



#334-21

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 12, 2021
Land Use Action Date: December 28, 2021
City Council Action Date: January 3, 2021
90-Day Expiration Date: January 10, 2021

DATE: October 8, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #334-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the allowable FAR by constructing a new, one-story single-car garage with a dormer in excess of 50% of the exterior wall below at 52 Ashton Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 24 Lot 07, containing approximately 8,768 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



52 Ashton Ave

EXECUTIVE SUMMARY

The property located at 52 Ashton Ave contains an 8,768 square foot lot in the Single Residence 2 (“SR-2”) zone in Newton Centre. The lot is improved with a single-family residence constructed in 1921. The petitioners are seeking to construct a new detached garage. The proposed garage increases the nonconforming floor area ratio (the “FAR”) and the dormer to the front of the garage is greater than 50% of the wall below, requiring a special permit.

The proposed garage is minimally expanding the footprint of a previous garage. Due to this, the Planning Department is unconcerned with the proposed garage which increases the nonconforming FAR and proposed dormer greater than 50% of the wall below.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed garage and oversized dormer. (§7.3.3.C.1)
- The proposed garage and the oversized dormer will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed garage and the oversized dormer will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in the nonconforming FAR from .54 to .56 where .40 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. (§3.1.9, and §7.8.2.C.2)
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.9, and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

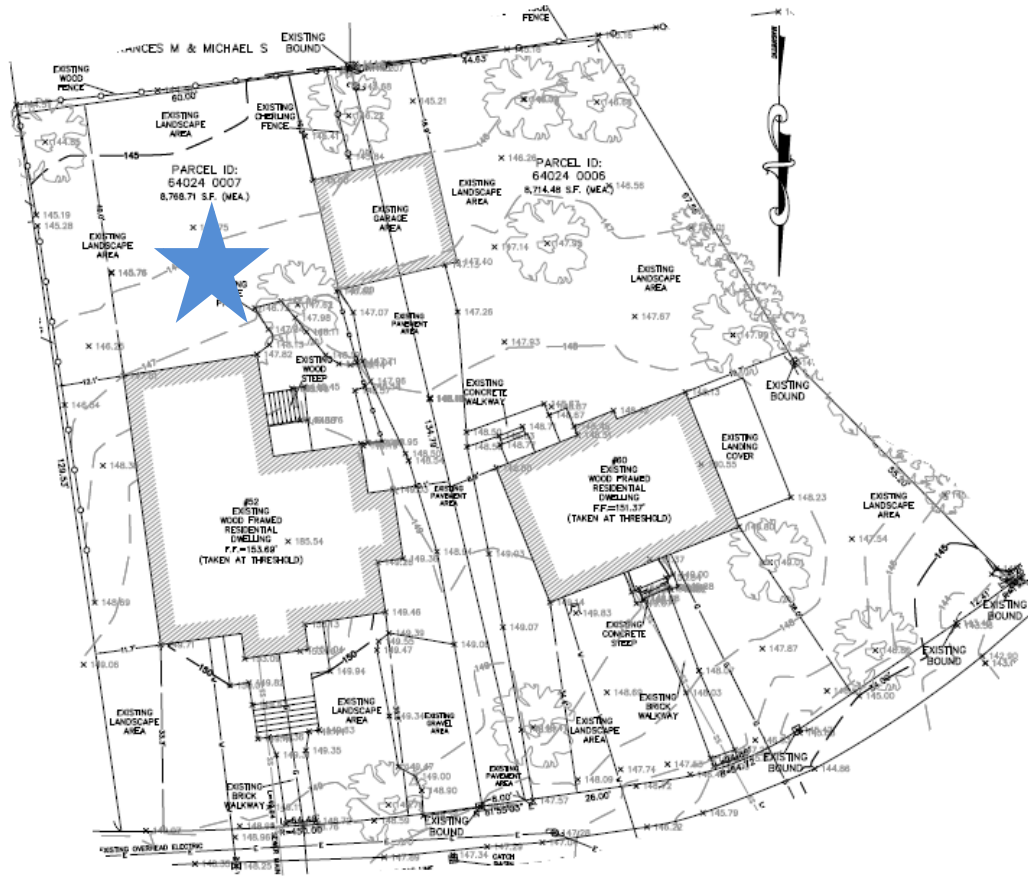
A. Neighborhood and Zoning

The subject property is located on Ashton Avenue between Homer Street and Commonwealth Avenue in the SR-2 zone in Newton Centre. The surrounding neighborhoods are entirely within the SR-2 zone and consist of single-family residential uses (**Attachments A & B**).

B. Site

The site consists of 8,768 square feet of land and is improved with a single-family

residence constructed in 1921. The property previously included a detached garage which straddled the property line with 60 Ashton Ave, providing one bay for each property. Demolition permits were issued on September 28, 2021 to 52 and 60 Ashton Avenue for the shared garage. Access to the site is provided by the driveway from Ashton Ave which runs along the western property line. The site is relatively flat.



Ashton Avenue

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain single-family.

B. Site and Building Design

The petitioners are seeking construct a 320 square foot detached garage. Due to the existing site design and driveway location, the petitioner is proposing to construct the

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further exceed nonconforming FAR	S.P. per §7.3.3
§1.5.4.G.2.b	To allow an oversized dormer	S.P. per §7.3.3

B. Engineering Review

This petition does not meet the minimum threshold for Engineering Review.

C. Historic Preservation Review

On June 22, 2021, the garage was determined to be not historically significant, and no further staff review is required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Council Order

ATTACHMENT B


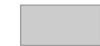
Land Use

52 Ashton Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Vacant Land

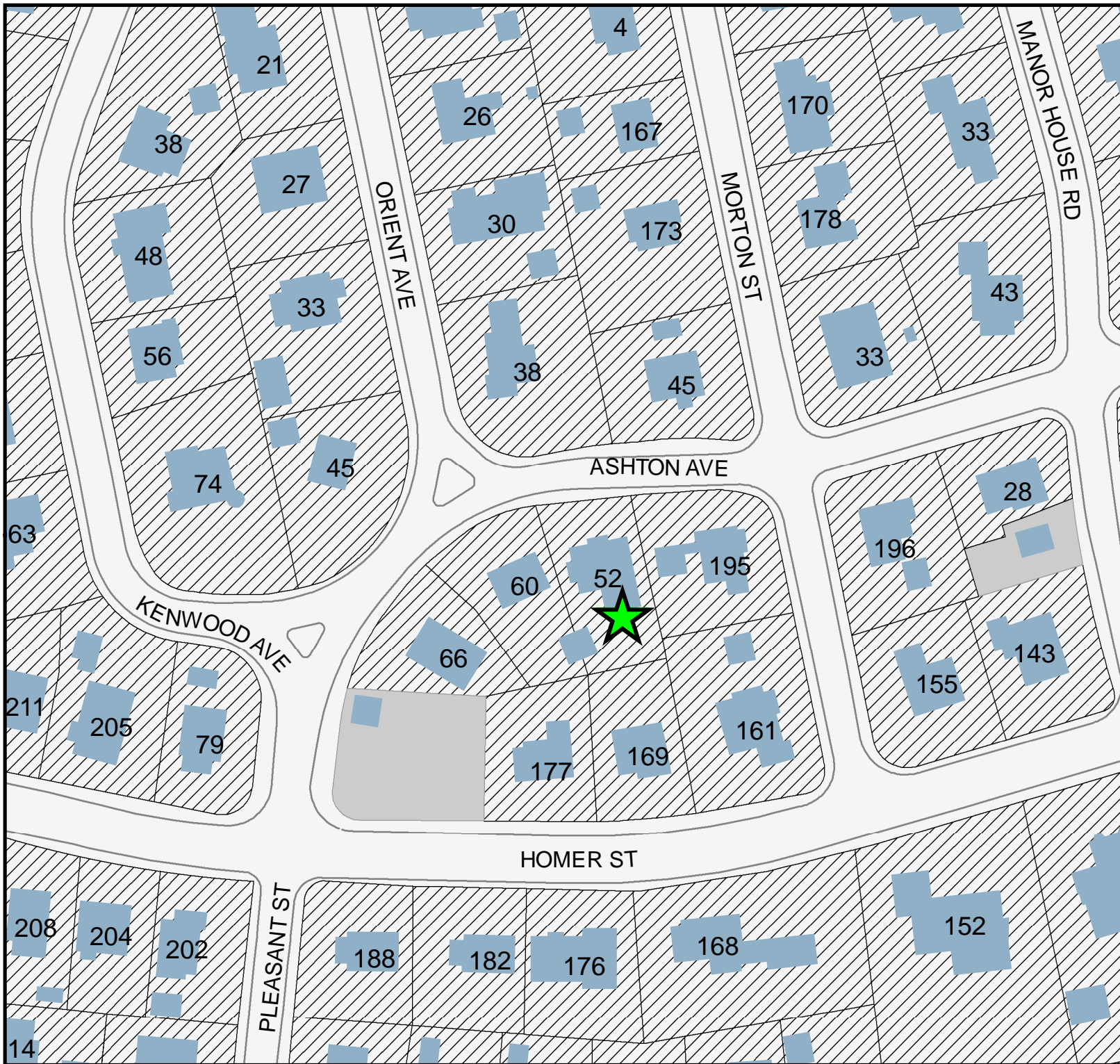


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: October 06, 2021





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Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 2, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: George Yong and Joia Ramchandani, Applicants
Henry Finch, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to further exceed nonconforming FAR and to allow an oversized dormer

Applicant: George Yong & Joia Ramchandani	
Site: 52 Ashton Avenue	SBL: 64024 0007
Zoning: SR2	Lot Area: 8,768 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 52 Ashton Avenue consists of an 8,768 square foot lot improved with a single-family residence constructed circa 1898 and detached garage sharing a wall with the abutting property constructed in 1921. The petitioners intend to raze the garage and construct a new garage on the subject property.

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

- Zoning Review Application, prepared by Henry Finch, architect, dated 5/14/2021
- Existing Plan of Land, prepared by Spruhan Engineering, surveyor, dated 8/25/2020
- FAR worksheet, prepared by Henry Finch, architect, submitted 5/14/2021
- Architectural Plans and Elevations, prepared by Henry Finch, architect, dated 5/14/2021

ADMINISTRATIVE DETERMINATIONS:

1. There is an existing detached garage structure accommodating two cars which straddles the property line shared with 60 Ashton Avenue. The existing garage will be razed and the petitioners intend to construct a one-story oversized single-car garage entirely on their property. The existing nonconforming FAR is .54, where .40 is the maximum allowed per section 3.1.9. The proposed garage further increases the nonconforming FAR to .56, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.
2. The petitioners propose a 9-foot-wide decorative gable dormer at the front of the 16-foot-wide garage. Per section 1.5.4.G.2.b, a dormer may be no wider than 50% of the exterior wall below. A special permit is required for the proposed dormer.
3. The existing garage straddles the lot line, resulting in a 0.0-foot side setback where 5 feet is required per section 3.4.3.A.1. The proposed garage decreases the nonconformity with a 0.5-foot setback, requiring no relief.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,768 square feet	No change
Frontage	70 feet	72.4 feet	No change
Setbacks - Principal			
• Front	25 feet	30.4 feet	No change
• Side	7.5 feet	11.7 feet	No change
• Side	7.5 feet	10.1 feet	No change
• Rear	25 feet	35.6 feet	No change
Setbacks - Accessory			
• Front	25 feet	94 feet	No change
• Side	5 feet	±40 feet	±40 feet
• Side	5 feet	0 feet	0.5 feet
• Rear	5 feet	18.4 feet	No change
Height - Accessory	22 feet	NA	12.2 feet
Stories - Accessory	1.5	1	No change
FAR	.40	.54	.56
Max Lot Coverage	30%	NA	24%
Min. Open Space	50%	NA	56.2%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further exceed nonconforming FAR	S.P. per §7.3.3
§1.5.4.G.2.b	To allow an oversized dormer	S.P. per §7.3.3

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 construct a detached garage with an oversized dormer, and which increases the nonconforming FAR from .54 to .56, where .40 is the maximum allowed as of right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed garage and oversized dormer because it is replacing an existing garage in the same location. (§7.3.3.C.1)
2. The proposed garage and the oversized dormer will not adversely affect the neighborhood because it is located at the rear of the site. (§7.3.3.C.2)
3. The proposed garage and the oversized dormer will not create a nuisance or serious hazard to vehicles or pedestrians because the garage is maintaining the existing driveway location. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed increase in the nonconforming FAR from .54 to .56 where .40 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 there are similar one-story garages in the neighborhood. (§3.1.9, and §7.8.2.C.2);
6. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because there are similar one-story garages in the neighborhood. (§3.1.9, and §7.8.2.C.2)

PETITION NUMBER: #334-21

PETITIONER: Churchill George Yong & Joia Ramchandani

LOCATION: 52 Ashton Avenue, on land known as Section 64, Block 24, Lot 7, containing approximately 8,768 square feet of land

OWNER: Churchill George Yong & Joia Ramchandani

ADDRESS OF OWNER: 52 Ashton Avenue
Newton, MA 02459

TO BE USED FOR: Detached Garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To construct a detached garage which increases the nonconforming floor area ratio (§3.1.3, §3.1.9 and §7.8.2.C.2), and to allow a dormer in excess of 50% of the wall below (§1.5.4.G.2.b and §7.3.3)

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. Site Plan showing proposed conditions at 52 Ashton Avenue, signed and stamped by Christopher C. Charlton, Professional Land Surveyor, and Edmond T. Spruhan, dated March 23, 2021
 - b. Architectural Plans, "Ramchandani Residence", prepared by Henry J. Finch, signed and stamped by Henry J. Finch, Registered Architect, dated May 1, 2021 consisting of five (5) sheets:
 - i. Deck Plan, A1-1 decks
 - ii. Proposed First Floor Garage Plan, A1-1 garage
 - iii. Proposed Exterior Elevations, A2-1 garage
 - iv. Proposed Building Sections, A3-1 garage
 - v. Partial Site Plan, L1
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. 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.