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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 16, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Krishna Butaney, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow an alteration to an existing nonconforming three-family dwelling, to amend Board Order #608-89, and to allow for a three-story structure

Applicant: Krishna Butaney	
Site: 410 Newtonville Ave	SBL: 22005 0014
Zoning: MR1	Lot Area: 14,547 square feet
Current use: Three-family dwelling	Proposed use: No change

BACKGROUND:

The property at 410 Newtonville Avenue consists of a 14,547 square foot lot improved with a three-family residence constructed circa 1900. The property had been used as a multi-family for many years without proper documentation. In 1990, the property received a special permit to allow for the conversion of a structure in existence prior to May 1979 into a multi-family dwelling, as well as a variance from the lot area per unit requirements. The petitioners seek now to amend the special permit to allow for the construction of an addition over an existing flat roof creating a full third story.

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

- Zoning Review Application, prepared Krishna Butaney, petitioner, dated 5/28/2019
- Architectural plans and elevations, signed and stamped by Gregory K. Barriere, architect, dated 4/30/2019
- Plot Plan of Land, signed and stamped by GRE Surveying LLC, dated 12/29/2017

ADMINISTRATIVE DETERMINATIONS:

1. The property received a special permit to allow for the conversion of an existing structure into a dwelling for more than two families, per now section 3.2.13 (then section 30-24). A condition of that special permit was a Preservation Restriction. The petitioners have had the proposed changes to the structure approved by the Newton Historical Commission as per the requirements of the Preservation Restriction.

The petitioner proposes to construct an addition on the flat roof over a second story adding bedrooms and a bath, creating a three-story structure. In accordance with Condition #1 of Board Order #608-89, the special permit must be amended to indicate the proposed changes to the structure.

2. The petitioner proposes to construct an addition over the existing second story in the 2.5 story structure. The additional space creates a three-story structure within the same footprint. Per section 3.2.4, a special permit is required for a three-story structure in the MR1 zoning district.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	14,547 square feet	No change
Frontage	80 feet	101 feet	No change
Setbacks - Principal			
• Front	25 feet	> 25 feet	No change
• Side	7.5 feet	23.8 feet	No change
• Rear	15 feet	49 feet	No change
Max Number of Stories	2.5	2.5	3
Max Height	36 feet	34.9 feet	No change
FAR	.48	.41	.46

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Amend Board Order #608-89	S.P. per §7.3.3
§3.2.4	To allow a three-story structure	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