



Setti D. Warren  
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

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: Alan Mayer, Architect  
Dawne Vogt and John Ryan  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to exceed maximum FAR and to extend a nonconforming structure**

Applicant: Dawne Vogt and John Ryan	
Site: 21 Larchmont Avenue	SBL: 54007 0003
Zoning: SR-2	Lot Area: 7,593 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 21 Larchmont Avenue consists of a 7,593 square foot lot improved with a single-family residence constructed in 1927. The structure consists of two and a half stories and a basement. The topography is sloped so to create a walk-out basement in the rear. As such, the basement is considered the first floor, creating three stories. The applicant proposes a +/-1,300 square foot addition at the rear of the structure with a full walk-out basement and two stories above. The maximum number of stories in an SR2 district is 2.5. The existing structure is three stories and therefore nonconforming. A special permit is required to increase the intensity of the nonconforming number of stories. The proposed addition creates an FAR of .48 from .31, which exceeds the maximum allowable FAR of .42. A special permit is required to exceed the maximum FAR.

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

- Zoning Review Application, prepared by Alan Mayer, architect, submitted 5/9/2014
- FAR Worksheet, prepared by Alan Mayer, architect, submitted 5/9/2014
- Existing Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 5/6/2014
- Proposed Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 5/6/2014
- Area Plan, signed and stamped by Alan Mayer, architect, dated 5/9/2014

- Architectural Plans – Existing Conditions, signed and stamped by Alan Mayer, architect, dated 5/9/2014
- Architectural Plans – Proposed Conditions, signed and stamped by Alan Mayer, architect, dated 5/9/2014
- Elevations, signed and stamped by Alan Mayer, architect, dated 5/9/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The maximum number of stories allowed in an SR2 district is 2.5 according to 30-15 Table 1. Due to the significantly downward sloping topography, the existing structure has a walk-out basement, making it a story, thus creating a three-story structure. The applicant is proposing a three-story addition at the rear of the property, which will further increase the nonconforming nature of the structure. Per section 30-21(b), a special permit is required to increase the nonconforming nature of the structure.
2. The applicant’s existing FAR is .31. The proposed addition will create an FAR of .48, which exceeds the .42 allowed by right. A special permit is required to exceed the maximum FAR per sections 30-15 Table A, and 30-15(u)(2).
3. To build the project as proposed, the applicant plans to remove a significant portion of paving in the rear of the property. The removal of the paved surface will increase the amount of open space on site by 1%.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>7,593 square feet</b>	No change
Frontage	80 feet	83 feet	No change
Setbacks			
• Front	25 feet	32.3 feet	No change
• Side	7.5 feet	14.1 feet	10.5 feet
• Rear	15 feet	38.6 feet	32.9 feet
FAR	.42	.31	<b>.48</b>
Max Lot Coverage	30%	11.6%	16.9%
Min. Open Space	50%	70%	71%

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Exceed Floor Area Ratio (FAR)	S.P. per §30-24
§30-15 Table 1 30-21(b)	Increase intensity of nonconforming 3-story single-family dwelling	S.P. per §30-24