

Special Permit Approval Request

15 Holman Road – Bhawalkar Residence

03-10-15

Project Information

INTRODUCTION + PROPOSED PROJECT

THE EXISTING PROJECT

The owners of 15 Holman Road are currently constructing an addition that includes a new Family Room, Garage, and Master Suite at the rear of their existing home. None of this new work will affect the street-facing building massing, and is in fact, pretty much invisible from the street. Work is proceeding under an existing building permit that at the time was deemed to be fully conforming to the dimensional constraints and to the FAR restrictions.

After the initial permit was granted and construction began, further review determined that there is an FAR issue and a story height issue. Additionally, there is an unusual site condition that affects the potential allowable FAR. In conjunction with the Zoning and Inspectional Services, it was decided that submitting an application for a Special Permit would be the best solution to bring everything into compliance.

UNUSUAL SITE AND FAR SITUATION

The current owners of 15 Holman Road purchased the property in 2005. It forms the outside corner of the intersection of Holman and Bertrand Roads. It is a single property – one deed – with two adjoining but separately delineated parcels. A footpath easement crosses the property at the intersection point of the two parcels and adjacent to that footpath easement is another section of right-of-way designated on the City maps as a “passageway”.

In reality this “passageway” is the driveway to 15 Holman. It has been separately paved and maintained by the current and prior property owners through at least the last two ownerships. It offers no possible access to the only other adjoining property, which faces and is accessed from Washington Street.

The parcels allocate as follows:

	AREA	FAR (w/o bonus)	FAR (w bonus)
Parcel 1:	6,970 SF	2,997 SF	3,137 SF
Parcel 2:	3,081 SF	1,325 SF	1,387 SF
Overall Property:	10,051 SF	4,322 SF	4,523 SF

While there is no specific language in the Zoning Code that addresses this type of situation, the existence of the right-of-way/“passageway” at the intersection of the two parcels appears to preclude the use of the Parcel 2 area in the allowable FAR calculation. While the deed and titles are clear, there is some confusion in the legal and historical record as to the origin and purpose (if any) of the “passageway”. Clarifying this, and even determining if it has any relevance, will take significant time and legal resources.

This situation was determined at the very end of the design cycle, putting a significant and unexpected constraint on the design of the addition. In order to proceed with permitting and construction, the scope of the addition was scaled back to meet the FAR allowance of Parcel 1 only. Additionally, to maximize that FAR, the positioning of the addition was changed in order to take advantage of the 2 percent post-1953 setback bonus.

In the City records, and based on the original submission, the building was described as having 2.5 stories. During the post-permit review process, Zoning and Inspectional Services have determined that because of the steep grade change at the rear of the structure, the original building was really 3 stories, and the addition will continue that non-conformity.

REQUEST FOR RELIEF

Because of the complexity and uncertainty of the other available options, the owners have decided to pursue a Special Permit in order to address the need for an increase in the allowable FAR, and to resolve the 3 story nonconformity. The owners are planning additional future projects (enclosing a currently open Porch, for example) that would be limited by the current FAR. They are also interested in some minor, but impactful, expansions to the envelope of the currently under construction addition.

Ideally, the owners would like to be able to use the full area of both parcels of their property to calculate the FAR. That would address any current and future needs.

Special Permit Approval Request

15 Holman Road – Bhawalkar Residence

03-10-15

The actual physical area increase that is desired for the in-progress addition is only 52.5 SF. However, the particular change that is being proposed would trigger a rollback to the pre-1953 side setback (7.5 FT instead of 10 FT), which would eliminate the 2 percent FAR bonus. This would subsequently result in the need for an additional administrative FAR.

NEIGHBORHOOD IMPACT

The neighborhood impact of the existing project (with or without proposed changes) is minimal. All of the work is taking place behind the home and is NOT visible from the street.

Given that the property is, by deed, over 10,000 SF, the size and impact of the actual work when completed (with or without the Special Permit increase) will still be well below the effective norm for the neighborhood.

HISTORIC / DEMOLITION COMPLIANCE

A Demolition Review Request was submitted as part of the approval process for the existing building permit. The property was deemed as "Not Historic" without any further comment.

DEVELOPMENT REVIEW TEAM MEETING

A preliminary version of the proposed plan was presented at a Development Review Team meeting on January 29th, 2015.

NON-CONFORMING COMPONENTS

EXISTING BUILDING PERMIT

All work under the current building permit is being completed within the required post-1953 setbacks.

PROPOSED CHANGES UNDER SPECIAL PERMIT

All work would conform to the pre-1953 setbacks.

Property Overview

PROPERTY HISTORY AND OVERVIEW


Property Class	Single Family
Zoning	SR3
Land Area	PARCEL 1: 6,970 SF PARCEL 2: 3,081 SF TOTAL AREA: 10,051 SF FAR AREA: 6,970.0 SF
SBL Reference	43043 0005 + 43043 0004A
Style	Colonial
Year Built	1935
Number of Stories	2
Rooms/Bedrooms	7 / 3 (Existing)
Full Baths/Half Baths	2 / 1 (Existing)

Special Permit Approval Request

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03-10-15

NEIGHBORHOOD AND ABUTTERS



RECEIVED
Newton City Clerk

2015 MAR 10 PM 4:22

David A. Olson, Clerk
Newton, MA 02459

Scale 1" = 100.72 ft

Zoning and Dimensional Compliance Information			
District SR3 Dimensional Requirements	Required	Actual	Compliance Status
Lot Size	7,000 / 10,000 SF	6,970 SF (MAIN LOT) 3,081 SF (ATTACHED LOT)	
Minimum Frontage	70.0 / 80.0 LF	91.0 LF	CONFORMS
Minimum Front Yard Depth	25.0 / 30.0 FT	25.5 LF (NO CHANGE)	CONFORMS
Minimum Side Yard -- LEFT	7.5 / 10.0 LF	7.9 LF (MAIN HOUSE) 10.6 LF (NEW ADDITION)	
Minimum Side Yard -- RIGHT	7.5 / 10.0 LF	8.8 LF (NO CHANGE)	CONFORMS
Minimum Rear Yard	15.0 LF	54.7 LF (EXISTING) 18.7 LF (PROPOSED)	CONFORMS
FAR	0.43 0.45 w bonus	2,997.1 SF (no bonus) 3,136.5 SF (w bonus)	SINGLE PARCEL CALCULATION
Maximum Stories	2.5 (Original)	2.0 (Original as per City) 3.0 (REVISED)	CONFORMS NONCONFORMING
Maximum Height	36 FT	35 FT (NO CHANGE)	CONFORMS

Special Permit Approval Request

15 Holman Road – Bhawalkar Residence

03-10-15

EXISTING CONDITIONS -- PHOTOS



Existing Elevation -- Front



Existing Elevation – Rear

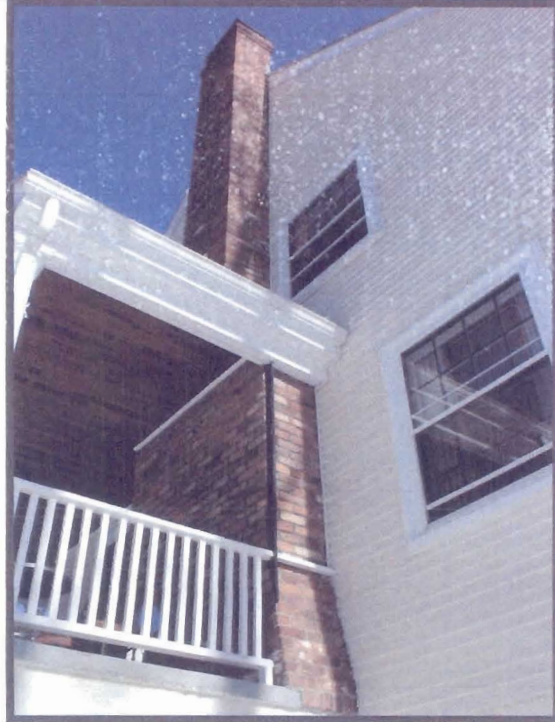
Special Permit Approval Request

15 Holman Road – Bhawalkar Residence

03-10-15

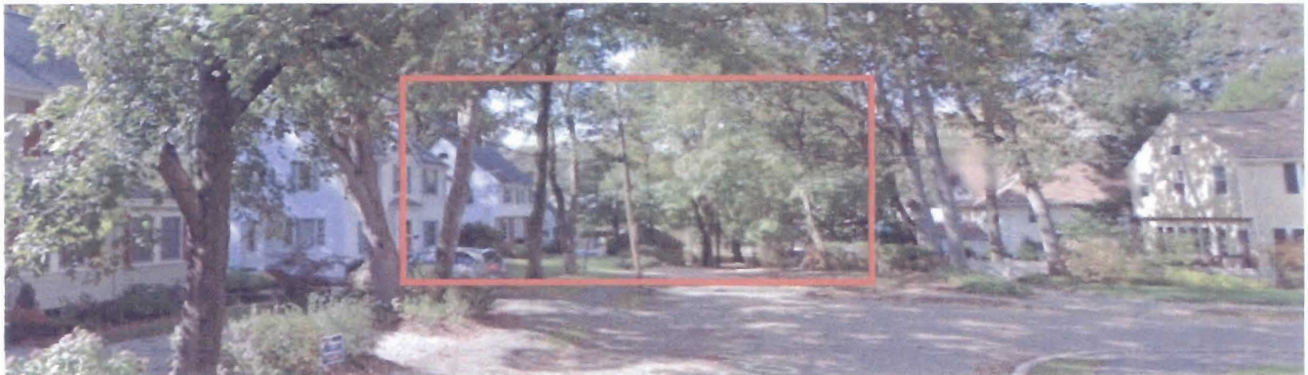


Existing Elevation – Left



Existing Elevation – Right

STREET CONTEXT AND ABUTTERS -- PHOTOS



Holman Road – From South



Holman Road – From East

Special Permit Approval Request

15 Holman Road – Bhawalkar Residence

03-10-15

Site and Parcel Situation

PARCELS 1 + 2 WITH BUILDING



EXISTING PERMIT – CERTIFIED SITE PLAN

