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James Freas
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ZONING REVIEW MEMORANDUM

Date: October 13, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Christopher Brown, Architect
Simon and Leanne Taylor, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RECEIVED
Newton City Clerk
2015 OCT 13 PM 3:50
DAVID A. OLSON, CMC
Newton, MA 02459

RE: Request to increase nonconforming FAR, to allow a dormer greater than 50% of the wall plane below, and to extend a nonconforming structure and use

Applicant: Simon and Leanne Taylor	
Site: 136-138 Eastbourne Road	SBL: 73043 0005
Zoning: SR-2	Lot Area: 5,952 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 136-138 Eastbourne Road consists of a 5,952 square foot lot improved with a two-family residence constructed in 1925. The structure consists of two and a half stories and a basement, with two garage stalls located in the basement level. Due to the sloping topography of the site, the average grade plane renders the basement as the first floor, creating a three and one-half story structure for the purposes of zoning.

The applicants are proposing to add dormers to the half story above the second floor unit (known as 136 Eastbourne Road) to create a master suite, with some undormered attic space used to create another bedroom. The addition of the dormers increases the nonconforming structure (though does not create a full story) and use, and the existing nonconforming FAR.

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

- Zoning Review Application, prepared by Christopher Brown, architect, submitted 9/11/2015
- FAR Worksheet, prepared by Christopher Brown, architect, submitted 9/11/2015

- Photos, submitted by Christopher Brown, architect, dated 9/11/2015
- Existing Elevations, prepared by Christopher Brown, architect, dated 9/11/2015
- Existing Plans, prepared by Christopher Brown, architect, dated 9/11/2015
- Existing Section, prepared by Christopher Brown, architect, dated 9/11/2015
- Proposed Perspective Views, prepared by Christopher Brown, architect, dated 9/11/2015
- Proposed Plans, prepared by Christopher Brown, architect, dated 9/11/2015

ADMINISTRATIVE DETERMINATIONS:

1. The maximum number of stories allowed in an SR2 district is 2.5 according to 30-15 Table 1. Because of the average grade plane, the slope creates a 3.5-story structure. The existing 3.5 story structure is nonconforming and requires a special permit to extend per Section 30-21(b). The addition of the dormers does not create a full fourth story, as the proposed square footage of space with at least 7 feet of ceiling height is less than two-thirds of the story below.
2. The existing two-family structure was built in 1925, and is located in the Single Residence 2 zoning district. A two-family dwelling was not prohibited at the time the structure was built, however two-family uses are not allowed in this district by right presently. The two-family structure is a legal nonconforming use and requires a special permit per Section 30-21(b) to extend.
3. The applicant’s existing FAR is .62, where .45 is the maximum allowed. The FAR is greatly increase because of the exposed basement level. The proposed dormers increase the nonconforming FAR to .71. A special permit is required to further increase the nonconforming FAR per sections 30-15 Table A, 30-15(u)(2), and 30-21(b).
4. The proposed dormer on the north side of the structure is 18 feet long. The wall plane of the story below is 30.1 feet long, thus the dormer is 60% of the wall plane below. Per Section 30-15(t)(1), a dormer wider than 50% of the length of the exterior wall of the story below requires a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	5,949 square feet	No change
Frontage	80 feet	61.5 feet	No change
Setbacks			
• Front	25 feet	26.3 feet	26.5 feet
• Side	7.5 feet	9.6 feet	No change
• Rear	15 feet	20.5 feet	No change
Building Height	36	28 feet	No change
Max Number of Stories	2.5	3.5	No change
FAR	.45	.62	.71
Max Lot Coverage	30%	24.9%	No change
Min. Open Space	50%	50.3%	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1 30-21(b)	To extend a nonconforming 3.5-story structure	S.P. per §30-24
§30-8(a), §30-21(b)	To extend a nonconforming two-family use	S.P. per §30-24
§30-15(t)(1)	To allow a dormer exceeding 50% of the wall plane below	S.P. per §30-24
§30-15 Table A, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24