



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: January 26, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Christopher Dalmus, architect  
Juan and Kirsten Small, applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to extend nonconforming FAR**

| Applicant: Juan and Kirsten Small   |                             |
|-------------------------------------|-----------------------------|
| Site: 85 Erie Avenue                | SBL: 52042 0019             |
| Zoning: SR-2                        | Lot Area: 9,100 square feet |
| Current use: Single-family dwelling | Proposed use: No change     |

**BACKGROUND:**

The property at 85 Erie Avenue consists of a 9,100 square foot lot improved with a single-family residence constructed in 1890 and a detached garage built in 2007. The structure is mansard-style, and consists of three stories and a basement. The applicant proposes a second-story addition upon the existing footprint which will increase the already nonconforming FAR.

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

- Zoning Review Application, prepared by Christopher Dalmus, architect, submitted 12/16/2014
- FAR Worksheet, prepared by Christopher Dalmus, architect, submitted 12/16/2014
- Topographic Site Plan, signed and stamped by James E. Patterson, surveyor, dated 11/8/2007
- Architectural Plans, prepared by Design Associates, Inc., dated 12/11/2014

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing nonconforming FAR is .49, where .41 is the maximum allowed. The proposed addition results in an FAR of .53. A special permit pursuant to Sections 30-15(u)(2) and 30-21(b) is required.

| SR2 Zone              | Required           | Existing                 | Proposed         |
|-----------------------|--------------------|--------------------------|------------------|
| Lot Size              | 10,000 square feet | <b>9,100 square feet</b> | No change        |
| Frontage              | 80 feet            | <b>70 feet</b>           | No change        |
| Setbacks              |                    |                          |                  |
| • Front               | 25 feet            | 15.4 feet*               | No change        |
| • Side                | 7.5 feet           | 8.6 feet                 | No change        |
| • Rear                | 15 feet            | 38.1 feet                | No change        |
| Building Height       | 36                 | 34.3 feet                | No change        |
| Max Number of Stories | 2.5                | <b>3</b>                 | <b>No change</b> |
| FAR                   | .41                | .49                      | <b>.53</b>       |
| Max Lot Coverage      | 30%                | 28.6%                    | No change        |
| Min. Open Space       | 50%                | 56.1%                    | No change        |

\*Per §30-15(d), the average setback of the buildings on either side of the property is 15.4 feet

1. See "Zoning Relief Summary" below:

| Zoning Relief Required   |                             |                        |
|--------------------------|-----------------------------|------------------------|
| <i>Ordinance</i>         |                             | <i>Action Required</i> |
| §30-15(u)(2)<br>30-21(b) | To extend nonconforming FAR | S.P. per §30-24        |