



Setti D. Warren
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

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: December 12, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
Anthony DePasquale, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to change a nonconforming clubhouse use to a multi-family dwelling use in a Single Residence 3 district, and to locate parking within a front setback

Applicant: Anthony DePasquale	
Site: 15 South Gate Park	SBL: 33031 0009
Zoning: SR3	Lot Area: 14,120 square feet
Current use: Clubhouse for Knights of Columbus	Proposed use: 3-unit multi-family dwelling

BACKGROUND:

The property at 15 South Gate Park is improved with a clubhouse constructed in 1920 as a social club called The North Gate Club. The structure was sold in 1924 to the International Order of Odd Fellows, who operated it as a fraternal club until 1954, when it was sold to the Knights of Columbus. The Knights of Columbus operated it as a Fraternal Benevolent Association until 2014, when it was acquired by the current owner.

The property was originally 41,500 square feet. A 1946 variance for a subdivision created four house lots and the remaining 14,120 square foot subject property.

A clubhouse currently requires a special permit, however the use of the property predates this requirement, and is therefore a nonconforming use in the Single Residence 3 district. The applicant proposes to convert the existing clubhouse building into three residential units with six parking stalls garaged beneath the building and two surface stalls.

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

- Zoning Review Application, prepared Terry Morris, attorney, dated 4/27/2015, revised 12/6/2016
- Existing conditions site plan, signed and stamped by Verne T. Porter, surveyor, dated 11/4/2014, updated 12/12/2016
- Photos
- Architectural drawings, signed and stamped by Ron Jarek, architect, dated 4/22/2015, updated 11/28/2016
 - Proposed basement floor plan
 - Proposed first floor plan
 - Proposed second floor plan
 - Proposed attic plan
 - Proposed roof plan
 - Proposed front elevation
 - Proposed right side elevation
 - Proposed left side elevation
 - Proposed rear elevation
 - Proposed cross section
 - Typical sections and details
 - Existing basement floor plan
 - Existing elevations

ADMINISTRATIVE DETERMINATIONS:

1. The property was the site of a social club, the North Gate Club, and then later the Knights of Columbus. A club or clubhouse requires a special permit in the SR3 district per Section 3.4.1. The clubhouse use predates zoning, and is legally nonconforming.

The applicant intends to convert the existing structure into three residential units. A multi-family dwelling is not permitted in this district.

To convert the existing structure to a three-unit multi-family dwelling requires a special permit to change from one nonconforming use to another, per Section 7.8.2.C.2.

2. Section 5.1.8.A.1 requires that no parking be located within any setback distances from a street or sidelines. One surface parking stall is proposed on the north side of the property, and a second on the south, each with its own curb cut. Both stalls are within the front setback and require a special permit per Section 5.1.13. Section 5.1.8.A.1 also states that parking must be a minimum of five feet from the street. The parking stalls are located directly on the front lot line, requiring a special permit per Section 5.1.13.
3. Section 5.1.8.D.1 requires an entrance and exit driveway have a minimum of 20 feet wide for two-way use. The driveway to serve the below-grade parking is proposed at 10 feet wide, with signals. A special permit per Section 5.1.13 is required.
4. There are no density and dimensional controls for multi-family uses set forth in the Single Residence Districts section. Section 3.1.2.A.3 states that where a density or dimensional control is not set forth for a use granted by special permit, the most restrictive control applicable to such use in any district where the use is allowed shall apply. In no zoning district are multi-family uses allowed by right. As the Ordinance does not set forth any density or dimensional controls for a by-

right multi-family dwelling in the SR3 district, or any other, the requested special permit shall legitimize the density and dimensional controls for the proposed project.

Zone SR3	Required	Existing	Proposed
Lot Size		14,120 square feet	No change
Lot area per unit			4,707 square feet
Frontage		139 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Rear 		16.7 feet 10.8 feet	No change No change
Number of stories		1.5	No change
Lot coverage		29.87%	27.11%
Open space		29.16%	60.83%
Parking stalls	6		8

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1 §7.8.2.C.2	To change a nonconforming clubhouse use to a multi-family use	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To locate parking in a setback	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To allow a two-way entrance and exit drive less than 20 feet wide	S.P. per §7.3.3