

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, 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 APPROVAL to amend Special Permit #129-14, increase the nonconforming FAR of .44 to .48 where .29 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for proposed attached garage addition that increases the nonconforming FAR because the proposed addition meets all other dimensional standards for the SR-1 zoning district (§7.3.3.C.1).
2. The proposed attached garage addition that increases the nonconforming FAR will not adversely affect the neighborhood because the proposed addition meets all other dimensional standards for the SR-1 zoning district (§7.3.3.C.2).
3. The proposed attached garage addition will not create a nuisance or serious hazard to vehicles or pedestrians because all parking is contained on site and the project results in a shorter driveway (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site complies with the zoning ordinance regarding driveway width and the number of parking stalls (§7.3.3.C.4).
5. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed addition meets all setback requirements and is consistent with the size and scale of the homes in this neighborhood (§3.1.9 and §7.8.2.C.2).
6. The proposed increase in the nonconforming FAR from .44 to .48, where .29 is the maximum allowed by-right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because proposed addition meets all setback requirements and is consistent with the size and scale of the homes in this neighborhood (§3.1.9, and §7.8.2.C.2).

PETITION NUMBER: #129-14 (2)

PETITIONER: Jeremy Shinewald

LOCATION: 96 Lenox Street, on land known as Section 32, Block 49, Lot 07, containing approximately 19,071 square feet of land

OWNER: Jeremy Shinewald

ADDRESS OF OWNER: 96 Lenox Street
Newton, MA 02492

TO BE USED FOR: Single Family Dwelling with Attached Garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.8.2.C.2 to increase the nonconforming floor area ratio

ZONING: Single Residence 1 district

Approved subject to the following conditions:

Prior special permits for this property is as follows: Council Order #129-14(1) to increase the nonconforming Floor Area Ratio from .36 to .37.

This special permit supersedes all prior special permits and consolidates and incorporates herein those conditions and provisions from such prior special permits that remain applicable, are still in full force and effect, and are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit are null and void.

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. Proposed Conditions Site Plan at 96 Lenox Street, signed and stamped by Verne T Porter, Professional Land Surveyor, sated March 16, 2020, most recently revised November 2,2020
 - b. Architectural Plans, "Shinewald, Jeremy -Joe Walsh, 96 Lenox Street", prepared by Rockwood Design, Inc., unsigned and unstamped, dated February 13, 2020 consisting of eleven (11) sheets:
 - i. Locus Map/Title Page
 - ii. Front Elevation, A2

- iii. Rear Elevation, A2.2
 - iv. Left Elevation, A2.3
 - v. Proposed First Floor Plan, A3.1
 - vi. Proposed Second Floor Plan, A4.1
 - vii. Proposed Roof Plan, A6.1
 - viii. Building Section A-A, A8
 - ix. Proposed Foundation Plan, S1.1
 - x. First Floor Framing Plan, S3
 - xi. Second Floor Framing Plan, S4
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
 3. 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 council 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 council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.