



Setti D. Warren
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Department of Planning and Development

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Candace Havens
Director

Public Hearing Date: October 9, 2012
Land Use Action Date: December 4, 2012
Board of Aldermen Action Date: December 17, 2012
90-Day Expiration Date: January 7, 2013

DATE: October 5, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #271-12**, David Autor & Marika Tatsutani petition for a special permit/site plan approval to extend a nonconforming structure to construct a rear addition to expand the kitchen and add a mudroom which will increase the Floor Area Ratio from .71 to .73, where .48 is allowed by right at **54 Oxford Road**, Ward 6, Newton Centre, on land known as SBL 62, 4, 18, containing approximately 7,681 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) 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.



54 Oxford Rd.

EXECUTIVE SUMMARY

The subject property consists of a 7,681 square foot lot improved with a single-family dwelling built in 1897, and a small detached garage structure at the rear. The existing house is considered a 3-story residence. The petitioners are seeking to construct a 140 square foot one-story addition to the rear of the house, increasing an already nonconforming FAR of .71 to .73 where .48 is allowed, by special permit. The proposed addition will allow for a mudroom and an expanded kitchen. The petitioners are also proposing a new deck and to make improvements to their yard including a retaining wall less than 4 ft. in height.

The proposed rear addition will be minimally visible to abutters and will not change the look of the house as viewed from the street. The proposed additions comply with required setbacks, open space, and lot coverage and do not extend the existing nonconforming number of stories.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider:

- Whether the proposed extension of a nonconforming structure with regard to FAR will be substantially more detrimental to the neighborhood than the existing structure.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located east of Weeks Field in Newton Centre. The neighborhood primarily consists of single-family houses although some two-family house in the area. The site is within an area zoned Single Residence 3.

B. Site

The site consists of 7,681 square feet of land and slopes up to the east or property line. The main residence is a 3-story Tudor-style house circa 1897 of approximately 5,000 square feet. A one-story detached garage is located towards the rear of the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently used as a single-family residence and the petitioners are not proposing any changes to the use with the proposed addition.

B. Building and Site Design

The petitioners are proposing a one-story addition off the rear of the existing 3-story residence. The proposed addition will be set on a full foundation and includes a mudroom and an expanded kitchen. The addition will add a total of approximately 140 square feet to the house. In addition, the petitioners are also proposing a new wood deck and improvements to the rear yard including a new retaining wall which will be less than four feet in height.

The proposed rear addition will be minimally visible to abutters and will not change the look of the house as viewed from the street.

C. Parking and Circulation

The petitioners are not proposing changes to the circulation or parking on site.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (**SEE ATTACHMENT "A"**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting special permits to allow an extension of a structure which is nonconforming with regard to FAR.

B. Comprehensive Plan: The proposed project would help preserve and update the existing structure while meeting the needs of today's families.

C. Engineering Review: As the petitioners are not increasing the impervious surfaces on site by more than 400 square feet or 4% of the lot area, the Engineering Division did not review this project.

D. Newton Historical Commission: The proposed project does not trigger the Demolition Review Ordinance.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-15(u), and 30-21(b) to allow an extension of a structure which is nonconforming with regard to FAR from .71 to .73 where .48 is allowed by right.

VI. PETITIONERS' RESPONSIBILITIES

The petitioner is considered complete at this time.

ATTACHMENTS

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map



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Attachment ^{271st} A¹²

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Director

ZONING REVIEW MEMORANDUM

Date: August 18, 2012

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurance Lee, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an addition that increases a nonconforming floor area ratio

Applicant: David Autor and Marika Tatsutani	
Site: 54 Oxford Road	SBL: 62014 0018
Zoning: SR3	Lot Area: 7,681 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

BACKGROUND:

The property at 54 Oxford Road consists of a 7,681-square foot lot improved with a single-family dwelling constructed prior to 1922. The applicant proposes to add on to the rear of the dwelling to expand the kitchen and add a mudroom.

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

- Architectural plans, unsigned and undated, J. L. Oslan, General Contractor, dated 6/6/12
 - Existing and proposed basement plan
 - Existing and proposed first floor plan
 - Existing and proposed second floor plan
 - Existing and proposed third floor plan
 - Existing and proposed attic floor plan
 - Existing and proposed right side and rear elevations
 - Existing and proposed front and left side elevations
 - Landscape plan
- Site plan showing proposed conditions, signed and stamped by Joseph R. Porter, Surveyor, dated 5/5/12
- FAR Worksheets showing existing and proposed, signed by Laurance Lee, dated 7/3/12
- Copy of deed showing lot created in 1894
- Waiver of Demolition Review, signed by Brian Lever, Preservation Planner, dated 6/21/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the SR3 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	7,681 square feet	No change
Frontage	70 feet	70 feet	No change
Setbacks			
• Front	25 feet	19.2 feet	No change
• Side	7.5 feet	12 feet	No change
• Rear	15 feet	39.8 feet	31.8 feet
FAR	.48*	.71	.73
Building Height	36 feet	33.15 feet	No change
Maximum Stories	2.5	3	No change
Max. Lot Coverage	30%	26.9%	28.6%
Min. Open Space	50%	56.8%	52.6%

* Per Section 30-15(u), a maximum FAR of .46 is allowed; an additional .02 bonus is applicable because the proposed addition meets post-1953 setbacks on a pre-1953 lot.

2. The applicant's plans show a proposed addition to the rear of the structure that expands the area of the kitchen and replaces an existing bulkhead access to the basement with a new mudroom and rear egress stair. These additions comply with required setbacks, open space, and lot coverage (as in the table above) and do not extend the existing nonconforming number of stories or front setback.
3. The addition does, however, extend the existing nonconforming floor area ratio (FAR) of the structure. Per Section 30-15(u), the subject 7,681-square foot lot in the SR3 zone is limited to a floor area ratio of .48 (including a .02 bonus for additions on pre-1953 lots that comply with post-1953 setbacks). The applicant's plans and calculations show that the existing dwelling has an FAR of .71 and that the proposed additions will increase the FAR to .73. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to allow an extension of the nonconforming structure.
4. See "Zoning Relief Summary" below:





Zoning Relief Required		
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-15(u), §30-21(b)	Allow an FAR of .73 where .71 exists and .48 is allowed by right.	S.P. per §30-24

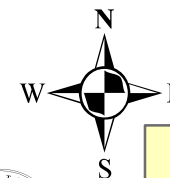
271-12

Zoning Map 54 Oxford Rd.

*City of Newton,
Massachusetts*

Legend

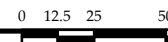
-  Single Residence 3
-  Public Use
-  Building Outlines
-  Surface Water



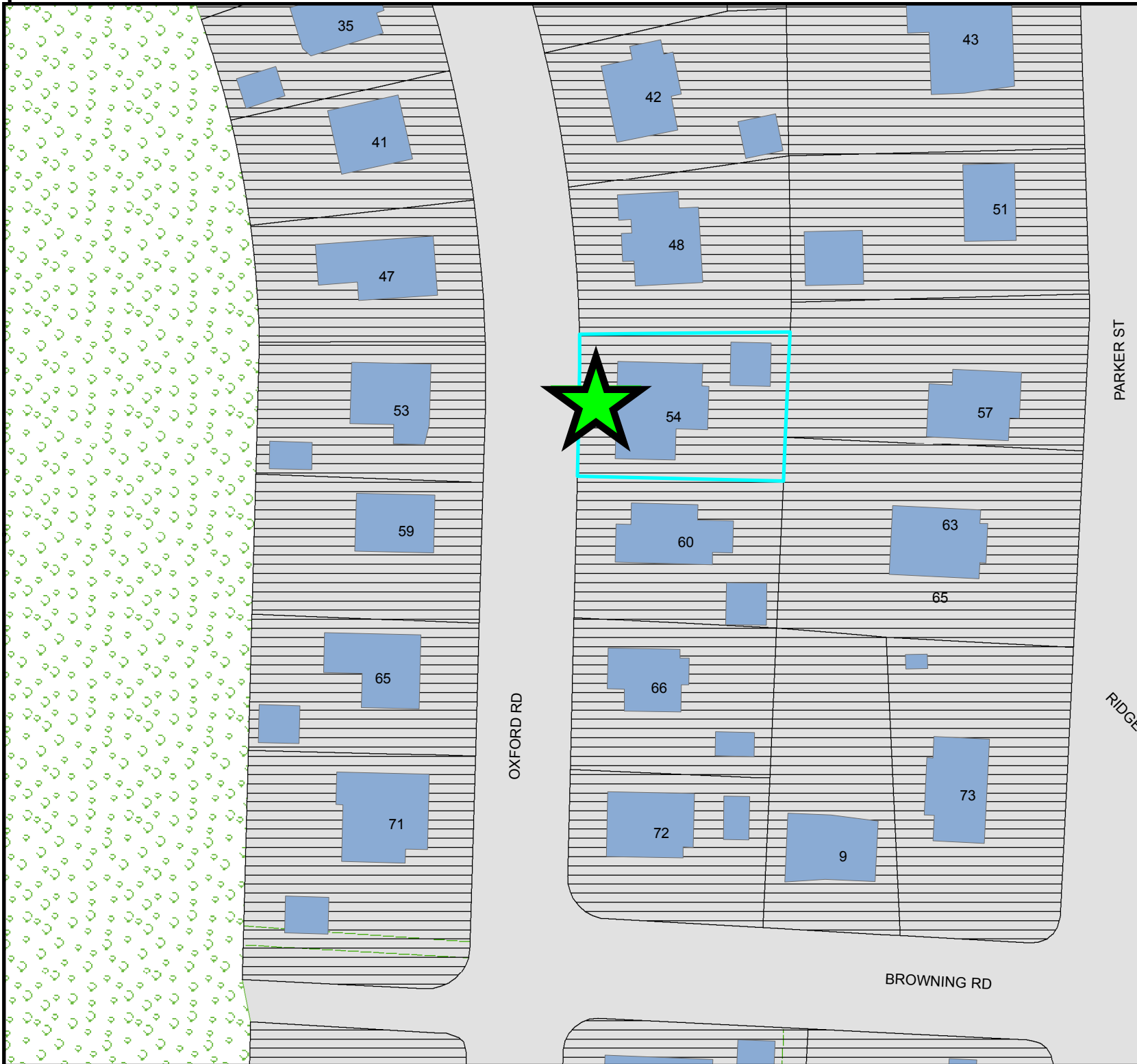
ATTACHMENT "B"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

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 GIS Administrator - Douglas...



Map Date: October 2012



271-12

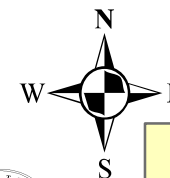
Land Use Map 54 Oxford Rd.

*City of Newton,
Massachusetts*

Legend

Land Use

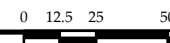
- Single Family Residential
- Multi-Family Residential
- Open Space
- Building Outlines
- Surface Water



ATTACHMENT "C"

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