



Setti D. Warren  
Mayor

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

279-98(5)  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

**ZONING REVIEW MEMORANDUM**

Date: April 5, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning *ET*

Cc: Svetlana Ostrovskaya, property owner  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to allow the construction of an addition connecting the garage and main dwelling within the front setback and to allow retaining walls greater than four feet in height in the front setback**

RECEIVED  
 Newton City Clerk  
 2012 APR 10 PM 12:29  
 David A. Olson, CMC  
 Newton, MA 02459

<b>Applicant: Svetlana Ostrovskaya</b>	
<b>Site:</b> 14 Roland Street	<b>SBL:</b> 83033 0006
<b>Zoning:</b> SR3	<b>Lot Area:</b> 14,819 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Single-family dwelling

**BACKGROUND:**

The property at 14 Roland Street consists of a 14,819 square foot lot located in the SR3 zone and currently improved with a single-family dwelling. In 1998, the applicant received a Special Permit, B.O. #279-98, from the Board of Aldermen to permit an expansion of the dwelling representing an extension of a nonconforming structure in the front setback. In 2011, the applicant proposed to build an attached garage to the north-east of the existing dwelling. After obtaining a special permit (B.O. #279-98(2)) and building permit and completing the construction of the frame of the new garage, the applicant realized that due to the grade of the site, the new structure could not be attached to the existing building as proposed and approved in B.O. #279-98(2). The applicant now proposes to construct an enclosed addition between the garage and the main structure.

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

- Architectural plans, unsigned, unstamped, undated
  - Front elevation (previous proposal)
  - Proposed front elevation (detail of attachment)
  - Proposed front elevation (whole building)
- First floor plan, unsigned, unstamped, dated 1/27/12

- Revised proposed site plan, signed and stamped by Frank Iebba, dated 3/19/12
- FAR Worksheets of existing and proposed, unsigned and unstamped by Frank Iebba,

#### ADMINISTRATIVE DETERMINATIONS:

1. The property is in the SR3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	14,819 square feet	No change
Frontage	70 feet	100 feet	No change
Setbacks			
• Front	25 feet	<b>17.6 feet</b>	<b>No change</b>
• Side	7.5 feet	9.1 feet	No change
• Rear	15 feet	70 feet	No change
FAR	.35	.27	.28
Building Height	36 feet	26 feet	No change
Maximum Stories	2.5	Not given	No change
Max. Lot Coverage	30%	12%	16%
Min. Open Space	50%	81%	73%

2. The existing house is nonconforming with regard to the front setback (17.6 feet where 25 feet is required). The proposed garage addition authorized in 2011 through B.O. #279-98(2) extended that nonconformity within the setback at 18.7 feet from the front lot line. The applicant now proposes to amend this plan and enclose the connecting breezeway. To further expand the structure within the front setback, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
3. The applicant's site plan shows two retaining walls located in the front setback that are greater than four feet in height. To construct these retaining walls as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-5(b)(4).
4. B.O. #279-98(2) was approved in 2011 and a building permit for the project was issued prior to the October 15 change in FAR limits and method of calculating residential gross floor area. The Commissioner of Inspectional Services has determined that because the current application is intended to rectify a problem with that previous special permit, the proposed construction is still subject to the old FAR rules.
5. Two previous Special Permits, B.O. #279-98 and B.O. #279-98(2), were granted in 1998 and 2011 respectively. B.O. #279-98 allowed an expansion of the second story into the front setback over a then existing nonconforming first floor. B.O. #279-98(2) allowed an extension of a nonconforming front setback to construct an attached garage. The applicant's current proposal represents a substantial expansion of the prior special permits, requiring an amendment of the existing special permit and site plan to incorporate the proposed improvements.
6. See "Zoning Relief Summary" below:

**Zoning Relief Required**

<i>Ordinance</i>	<i>Site and Structure</i>	<i>Action Required</i>
§30-21(b)	Permit the extension of a nonconforming structure in the front setback	S.P. per §30-24
§30-5(b)(4)	Permit two retaining walls greater than four feet in height in the front setback	S.P. per §30-24
	Amend previous site plan and special permit	Amend B.O. #279-98(2) and site plan