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Candace Havens
Director

MEMORANDUM

Public Hearing Date: September 11, 2012
Land Use Action Date: November 13, 2012
Board of Aldermen Action Date: November 19, 2012
90-Day Expiration Date: December 4, 2012

DATE: September 7, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning^{ET}
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition 209-12, ABBY GORDON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by expanding an existing nonconforming garage further into the rear setback at 56 EXETER STREET, Ward 3, West Newton, on land known as SBL 32, 29, 1, containing approximately 23,462 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The subject site consists of 23,462 square feet of land in a Single Residence 1 zone improved with a Cape Cod-style home with an attached garage built in 1941. The property is on the corner of Exeter Street and Commonwealth Avenue, along the carriageway. When the house was originally constructed, there was no clear method of defining which property line on a corner lot qualified as a "rear lot line". Subsequently, the zoning ordinance was amended to clearly define what constitutes a rear lot line, rendering the subject lot nonconforming with respect to rear lot line setback. In 1996, a permit was issued in error for a further expansion within that rear setback and the lot became noncompliant. The petitioner is now proposing further encroachment into the rear setback with a 194 square-foot addition to the existing garage. A special permit is required to increase the nonconforming rear setback as well as to legalize the 1996 addition. The Planning Department believes that this modest addition proposal furthers the goal of the City's *Comprehensive Plan* to encourage the continued use and preservation of the City's housing stock by allowing modifications that fit the lifestyle needs of modern families.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board shall consider whether the following apply:

- 1) The expansion of the structure, which is nonconforming with respect to rear setback will not be substantially more detrimental to the neighborhood because the addition is modest in size and well-screened from abutters.
- 2) The *2007 Newton Comprehensive Plan* encourages the adaptation of the City's existing housing stock to meet the needs of today's families. The expansion of the garage at this site is consistent with this goal.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of Exeter Street and Commonwealth Avenue, with the main doorway of the house facing Exeter Street and the vehicular entrance off of the Carriageway. The neighborhood is comprised of homes of varying vintages, including 1880s Victorian homes, newer construction colonial-style homes and 1920's housing stock as represented by the petitioner's property. The entire neighborhood is zoned Single Residence 1 and is currently in single family

residential use. The petitioner's site is typical of other parcels in the neighborhood, which generally range from 20,000 to 30,000 square feet.

B. Site

The site consists of 23,462 square feet of land improved with the 1920's cape and an attached two-car garage. Significant landscaping was recently installed, including a dense planting of arborvitae along the Commonwealth Avenue frontage as well as part of the Exeter Street frontage.

III. PROJECT DESCRIPTION AND ANALYSIS



Existing Garage View

A. Land Use

The property will remain as a single-family residence.

B. Building and Site Design

The existing two-car garage will be expanded to the east to accommodate an additional garage bay. The existing gable end will be extended to encompass the expanded garage. The treatment of the building exterior will be consistent with that of the 1940's home and will include slate roofing and wood siding to match the existing materials. The asphalt driveway with cobble edging will not change as a result of this petition.

C. Parking and Circulation

The surface-parking configuration will not change, however an additional garage space will be provided.

D. Landscape Screening

As previously mentioned, the property owners recently added significant landscaping along the two road frontages to screen the house and the existing and proposed garage.

IV. COMPREHENSIVE PLAN

The *2007 Newton Comprehensive Plan* encourages the preservation of the existing housing stock and the adaptation of these structures to meet the lifestyle needs of

today's families. This proposal meets this objective without compromising the historic integrity of the existing structure.

V. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum (ATTACHMENT C) provides a complete analysis with respect to zoning. The existing structure was built within the rear setback before the zoning ordinance offered clear guidance on the definition of a rear setback. The structure was subsequently expanded within the setback through a permit that was issued in error. The petitioner is proposing to expand the building again within the rear setback and requires a special permit through Section 30-21(b) to legalize the prior expansion and permit the proposed expansion.

B. Newton Historical Commission

The proposal does not require Newton Historical Commission review.

C. Engineering Review

The projected increase in impervious coverage is less than 400 square feet and does not require review by the Engineering Division.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum (ATTACHMENT C), the petitioner is seeking the following reliefs:

- Section 30-15, Table 1 and 30-21(b), to allow an addition to a nonconforming structure that increases its degree of nonconformity with regard to rear setback

VII. PETITIONERS' RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: VICINITY LAND USE MAP

ATTACHMENT B: VICINITY ZONING MAP

ATTACHMENT C: ZONING REVIEW MEMO



209-12

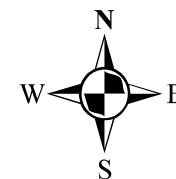
56 Exeter Street Land Use

*City of Newton,
Massachusetts*

Legend

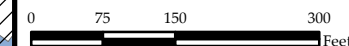
Land Use

-  Single Family Residential
-  Private Educational



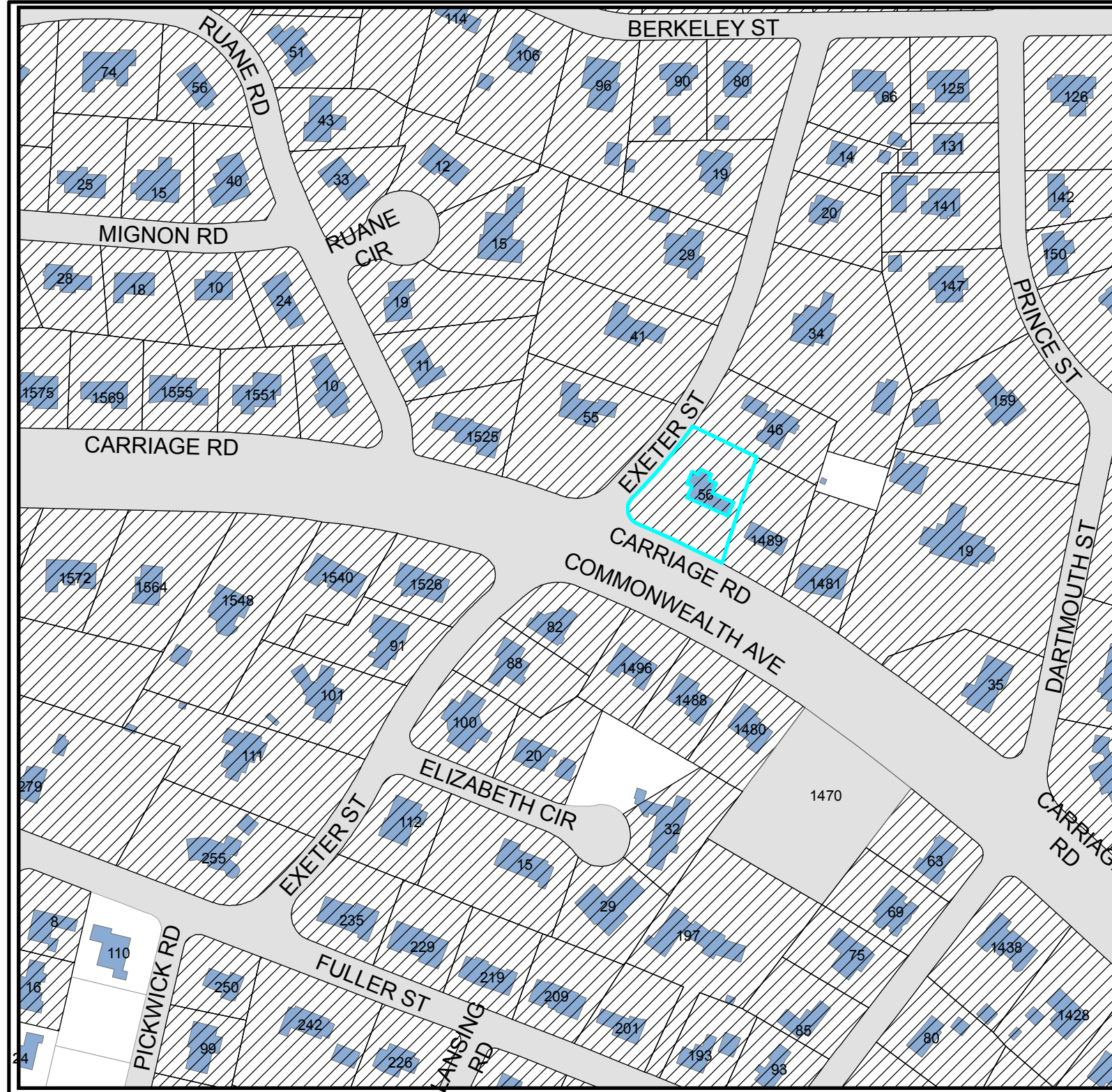
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CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield



Map Date: August 28, 2012

Attachment A

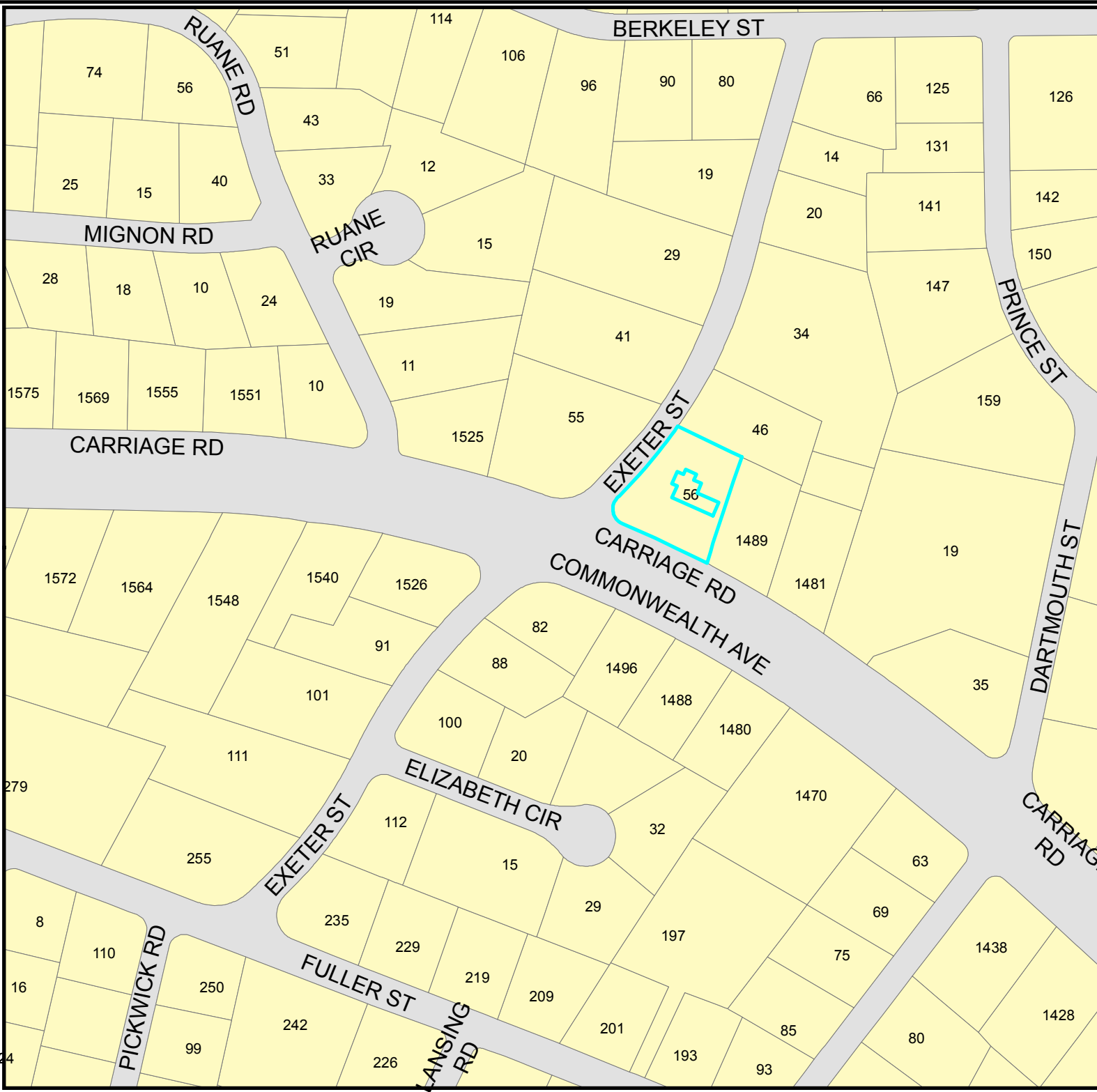


209-12

56 Exeter Street

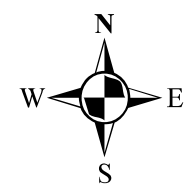
Zoning

City of Newton,
Massachusetts



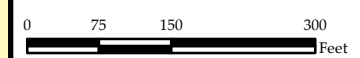
Legend

- Single Residence 1



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: August 28, 2012

Attachment B



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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: 1st and 2nd 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	14.4 feet	6.3 feet
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