	+/-100 feet
• Side	5 feet	<b>2.5 feet</b>	<b>No change</b>
• Rear	5 feet	5 feet	No change
FAR	.36	<b>.37</b>	.36
Max Lot Coverage	30%	22%	24%
Min. Open Space	50%	78%	70%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-21(b)	To maintain the existing nonconforming side setback for a new accessory structure	S.P. per §30-24
§30-15(t)(2)	To allow a new dormer to maintain the wall plane without a roof line overhang between two floors	S.P. per §30-24