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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 23, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Josh Bishop, Crossroads Contracting & Co.
Joel and Margherita Robbins, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

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Newton City Clerk
2017 MAR 24 AM 11:16
David A. Olson, OMC
Newton, MA 02459

RE: Request to further increase nonconforming FAR and to further extend an existing nonconforming front setback

Applicant: Joel and Margherita Robbins	
Site: 8 Hazelwood Avenue	SBL: 44003 0030
Zoning: SR-3	Lot Area: 4,750 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 8 Hazelwood Avenue consists of a 4,750 square foot lot improved with a single-family residence constructed in 1927. The applicant proposes to raze the existing dwelling to the foundation and reconstruct a new single-family dwelling in a slightly larger footprint. The applicant intends to build a deck in the front, extending an existing nonconforming front setback. The additions will further increase the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared Josh Bishop, contractor, submitted 10/27/2016, revised 3/2017
- FAR Worksheet, submitted 10/27/2016
- Plot Plan, signed and stamped by Richard Mede Jr, surveyor, dated 10/4/2016, revised 3/16/2017
- Floor Plans, submitted 10/27/2016

ADMINISTRATIVE DETERMINATIONS:

1. The applicants' existing FAR is .54, where .50 (.48 plus .02 bonus for meeting new lot setback for the rear addition) is the maximum allowed. The proposed addition adds 347 square feet to the dwelling, resulting in an FAR of .61. 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 applicant's existing front setback to the structure is 16.5 feet, where 25 feet is required per Section 3.1.4. A building permit to construct new front stairs extending further into the front setback was issued in 2014 in error, as the stairs provide more than the minimum required by the Building Code and are considered an architectural feature. The stairs are located seven feet (scaled) from the front lot line. The applicant intends to maintain the front setback of the stairs with new stairs accessing the reconstructed dwelling. A special permit is required to legitimize the setback of the stairs, as one should have been required when the stairs were constructed in 2014 as an extension of the existing 16.5 foot setback of the structure. The legitimization of the stairs as the furthest extension of the nonconforming front setback eliminates the need for relief for the vertical extension of the dwelling, as it is set further back from the front lot line.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	4,750 square feet	No change
Frontage	70 feet	59.38 feet	No change
Setbacks			
• Front	25 feet	16.5 feet (structure)	7 feet (stairs)
• Side	7.5 feet	14 feet	No change
• Rear	15 feet	18.1 feet	No change
Max Number of Stories	2.5	2	No change
FAR	.50 (.48+.02)	.54	.61
Max Lot Coverage	30%	27.2%	29.2%
Min. Open Space	50%	53.8%	52.6%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.4 §7.8.2.C.2	Request to further decrease nonconforming front setback	S.P. per §7.3.3