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Candace Havens
Director

MEMORANDUM

Public Hearing Date: January 10, 2012
Land Use Action Date: March 20, 2012
Board of Aldermen Action Date: April 2, 2012
90-Day Expiration Date: April 3, 2012

DATE: January 6, 2012

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ^{ET}
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition #415-11, LORI A. MEAD-BELZ & EDWARD D. BELZ for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing porch into a study/office space, which will increase the floor area ratio from .48 to .54 where .40 is allowed by-right at 14 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 30, 10, containing approximately 8,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

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.



EXECUTIVE SUMMARY

The property at 14 Loring Street consists of 8,500 square feet of land, improved with a 3,483 square-foot colonial-style home. The petitioner is proposing to demolish an existing screened porch and replace it with a 14' by 23' study. The property is currently nonconforming with respect to floor area ratio (FAR). An FAR of .54 is proposed where an FAR of .40 is allowed by right. The current FAR is .48. The proposed addition is conforming with respect to all other dimensional controls and requires no additional relief. Since the screened porch is a partially-enclosed structure, replacing it with a slightly larger, fully-enclosed structure will not substantially change the mass of the building when viewed from Loring Street or from the adjacent properties.



Location of proposed addition

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this petition, the Board should consider whether the following apply:

1. The expanded residence, which is nonconforming with respect to floor area ratio, will not be substantially more detrimental to the neighborhood than the existing residence for the following reasons:
 - a. The existing porch that is slated for demolition is partially enclosed and only slightly smaller than the proposed structure. Replacing it with a fully-enclosed space that is 146 square feet larger will not result in a major increase in the mass of the building.
 - b. The proposed expansion is consistent with the objectives of the *2007 Comprehensive Plan*, which promotes modest modifications to existing historic residences in order to adapt them to the needs of today's families.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD



18 Loring St

24 Loring St

25 Loring St

31 Loring Street

A. Neighborhood and Zoning

The site is located in a large area of Single Residence 2 zoning just north of Commonwealth Avenue in Newton Centre. The petitioner's 8,500 square-foot parcel is typical of what can be found throughout this residential neighborhood. The housing stock in this area was largely built in the early 1900s, with many of the homes undergoing alterations and expansions since their original construction. There are a variety of styles and construction types represented, ranging from the large brick Georgian colonial at 31 Loring Street to a modest Dutch colonial at 18 Loring Street. The house at 24 Loring Street has what appears to be a former porch converted into living space on a house that is nearly identical to the petitioner's house (see above photo).

B. Site

The lot area is 8,500 square feet and is improved with an early 20th century colonial and attached garage. The rear yard is partially enclosed with a stockade fence.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will remain as a single-family residence.

B. Building and Site Design

The proposed changes will be limited to the western side of the house. An 11' by 16.5' screened porch will be demolished and replaced with a 14' by 23' office addition. The porch that is to be demolished is 176 square feet, while the addition proposed in its place is 322 square feet. This represents a modest addition to the footprint of the building.

C. Parking and Circulation

No changes are proposed to the parking or circulation as part of this petition.

D. Landscape Screening

No additional landscaping is proposed as part of this petition and none is required

as part of this small-scale residential addition.

IV. TECHNICAL REVIEW

A. Technical Considerations

The current FAR is .48 where .40 is allowed by right. Once the porch area is replaced with living space, it will be included in the total square footage of the house. This will result in an increase of the FAR to .54. Relief is required through Newton Zoning Ordinance Section 30-21(b) to allow an increase in the nonconforming FAR. The property is conforming with respect to all other dimensional and density controls, with the exception of the front setback and lot size requirements, which will not be made more nonconforming.

Under the pre-October 15, 2010 calculation method, the proposal would have an FAR of .49 where .3 would be allowed by right. Under the current calculation method, the proposed FAR is higher due to the fact that the property slopes slightly from front to back exposing some of the foundation, which requires that this space be included in the calculation of the FAR.

B. Newton Historical Commission.

The proposal was reviewed by the Senior Preservation Planner who determined that it would not have a significant impact on the historic structure.

C. Engineering Review.

Since the increase in impervious coverage is minor, no review by the Engineering Division of the Department of Public Works is required.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum ("ATTACHMENT C"), the petitioner is seeking the following reliefs:

- Section 30-21(b) to allow an extension of the nonconforming floor area ratio

VI. PETITIONERS' RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: VICINITY LAND USE MAP

ATTACHMENT B: VICINITY ZONING MAP

ATTACHMENT C: ZONING REVIEW MEMO



ATTACHMENT D: DRAFT BOARD ORDER #415-11

415-11

14 Loring St. Land Use

*City of Newton,
Massachusetts*

Legend

-  Single Family Residential
-  Multifamily Residential



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 03, 2012

ATTACHMENT A



415-11

14 Loring St. Zoning

*City of Newton,
Massachusetts*

Legend

 Single Residence 2



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



Map Date: January 03, 2012

ATTACHMENT B





Setti D. Warren
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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: November 22, 2011

To: John Lojek, Commissioner of Inspectional Services

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

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

RE: Request to allow an increase in FAR

Applicant: Edward Belz	
Site: 14 Loring Street	SBL: 73030 0010
Zoning: SR2	Lot Area: 8,500 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

Background:

The property at 14 Loring Street consists of an 8,500 square foot lot occupied by a single-family dwelling built in 1910. The applicant proposes to demolish an existing screen porch and replace it with a larger study/home office.

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

- Architectural plans by Richard B. Levey, Architect, unsigned, unstamped, dated 9/19/11
- Zoning analysis by Richard B. Levey, including FAR calculations, unsigned, unstamped, undated
- Site plan showing existing and proposed, signed and stamped by Denis B. O'Brien, Surveyor, dated 8/8/11

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	8,500 square feet	No change
Frontage	80 feet	85 feet	No change
Setbacks			
• Front	25 feet	24.3 feet	No change
• Side	7.5 feet	8.4 feet	8.3 feet
• Rear	15 feet	19.5 feet	No change
FAR	.40	.48	.54
Max. Lot Coverage	30%	23.4%	25.1%
Min. Open Space	50%	55%	53.7%

2. The existing property is nonconforming with regard to FAR with a ratio of .48 where .40 is allowed. The applicant's plans would increase the property's FAR to .54. The applicant must obtain a special permit from the Board of Aldermen to build the proposed addition per Section 30-21(b).
3. As the proposed addition is setback more than the required 25 feet from the front lot line and more than 7.5 feet from the side lot line no additional relief is required.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>FAR</i>	<i>Action Required</i>
§30-21(b)	Allow an FAR of .54 where .40 is allowed	S.P. per §30-24

ATTACHMENT D

DRAFT
#415-11CITY OF NEWTON
IN BOARD OF ALDERMEN
January 10, 2012

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN to convert an existing screened porch into a study/office, which will increase the floor area ratio from .48 to .54 where .40 is allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The expanded residence, which is nonconforming with respect to floor area ratio, will not be substantially more detrimental to the neighborhood than the existing residence for the following reasons:
 - a. The existing porch that is slated for demolition is partially enclosed and slightly smaller than the proposed structure. Replacing it with a fully-enclosed space that is 146 square feet larger will not result in a major increase in the mass of the building.
 - b. The proposed expansion is consistent with the objectives of the *2007 Comprehensive Plan*, which promotes modest modifications to existing historic residences in order to adapt them to the needs of today's families.

PETITION NUMBER: #415-11

PETITIONER: Lori A. Mead-Beltz & Edward D. Beltz

LOCATION: 14 Loring Street, Section 73, Block 30, Lot 10, containing approximately 8,500 sq. ft. of land

OWNER: Lori A. Mead-Beltz & Edward D. Beltz

ADDRESS OF OWNER: 14 Loring Street, Newton, MA 02464

TO BE USED FOR: Screened porch to be enclosed and expanded to create an office/study

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-21(b) to expand a nonconforming FAR to .54 where .40 is allowed by right

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with
 - a. Plan Showing Proposed Addition at 14 Loring Street, signed and stamped by Dennis O'Brien, Professional Land Surveyor, dated August 8, 2011
 - b. Architectural Plans, by Richard S. Levy, architect, neither signed nor stamped, dated September 19, 2011 including the following sheets:
 - i. Z1: Zoning Analysis
 - ii. A3: Proposed Floor Plan, Interior Elevations
 - iii. A4: Proposed Elevations
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this Board Order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.