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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: March 6, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Charles Navratil, Architect  
Seth DeAvila and Talya Salant, Applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

RE: Request to exceed FAR and to extend an existing nonconforming side setback

Applicant: Seth DeAvila and Talya Salant	
Site: 110 Parker Avenue	SBL: 81026 0003
Zoning: SR3	Lot Area: 6,160 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 110 Parker Avenue consists of a 6,160 square foot lot improved with a single-family residence constructed in 1929. The existing single-family dwelling has a sub-grade single car garage with living space above with an existing nonconforming side setback. The petitioners propose to add a second story addition with some attic space above it over the existing living space, which will further increase the nonconforming setback and exceed the allowable FAR, requiring a special permit.

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

- Zoning Review Application, prepared Charles Navratil, Architect, dated 1/22/2018
- FAR Worksheet, submitted 1/22/2018
- Certified Plot Plan, signed and stamped by John W. Abagis, surveyor, dated 10/24/2012
- Architectural Plans, prepared by Charles Navratil, architect, dated 10/11/2017, revised 10/22/2017

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing single-family dwelling has a nonconforming side setback of 6.3 feet, where 7.5 feet is required per section 3.1.3. The applicants propose to add a second story addition over the existing single-level living space, with some attic space above. The proposed addition further extends the existing nonconforming side setback, requiring a special permit per section 7.8.2.C.2.
2. The petitioners' existing FAR is .38, where .48 is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed addition adds 755 square feet to the dwelling, resulting in an FAR of .50. A special permit pursuant to Sections 3.1.3 and 3.1.9 is required to exceed FAR.
3. The petitioners propose to construct an attic dormer measuring 12 feet wide. Section 1.5.4.G.2.b requires that no dormer be wider than 50 percent of the wall plane below it. The wall plane below the proposed dormer is 27.7 feet wide. The proposed 12-foot dormer is 43 percent of the width of the existing wall plane and does not required relief.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	6,160 square feet	No change
Frontage	70 feet	55 feet	No change
Setbacks			
• Front	25 feet	22.9 feet	No change
• Side	7.5 feet	6.3 feet	No change
• Rear	15 feet	44 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.48	.38	.50
Max Lot Coverage	30%	N/A	21%
Min. Open Space	50%	N/A	74%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3, §7.8.2.C.2	Request to further extend a nonconforming side setback	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N