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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: June 22, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David Belcourt and Nahma Nahich, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a variances from the rear setback and lot coverage requirements, and for a special permit to further extend nonconforming FAR, side setback and open space

RECEIVED
 NEWTON CITY OFFICE
 2015 JUN 24 PM 4:25
 DAVID A. OLSON, CHRO
 NEWTON, MA 02459

Applicant: David Belcourt and Nahma Nahich	
Site: 6 Denms Place	SBL: 64003 0052
Zoning: SR2	Lot Area: 3,084 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 6 Denms Place consists of a 3,084 square foot narrow lot improved with a single-family residence built in 1890. Denms Place is a private way serving the subject property, as well as 8 Denms Place and the garage of 24 Cummings Road. A utility easement runs through the front of the property, parallel with Denms Place. The applicants wish to remove a one-story rear addition, and construct a two-story addition four feet wider than existing. Further, the applicants propose to remove an existing front landing and construct in its place a covered porch and stairs. An adjacent 5 foot by 5 foot space will be enclosed to create a bathroom. A variance for changes proposed by this application was approved in 1995, but was never exercised and lapsed.

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

- Variance Application, prepared by David Belcourt, applicant, dated 3/12/2015
- Plot Plan, signed and stamped by Stephen P. Desroche, surveyor, dated 3/17/2015
- FAR worksheet, submitted 3/17/2015
- Architectural plans, prepared by Architectural Design Group, undated
 - Proposed exterior elevations
 - Proposed floor plans

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-15, Table 1 requires a rear setback of 15 feet in the Single Residence 2 district. The existing dwelling meets the rear setback requirement. The applicants propose to remove the existing single-story rear addition, and rebuild it with two stories extending it to a setback of 11.3 feet, encroaching 3.7 feet into the rear setback. A variance is required for a rear setback of 11.3 feet.
2. There is an existing side setback of 2.6 feet on the eastern side lot line, where 7.5 feet is required per Section 30-15, Table 1. The applicants propose to make a two-story rear addition which will create a side setback of 2.5 feet, which further increases the nonconforming setback. A special permit per Section 30-21(b) is required to further extend the nonconforming side setback.
3. The property has an existing lot coverage of 28.3%, where the maximum allowed per Section 30-15, Table 1 is 30%. The proposed additions to the property create a lot coverage of 33.3%, which exceeds the maximum allowed by 3.3%, or approximately 100 square feet. To exceed maximum lot coverage requires a variance.
4. The existing open space is 25.7% of the property, where the minimum required by Section 30-15, Table 1 is 50%. The proposed additions will further reduce the nonconforming open space to 24.5%, which requires a special permit per Section 30-21(b) to further extend the nonconforming open space.
5. The property has a nonconforming FAR of .47, where .46 is the maximum allowed per Section 30-15(u). The proposed additions create an FAR of .59, further increasing the nonconforming FAR. A special permit is required to increase the nonconforming FAR per Sections 30-15(u)(2) and 30-21(b).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	3,084 square feet	No change
Frontage	80 feet	42.5 feet	No change
Setbacks			
• Front	25 feet	29.2 feet	27.2 feet
• Side	7.5 feet	2.6 feet	2.5 feet
• Rear	15 feet	15 feet	11.3 feet
Max Lot Coverage	30%	28.3%	33.3%
Min Open Space	50%	25.7%	24.5%
FAR	.46	.47	.59

Zoning Relief Required

<i>Ordinance</i>		<i>Action Required</i>
§30-15, Table 1	To encroach into rear setback	Variance
§30-15, Table 1 §30-21(b)	To further decrease a nonconforming side setback	S.P. per §30-24
§30-15, Table 1	To exceed lot coverage	Variance
§30-15, Table 1, §30-21(b)	To further decrease minimum open space	S.P. per §30-24
§30-15(u)(2), §30-21(b)	To further increase nonconforming FAR	S.P. per §30-24