

CITY OF NEWTON
IN CITY COUNCIL

January 17, 2017

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase a nonconforming front setback from 6.4 feet to 6.1 feet, where 9.5 feet is required, to further extend a nonconforming two-family residential use, and to extend a nonconforming structure with 2.5 stories, where 2 is the maximum allowed, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The extension of a nonconforming structure which decreases the front setback is not substantially more detrimental than the existing structure is to the neighborhood because the addition will be constructed essentially on the same footprint as the porch which has existed for many years (§4.1.3 and §7.8.2.C.2).
2. The proposed addition, which increases the residential nature of the legal nonconforming two-family use in a business zone, is not substantially more detrimental than the existing use is to the neighborhood because the addition will only add 140 square feet to the structure and the lot is surrounded by residential structures (§4.1.2.B.3 and §7.8.2.C.2).
3. The proposed addition, which extends the nonconformity of the structure with regards to the number of stories, is not substantially more detrimental than the existing structure is to the neighborhood because the increase of the additional half-story will not be used as habitable space (§4.4, §6.2.2 and §7.8.2.C.2).

PETITION NUMBER: #340-16

PETITIONER: Sean Eliseev

LOCATION: 15 Cottage Court, on land known as Section 14, Block 14,
Lot 31, containing approximately 6,000 square feet of land

OWNER: Sean Eliseev

ADDRESS OF OWNER: 15 Cottage Court, Unit 1
Newton, MA 02458

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §4.1.3 and §7.8.2.C.2 to further increase a nonconforming front setback, §4.1.2.B.3 and §7.8.2.C.2 to increase the nonconformity of a structure with regard to number of stories, and §4.4, §6.2.2, and §7.8.2.C.2 to extend the nonconforming two-family use

ZONING: Business 2 district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Site Plan, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated 6/29/2016
 - b. 15 Cottage Court Addition showing Proposed Front, Right, and Roof Views, dated October 4, 2016
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect or land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

- c. Obtained a written statement from the Planning Department that confirms the project has been completed in accordance with plans approved in Condition #1.