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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 14, 2014
Land Use Action Date: January 28, 2014
Board of Aldermen Action Date: February 3, 2014
90-Day Expiration Date: April 14, 2014

DATE: January 10, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner 

SUBJECT: **Petition #405-13**, Samuel J. & Tami M. Wald for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose space below a first floor deck in order to expand a basement play room, which will include rebuilding the deck, thereby increasing the Floor Area Ratio from .60 to .63, where .39 is the maximum allowed by right, at **176 Homer Street**, Newton Centre, Ward 6, on land known as SBL 64, 32, 30, containing approx. 9,270 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), and 30-15(u) and Table A, of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



176 Homer Street

EXECUTIVE SUMMARY

The property at 176 Homer Street consists of a 9,270 square foot lot improved with a single-family 2½-story residence with an attached garage, constructed in approximately 1925 and renovated in 2001. The site has a basketball court and a deck in the rear of the site. The petitioner is proposing to enclose the space below the deck in the rear of the house to expand a basement play room, and to rebuild the deck above the finished space. The proposed addition will increase the floor area by approximately 276 square feet. The existing house has a floor area ratio (FAR) of .60 where .39 is allowed. The petitioner is requesting a special permit to increase the FAR to .63.

The Planning Department believes that because the footprint and height of the proposed addition will not extend beyond the existing deck, the impact of the additional mass on abutters and the neighborhood will be minimal. Furthermore, the proposed addition will be partially screened from property abutters by vegetation and mostly screened from the public way. The Planning Department believes that the proposed addition will not be substantially more detrimental than the existing nonconforming structure, and is not in derogation of the size, scale and design of other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed structure with regard to FAR is consistent with and not in derogation of size, scale and design of other structures in the neighborhood.
- The extension of the structure is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Homer Street between the intersections of Pleasant Street and Morton Street in Newton Centre. The land use in the surrounding neighborhood is predominantly single-family residences. The site is located in a Single-Residence 2 zoning district.

B. Site

The site consists of a 9,270 square foot lot improved with a single-family 2½-story residence with an attached two-car garage constructed in approximately 1925 and renovated in 2001. The site also contains a full sized basketball court and a deck

off of the rear of the house.

The site slopes significantly from the front of the house to the rear, dropping approximately six feet. Due to the change in the grade the finished basement is exposed in the rear of the house. The site is partially vegetated along the side and rear property lines.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to enclose the space below the first floor deck in the rear of the house to expand the basement playroom by approximately 276 square feet. The petitioner is proposing to rebuild the deck above the new finished space. The proposed construction will include a new stone veneer foundation wall, deck, exterior stair and rail system, rear entry door, sidelights and overhang, and gutter system. The proposed addition will not expand the footprint of the existing deck.

The Planning Department believes that because the footprint and height of the proposed addition will not extend beyond the existing deck, the impact of the additional mass on abutters and the character of the neighborhood will be minimal. Furthermore, the proposed addition will be partially screened from property abutters by vegetation and mostly screened from the public way.

C. Parking and Circulation

There are no changes to parking or circulation on the site.

D. Landscape Screening

The proposed addition is partially screened from property abutters and is mostly screened from the public way.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit to exceed the maximum allowed floor area ratio of a nonconforming structure.

B. Engineering Review

As the petitioner is not increasing the impervious surfaces on the lot by more than 4% no engineering review is required.

V. ZONING RELIEFS SOUGHT

Based on the Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-15 Table A, 30-21(b), to extend a nonconforming structure with regard to Floor Area Ratio (FAR).
- Section 30-15 Table A, 30-15(u), to exceed allowed FAR of .39 with an FAR of .63.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
Attachment B: Zoning Map
Attachment C: Land Use Map



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Director

ZONING REVIEW MEMORANDUM

Date: October 24, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sharon Becker Jacobson, Architect representing the applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase nonconforming FAR

Applicant: Sam & Tami Wald	
Site: 176 Homer Street	SBL: 64 32 30
Zoning: SR2	Lot Area: 9,270 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 176 Homer Street consists of a 9,270 square foot lot in a Single Residence 2 district. A single-family dwelling was built on the property in 1925 of approximately 1,200 square feet. The dwelling was extensively renovated in 2001 to its current configuration and size of approximately 5,400 square feet, which includes finished basement space. The applicants are proposing to enclose space below a first floor deck to expand a basement play room, and rebuild the deck above the finished space. The applicant proposes to add 275 square feet to the finished basement, thereby increasing the floor area ratio above that which currently exists and is allowed by right.

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

- Zoning Review Application, prepared by Sharon Becker Jacobson, architect, submitted 10/7/13
- Existing photos, submitted 10/7/13
- Plan of Land – Existing Conditions, signed and stamped by Bruce Bradford, surveyor, dated 8/22/13
- Plan of Land – Proposed Conditions, signed and stamped by Bruce Bradford, surveyor, dated 10/7/13
- Architectural plans, signed and stamped by Sharon Jacobson, architect, dated 10/7/13
 - Existing conditions, lower level
 - Existing conditions, first floor deck
 - Existing conditions and proposed demolition: south and rear exterior elevation

- Existing conditions and proposed demolition: side elevations
- Proposed conditions and demolition: lower level plan
- Proposed conditions and demolition: first floor deck plan
- Proposed addition: rear elevation
- Proposed addition: side elevation

ADMINISTRATIVE DETERMINATIONS:

1. In 2001 there was a provision in the Ordinance, Clause 6 of Ordinance V-112, Board of Aldermen Order No. 457-96 item 3, stating that Floor Area Ratio requirements would be applied in single- and two-family homes when more than 50% of the structure was demolished. A building permit was issued for the 2001 renovation in September 2001. A Stop Work Order was issued on October 23, 2001 citing the aforementioned provision and stating that an inspection of the property on 10/22/01 revealed that more than 50% of the structure had been demolished for the 2001 renovation. The contractor resolved the issue by lowering the ceiling heights to 7'3" around the outside edges to eliminate some square footage to be counted toward FAR. Since that time, the required minimum ceiling height per the state building code has been lowered to 7 feet, thereby increasing the amount of square footage included in the FAR calculation, creating the current FAR of .60.
2. The proposed addition increases the structure's FAR to .63, from .60, which exceeds the .39 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b). The applicant is not able to take advantage of the .02 bonus, as the existing structure does not meet the post-1953 lot setback requirements.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,270 square feet	No change
Frontage	80 feet	79 feet	No change
Setbacks for existing structure			
• Front	25 feet	21.2 feet	No change
• Side	7.5 feet	9.0 feet on right 7.5 feet on left	No change No change
• Rear	15 feet	35 feet	35.7 feet
FAR	.39	.60	.63
Max. Lot Coverage	30%	27%	29.9%
Open Space	50%	± 61%	± 62%



1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-15 Table A, §30-15(u), §30-21(b)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24



405-13 Zoning Map 176 Homer St.

*City of Newton,
Massachusetts*

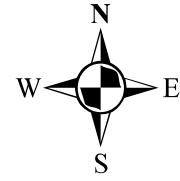
Legend

-  Building Outlines
-  Streets - Pavement Edge

Zoning

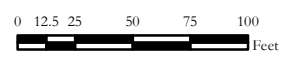
-  Single Residence 2
-  Public Use

ATTACHMENT B

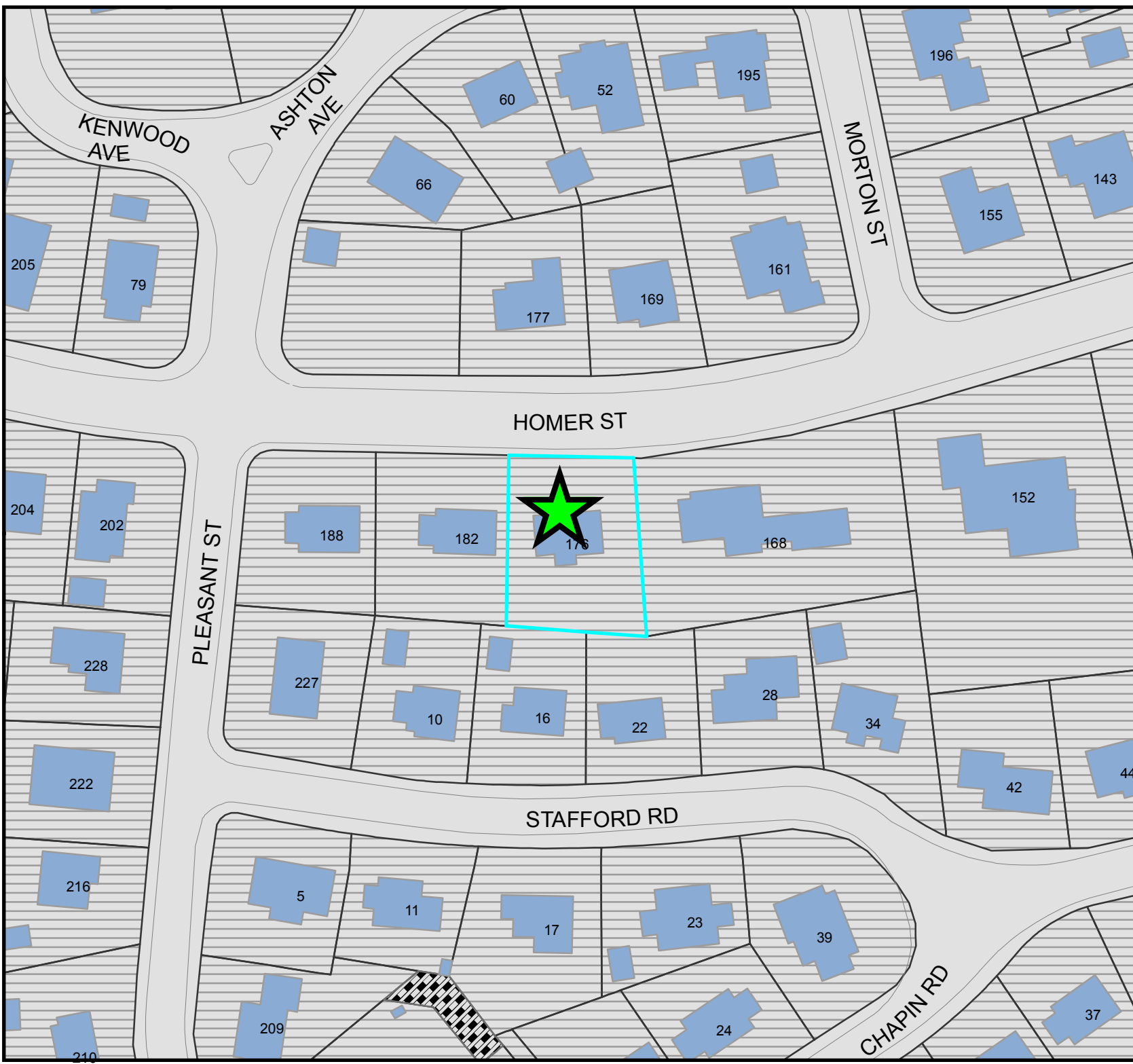


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: January 09, 2014



405-13
Land Use Map
176 Homer St.

*City of Newton,
Massachusetts*

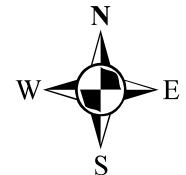
Legend

- Building Outlines
- Streets - Pavement Edge

Land Use

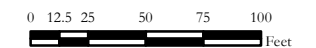
- Single Family Residential
- Mixed Use
- Open Space
- Vacant Land

ATTACHMENT C



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