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James Freas  
Acting Director

### ZONING REVIEW MEMORANDUM

Date: May 11, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Louisa and Ryan Sylvia, applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RECEIVED  
NEWTON CIVIL ENGINEERING  
2016 JUN -7 AM 10:11  
DAVID A. OLSON, CHIEF  
NEWTON, MA 02459

RE: Request to further increase nonconforming FAR

Applicant: Louisa and Ryan Sylvia	
Site: 21 Orient Ave	SBL: 64022 0001
Zoning: SR-2	Lot Area: 10,018 square feet
Current use: Single-family dwelling	Proposed use: No change

#### BACKGROUND:

The property at 21 Orient Ave consists of a 10,018 square foot lot at the corner of Orient Ave and Oakwood Terrace. The site is improved with a single-family residence constructed in 1910. The applicant proposes to remove an existing sun porch and construct a 575 square foot single-story garage and mudroom addition accessed off Oakwood Terrace, as well as a portico over the existing front porch. The garage addition will further increase the nonconforming FAR requiring a special permit.

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

- Zoning Review Application, prepared by Louisa and Ryan Sylvia, applicants, submitted 4/5/2016
- FAR Worksheet, submitted 4/5/2016
- Plot Plan, signed and stamped by Bruce Bradford, dated 4/5/2016
- Architectural Plans, dated 3/30/2016
  - Existing floor plans
  - Proposed floor plans
  - Elevations

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .42, where .38 is the maximum allowed. The proposed addition adds 575 square feet to the dwelling, resulting in an FAR of .46. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The existing structure has a nonconforming rear setback of 8.8 feet, where 15 feet is required per Section 3.1.4. The applicant is proposing a single-story garage and mudroom addition consisting of 575 square feet, which extends the nonconforming rear setback. The proposed addition extends into the setback with approximately 188 square feet, which is less than the 200 square feet allowed in Section 7.8.2.D.2.c by de minimus, and therefore does not require relief for extension of the nonconforming rear setback.
3. The existing structure has a nonconforming front setback of 22.9 feet, where 24.8 feet is required per the averaging provision of Section 1.5.3.B. The applicant is proposing to construct a portico over the existing front porch within the existing footprint. The proposed addition does not further increase the nonconforming front setback, and is less than 75 square feet within the front setback. Pursuant to de minimus Section 7.8.2.D.2.h and i, no relief is required to construct the portico as proposed.
4. The abutting property at 20 Oakwood Terrace is situated 21.9 feet from the front lot line. Utilizing the front lot setback averaging provision of Section 1.5.3.B, the required front setback from Oakwood Terrace is 23.5 feet. The applicants propose a front setback for the new garage construction of 23.8 feet, which meets the front setback requirement and does not require relief.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,018 square feet	No change
Frontage	80 feet	109 feet	No change
Setbacks			
• Front (Orient Ave)	24.8 feet	<b>22.9 feet</b>	<b>No change</b>
• Front (Oakwood Tr)	23.5 feet	>30 feet	23.8 feet
• Side	7.5 feet	30 feet	No change
• Rear	15 feet	<b>8.8 feet</b>	<b>7.3 feet</b>
Building Height	36	32.9 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.38	<b>.42</b>	<b>.46</b>
Max Lot Coverage	30%	16.9%	22.2%
Min. Open Space	50%	76%	67%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3