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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: June 23, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David and Suzanne Wakefield, Applicants  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to amend Variances #87291 (1945) and #9-11 (2011) and to allow a garage accommodating more than three vehicles and with a ground floor area exceeding 700 square feet, to extend a nonconforming side setback and to allow a system of retaining walls exceeding four feet within the front setback**

Applicant: David and Suzanne Wakefield	
Site: 229 Bellevue Street	SBL: 12017 0029
Zoning: MR1	Lot Area: 9,700 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 229 Bellevue Street consists of a 9,700 square foot lot improved with a single-family residence constructed in 1890 and a detached garage. A variance was granted in 1945 allowing for a front setback of two feet for the garage. A second variance from the rear setback for the principal dwelling was granted in 2011. The petitioners intend to raze the existing detached garage and construct a new garage with accommodation for four vehicles, requiring amendments to the existing variances and a special permit.

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

- Zoning Review Application, prepared by David Wakefield, applicant, dated 3/24/2021
- Proposed Site Plan, prepared by Everett M. Brooks, surveyor, dated 1/28/2021
- Architectural Plans and Elevations, submitted 3/24/2021

**ADMINISTRATIVE DETERMINATIONS:**

1. The property was granted a variance in 1945 from the front setback requirement to allow a garage within 2 feet of the front lot line. The petitioners seek to amend the Variance #87291, and to the extent necessary Variance #9-11, to allow for the garage to be razed and reconstructed with a 3.6-foot front setback where 25 feet is required per section 3.4.3.A.1.
2. The existing one-story garage has a side setback of 4.3 feet where 5 feet is required per section 3.4.3.A.1. The proposed garage maintains the existing nonconforming side setback and extends it vertically to accommodate a half story. To vertically extend the nonconforming side setback requires a special permit per sections 3.4.3.A.1 and 7.8.2.C.2.
3. The petitioners intend to raze the existing detached two-car garage and construct an enlarged garage built into the slope. The ground level of the proposed garage is 1,250 square feet, exceeding the 700 square foot by right maximum prescribed in sections 3.4.3.A.4 and 3.4.4.E. Per section 3.4.4.H, a special permit is required to allow a detached garage structure with a ground floor area of 1,250 square feet.
4. Section 3.4.4.E requires that a garage may provide for no more than three vehicles unless by special permit. The petitioners propose a garage that accommodates four vehicles, requiring a special permit per section 3.4.4.H.
5. The petitioner proposes to relocate stairs and retaining walls within the front setback of 25 feet per section 3.2.3. The system of walls results in an overall height of 5.4 feet. Per section 5.4.2, retaining walls exceeding four feet in height within a setback require a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	<b>3,906 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>51 feet</b>	<b>No change</b>
Setbacks – Principal			
• Front	25 feet		No change
• Side	7.5 feet		No change
• Side	7.5 feet		No change
• Rear	15 feet		No change
Setbacks – Accessory			
• Front	2 feet*	2 feet	3.6 feet
• Side	5 feet	<b>4.3 feet</b>	<b>No change</b>
• Side	5 feet	>50 feet	>50 feet
• Rear	5 feet	>50 feet	>50 feet
Height – Accessory	22 feet	NA	20.5 feet
Stories – Accessory	1.5	1	1.5
Max Lot Coverage	30%	23.1%	27.2%
Min. Open Space	50%	76%	66%

\*Per Variance #87291

1. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend variances #87291 and #9-11	
§3.4.3.A.1 §7.8.2.C.2	Request to vertically extend a nonconforming side setback	S.P. per §7.3.3
§3.4.3.A.4 §3.4.4.E §3.4.4.H	Request to allow an accessory building with a ground floor area greater than 700 square feet	S.P. per §7.3.3
§3.4.4.E §3.4.4.H	Request to allow a garage with provision for more than three vehicles	S.P. per §7.3.3
§5.4.2	Request to allow a system of retaining walls exceeding four feet in height	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? **Y/N**