

Memorandum

To: Large House Review Study Committee
From: Lee Newman
Date: November 30, 2015, revised December 30, 2015
Re: Alternative Zoning Approaches Recommended by the Working Group

Over the course of the summer the Working Group has been reviewing alternative zoning strategies to address the concerns the full Committee expressed following the site visits which occurred in the spring. The strategies developed seek to address the siting of the structure on the lot in terms of its setback to the property line and street and the type of projections that would be permitted into the required setback to break-up the overall massing of the structure. The Working Group also reviewed strategies to control building height by revising how building height is to be measured. The recommended dimensional and regulatory approach for each of these elements is described below.

Setback

Present Requirements

“Setback” is currently defined in the Zoning By-Law as the “Minimum horizontal distance from a street line or a lot line to any part of a building or structure, including overhang, but not uncovered steps, fences or awnings.” Presently, buildings created through “new construction” in the Single Residence B and General Residence districts are required to have a front and a rear yard setback of 20 feet. On lots which are conforming relative to area and frontage, a stepped side yard setback of 12.5 feet is required. This 12.5 foot stepped sideline setback standard works as follows: If the side of the house is placed directly along the setback line, it can extend for a distance of only 28 feet at the 12.5 foot setback line. Any additional length must be set back an additional 2 feet. So under the current zoning by-law, 28 feet of the side of the house could be located 12.5 feet from the side lot line, the remainder would have to be sited at least 14.5 feet from the side line. “New construction” on lots which are non-conforming relative to frontage and/or area are governed by a 10 foot side yard setback requirement.

Policy Objectives

Five goals were articulated by the Working Group as relates building setback:

1. Front, side and rear yard setback in the Single Residence B and General Residence districts: Measurement of the required setback for the structure should be to the foundation wall/face of framing as opposed to the roof overhang for ease of zoning code enforcement. The required setback standard for the district should be adjusted to accommodate the newly revised measurement standard.
2. Encourage the placement of decorative elements along the front, side and rear elevations of the structure by exempting out from the required setback the desired element. Allow for the placement of safety items as required by the building code such as basement exits within the noted setbacks. Adjust the required setback to accommodate these new elements.

3. Front yard setback: increase the front yard setback and include measurement standards which respect the front yard setback of existing structures found along either side of the affected lot and if required adjust the rear yard setback accordingly.
4. Front yard setback: establish a story and setback limit for front loading garages so as to reduce the massing effect of the structure at the front lot line.
5. Side yard setback: Continue requirement of a staggered side yard setback requirement to break up massing of structure and avoid long unbroken walls along a property line. Expand requirement to include all facades in excess of 32 linear feet at the side lot line irrespective of their placement.

Recommended Regulatory Approach

To accomplish the above noted goals the following approaches are recommended.

1. Redefine how “Setback” is measured in the Single Residence B and General Residence districts so as to measure setback distance from the lot line to the foundation wall/face of framing and to exempt out the below noted elements.

Setback – front, side, rear – the minimum horizontal distance from a street line or lot line, as the case may be, to any part of a building or structure excluding: (i) eaves (no gutters), cornices, belt courses, columns, chimneys, bay, box and bow windows projecting no more than 2 feet; (ii) in the side or rear, standard bulkheads up to 4 feet in height and 8 feet in length, emergency escape windows and window wells not exceeding 1 foot in height above grade and projecting no more than 4 feet from the face of the building; (iii) in the side or rear, air conditioning equipment, generators, propane tanks, or pool equipment shall meet a 5 foot set back from the lot line, distance from other structures is determined by manufacturers recommendations and the Building, Fire, Plumbing codes; and (iv) in the required front yard all of, or a portion of, a covered or uncovered landing or porch up to a maximum of 50 feet, with a maximum projection into the yard of 5 feet measured at the landing level, and in a required rear or side yard, a covered landing, above a stair or stairs, which has neither a total of 25 square feet nor projects more than 4 feet from the face of the building, where such landing is required by the State Building Code.

2. Revise the required setback requirements in the Single Residence B and General Residence districts to accommodate the revised definition of the term “Setback” as follows:

For buildings created through “new construction” in the Single Residence and General Residence districts, the required front yard setback would be increased from 20 feet to 25 and a front yard setback alignment exception established to assure house placement in line with abutting structures along the frontage street through use of an average measurement (See section 3 below). The required rear yard setback would be decreased from 20 feet to 15 feet. On lots which are conforming relative to area and frontage the stepped side yard setback standard would be increased from 12.5 feet to 14 feet. This 14 foot stepped sideline standard would work as follows: A maximum of 32 linear feet of structure, as measured parallel to the side lot line at the first-floor plane, may be constructed to the minimum side setback line. For the remaining length of the structure, as measured parallel to the side lot line at the first-floor plane, the minimum sideline setback would be increased by 2 feet. The maximum 32 linear foot requirement may start from the front or rear of the structure. “New construction” on lots which are non-conforming relative to frontage would have their side yard setback requirement increased from 10 foot to 12 feet. “New construction” on lots which are non-conforming relative to area would have their side yard setback requirement increased from 10 feet to

the 14 foot stepped setback standard noted above. The two foot stepped setback would be required in all instances along the sideline irrespective of house placement.

3. Establish a front yard setback alignment exception to assure house placement in line with abutting structures along the frontage street through use of an average measurement as follows:

Exceptions for Existing Alignment of Interior Lots– In the Single Residence B and General Residence districts, if the alignment of two or more existing buildings on lots on either or both sides of a lot fronting on the same side of the street in the same block is farther from the street than the required front yard depth, the average of the existing alignment of all the buildings within one hundred and fifty (150') feet of said lot shall be the required front yard, except that no front yard requirement resulting from the application of this section shall exceed 35 feet from the front yard setback requirement. Reduction of this requirement shall require a Special Permit, but in no case shall the setback be less than the required minimum setback for that district of 25 feet.

Exceptions for Existing Alignment of Corner Lots - In the case of a corner lot the averaging requirement as described above shall only be required along one of the frontage streets to be selected at the discretion of the applicant.

4. Define authorized projections at the front, side and rear yard to encourage greater architectural interest and a break-up of building mass.

Projection of bay and box-out type windows into the required setback would be permitted provided the area does not exceed 25% of the elevation in which the projection occurs on the first floor only. In no case shall the projection exceed a total of 8 feet in width, and 2 feet from the face of the building or structure. Projections may not be continuous from the first floor to the top of the second floor wall elevation, unless they meet the required setback. Projections creating floor area would not be permitted to encroach into the required setback.

As relates the front yard setback all of, or a portion of, a covered or uncovered landing or porch up to a maximum of 50 feet, with a maximum projection into the yard of 5 feet measured at the landing level would be permitted to break up the front façade and to add visual interest at the street.

5. Establish a story limit above a front loading garage so as to limit mass and height along the frontage street as follows:

The story or portion of a story above a garage located *less than* 10 feet beyond the front setback are limited to a half-story. Dormers are allowed as described in the Half-story definition of the by-law. The story or portion of a story above a garage located 10 feet or more beyond the front setback would be subject to the underlying height and story requirements of the district. The maximum setback for a 2 story garage will be 35 feet.

Height

Present Requirements

Presently height is measured from average finished grade. Height is currently defined as “the vertical distance of the highest point of a structure or the roof of a building above the average grade adjoining the building or surrounding structure.”

Recommended Regulatory Approach

A revision in terms of how height is measured is proposed under two alternative approaches to be selected at the applicant's discretion. The first approach recommended by the Working Group tracks the Wellesley zoning regulation which requires that height is measured from the lower of the new average grade or original grade. Original grade is defined as the grade of the lot before development occurs. It would be measured to the existing grade at the footprint of the new house. The height limit would remain the current 35 feet. The second approach tracks the Brookline zoning regulation which measures height from a portion of the average grade on the street front of the building. It would be measured from the crown of the roadway, and be the average elevation of the highest 1/3 of the street slope, to the highest point of the building or structure. In the case of corner lots the measurement on the roadway frontage of one street, the selected "front", shall be used to determine the building height. The height limit with this approach would be 32 feet. This approach is suggested because downward sloping lots can be excessively restricted by measuring from the existing grade. In both cases height limitations shall not apply to chimneys' spires, cupolas, or other structures exempt in the bylaw.