



Setti D. Warren
Mayor

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

#32-16(2)
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 9, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Marianne Gerard & Christine Kane, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for variances from the front and side yard setbacks, and for a special permit to locate parking within five feet of the street

| | |
|--|-------------------------------------|
| Applicant: Marianne Gerard and Christine Kane | |
| Site: 150 Newtonville Avenue | SBL: 12022 0020 |
| Zoning: SR2 | Lot Area: 10,404 square feet |
| Current use: Single-family dwelling | Proposed use: No change |

BACKGROUND:

The property at 150 Newtonville Avenue consists of a 10,404 square foot lot improved with a single-family residence constructed circa 1890. The residence sits atop a steep slope and is set approximately 31 feet from the front lot line. There is no driveway for the property, and the applicants park in a slightly recessed parking area directly on Newtonville Avenue.

The applicants' next-door neighbors at 158 Newtonville Avenue received a special permit in 2015 (Board Order #90-15) to build a garage and parking area cut into the existing slope on the front setback line, as the steep slope of the subject property similarly affects them. The garage was permitted at .25 feet from the front lot line, and 3.7 feet from the side lot line abutting the applicants' property. The applicants would like to build a similar garage directly abutting the permitted garage at 158 Newtonville Avenue.

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

- Zoning Review Application, prepared by Marianne Gerard, applicant, submitted 9/29/2015
- Zoning Review Application, prepared by Marianne Gerard, applicant, submitted 9/29/2015
- Plan of Proposed Construction, signed and stamped by Pail J Tyrell, dated 9/24/2015

ADMINISTRATIVE DETERMINATIONS:

1. The applicants propose to build a detached garage into the slope at the front of the lot. The garage will be located 0.25 feet from the street, in line with the adjacent garage at 158 Newtonville Avenue, and directly on the side lot line, with a wall shared with the neighboring garage at 158 Newtonville Avenue. To build the project as proposed requires variances from the front and side yard setback requirements per Section 3.1.3.
2. The proposed garage is located 0.25 feet from the front lot line within the required front setback. Section 5.1.7 prohibits parking within 5 feet of the street. As the garage is proposed at 0.25 feet from Newtonville Avenue, relief is required pursuant to Section 5.1.13.
3. To achieve the shared wall for the proposed garage set-up, the applicants and the abutters at 158 Newtonville Avenue intend to do a land swap. The abutters have agreed to swap a 101 square foot triangle at the front of the property for an equal portion of the applicants' at the rear. This swap will create a straighter lot line, and will facilitate the shared wall for the two garages. As the abutters (Jim and Claire Ryan- Robertson) received a special permit (Board Order #90-15), to extend the existing nonconforming side and front setbacks for the reconstruction and reconfiguration of their detached garage, they will need to seek an amendment to their board order reflecting the lot line changes, and to ensure that the proposed changes are consistent with the intent of the original special permit.

| SR2 Zone | Required | Existing | Proposed |
|---|--------------------|--------------------|--------------------|
| Lot Size | 10,000 square feet | 10,404 square feet | 10,404 square feet |
| Frontage | 80 feet | 91.4 feet | 98.7 feet |
| Setbacks for existing structure | | | |
| • Front | 25 feet | 31.1 feet | No change |
| • Side | 7.5 feet | +/- 20 feet | No change |
| • Rear | 15 feet | +/- 35 feet | No change |
| Setbacks for existing accessory structure | | | |
| • Front | 25 feet | NA | 0.25 feet |
| • Side | 5 feet | NA | 0 feet |
| • Rear | 5 feet | NA | +/-75 feet |
| FAR | .38 | .29 | .36 |
| Max. Lot Coverage | 30% | 14% | 20% |
| Min. Open Space | 50% | 88% | 84% |

1. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|-------------------------------|--|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.1.3 | To allow a detached accessory structure within the front and side setbacks | Variance |
| §5.1.7, §5.1.13 | To locate a parking stall within 5 feet of the street | S.P. per §7.3 |