



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: January 22, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Eric and Pheobe Belsley, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to further extend a nonconforming side setback**

Applicant: Eric and Pheobe Belsley	
Site: 110 Greenlawn Avenue	SBL: 64013 0005
Zoning: SR2	Lot Area: 7,475 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 110 Greenlawn Avenue consists of a 7,475 square foot lot improved with a single-family residence constructed in 1925 and a detached garage. The petitioners propose to extend a proposed deck and stairs at the rear of the dwelling for easier and safer access, which will further extend a nonconforming side setback, requiring a special permit.

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

- Zoning Review Application, prepared by Pheobe Belsley, applicant, dated 12/13/2018
- FAR Worksheet, submitted 12/10/2018
- Proposed Deck Plot Plan, signed and stamped by Norman G. Hill, surveyor, dated 11/27/2018

ADMINISTRATIVE DETERMINATIONS:

- The petitioner intends to raze an existing landing and stair at the rear of the dwelling that provides difficult access into the house, and construct a larger deck area and stairs to make for safer and more convenient access. The existing landing is situated 4.2 feet from the side lot line, where 7.5 feet is required per section 3.1.3. The proposed deck will further extend the nonconforming setback back towards the rear of the property, but will not go closer to the side lot line, ending with a rearmost side setback of 4.6 feet. The petitioners cannot use the *de minimis* provisions of section 7.8.2.B, as the provision requires that the existing nonconforming setback cannot be less than 5 feet. A special permit pursuant to Sections 3.1.3 and 7.8.2.C.2 is required to further extend the nonconforming side setback to allow for construction of the deck and stairs.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,475 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	26.2 feet 4.2 feet >55 feet	No change No change 50 feet
Max Lot Coverage	30%	16.9%	18.6%
Min. Open Space	50%	75.4%	No change

- See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.8.2.C.2	Request to further extend a nonconforming side setback	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