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James Freas
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ZONING REVIEW MEMORANDUM

Date: November 19, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Harriet Christina Chu, Architect
Laura Kay and Robert Hughes, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to exceed maximum allowable FAR and to extend a nonconforming structure

Applicant: Laura Kay & Robert Hughes	
Site: 17 Cushing St	SBL: 52027 0010
Zoning: SR-2	Lot Area: 8,640 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 17 Cushing Street consists of an 8,640 square foot lot improved with a single-family residence constructed in 1893, and a detached garage constructed in 1917. The dwelling consists of two and one half stories. The applicant proposes to construct a two-story addition to the rear of the house, as well as to demolish the existing detached garage and to build a new two-stall detached garage with storage above. The additional space will exceed the maximum FAR allowed by the Ordinance, requiring a special permit. A front porch addition is proposed, which will further encroach into the nonconforming front setback, also requiring a special permit.

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

- Zoning Review Application, prepared by Denise and Peter Staubach, applicants, submitted 5/15/2014
- FAR calculations, prepared by Malcolm Mackenzie, architect, dated 5/2/2014
- Newton Historical Commission decision, dated 1/28/2014
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 5/12/2014
- Proposed Site Plan, undated
- Architectural Plans, prepared by Malcolm Mackenzie, architect, dated 4/25/2014

ADMINISTRATIVE DETERMINATIONS:

1. The applicant’s proposed two-story addition and two-car detached garage structure increases the FAR from .31 to .57, which exceeds the maximum of .40 allowed by the Ordinance per section 30-15, Table A. A special permit is required to construct the project as proposed.
2. The structure has a pre-existing nonconforming front setback of 16.2 feet, where 25 feet is required for the district per Section 30-15, table 1. The applicant proposes to make an addition to the front porch, which will create a new front setback of 13.4 feet. To further encroach in to the front setback requires a special permit, per Section 30-21(b).
3. The applicant proposes to demolish the existing single-car detached garage and replace it with a 676 square foot detached garage in the corner of the lot. The total proposed lot coverage for the site, including the expanded detached garage is 32.1%, however, Section 30-15(i) states that the lot coverage requirements shall not apply to the construction of a private garage in connection with or accessory to a single- or two-family dwelling in existence on December 27, 1922. Removing the detached garage structure from the lot coverage figure gives the proposed project a lot coverage of 23.1%, which is below the 30% maximum.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,640 square feet	No change
Frontage	70 feet	90 feet	No change
Setbacks			
• Front	25 feet	16.2 feet	13.4 feet
• Side	7.5 feet	8 feet	7.9 feet
• Rear	15 feet	15.1 feet	No change
FAR	.40	.31	.57
Max Lot Coverage	30%	19.5%	32.1% (23.1% without the detached garage)
Min. Open Space	50%	73%	57%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, 30-15(u)(2)	Exceed maximum Floor Area Ratio (FAR)	S.P. per §30-24
§30-15, Table 1 §30-21(b)	Extend a nonconforming structure with respect to front setback	S.P. per §30-24