



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 12, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laura and Nathaniel Foote, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow more than one private garage, a private garage for more than three vehicles and a private garage of more than 700 square feet, and to amend Board Order #63-99**

Applicant: Laura and Nathaniel Foote	
Site: 333 Otis Street	SBL: 32003 0013
Zoning: SR2	Lot Area: 24,547 square feet
Current use: Single-family dwelling and accessory apartment	Proposed use: No change

BACKGROUND:

The property at 333 Otis Street consists of a 24,547 square foot corner lot improved with a single-family residence constructed circa 1884 and a detached carriage house with an accessory apartment and parking. The petitioners propose to construct a one-car attached garage at the rear of the house. The proposed construction requires an amendment to the existing special permit and certain relief relative to private garages.

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

- Zoning Review Application, prepared by Laura and Nathaniel Foote, applicants, submitted 4/23/2019
- FAR Worksheet, submitted 4/23/2019
- Existing Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 6/30/2000
- Proposed Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 4/8/2019
- Architectural Plans and Elevations, prepared by Torry Architecture, architect, dated 2/21/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners were granted Council Order #63-99 in 1999 allowing for the use of portions of the existing detached carriage house as an accessory apartment. The petitioners seek to construct a one-story single-car attached garage at the rear of the existing primary dwelling structure. The council order requires that all structures and improvements be in accordance with the plans submitted as part of the approval in 1999. As such, an amendment is required to allow for the proposed construction.
2. Section 3.4.2.B.1 states that a special permit is required for a private garage with provision for more than three vehicles. The Commissioner of Inspectional Services views all garages on a site as a whole, thus, though the carriage house has parking for three vehicles, and the primary residence has provision for one, the site is viewed as having private garage parking for four vehicles, requiring a special permit.

This same section 3.4.2.B.1 also requires a special permit for a private garage of more than 700 square feet in area. The Commissioner of Inspectional Services has determined that the square footage of private garages is cumulative for the property. The existing carriage house has a footprint of approximately 1,150 square feet, and the proposed garage is 329 square feet, totaling 1,479 square feet. As such, the total square footage of garage space between the detached structure and the primary dwelling will exceed 700 square feet, requiring a special permit.

Finally, section 3.4.2.B.1 also requires a special permit for more than one private garage per single family dwelling. The first level of the detached carriage house is used to park three vehicles, and the proposed construction adds a single-car garage to the existing primary dwelling. Two separate garage structures require a special permit.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	24,547 square feet	No change
Frontage	80 feet	156 feet	No change
Setbacks			
• Front (Otis St)	25 feet	40 feet	No change
• Front (Hillside Ave)	25 feet 7.5 feet	33.9 feet 61.5 feet	No change No change
• Side	15 feet	68.3 feet	69.7 feet
• Rear			
Max Number of Stories	2.5	2.5	No change
FAR	.35 (.33 + .02 bonus)*	.34	.35
Max Lot Coverage	30%	16.8%	18.1%
Min. Open Space	50%	69%	67%

*The proposed construction meets new lot setbacks and is allowed a .02 FAR bonus

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend special permit	S.P. per §7.3.3
§3.4.2.B.1	To allow a private garage with provision for more than three vehicles, more than 700 square feet, and more than one private garage	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