



**Ruthanne Fuller**  
Mayor

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

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

**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: May 28, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Richard Levey, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow parking within the front setback and within five feet of the street**

Applicant: Richard Levey	
Site: 30 Jacobs Terrace	SBL: 82025 0023
Zoning: SR1	Lot Area: 18,110 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 30 Jacobs Terrace consists of an 18,110 square foot lot improved with a single-family residence constructed in 1958. The lot is at the curve of a cul de sac and has a significant front to back downward slope. The petitioners seek to construct a parking stall next to an existing two-car garage. The stall will be located within the front setback and within five feet of the street, requiring a special permit.

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

- Zoning Review Application, prepared Richard Levey, applicant, submitted 3/4/2019
- Plan Showing Proposed Curb Cut, signed and stamped by Dennis O'Brien, surveyor, dated 6/19/2018, revised 2/27/2019
- Variance #45-83, dated 1/12/1984

**ADMINISTRATIVE DETERMINATIONS:**

1. A variance was granted in 1984 allowing for the construction of a two-car garage within the front setback due to the steep topography of the site. The petitioner is seeking to open a second, 12-foot wide curb cut to allow for construction of a parking space adjacent to the garage. Per section 5.1.7.A, no more than one parking stall may be located in the front setback, and no parking may be located within five feet of the street. With two existing stalls within the two-car garage, the proposed parking stall is considered a third stall within the setback. The proposed parking stall is also located on the front lot line. To construct the parking stall as proposed within the front setback and five feet of the street requires a special permit per section 5.1.7.A and 5.1.13.

<b>SR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	18,110 square feet	No change
Frontage	100 feet	180 feet	No change
Setbacks - Principal <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 12.5 feet 25 feet	29.3 feet >40 feet <b>20.6 feet</b>	No change No change <b>No change</b>
Setbacks – Accessory <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 5 feet 5 feet	<b>0.5 feet*</b> >75 feet >60 feet	<b>No change*</b> No change No change
Max Lot Coverage	20%	11.5%	No change
Min. Open Space	65%	85.9%	85%

\*Allowed by Variance #45-83

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow parking within the front setback and five feet of the street	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N