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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 12, 2011

To: John Lojek, Commissioner of Inspectional Services

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

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

RE: Request to allow an increase in FAR and extend a nonconforming three-and-a-half story structure

RECEIVED
 Newton City Clerk
 2012 MAR 13 PM 6:39
 David A. Olson, CMC
 Newton, MA 02459

Applicant: Greg Licholai and Charlotte DuHamel	
Site: 43 Hillside Street	SBL: 52010 0004
Zoning: SR2	Lot Area: 8,365 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

Background:

The property at 43 Hillside Street consists of an 8,365 square foot lot improved with a single-family dwelling built in 1890. The house sits high on a lot that slopes down toward the rear. The applicant seeks to add a three-and-a-half-story addition to the rear (north side) of the house.

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

- Architectural plans, signed and stamped by Michael Huller, Architect, dated 8/20/11
 - A1: Foundation Plan
 - A2: First Floor Plan
 - A3: Second Floor Plan
 - A4: Exterior Elevations (North)
 - A5: Exterior Elevations (West)
 - A6: Exterior Elevations (East)
- Revised FAR Worksheets, with calculations for enclosed and unenclosed basement level, by Michael Huller, unsigned, unstamped, undated
- FAR Worksheet, by Michael Huller, unsigned, unstamped, undated
- Site plan by VTP Associates, signed and stamped by Joseph R. Porter, Surveyor, dated 11/1/11
- Area plan by VTP Associates, signed and stamped by Joseph R. Porter, Surveyor, dated 11/11/11

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	8,365 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks			
• Front	25 feet	21.2 feet	No change
• Side	7.5 feet	11.4 feet	No change
• Rear	15 feet	55.5 feet	45.4 feet
FAR	.41	.54	.66
Building Height	36 feet	35.73 feet	35.72 feet
Maximum Stories	2.5	3.5	No change
Max. Lot Coverage	30%	23.7%	27.6%
Min. Open Space	50%	60.5%	64.8%

2. Per Section 30-1, *Definitions*, "any story in a building in which one-half or more of the distance between the floor and the ceiling next above it is below the average grade plan adjacent to the building" qualifies as a basement. The applicant's site plan shows that more than one-half the height of the basement is above the average grade plane. Therefore, the basement counts as the first floor and the structure is a nonconforming three-and-a-half-story structure. To construct this addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to extend this nonconformity.
3. Per Ordinance Z-77, Section 30-15(u), Table A allows a lot with a lot size of 8,365 square feet located in the SR2 zone a Floor Area Ratio (FAR) of .41. A further .02 bonus is allowed for construction which stays within post-1953 setbacks on a pre-1953 lot. The applicant's site plan shows the new addition extending the existing side setback (which complies with pre-1953 dimensional standards but not with post-1953 standards) and therefore does not qualify for the bonus. The applicants FAR calculations show that the structure is currently nonconforming with regard to FAR. To construct this addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to extend this nonconformity.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance	Structure	Action Required
§30-15; Table 1; §30-21(b)	Allow an extension of a structure which is nonconforming with regard to the number of stories	S.P. per §30-24
Ordinance Z-77; §30-21(b)	Allow an extension of a structure which is nonconforming with regard to FAR	S.P. per §30-24