

City of Newton Planning and Development

Petition: #414-22

Special Permit/Site Plan Approval to raze and construct a new detached garage as well as replace the rear deck further extending nonconforming FAR, further reducing and extending a nonconforming a side setback for an accessory structure and further reducing nonconforming separation between the accessory and principal buildings

September 13, 2022



35 Bracebridge Road

Zoning Relief

Zoning Relief Required

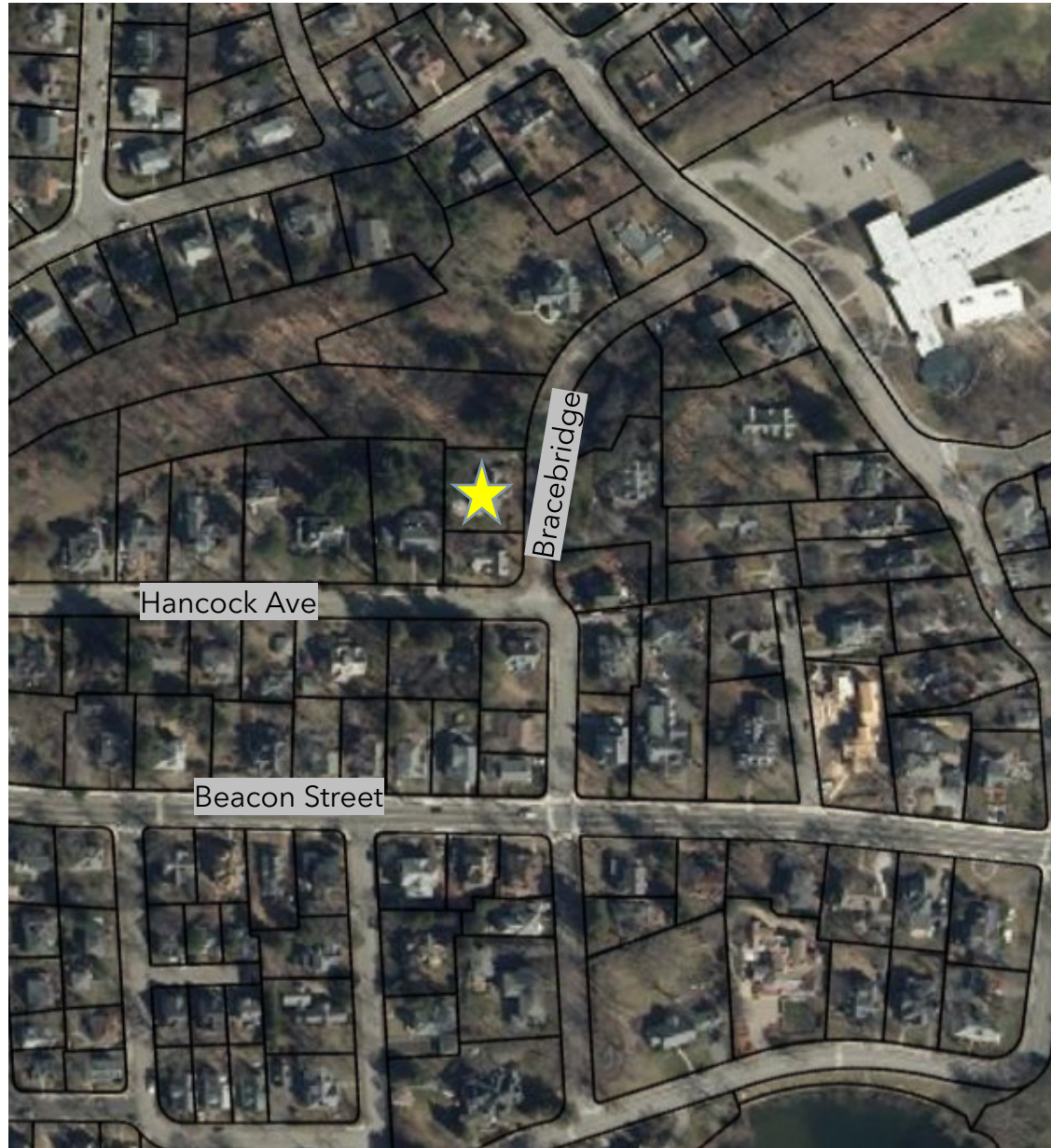
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	To further extend nonconforming FAR	S.P. per §7.3.3
§3.4.3.A.1 §7.8.2.C.2	To further reduce and extend a nonconforming side setback for an accessory structure	S.P. per §7.3.3
§3.4.3.A.2 §7.8.2.C.2	To further reduce nonconforming separation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

Criteria to Consider

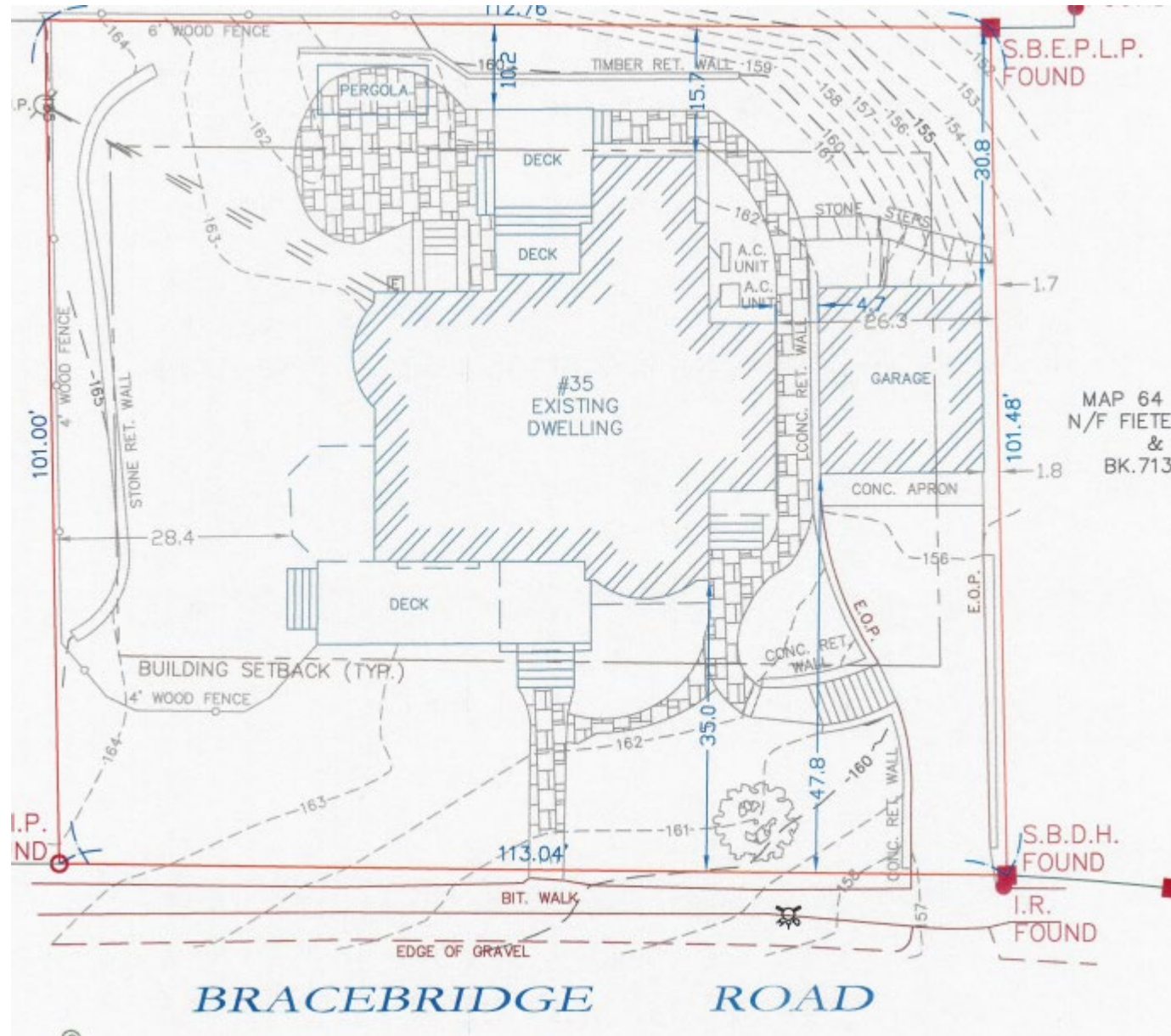
When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed detached accessory structure as designed. (§7.3.3.C.1)
- The proposed detached accessory structure will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no 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 .42 to .44, where .37 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. (§3.1.3 §3.1.9 §7.8.2.C.2)
- The proposed extension of the nonconforming side setback is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§7.8.2.C.2)
- The proposed extension of the nonconforming distance between the accessory and principal structures 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. (§3.1.3 §3.1.9 §7.8.2.C.2)

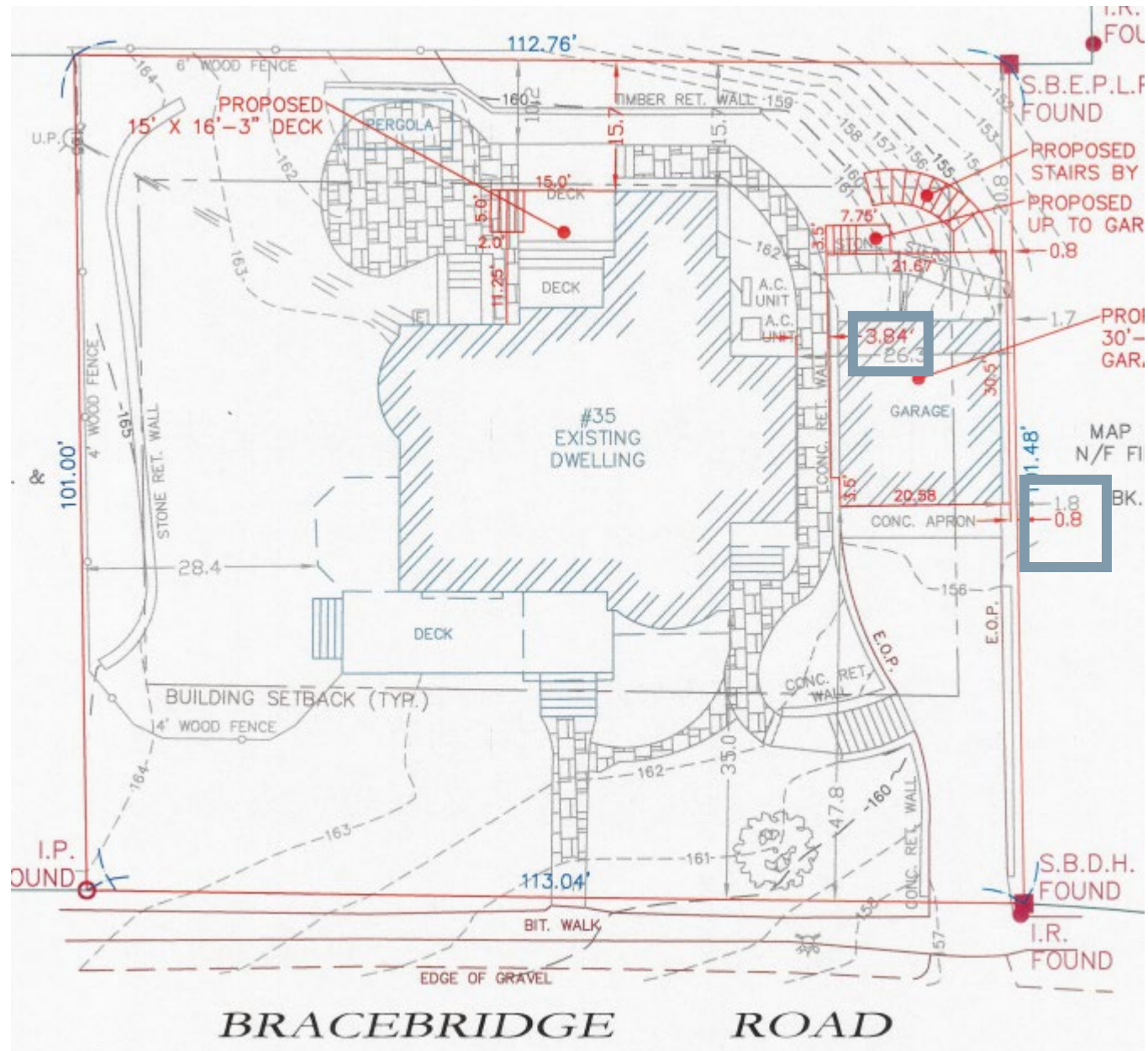
Aerial Map



Existing Conditions

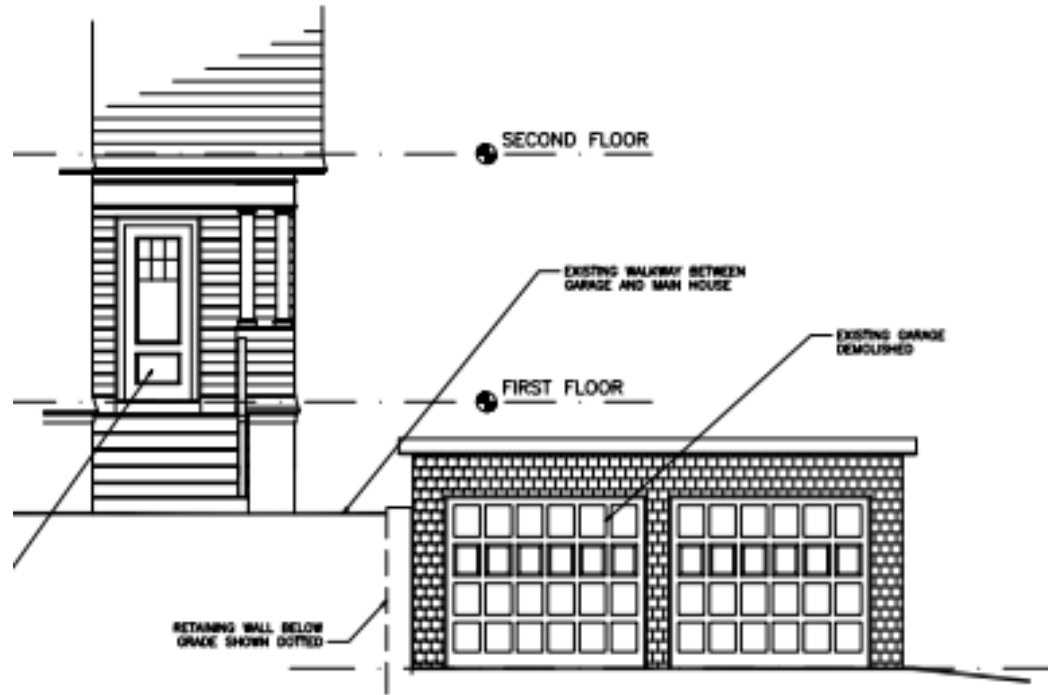


Proposed Site Plan



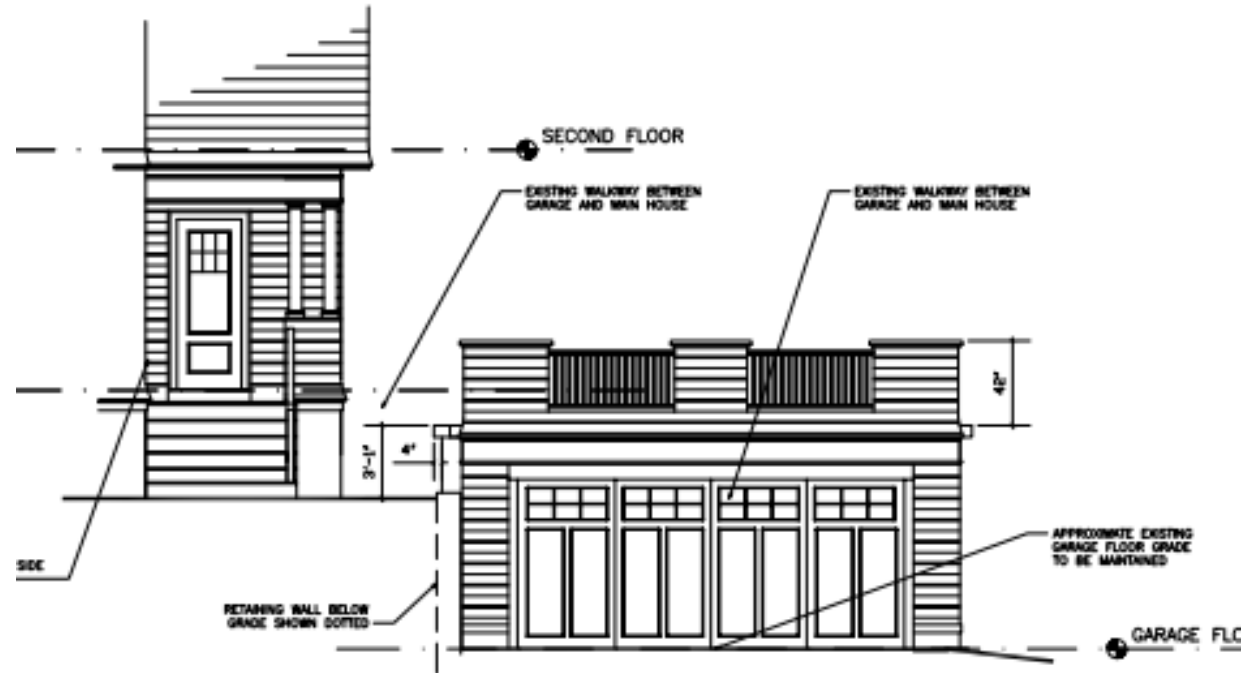
Elevations

Existing



4 EXISTING GARAGE FRONT ELEVATION
1/4" = 1'-0"

Proposed



4 GARAGE FRONT ELEVATION
1/4" = 1'-0"

Findings

1. The site is an appropriate location for the proposed detached accessory structure as designed because **it replaces an existing accessory structure in the same location.** (§7.3.3.C.1)
2. The proposed detached accessory structure will not adversely affect the neighborhood because **it maintains the same location as the existing accessory structure.** (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians **because the accessory structure maintains the same driveway access from Bracebridge Road.** (§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 .42 to .44, where .37 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 FAR is divided between two structures.** (§3.1.3 §3.1.9 §7.8.2.C.2)
6. The proposed extension of the nonconforming side setback is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood **because it is replacing a garage with an existing nonconforming side setback.** (§7.8.2.C.2)
7. The proposed extension of the nonconforming distance between the accessory and principal structures 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 it reflects an existing nonconformity.** (§3.1.3 §3.1.9 §7.8.2.C.2)

Conditions

1. Plan Referencing
2. Standard Building Permit Condition
3. No building permit, including foundation permit, shall be issued without approval from the Newton Historical Commission.
4. Standard Occupancy Condition