

# City of Newton Planning and Development

## **Petition #91-23**

Special Permit/Site Plan Approval to amend Special Permit #178-15 to allow for construction of two Nantucket style dormers

***April 4, 2023***



**12 Lake Terrace**

# Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #178-15	S. P. per §7.3.3
§3.1.3 §3.1.9 §7.8.2C.2	Request to further exceed nonconforming FAR	S. P. per §7.3.3

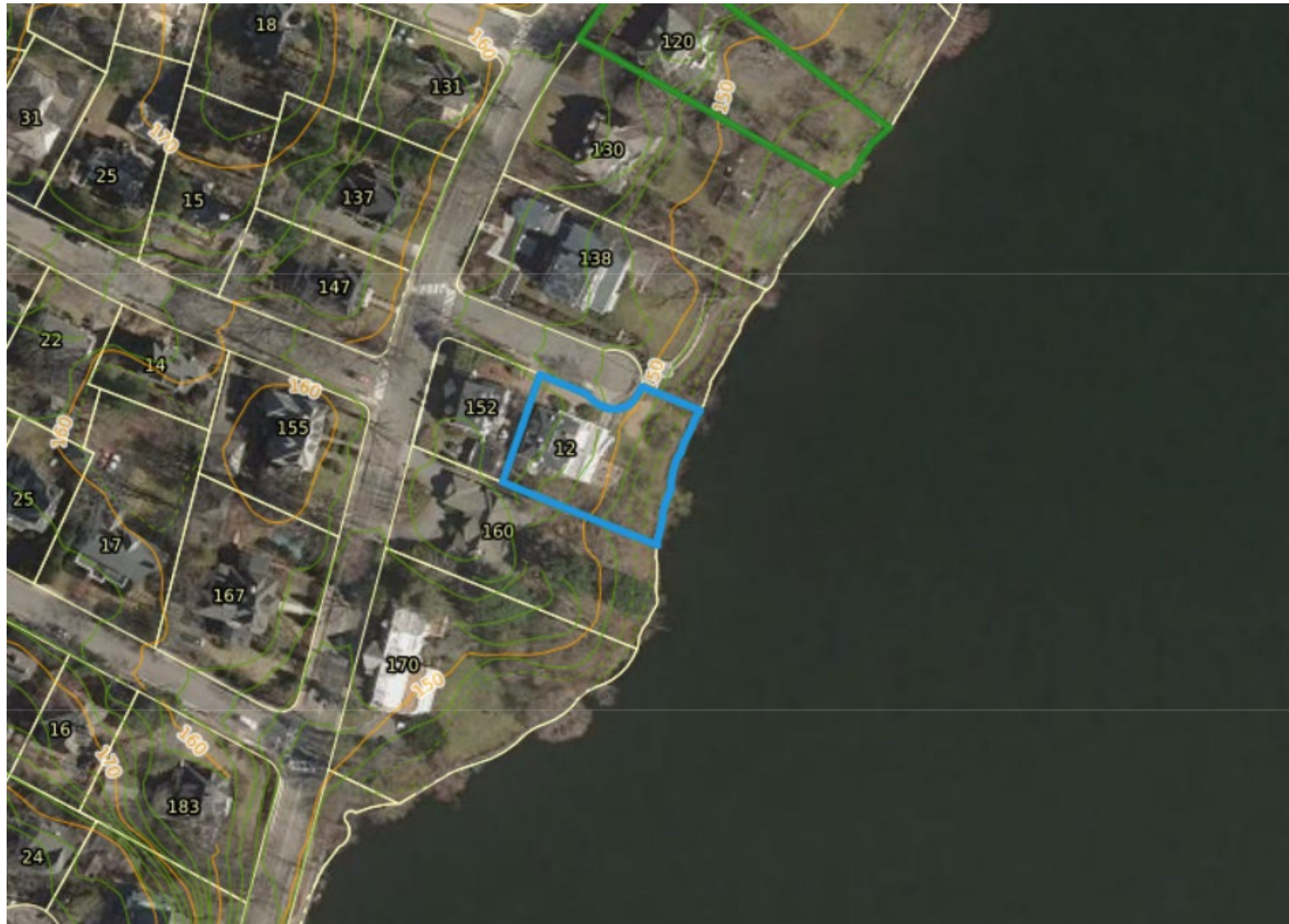
- FAR sought and granted by 2015 SP was miscalculated as 0.46 (5,582 SF), rather than actual, and currently existing, 0.49 (5,589 SF) which exceeds maximum 0.33 (3,782 SF) allowed by right and 0.46 (5,272 SF) allowed by 2015 SP
- Proposed dormers would add 74 SF (FAR would remain at 0.49)

# Criteria to Consider

When reviewing this request, the Council should consider whether:

- the proposed expanded structure with a floor area ratio (FAR) of 0.49 is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9)
- the proposed expanded structure with a floor area ratio (FAR) of 0.49 shall not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2)
- the specific site is an appropriate location for the proposed single family home expanded with two dormers and a floor area ratio of 0.49 (§7.3.3.C.1)
- the proposed single family home expanded with two dormers and a floor area ratio of 0.49 as developed and operated 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)

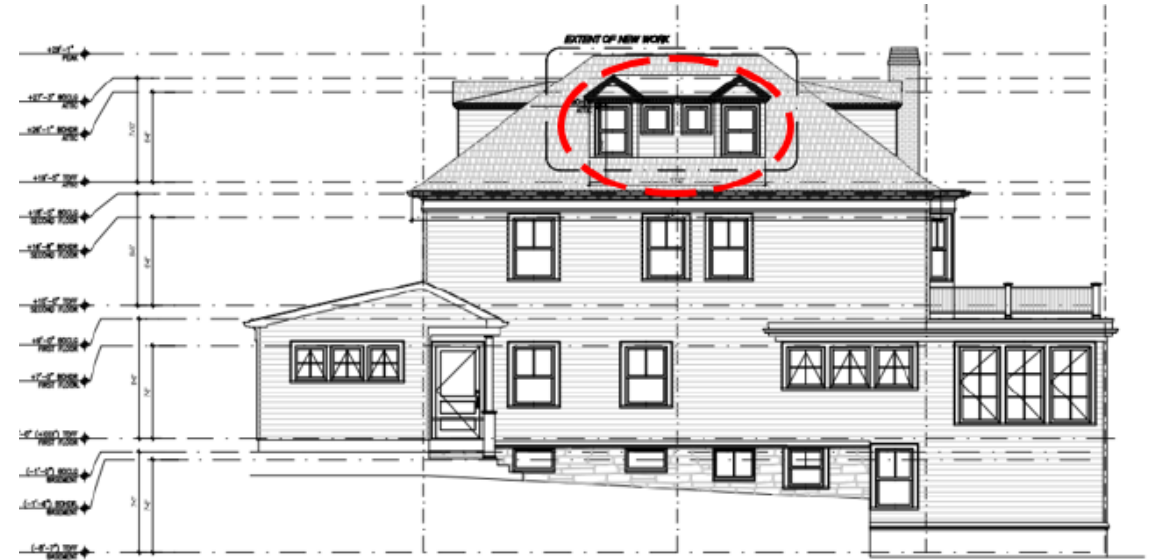
# Aerial Map







# Elevations- existing & proposed: rear and east side



# Photos



# Findings

- The proposed expanded structure with a floor area ratio of 0.49 where 0.34 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 as there are similarly scaled and designed dwellings throughout the neighborhood (§3.1.9)
- The proposed expanded structure with an increased floor area ratio of 0.49 where 0.34 is the maximum allowed by-right shall not be substantially more detrimental than the existing nonconforming structure use to the neighborhood as there are similarly scaled and designed dwellings throughout the neighborhood and the dwelling has limited visibility from nearby properties and public rights of way (§7.8.2.C.2)
- The specific site is an appropriate location for the proposed structure with an increased floor area ratio of 0.49 where 0.34 is the maximum allowed by-right as it has limited visibility from nearby properties and public rights of way (§7.3.3.C.1)
- The proposed structure with an increased floor area ratio of 0.49 where 0.34 is the maximum allowed by-right as developed and operated 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)



# Conditions

- + Amend SP#178-15
- + Plan Referencing Condition
- + Standard Building Permit Condition
- + Standard Final Inspection/Certificate of Occupancy Condition