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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 10, 2014
Land Use Action Date: June 17, 2014
Board of Aldermen Action Date: July 14, 2014
90-Day Expiration Date: September 2, 2014

DATE: June 6, 2014

TO: Board of Aldermen

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

SUBJECT: **Petition #166-14**, CREDERE VENTURES LLC, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose an existing carport in order to create a garage containing approximately 324 sf at 22 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 50, 5, containing approximately 9,353 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b) 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.



22 Lenox Street

EXECUTIVE SUMMARY

The property at 22 Lenox Street consists of a 9,353 square foot lot improved with a single-family 2½-story residence constructed in approximately 1889. Per a building permit on file with the Inspectional Services Department, a 324 square foot carport was approved for the property, but was never constructed. The petitioner is now proposing to develop a 324 square foot detached one-story garage instead of the carport. To allow the development of a detached garage, the petitioner is seeking a special permit to increase the floor area ratio (FAR) from .38 to .42, where .35 is the maximum allowed by-right.

Per the Zoning Review Memorandum (**ATTACHMENT A**), carports do not count towards the calculation of FAR, however garages do. The lot coverage will also increase to 20.6%, where a maximum of 20% is allowed by the Newton Zoning Ordinance. The lot coverage requirement, however, does not apply to private garages accessory to a single-family residence in existence on December 27, 1922. Visibility of the proposed garage will be minimal for abutting properties since the structure is screened by an existing site obscuring fence on the south and east sides of the proposed structure.

The Planning Department has no particular concerns with this petition. The Department believes the proposed garage will not be substantially more detrimental than the existing nonconforming residential structure is to the neighborhood. Considering the scope of the proposed work, staff believes that the proposed garage 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. (§30-15(u)(2))
- The site is an appropriate location for the proposed garage, as the open space percentage exceeds the minimum required by the Newton Zoning Ordinance. (§30-24(d)(1))
- The change to structure on the subject property, with regard to FAR, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Lenox Street near Regent Street. The surrounding properties contain mostly single-family residential uses, but there are also small pockets of multi-family residential and mixed-use land uses (**ATTACHMENT B**). All

the properties in the neighborhood are zoned Single Residence 1 (**ATTACHMENT C**).

B. Site

The site consists of approximately 9,353 square feet of land, and is improved with a single-family 2½-story residence constructed in approximately 1875. A building permit for a 324 square foot carport was approved for the property, but was never constructed. There is a bituminous driveway that extends along the south side of the subject property from Lenox Street to the location of the proposed garage. There is existing mature vegetation and open space areas throughout the property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The use will remain a single-family residence.

B. Building and Site Design

The petitioner is proposing to construct a 324 square foot, one-story, two-car garage. The proposed garage will be approximately 12.5 feet in height and is set back from the dwellings on abutting properties. The structure will include a flat-top hip roof, with a garage door on the west facing façade, and a window and service door on the north facing façade. The petitioner is also proposing to remove the existing bituminous driveway, and replace it with a smaller crushed stone driveway. Per the scope of work proposed, the lot coverage will increase to 20.6%, where a maximum of 20% is allowed by the Newton Zoning Ordinance. However, the lot coverage requirement does not apply to private garages accessory to a single-family residence in existence on December 27, 1922, which the dwelling on this property was constructed before.

The proposed garage meets the requirements for an accessory structure in terms of size and height, and appears to use contextually appropriate materials. Based on the placement of the proposed garage, the existing fencing, and smaller crushed stone driveway, the visual impact of the proposed development appears to be minimal. As such, the Planning Department believes that the proposed garage is not in derogation of the size, scale, and design of other structures in the surrounding neighborhood, and will not be substantially more detrimental to the neighborhood than the existing structure on the site.

C. Landscape Screening

The site is screened along the side and rear property lines by a site obscuring fence, and the specific location of the garage is also setback from the residences

on neighboring properties. The petitioner has proposed a modest landscape plan including new plantings throughout the site. The Planning Department believes the existing and proposed plants and the site obscuring fence are sufficient to screen the proposed garage from abutters and the surrounding neighborhood.

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/Site Plan Approval to exceed the maximum allowed floor area ratio and to extend a nonconforming structure.

- B. Engineering Review: As the petitioner is not increasing the impervious surfaces on the lot by more than 400 square feet or 4%, no engineering review is required.

V. ZONING RELIEFS SOUGHT

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

- §30-15 Table A and §30-15(u)(2), to exceed the maximum allowed FAR.
- §30-21(b), to extend a nonconforming structure.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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



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Attachment A

City of Newton, Massachusetts

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Director

ZONING REVIEW MEMORANDUM

Date: May 12, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
Credere Ventures, LLC, Owner
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase already nonconforming FAR

Applicant: Credere Ventures, LLC	
Site: 22 Lenox Street	SBL: 32050 0005
Zoning: SR-1	Lot Area: 9,353 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 22 Lenox Street consists of a 9,353 square foot lot improved with a single-family residence constructed in 1889 and a detached carport built in 2014. The structure consists of two and a half stories and a basement. The applicant seeks to now enclose the carport so as to create a 324 square foot garage. Carports do not count toward FAR, however garages do. The existing FAR on the site is .38, and the enclosure of the garage will increase the FAR to .42, which exceeds the .35 allowed by right.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 4/4/2014
- FAR Worksheet, signed and stamped by Frank Iebba, surveyor, submitted 4/4/2014
- Site Plan, signed and stamped by Frank Iebba, surveyor, dated 1/8/2014, revised 1/20, 3/24

ADMINISTRATIVE DETERMINATIONS:

1. The proposed detached garage increases the structure’s nonconforming FAR, from .38, to .42, which exceeds the .35 maximum permitted by the Ordinance per Section 30-15, Table A. To construct the detached structure as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(u)(2) and Section 30-21(b).
2. By-right renovations to the existing structure removing the existing front porch side stairway and a rear porch will result in a decrease in lot coverage.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	9,353 square feet	No change
Frontage	100 feet	85 feet	No change
Setbacks for detached accessory structure			
• Front	25 feet	101.8 feet	No change
• Side	5 feet	6.4 feet	No change
• Rear	5 feet	6 feet	No change
FAR	.35	.38	.42
Max Lot Coverage	20%	21.2%	20.6%
Min. Open Space	65%	71.5%	68.8%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2) 30-21(b)	Exceed nonconforming Floor Area Ratio (FAR)	S.P. per §30-24

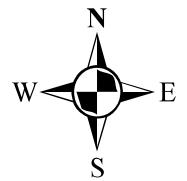
Land Use Map 22 Lenox Street

*City of Newton,
Massachusetts*

ATTACHMENT B

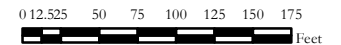
Legend

- Street Names
- Land Use**
 - Single Family Residential
 - Multi-Family Residential
 - Mixed Use
 - Vacant Land
 - Property Boundaries
 - Building Outlines

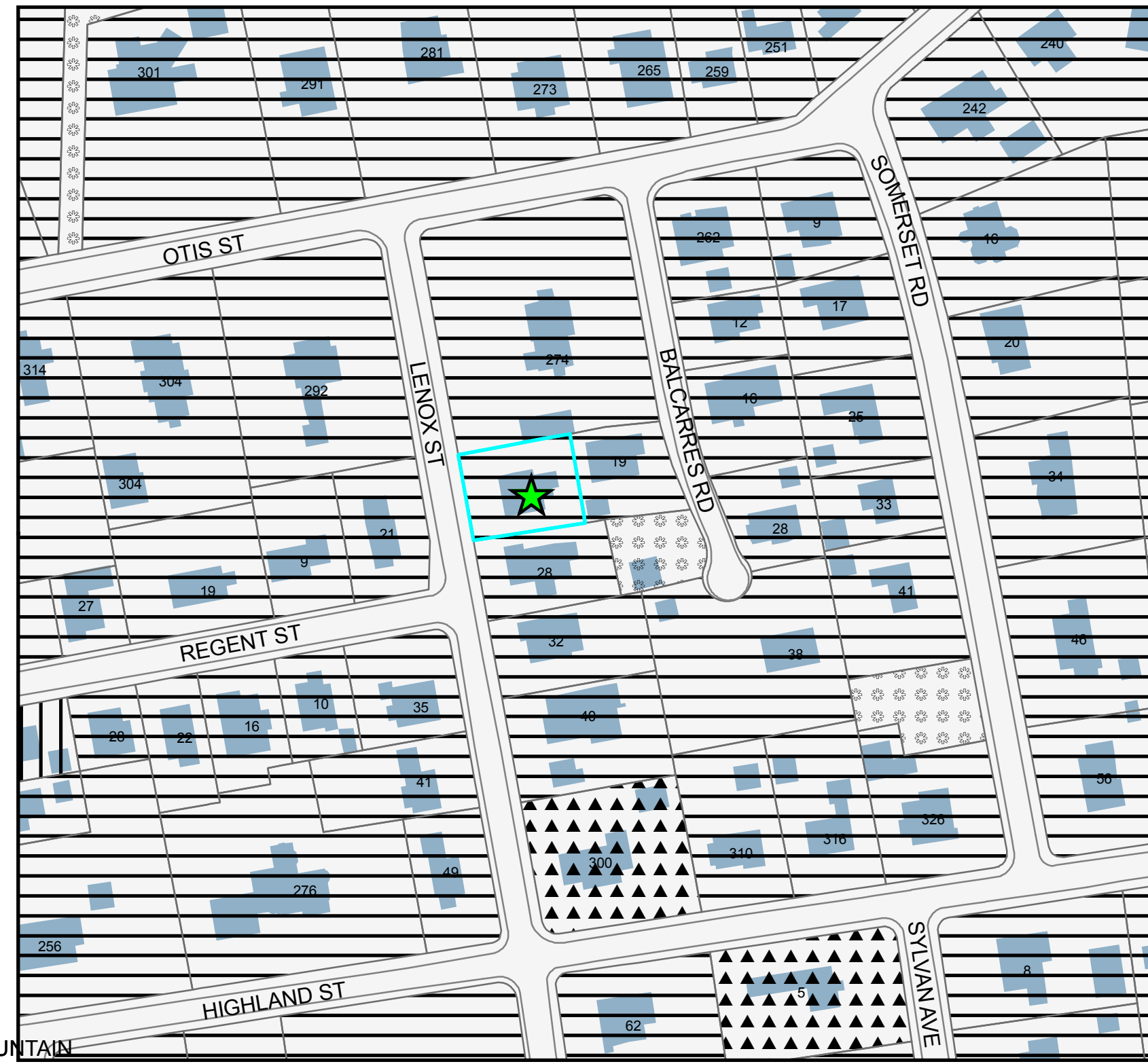


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: May 16, 2014



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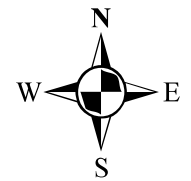
Zoning Map 22 Lenox Street

City of Newton,
Massachusetts

ATTACHMENT C

Legend

- Street Names
- Single Residence 1
- Property Boundaries
- Building Outlines



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