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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 2, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ray Ayotte, Contractor
Gongxiong Wu, Applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase already nonconforming FAR and to extend a nonconforming structure with regard to side setback

Applicant: Gongxiong Wu	
Site: 102 McCarthy Road	SBL: 84027 0006
Zoning: SR-2	Lot Area: 10,033 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 102 McCarthy Road consists of a 10,033 square foot lot improved with a single-family residence constructed in 1948. The structure consists of two and a half stories with an attached one-stall garage. The applicant proposes to remove the existing attached garage and breezeway and construct a new one-stall garage with a master suite and additional bedroom above maintaining the existing nonconforming side setback, vertically extending it. The applicant also proposes to construct an office and bath in the attic. The additional living space will exceed the maximum FAR allowed by the Ordinance, requiring a special permit.

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

- Zoning Review Application, prepared by Ray Ayotte, Harvey Remodeling, submitted 5/14/2014
- FAR calculations, undated
- Existing Site Plan, signed and stamped by Christopher C. Charlton, surveyor, undated
- Proposed Site Plan, undated
- Floor Plans – Existing Conditions, prepared by Harvey Remodeling, dated 4/16/2014
- Floor Plans – Proposed Conditions, prepared by Harvey Remodeling, dated 4/16/2014

- Elevations, prepared by Harvey Remodeling, dated 4/16/2014

ADMINISTRATIVE DETERMINATIONS:

1. The dwelling has an attached one-car garage with an existing nonconforming sideyard setback of 7.3 feet, where 7.5 feet is required by section 30-15, Table A. The applicant proposes to raze the garage and rebuild it with living space above to the same nonconforming setback. By adding living space above, the applicant vertically extends the existing nonconforming setback and requires a special permit per section 30-21(b) of the Ordinance.
2. The applicant’s existing nonconforming FAR is .40, where .38 is allowed by right. The proposed 743 square foot addition will create an FAR of .47. A special permit is required to increase the existing nonconforming FAR per sections 30-15 Table A, 30-15(u)(2) and 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	10,033 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	25 feet	30.8 feet	No change
• Side	7.5 feet	7.3 feet	No change
• Rear	15 feet	52 feet	No change
FAR	.38	.40	.47
Max Lot Coverage	30%	19.2%	22%
Min. Open Space	50%	73.3%	65.1%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Increase already nonconforming Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table 1 30-21(b)	Vertically extend existing nonconforming side setback	S.P. per §30-24