



Ruthanne Fuller  
Mayor

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

**414-22**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: July 18, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Andrea Roman, Applicant  
Richard Levey, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: **Request to further extend nonconforming FAR and to further extend nonconforming side setback and accessory building separation**

Applicant: Andrea Roman	
Site: 35 Bracebridge Road	SBL: 64016 0016
Zoning: SR2	Lot Area: 11,425 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 35 Bracebridge Road consists of an 11,425 square foot lot improved with a single-family dwelling constructed circa 1898 and a detached garage structure. The petitioners propose to raze the existing detached garage and construct a new larger detached garage, as well as replace a rear deck. The proposed construction will further extend the already nonconforming FAR and will further reduce the nonconforming side setback and separation of the detached structure, requiring a special permit.

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

- Zoning Review Application, prepared by Richard Levey, submitted 5/2/2022
- Existing Conditions Plan of Land, signed and stamped by Dennis B. O'Brien, surveyor, dated 5/02/2022, revised 7/15/2022
- Proposed Conditions Plan, signed and stamped by Dennis B. O'Brien, surveyor, dated 3/23/2022, revised 4/29/2022, 7/15/2022
- Plans and elevations, prepared by Richard Levey, architect, dated submitted 4/13/2022
- FAR worksheet, signed and stamped by Richard B. Levey, architect, dated submitted 5/2/2022

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners propose to raze an existing detached garage and construct a new larger detached garage in the same location with a roof deck. The existing garage has a nonconforming side setback of 1.7 feet, where 5 feet is required per section 3.4.3.A.1. The proposed construction extends and further reduces the side setback to 0.8 feet, requiring a special permit per section 7.8.2.C.2.
2. The parcel has an existing nonconforming FAR of .42 where .37 is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed construction adds 222 square feet to the detached garage, further increasing the FAR to .44, requiring a special permit per section 7.8.2.C.2.
3. Per section 3.4.3.A.2, no portion of any accessory building shall be less than five feet from on any principal building on the subject lot. The existing detached garage is 4.7 feet from the principal dwelling. The proposed construction further reduces the separation to 3.84 feet, requiring a special permit per section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,425 square feet	No change
Frontage	80 feet	85 feet	No change
Setbacks - Principal			
• Front	25 feet	25 feet	No change
• Side	7.5 feet	28.4 feet	No change
• Side	7.5 feet	26.3 feet	No change
• Rear	15 feet	<b>10.2 feet</b>	15.7 feet
Setbacks – Accessory			
• Front	25 feet	47.8 feet	No change
• Side	5 feet	<b>1.7 feet</b>	<b>0.8 feet*</b>
• Rear	5 feet	30.8 feet	20.8 feet
Max Number of Stories (accessory)	1.5	1	No change
Max Height (accessory)	18 feet	NA	6.8 feet (10.2 ft to parapet)
FAR	.37	<b>.42</b>	<b>.44*</b>
Max Lot Coverage	30%	20.8%	22.8%
Min. Open Space	50%	68.5%	66.5%

\*Requires relief

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	To further extend nonconforming FAR	S.P. per §7.3.3
§3.4.3.A.1 §7.8.2.C.2	To further reduce and extend a nonconforming side setback for an accessory structure	S.P. per §7.3.3
§3.4.3.A.2 §7.8.2.C.2	To further reduce nonconforming separation between the accessory and principal buildings	S.P. per §7.3.3