



Setti D. Warren  
Mayor

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

**141-13(3)**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

**ZONING REVIEW MEMORANDUM**

Date: April 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Nitzan Gordon and Zion Yehoshua, applicants  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to build a retaining wall in excess of 4 feet in the setback and to create two parking stalls in the front setback**

RECEIVED  
 NEWTON CITY CLERK  
 2014 APR 15 PM 12:16  
 DAVID A. OLSON, CMC  
 NEWTON, MA 02459

Applicant: Nitzan Gordon & Zion Yehoshua	
Site: 74 Newtonville Ave	SBL: 12021 0025C
Zoning: SR3	Lot Area: 10,021 square feet
Current use: Single-family dwelling	Proposed use: No change

**BACKGROUND:**

The property at 74 Newtonville Ave consists of a 10,021 square foot lot improved with a single-family residence constructed in 1973. The dwelling is a split ranch with a two-car garage in the basement level. The property slopes downward significantly from the back to the front, with a grade change of approximately 10 feet from the front of the house to the street. The applicants are proposing to build a retaining wall in front of the existing garage which would allow them to lower the grade of the driveway and create a flatter surface. The retaining wall will be 5.47 feet at its highest point in front of the existing garage, and will step down to a height of three feet at the street. The applicants propose two parking stalls in the flattened area created by the walls. These stalls are within the front setback. A retaining wall greater than 4 feet in the front setback, and parking stalls in the front setback require a special permit.

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

- Zoning Review Application, prepared by Nitzan Gordon, applicant, submitted 4/7/2014
- Site Plan, signed and stamped by Allen Page, engineer, Alpha Omega Engineering, dated 4/4/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. Section 30-5(b)(4) requires a special permit for a retaining wall within the setback in excess of 4 feet. The applicants are proposing a retaining wall in front of the existing two-car garage, which is 5.5 feet tall at its highest point, and within the front and side setbacks.
2. The erection of the retaining walls will eliminate vehicular access to the garage parking, and require the applicants to park in the driveway. The two required parking stalls will be 4 feet from the street, where 5 feet is the required minimum, and are located in the front setback. A special permit per Section 30-19(g)(1) is required to allow parking in the front setback.

SR3 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,021 square feet	No change
Frontage	80 feet	82 feet	No change
Setbacks for existing structure			
• Front	30 feet	30 feet	No change
• Side	10 feet	20 feet	No change
• Rear	15 feet	36 feet	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
§30-5(b)(4)	Allow a retaining wall greater than 4 feet in height in the rear setback	S.P. per §30-24
§30-19(g)(1), 30-19(m)	Allow parking in the front setback	S.P. per §30-24