



Setti D. Warren
Mayor

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

289-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 25, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: James Beninati, 35 Lenox Street LLC
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to further extend nonconforming FAR**

Applicant: 35 Lenox Street LLC	
Site: 35 Lenox Street	SBL: 32047 0006
Zoning: SR1	Lot Area: 9,969 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 35 Lenox Street consists of a 9,969 square foot lot improved with a single-family dwelling constructed in 1876. The applicant proposes to regrade the property so as to construct a two-car garage in the existing basement space. While the applicant will not be adding any additional construction to the existing dwelling, regrading the landscape to access the basement level will now make a portion of the basement count toward FAR where it doesn't in its current configuration. The proposed changes will further extend the already nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared by James Beninati, applicant, submitted 7/12/2016
- Site Plan, signed and stamped by Robert Bibbo, surveyor and Tsung Ting Chang, Engineer, dated 5/12/2016
- Architectural Plans, signed and stamped by Afab Enterprises, engineer, dated 4/2/2016
- FAR worksheet, dated 7/12/2016, revised 8/18/2016

ADMINISTRATIVE DETERMINATIONS:

- The applicant proposes to construct a basement level two-car garage within the existing basement space of the existing dwelling. The applicant intends to create the access to the garage by regrading and constructing retaining walls. No additional space will be constructed to accommodate the garage, it will utilize existing basement space. The existing nonconforming FAR of the structure as it is currently configured is .38, which exceeds the .33 allowed by the Ordinance. The proposed regrading of the surrounding landscape produces an FAR of .40, which further extends the nonconforming FAR and requires a special permit per Sections 3.1.9.A.2 and 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	9,969 square feet	No change
Frontage	100 feet	195 feet	No change
Setbacks			
• Front (Lenox St)	25 feet	20.18 feet	No change
• Front (Regent St)	25 feet	41.17	No change
• Side	12.5 feet	15 feet	No change
• Rear	25 feet	28.46 feet	No change
Building Height	36	45.3 feet	No change
Max Number of Stories	2.5	3	No change
Open Space Minimum	65%	70.8%	No change
Lot Coverage Maximum	20%	17.2%	No change
FAR	.33	.38	.40

- See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9.A.2 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3