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James Freas
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PUBLIC HEARING MEMORANDUM

DATE: May 20, 2016

TO: Councilor Ted Hess-Mahan, Chairman
Members of the Zoning and Planning Committee

FROM: Michael Gleba, Senior Planner
James Freas, Acting Director of Planning and Development

RE: #103-16 – COUNCILORS DANBERG, BLAZAR, SCHWARTZ, SANGIOLO, YATES petitioning to rezone land known as Section 61, Block 39, Lots 01,02,03 and 04 located at 41,45,47 and 51 Glen Avenue from MULTI RESIDENCE 1 to SINGLE RESIDENCE 2.

MEETING DATE: May 23, 2016

CC: City Council
Planning and Development Board
Donnalyn Kahn, City Solicitor

The petition is seeking to rezone four lots located at 41, 45, 47 and 51 Glen Avenue from Multi Residence 1 (MR1) to Single Residence 2 (SR2). The Planning Department has concerns about the proposed action.

Background and Context

The four lots proposed for rezoning are bordered to the north by the MBTA, to the east by Glen Avenue, and to the south and west by abutters with frontage on Warren Street. The parcels are configured in a somewhat unique development pattern as 45 and 47 Glen Avenue are so-called “porkchop” lots with the majority of each being located behind 41 and 51 Glen Avenue. 45 and 47 Glen Avenue each have adjacent 10 foot wide extensions that reach Glen Avenue and jointly form a single common driveway off Glen Avenue that provides vehicular access for all four lots.

Each of the four lots is in separate ownership and currently improved with a single family dwelling. The lots are all of similar size, ranging from 8,253 square feet (51 Glen Avenue) to 11,294 square feet

(45 Glen Avenue). As the four lots in question are believed to have been created before 1953, each apparently has the minimum lot area (7,000 square feet) and minimum lot area per unit (3,500 square feet) required for two-family dwellings. The abutting property at 109 Warren St. is improved with a single family dwelling; a two-unit condominium at 115-117 Warren Street abuts to the west. Consistent with the surrounding neighborhood west of Glen Avenue, all of the above-referenced properties are zoned MR1.

The property across the MBTA tracks directly to the north of the lots proposed for rezoning is zoned SR2, and there is an SR1 district to the northeast across the MBTA tracks. To the east of Glen Avenue the neighborhood is predominantly zoned as SR2, with an exception being a single lot zoned as Business 1 (BU1) directly across the street that is the site of an approx. 28,000 square foot office building. Just to the south of that property is a 51,770 square foot vacant lot; adjacent to that is a single family dwelling at 95 Warren Street.

The owner of 45 Glen Avenue (one of the two 'pork chop lots') has apparently indicated some intent to build a two-family dwelling on that lot; such a use is allowed in the current MR1 district but would not be under the proposed SR2 designation. It is further believed that the owner of 45 Glen Avenue is or has been involved in litigation with the owners of at least one of the other three lots regarding boundary and access disputes.

Discussion

As there are no apparent characteristics or attributes of these lots that suggest they would be more appropriately zoned with the more restrictive SR2 designation, the Planning Department can discern no planning rationale at this time to rezone these four parcels and treat them differently than they presently are and/or the others in their current MR1 district west of Glen Avenue, and doing so could be seen as diminishing the consistency and predictability that should guide planning and zoning practice. Furthermore, the proposed rezoning would also serve to diminish the potential for increased housing and housing diversity within the City.

Given the relative apparent narrowness of the privately owned common driveway, there may indeed be existing access and/or property boundary issues among the residents of the four lots that could impact future uses of these four lots. However, the Planning Department believes that such issues are not appropriately addressed through an amendment to the zoning ordinance that would serve to limit the existing rights and entitlements of four specific property owners.

In the absence of a clear planning rationale for the rezoning at this time, the Planning Department anticipates receiving informative public comment in response to the proposed action.

If requested, the Department will work with the property owners to seek possible approaches to existing or potential planning and development issues.

Attachments:






- Attachment A: Existing Zoning Map
- Attachment B: Existing Land Use Map

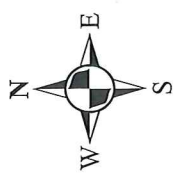
**Existing Zoning
41, 45, 47 & 51
Glen Avenue
City of Newton,
Massachusetts**

#103-16

Attachment A

Legend

-  Single Residence 1
-  Single Residence 2
-  Multi-Residence 1
-  Business 1
-  Public Use



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
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GIS Administrator - Douglas Greenfield



Existing Land Use

41, 45, 47 & 51

Glen Avenue

City of Newton,
Massachusetts

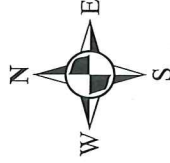
Attachment B

#103-16

Legend

Land Use

- Single Family Residential
- ▨ Multi-Family Residential
- ▩ Commercial
- ▤ Industrial



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