



Setti D. Warren
Mayor

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

Telephones
425-13
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: October 3, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Charles Navratil, Architect representing the applicants
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to increase FAR and nonconforming lot coverage

Applicant: Jeffrey and Lisa Miller	
Site: 183 Adams Ave	SBL: 34032 0010
Zoning: SR2	Lot Area: 4,414 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 183 Adams Ave consists of a 4,414 square foot lot created when two lots created in 1897 were combined. The lot is improved with a single-family residence constructed in approximately 1955. A variance (#14-55) was granted in August of 1955 to allow for a ten foot setback from Dearborn Street, instead of the required front setback of 25 feet, as Dearborn has never been approved by the City and has never been built. An in-ground pool added in 1963. The structure consists of two stories and an attic level, with a total of about 1600 square feet of living space. The applicant proposes to add a modest one-story rear addition to the kitchen, thereby increasing the already nonconforming lot coverage of 32% to 35%, where 30% is the maximum allowed. This addition will also increase the FAR of .43 to .47, where .46 is allowed by right.

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

- Zoning Review Application, prepared by Charles Navratil, Architect, submitted 9/23/13
- Plot plan, prepared by Medford Engineering and Survey, dated 9/9/13
- Proposed Plot plan, prepared by Medford Engineering and Survey, dated 9/9/13
- Architectural plans, prepared by Architects 2, Architects, submitted 9/23/09
 - Existing Plan
 - Scheme 3

- Rear Elevation
- Side Elevation
- Section

ADMINISTRATIVE DETERMINATIONS:

1. The property at 183 Adams Ave is a corner lot, bound by Adams Ave and a paper street known as Dearborn Street. Dearborn Street has never been approved, and at the request of abutters in 1953, the City of Newton cut it off from Adams Ave by the erection of a sidewalk and curbing along Adams Ave. This work was completed in 1954 and since that time several of the abutters have seeded over the portions of Dearborn Street abutting their properties. As of 1955, all of the abutters had signed an indenture agreeing to 1) keep open a four-foot wide public footpath in the middle of Dearborn Street connecting Adams Ave and Cleveland Street; and 2) never to request the City to accept Dearborn Street as a public way. The property at 183 Adams Ave uses portions of the paper street for their off-street parking, a patio and for passive recreation.
2. The proposed addition increases the structure's pre-existing nonconforming lot coverage from 35%, to 32%, which exceeds the 30% maximum permitted by the Ordinance per Section 30-15, Table A. To construct the addition as proposed, the applicants must obtain a special permit from the Board of Aldermen per Section 30-21(b).
3. The proposed addition increases the structure's FAR from .47 to .43, where .46 is allowed by right. As the structure required a variance from the front setback requirements and does not comply with the new lot setbacks, the applicants may not take advantage of the .02 bonus. To construct the addition as proposed, the applicants must obtain a special permit from the Board of Aldermen per Section 30-15(u).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,414 square feet	No change
Frontage	80 feet	40 feet	No change
Setbacks for existing structure			
• Front	25 feet	25 feet	No change
• Side	7.5 feet	7.7 feet on right	No change
• Rear	15 feet	38 feet	30 feet
FAR	.46	.43	.47
Max. Lot Coverage	30%	32%	35%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table A, §30-21(b)	Exceed existing nonconforming Maximum Lot Coverage	S.P. per §30-24
§30-15 Table A, §30-15(u),	Exceed FAR	S.P. per §30-24