



Setti D. Warren  
Mayor

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

58-13  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: February 8, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning ET

Cc: Terrence Morris, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to create four single-family attached dwellings on a lot**

Applicant: Robert Franchi	
Site: 281 Nevada Street	SBL: 23006 0009
Zoning: MR-1	Lot Area: 17,999 square feet
Current use: Two-family dwelling	Proposed use: Four single-family attached dwellings

### BACKGROUND:

The property at 281 Nevada Street consists of a 17,999 square foot lot improved with a two-family dwelling constructed in 1915 and a greenhouse. The applicant proposes to convert the existing two-family structure into two single-family attached dwellings, and to build two new single-family attached dwellings in the rear of the property. The applicant also proposes to construct a new driveway to access the buildings at the rear.

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

- Zoning Review Application, prepared by Robert Franchi, Applicant, submitted 11/21/12
- Architectural plans, prepared by Robert Franchi, Applicant, submitted 11/21/2012
  - Proposed first floor plan for rear units
  - Proposed second floor plan for rear units
  - Proposed elevations for rear units
  - Proposed first floor plan for existing house
  - Proposed second floor plan for existing house
- Architectural plans, prepared by Robert Franchi, Applicant, submitted 1/23/13
  - Proposed first floor plan for existing house
  - Proposed second floor plan for existing house
  - Proposed attic plan for existing house
- Existing and proposed FAR calculations, prepared by Robert Franchi, Applicant, dated 11/21/12

- Area plan of land, signed and stamped by VTP Associates, Land Surveyor, dated 11/20/12
- Proposed site plan, signed and stamped by VTP Associates, Land Surveyor, dated 11/19/12
- Deed for 281 Nevada Street

#### ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the MR-1 zoning district. The applicant is proposing four single-family attached dwelling units on a 17,999 square foot lot. Section 30-9(b)(5) of the Newton Zoning Ordinance allows single-family attached dwellings in one or more groups provided that the applicant obtains a special permit from the Board of Aldermen.
2. Section 30-1 of the Zoning Ordinance lays out definitions for two distinct uses: a two-family dwelling and single-family attached dwellings. The Inspectional Services Commissioner, John Lojek, has determined that the existing structure on the site meets the definition of a two-family dwelling. To apply for a special permit for a total of four single-family attached dwellings, the existing structure must be altered so as to meet the definition of a single-family attached dwelling (i.e. there may be no common roof).
3. Section 30-15, Table 1 requires 25-foot setbacks for single-family attached dwellings in the MR-1 District. The existing dwelling is located 19.4 feet from the front lot line and 23 feet from the side lot line. One of the two attached units in the rear is proposed to be located 19.6 feet from the side lot line. To build the structures as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	17,999 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks for existing structure			
• Front	25 feet	<b>19.4 feet</b>	No change
• Side	25 feet	<b>23 feet on right</b>	No change
• Rear	25 feet	29.5 feet on left 124.6 feet	No change
Setbacks for proposed structure			
• Front	25 feet		+/- 125 feet
• Side	25 feet		<b>19.6 feet on right</b>
• Rear	25 feet		25 feet on left 25.3 feet
Building Height	36 feet	30.76 feet (no change - existing structure)	33.49 feet (proposed structure)

4. The driveway for the proposed rear structure is five (5) feet from the lot line. Section 30-9(b)(5)a) requires that no driveway be located within ten (10) feet of the side lot line. The applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b) to waive this requirement.

5. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-9(b)(5)a)	Allow the creation of single-family attached dwellings	S.P. per §30-24
§30-9(b)(5)b), §30-15, Table 1	Locate existing and proposed structures closer than 25 feet from the front and side lot lines	S.P. per §30-24
§30-9(b)(5)a), §30-9(b)(5)b)	Locate proposed driveway five feet from the side lot line	S.P. per §30-24