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Candace Havens  
Director

### ZONING REVIEW MEMORANDUM

Date: March 21, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning

ET

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

RECEIVED  
NEWTON CITY CLERK  
2013 APR -4 PM 3:41  
DAVID A. OISON, C/MC  
NEWTON, MA 02459

**RE: Request to re-grade an existing driveway and to rebuild existing retaining walls to a maximum height of six (6) feet and to allow for two required parking spaces within the front and side setbacks.**

Applicant: Zion Yehoshua	
Site: 74 Newtonville Ave	SBL: 12021 0025C
Zoning: SR3	Lot Area: 10,021 square feet
Current use: Single-family residence	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 and several retaining walls. The driveway on the property has a significant slope from the house to the street, and the applicant wishes to re-grade the driveway to make it less steep due to safety concerns. To achieve the desired grade, the applicant proposes to rebuild existing retaining walls within the setback at a maximum height of six (6) feet.

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

- Zoning Review Application, prepared by Zion Yehoshua, owner, submitted 12/11/2012
- As-Built Plot Plan, signed and stamped by James Herrick, Engineer, dated 1/4/13
- Engineering plans for retaining walls, signed and stamped by James Herrick, Engineer, submitted 12/11/12
- Proposed profiles, plan and sections, created by James Herrick, Engineer, submitted 2/19/13

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed retaining walls will reach a maximum height of six (6) feet from the street to where it meets the house. Section 30-5(b)(4) requires a special permit to place retaining walls greater than four feet within a setback.
2. Lowering the grade of the driveway according to the proposed plan will render the garage useless for the purposes of parking and meeting parking requirements for a single-family home. Section 30-19(d)(1) requires a single-family dwelling to provide two parking stalls. Section 30-19(g)(1) states that only one parking stall may be located within any required setback distances from a street or sideline for a single-family dwelling. Without the use of the garage, the two required stalls are now proposed to be located in the front yard setback. Section 30-19(m) requires a special permit to allow this parking configuration.

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	10,021 square feet	No change
Frontage	80 feet	85 feet	No change
Setbacks for existing structure			
• Front	30 feet	32.1	No change
• Side	10 feet	20 feet on right 21 feet on left	No change
Max. Lot Coverage	30 %	23.4 %	No change
Min. Open Space	50 %	76.6 %	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-5(b)(4)	Locate a retaining wall of four (4) feet or more within a setback	S.P. per §30-24
§30-19(g)(1) §30-19(m)	Provide two required parking spaces within the front setback	S.P. per §30-24