

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 additions to the dwelling and enclose the front porch, increasing the nonconforming FAR from .51 to .57, where .48 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 proposed increase in the nonconforming FAR from .51 to .57, where .48 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 the additional floor area is within the footprint of the dwelling. (§3.1.3; §3.1.9; §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions are within the footprint of the dwelling. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #378-22

PETITIONER: Jules and Daniel Myung

LOCATION: 17 Jerome Avenue, on land known as Section 34, Block 39, Lot 13, containing approximately 2,640 square feet of land

OWNER: Jules and Daniel Myung

ADDRESS OF OWNER: 17 Jerome Avenue,
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit pursuant to §3.1.3, §3.1.9, and §7.8.2.C.2 to increase the nonconforming FAR

ZONING: Single Residence 3

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. Plot Plan at 17 Jerome Avenue (West) Newton, Mass., signed and stamped by David J DeBay, Professional Land Surveyor, dated October 6, 2021
 - b. Architectural Plans and Elevations, "Ingerman/Baykal Residence" prepared by Rebel Builders, unsigned and unstamped, dated February 22, 2022 consisting of the following sheet:
 - i. Proposed Exterior Elevations, A200
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.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this 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 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.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.