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James Freas  
Acting Director

**ZONING REVIEW MEMORANDUM**

Date: February 22, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Diana Bailey, Architect  
Elisabeth Battinelli, applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

RECEIVED  
 Newton City Clerk  
 2016 MAR -3 PM 1:41  
 David A. Oison, CMC  
 Newton, MA 02459

Applicant: Elisabeth Battinelli	
Site: 413 Hammond Street	SBL: 63026 0014
Zoning: SR-1	Lot Area: 15,307 square feet
Current use: Single-family dwelling	Proposed use: No change

**BACKGROUND:**

The property at 413 Hammond Street consists of a 15,307 square foot lot improved with a single-family residence constructed in 1896 and a detached carriage house. The property is located in the Chestnut Hill Historic District.

The applicant is proposing additions to the rear and side of the existing structure on the basement and first floor levels, as well as enclosing an existing porch to create living space. The additions create a total of 7,658 square feet of living space, which increase the nonconforming FAR from the existing .47 to .50, where .31 is the maximum allowed. The applicants also intend to regrade the property, changing the average grade, which will further increase the nonconforming height of the existing structure, from 37.4 feet to 37.7 feet.

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

- Zoning Review Application, prepared by Diana Bailey, architect, submitted 2/8/2016
- FAR Worksheet, prepared by Diana Bailey, architect, submitted 2/8/2016
- Existing Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 10/26/2015

- Proposed Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/28/2016
- Architectural Plans and Elevations, signed and stamped by Diana Bailey, Architect, dated 2/8/2016

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing nonconforming FAR is .47, where .31 is the maximum allowed per Section 3.1.9. The proposed addition adds 417 square feet to the existing 7,241 square foot dwelling, resulting in an FAR of .50 and a total of 7,658 square feet. 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 height of the dwelling is 37.4 feet, where 36 feet is the maximum allowed per Section 3.1.3. The applicant intends to regrade the property, and add to the rear at the lowest point, thereby affecting the average grade. While not adding to the overall height of the structure, the proposed work further increases the nonconforming height from 37.4 feet to 37.7 feet. A special permit to extend the nonconforming height pursuant to Section 7.8.C.2 is required.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	15,307 square feet	No change
Frontage	100 feet	102 feet	No change
Setbacks			
• Front	25 feet	49.5 feet	No change
• Side	12.5 feet	17.6 feet	15.9 feet
• Rear	25 feet	>60 feet	55.8 feet
Building Height	36	<b>37.4 feet</b>	<b>37.7 feet</b>
Max Number of Stories	2.5	<b>3</b>	<b>No change</b>
FAR	.31	<b>.47</b>	<b>.50</b>
Max Lot Coverage	30%	18.6%	19.9%
Min. Open Space	50%	67%	65%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.9, §7.8.2.C.2	Request to increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming height	S.P. per §7.3.3