



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
**307-13**  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: September 11, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Lee Silverstone, Architect  
Chuck Weitz  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to exceed pre-existing nonconforming FAR**

Applicant: <b>Chuck Weitz and Isabel Chiu</b>	
<b>Site:</b> 71 Montvale Crescent	<b>SBL:</b> 61005 0022
<b>Zoning:</b> SR-1	<b>Lot Area:</b> 12,000 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The property at 71 Montvale Crescent consists of a 12,000 square foot lot improved with a single-family residence constructed in 1896, with a detached garage constructed in 1922. The existing garage is 18' x 18' and in disrepair. The applicant is proposing to raze the existing garage and rebuild a new garage of 21' x 21', and will meet all the setback requirements for an accessory structure. The FAR requirement for the property is .34, and the existing FAR is .37. The enlarged garage further increases the nonconforming floor area ratio from .37 to .38, which requires a special permit from the Board of Aldermen.

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

- Zoning Review Application, prepared by Lee Silverstone, submitted 9/3/13
- Plan Showing Existing Conditions, signed and stamped by Dennis B. O'Brien, Surveyor, dated 11/19/12
- Proposed Site Plan, signed and stamped by Phillip H. Bakalchuk, Architect, dated 8/29/12
- FAR Calculations, signed and stamped by Phillip H. Bakalchuk, Architect, dated 8/29/13
- Proposed Garage Plan, signed and stamped by Phillip H. Bakalchuk, Architect, dated 8/29/13
- Proposed Garage Elevations, signed and stamped by Phillip H. Bakalchuk, Architect, dated 8/29/13

**ADMINISTRATIVE DETERMINATIONS:**

1. The proposed detached garage increases the structure's pre-existing nonconforming FAR from .37 to .38, which exceeds the .34 permitted by the Ordinance per Section 30-15, Table A. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
2. The new garage structure will meet all setback requirements for accessory structures within the district.

SR-1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	<b>12,000 square feet</b>	No change
Frontage	100 feet	<b>90 feet</b>	No change
Setbacks for existing accessory structure			
• Front	25 feet	92 feet	+/- 75 feet
• Side	5 feet	18 feet	5.5 feet
• Rear	5 feet	22.8 feet	32 feet
FAR	.34	<b>.37</b>	<b>.38</b>
Max. Lot Coverage	20%	18.9%	19.975%
Min. Open Space	65%	66.6%	68.025%

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-21(b)	Extend a nonconforming structure with regard to Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table A, §30-15(u)	Exceed allowed FAR of .34 with an FAR of .38	S.P. per §30-24