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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 27, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Andrew Reck, architect representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR

Applicant: Stephen and Leslie Bernstein	
Site: 97 Hillside Avenue	SBL: 32003 0012
Zoning: SR2	Lot Area: 12,551 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

BACKGROUND:

The property at 97 Hillside Ave consists of a 12,551-square foot lot located in the Single-Residence 2 District and improved with a Victorian-style, single-family dwelling built in the 1880's. The applicant proposes to demolish an existing detached garage and rear deck and construct a new attached garage and rear deck.

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

- Architectural plans, unsigned and unstamped by Oak Hill Architects, dated 5/4/12
 - A100: Basement Floor Plan
 - A101: First Floor Plan
 - A301: Rear Elevation
 - A301: Garage Front & Side Elevation
- Site plan, unsigned and unstamped by Everett M. Brooks, Surveyor, dated 5/7/12
- Revised site plan, unsigned and unstamped by Everett M. Brooks, Surveyor, dated 5/30/12
- FAR calculations, prepared by Oak Hill Architects, dated 5/21/12

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the SR2 zone and must comply with the dimensional standards of Section 30-15, Table 1, for a pre-1953 lot (see chart below).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	12,551 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	25 feet	25.5 feet	No change
• Side	7.5 feet	7.3 feet	No change
• Rear	15 feet	50 feet	48.8 feet
FAR	.35	.48	.52
Building Height	36 feet	41.7 feet	No change
Maximum Stories	2.5	4	No change
Max. Lot Coverage	30%	18.8%	25.2%
Min. Open Space	50%	70%	54%

2. According to the revised site plan, the existing basement level counts as a full story because of the downward sloping grade to the rear of the structure. Also, the submitted FAR calculation shows that the square footage of the top floor is more than 2/3 the area of the floor next below. Therefore, it qualifies as a full story as well. As a result, the building is a nonconforming with respect to height (41.7 feet versus 36 feet allowed by right) and number of stories (four stories versus 2.5 allowed by right). Since the proposed project does not increase these nonconformities, no further relief is required. However, the entire floor area of the basement level counts toward the calculation of FAR.
3. Per Section 30-15(u), single-family dwellings on lots in the SR2 zone of 12,551 square feet are limited to a floor area ratio of .35. The applicant's plans and calculations show that the existing structure has an FAR of .48 and is therefore nonconforming. The applicant's calculations show that the proposed structure will have an FAR of .52. To extend a nonconforming structure as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
4. See "Zoning Relief Summary" below:

Zoning Relief Summary		
<i>Ordinance</i>	<i>Density</i>	<i>Action Required</i>
§30-15(u), §30-21(b)	Allow an FAR of .52 where .48 exists and .35 is allowed by right	S.P. per §30-24