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James Freas
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ZONING REVIEW MEMORANDUM

Date: April 12, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, architect
Rich and Jan Tormey, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to extend a nonconforming three-story single-family structure and to exceed FAR**

Applicant: Rich and Jan Tormey	
Site: 45 Perkins Street	SBL: 32012 0035
Zoning: SR2	Lot Area: 9,988 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 45 Perkins Street consists of a 9,988 square foot lot improved with a single-family mansard-style dwelling constructed in 1870. Due to the average grade of the property and the architectural style of the structure, the structure has 3 stories, where 2.5 is the maximum allowed. The applicant proposes to construct an addition adding a two-car garage on the first level, a kitchen above the garage on the second level and to expand the existing third floor by adding a master suite, which will further increase the nonconforming third floor, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, dated 3/23/2016
- FAR Worksheet, submitted 3/23/2016
- Topographic Site Plan, existing conditions, signed and stamped by Joseph R. Porter, surveyor, dated 3/1/2016
- Topographic Site Plan, proposed conditions, signed and stamped by Joseph R. Porter, surveyor, dated 3/1/2016
- Architectural Plans, prepared by Peter Sachs, architect, dated 2/25/2016
 - First Floor – Lot coverage

- Basement Floor
- First Floor
- Second Floor
- Third Floor
- Front and Right Elevations
- Back and left elevations
- Perspectives

ADMINISTRATIVE DETERMINATIONS:

1. The architectural style and average grade plane surrounding the structure creates 3 stories per Section 1.5.4.D through F. Section 3.1.3 allows a maximum of 2.5 stories in the SR2 zoning district. To add third floor space further increases the nonconformity of the number of stories. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to further increase the already nonconforming number of stories.
2. The applicants propose to add additions totaling 1,561 square feet. The applicants' existing FAR is .33, where .38 is allowed. Because the proposed additions meet the setback requirements for "new lots", the applicants are allowed a .02 bonus, creating an allowable FAR of .40, per Section 3.1.9.A.1. The proposed additions create an FAR of .48, which exceeds the .40 allowed, requiring a special permit per Section 3.1.9.A.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,988 square feet	No change
Frontage	80 feet	95.83 feet	No change
Setbacks			
• Front	25 feet	13.3 feet	No change
• Side	7.5 feet	18.4 feet	15.7 feet
• Rear	15 feet	29 feet	26.2
Building Height	36	27.64 feet	26.30 feet
Max Number of Stories	2.5	3	No change
FAR	.40 (.38 + .02 bonus)	.33	.48
Max Lot Coverage	30%	17%	19.3%
Min Open Space	50%	76.9%	70.9%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§1.5.4.D §3.1.3, §7.8.2.C.2	Request to further increase nonconforming number of stories	S.P. per §7.3.3
§3.1.9	Request to exceed maximum FAR	S.P. per §7.3.3