



#17-17

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Setti D. Warren
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	March 7, 2017
Land Use Action Date:	May 9, 2017
City Council Action Date:	May 15, 2017
Expiration Date:	June 5, 2017

DATE: March 3, 2017

TO: City Council

FROM: Barney S. Heath, Director of Planning and Developm
Alexandra Ananth, Chief Planner for Current Plannin
Neil Cronin, Senior Planner

SUBJECT: **Petition #17-17**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend a nonconforming rear setback **at 14 Llewellyn Road**, Ward 3, West Newton, on land known as SBL 34, 26, 01, containing approximately 7,350 sq. ft. of land in a district zoned Singe Residence 3. Ref. §3.1.4, and §7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



14 Llewellyn Road

EXECUTIVE SUMMARY

The property at 14 Llewellyn Road consists of a 7,350 square foot corner lot in the Single Residence 3 (SR-3) zone in West Newton. The lot is improved with a Modern Traditional single-family residence circa 1926. The petitioners seek to construct a two-story rear ell addition, but the rear setback is nonconforming at 4.5 feet, where 15 feet is required. As a result, the petitioners are seeking a special permit to further extend the nonconforming rear setback to construct the addition.

The Planning Department is not concerned with the proposed addition. The addition will not encroach any farther into the setback than the existing structure while remaining compliant with all other dimensional controls of an old lot in the SR-3 zone. Moreover, the addition will improve the quality of life for the residents while preserving the historic structure.

SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed extension of the nonconforming rear setback will be substantially more detrimental than the existing nonconforming rear setback is to the neighborhood (§3.2.3 and §7.8.2.C.2).

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Llewellyn and Adena Roads, in the SR-3 zone in West Newton. The neighborhood is thickly settled with single-family structures as well as nonconforming two-family uses. In addition, the Fessenden School is located to the east which is an institutional use (**Attachments A & B**). Staff notes detached accessory structures are common in this neighborhood which add to the density of the area.

B. Site

The site consists of 7,350 square feet of land, and is improved with a single-family residence circa 1926. Since the lot is a corner lot, there are two front setbacks on Adena and Llewellyn Roads. Therefore, the rear yard is determined by the side opposite the front door, which is on Llewellyn Road. The site is predominantly flat with mature landscaping along the northern and eastern boundaries as well as a six foot stockade privacy fence encompassing the back yard from the garage to the northeast corner of the dwelling. At the southwest corner of the site there is an approximately 22 foot wide curb cut providing access to the 660 square foot

driveway and a two-car garage from Adena Road.

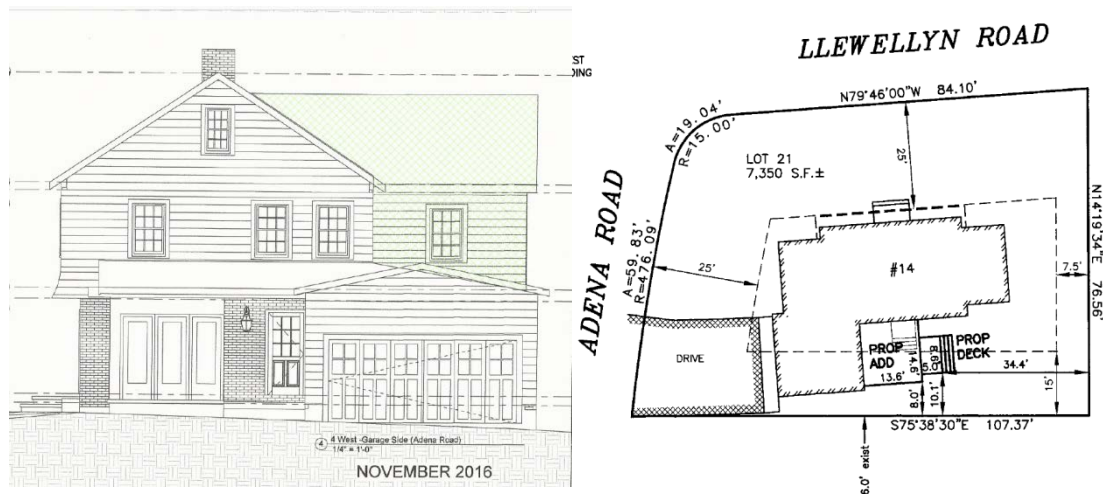
II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain a single-family residence.

B. Building and Site Design

The petitioners are proposing to construct a two-story, 438 square foot rear ell addition. As the addition is to the rear, as determined by the front door, the addition will not be seen from Llewellyn Road, but Adena Road. The Adena Road perspective (below) shows the height of the addition will be subordinate to the main structure and the second story corresponds to the Adena Road façade.



The addition will contain an enlarged kitchen on the first floor with a bedroom above. The design also incorporates a deck which will provide access from the kitchen to the yard. Staff notes the addition will create basement space, which will be used as a playroom, but will not count towards the floor area calculation. Lastly, the attic space in the addition will connect to the existing attic, but is not determined as habitable space per building code.

The site plan shows the proposed addition will increase the length of the nonconforming rear setback by 13.5 feet and be setback eight feet from the rear property line. Staff notes the setback from the southwest corner of the garage scales to 4.5 feet, but is not shown on the site plan. Instead the plan shows the south east corner of the garage is six feet from the boundary. Otherwise, the proposed structure and lot are in compliance with the dimensional controls for an old lot in the SR-3 zone.

C. Parking and Circulation

There are no proposed changes to the parking or circulation.

D. Landscape Screening

A landscape plan is not required with this petition.

III. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.1.4 and §7.8.2.C.2 of Section 30, to further extend the nonconforming rear setback.

B. Engineering Review

No engineering review is required at this time. The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this project be approved.

C. Newton Historical Commission

The petitioners are proposing to alter more than 50% of a side of a historic structure which requires review from the Senior Planner. The demolition was approved by the Senior Preservation Planner per the submitted plans on January 30, 2017.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.





ATTACHMENTS:

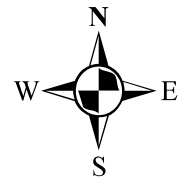
- | | |
|----------------------|--------------------------|
| Attachment A: | Zoning Map |
| Attachment B: | Land Use Map |
| Attachment C: | Zoning Review Memorandum |
| Attachment D: | DRAFT Order |

Attachment A Zoning Map Llewellyn Rd., 14

*City of Newton,
Massachusetts*

Legend

-  Single Residence 3
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100 200
Feet

Map Date: February 08, 2017











Attachment B Land Use Map Llewellyn Rd., 14

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100 200
Feet

Map Date: February 08, 2017





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 3, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Bee Howes, architect
Sinead and John Evans, applicants
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase a nonconforming rear setback

Applicant: Sinead and John Evans	
Site: 14 Llewellyn Road	SBL: 34026 0001
Zoning: SR-3	Lot Area: 7,350 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 14 Llewellyn Road consists of a 7,350 square foot lot at the corner of Llewellyn and Adena Road. The site is improved with a single-family residence constructed in 1926. The applicant proposes a two-story 438 square foot rear addition, adding a new kitchen on the first level and a second story bedroom. The structure has an existing nonconforming rear setback of 4.5 feet. The proposed addition further extends the nonconforming rear setback parallel with the rear lot line with a proposed 8 foot setback, which is less than the 15 feet required by the Ordinance, requiring a special permit.

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

- Zoning Review Application, prepared by Bee Howes, architect, submitted 11/28/2016
- FAR Worksheet, submitted 11/28/2016
- Plot Plan, signed and stamped by Bruce Bradford, surveyor, dated 11/10/2016
- Architectural Plans, prepared by Bee Howes, architect, submitted 11/28/2016

ADMINISTRATIVE DETERMINATIONS:

1. The existing structure has a nonconforming rear setback of 4.5 feet, where 15 feet is required per Section 3.1.4. The applicant is proposing a two-story rear addition of a new kitchen and bedroom above which is proposed at 8 feet from the rear lot line, further extending the nonconforming rear setback of 4.5 feet, though not increasing it. The proposed two-story addition will require a special permit per Section 7.8.2.C.2.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,350 square feet	No change
Frontage	70 feet	100 feet	No change
Setbacks			
• Front (Llewellyn)	25 feet	+25 feet	No change
• Front (Adena)	25 feet	+25 feet	No change
• Side	7.5 feet	+15 feet	No change
• Rear	15 feet	4.5 feet	No change
Building Height	36	29.6 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.47	.36	.42
Max Lot Coverage	30%	21.7%	24.1%
Min. Open Space	50%	69%	66%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.4, §7.8.2.C.2	Request to further extend nonconforming rear setback	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

March 20, 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 extend a nonconforming rear setback to eight feet, where 15 feet is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed extension of the nonconforming rear setback is not substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback than the existing structure and the property will remain compliant with all other dimensional controls of an old lot in the Single Residence 3 district (§3.1.4 and §7.8.2.C.2).

PETITION NUMBER: #17-17

PETITIONER: Sinead and John Evans

LOCATION: 14 Llewellyn Road, on land known as Section 34, Block 26,
Lot 01, containing approximately 7,350 square feet of land

OWNER: Sinead and John Evans

ADDRESS OF OWNER: 14 Llewellyn Road
Newton, MA 02465

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.4 and §7.8.2.C.2 to further extend a nonconforming rear setback

ZONING: Single Residence 3 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 November 10, 2016
 - b. Architectural Plans, entitled "The Delahunty Evans Residence at 14 Llewellyn Road, Newton, MA", signed and stamped by Bee Howes, Architect:
 - i. Sheet A0.1 Existing First Floor Plan
 - ii. Sheet A0.2 Existing Basement, Second, Attic, and Roof Plans
 - iii. Sheet A0.3 Existing Elevations
 - iv. Sheet A1.1 Proposed First Floor Plan
 - v. Sheet A1.2 Proposed Basement and Second Floor Plan
 - vi. Sheet A2.1 Proposed Elevations
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an 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.