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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 8, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Bernardo and Lisa Marzilli, Applicants
Timothy E. Lund, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request for a special permit to alter and extend a nonconforming residential use, to extend a nonconforming side setback and for height and number of stories**

Applicant: Bernardo and Lisa Marzilli

Site: 2-4 Auburndale Avenue	SBL: 33023 0013
Zoning: BU1	Lot Area: 11,702 square feet
Current use: Two-family dwelling	Proposed use: 3-unit multi-family dwelling

BACKGROUND:

The property located at 2-4 Auburndale Avenue consists of an 11,702 square foot lot improved with a 2.5-story two-family dwelling constructed in 1896 in the Business 1 zoning district. The petitioner proposes to construct a rear addition containing a third unit. To construct the project as proposed, the petitioners require a special permit.

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

- Zoning Review Application, prepared by Timothy Lund, architect, submitted 11/28/2021
- Certified Plot Plan, signed and stamped by George C. Collins, surveyor, dated 9/18/2021
- Floor Plans and Elevations, signed and stamped by Timothy Lund, architect, dated 11/23/2021
- FAR worksheet, signed and stamped by Timothy Lund, architect, submitted 11/28/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a rear addition to the existing nonconforming 2.5-story two-family dwelling, resulting in three units. A special permit is required to alter and extend the nonconforming residential use per sections 4.4.1 and 7.8.2.C.2.
2. Section 4.1.3 requires a structure in the BU1 zone have a side setback equal to the abutting side yard setback or half the building height. The abutting eastern side yard setback is 7.2 feet, rendering the existing 3.5-foot setback nonconforming. The petitioner proposes to extend the nonconformity, with a 3.7-foot side setback in the addition. A special permit per sections 4.1.3 and 7.8.2.C.2 is required to further extend the nonconforming side setback.
3. Section 4.1.2.B.3 allows two-story buildings by right but requires a special permit to allow a maximum of three. The proposed addition is 2.5 stories, matching the existing dwelling, requiring a special permit.
4. Section 4.1.3 allows for a maximum height of 24 feet by right, up to 36 feet by special permit. The existing dwelling is 35.3 feet in height. The proposed rear addition which will increase the overall height to 36 feet, requiring a special permit per sections 4.1.3.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,702 square feet	No change
Setbacks			
• Front	10 feet	11.2 feet	No change
• Side	18 feet	44.3 feet	18.2 feet
• Side	7.2 feet	3.7 feet	3.5 feet
• Rear	18 feet		
Max Number of Stories	2 (3 by SP)	2.5	No change
Max Height	36 feet	35.3 feet	36 feet
FAR	1.0	.33	.70

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming residential use	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To further extend a nonconforming side setback	S.P. per §7.3.3
§4.1.2.B.3	To allow a 2.5 story structure	S.P. per §7.3.3
§4.1.3	To allow 36 feet in height	S.P. per §7.3.3