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### ZONING REVIEW MEMORANDUM

Date: July 10, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to allow the extension of a nonconforming structure

Applicant: Abby Gordon	
Site: 56 Exeter Street	SBL: 32029 0001
Zoning: SR1	Lot Area: 23,462 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

#### BACKGROUND:

The property at 56 Exeter Street consists of a 23,462-square foot lot located in the SR1 zoning district and improved with a single-family dwelling. The original structure was built in 1941 and is legally nonconforming with regard to rear setback. The applicant now proposes to expand the existing attached garage further into the rear setback.

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

- Architectural plans, signed and stamped by Scott William Grady, Architect, dated 5/22/12
  - Building site plan
  - Existing garage floor plan
  - Existing garage elevation (Comm. Ave.)
  - Existing garage elevation (Rear)
  - Proposed garage floor plan
  - Proposed garage elevation (Comm. Ave.)
  - Proposed garage elevation (Rear)
  - Entire house floor plans: 1<sup>st</sup> and 2<sup>nd</sup> Floors
  - Proposed house elevation (Exeter St. and Comm. Ave.)
- Existing site plan, signed and stamped by David W. Humphrey, Surveyor, dated 5/24/12
- Proposed site plan, signed and stamped by David W. Humphrey, Surveyor, dated 5/24/12

- FAR Calculations, signed and stamped by Scott William Grady, Architect, dated 5/30/12

**ADMINISTRATIVE DETERMINATIONS:**

1. The property is in the SR1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	23,462 square feet	No change
Frontage	100 feet	141 feet	No change
Setbacks			
• Front	25 feet	40.3 feet	No change
• Side	12.5 feet	52.7 feet	No change
• Rear	25 feet	<b>14.4 feet</b>	<b>6.3 feet</b>
FAR	.27	.216	.224
Building Height	36 feet	26.6 feet	No change
Maximum Stories	2.5	2	2
Max. Lot Coverage	20%	12.9%	13.7%
Min. Open Space	65%	79.1%	78.0%

2. When the dwelling was constructed, though there were the same rear setback requirements as today, there was no clear standard to determine which lot line of a corner lot qualified as the rear lot line. Subsequent zoning amendments created a clear standard which rendered the lot nonconforming. In 1996, a building permit was issued in error, permitting the expansion of the dwelling within the rear setback without obtaining a special permit, rendering the structure noncompliant. The applicant now proposes to expand the garage by extending a new garage bay farther into the setback, thereby increasing the degree of nonconformity. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) permitting both the proposed addition and the noncompliant 1996 addition.

3. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Dimensional Standards</i>	<i>Action Required</i>
§30-15, Table 1; §30-21(b)	Allow an addition to a nonconforming structure that increases its degree of nonconformity with regard to the rear setback	S.P. per §30-24