



**Ruthanne Fuller**  
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: July 6, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Matthew and Jennifer Katz, Applicants  
Jay Walter, Architect  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

RE: **Request to further increase nonconforming FAR**

Applicant: Matthew and Jennifer Katz	
Site: 71-73 Withington Road	SBL: 22021 0004
Zoning: MR1	Lot Area: 5,000 square feet
Current use: Two-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 71-73 Withington Road consists of a 5,000 square foot lot improved with a two-family residence constructed in 1920. Each unit is separately held. The petitioners own the second floor unit and propose to finish the attic and construct dormers on either side to create a master bedroom. The proposed changes will further increase the nonconforming floor area ratio , requiring a special permit.

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

- Zoning Review Application, prepared by Jay Walter, architect, dated 5/18/2020
- FAR Worksheet, submitted 5/18/2020
- Existing Conditions Plan of Land, prepared by Everett M. Brooks, surveyor, dated 2/26/2019
- Architectural Plans, prepared by Jay Walter, architect, dated 5/16/2020

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners intend to construct attic dormers to create a master bedroom within the existing footprint. The addition adds 174 square feet of living space resulting in a total of 4,186 square feet between the two units. The existing FAR is nonconforming at .80, where .58 is the maximum allowed. The proposed addition results in a FAR of .83, further increasing the nonconforming FAR, requiring a special permit pursuant to Sections 3.2.3, 3.1.11 and 7.8.2.C.2.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	7,000 square feet	<b>5,000 square feet</b>	<b>No change</b>
Frontage	70 feet	<b>50 feet</b>	<b>No change</b>
Setbacks			
• Front (Withington Rd)	25 feet	<b>17.2 feet</b>	<b>No change</b>
• Front (paper street)	25 feet	28 feet	No change
• Side	7.5 feet	13.5 feet	No change
• Side	7.5 feet	9.9 feet	No change
Max Number of Stories	2.5	2.5	No change
Max Height	36 feet	30.2 feet	No change
FAR	.58	<b>.80</b>	<b>.83</b>
Max Lot Coverage	30%	29.2%	No change
Min. Open Space	50%	58%	No change

1. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.2.3, §3.2.11 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N