



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

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: May 15, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Giuseppe Bove and Olimpia Fusco, applicants  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

**RE: Request to allow four attached dwellings in two structures**

Applicant: Giuseppe Bove & Olimpia Fusco	
Site: 21-25 Gardner Street	SBL: 11025 0007 and 11025 0008
Zoning: MR2	Lot Area: 18,717 square feet
Current use: One single-family dwelling and one two-family dwelling	Proposed use: Four attached dwellings in two structures

### BACKGROUND:

The property at 21 Gardner Street consists of 7,814 square feet (as calculated, 7,821 per the deed) and is improved with a single-family residence constructed circa 1870 in the MR2 zoning district. The adjacent 10,903 square foot parcel at 25 Gardner Street is held in common ownership. The lot is improved with a dwelling constructed in 1959 as a single-family residence and currently used as a two-unit dwelling. The petitioners proposes to combine the two parcels and create one 18,717 square foot lot. The structure at 21 Gardner Street will be maintained and a second single-family dwelling unit will be attached at the rear. While the existing structure at 25 Gardner Street was constructed as a single-family dwelling, the interior at some point was reconfigured into two units, meeting the definition of a two-unit attached dwelling. This structure will remain unchanged and the petitioners seek to legitimize the configuration of the dwelling and the proposed changes to the lot and adjacent structure with a special permit, ultimately creating four attached dwellings on one lot in two structures.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 3/26/2018
- Site Plan, prepared by VTP Associates Inc, surveyor, dated 3/23/2018
- Elevations, prepared by C.D. Calhoun, dated 1/10/2018, revised 3/6/2018

#### **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to create four attached dwellings in two separate buildings. The application proposes to construct a new dwelling unit attached at the rear of the existing single-family dwelling at 21 Gardner Street. As well, the project will encompass the existing dwelling structure at 25 Gardner Street. This structure was permitted and built as a single-family dwelling in 1959. At some point the structure was converted into two units, though no building permit confirming this conversion is available in Inspectional Services records. A two-family dwelling is a by-right use in the MR2 zoning district. The petitioners state that the interior configuration of the dwelling meets the definition of an attached single-family dwelling per section 1.5.1.C, and does not meet the definition of a two-family dwelling. Per section 3.4.1 and 6.2.3, attached dwellings as defined by section 1.5.1.C require a special permit.
2. The petitioners own two adjoining lots in the MR2 zoning district. They intend to eliminate the interior lot line and create one 18,717 square foot lot with 108 feet of frontage to extend the existing dwellings for a four-unit attached dwelling project. Per section 3.2.4, 15,000 square feet of lot area and 80 feet of frontage is required for attached dwellings.
3. The existing structure at #21 has a side setback of 12.7 feet. The petitioners intend to construct a rear addition to create a second dwelling unit with a proposed side setback of 10.5 feet. Per Section 3.2.4, attached dwellings require a 25-foot side setback. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the side setback requirement.
4. The existing dwelling at #21 has a nonconforming front setback of 12.5 feet. The dwelling at #25 has a front setback of 19.4 feet, which was determined by averaging when it was constructed in 1959. Per section 3.2.4, attached dwellings require a 25-foot front setback. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the front setback requirement.
5. The petitioners propose to construct a dwelling unit to the rear of the existing unit at #21. The proposed addition will have a rear setback of 24.5 feet, where 25 feet is required per section 3.2.4. This same section allows the City Council to grant exceptions to dimensional requirements if literal compliance is impractical or not in the public interest. The applicant seeks a waiver from the rear setback requirement.
6. Section 3.2.4 requires a maximum lot coverage of 25% for attached dwelling projects. After the combination of the two lots into one, and construction of the additional dwelling unit at #21, the proposed lot coverage for the site is 31.2%, which exceeds the 25% allowed by section 3.2.4. This same section allows the City Council to grant exceptions to dimensional requirements if literal

compliance is impractical or not in the public interest. The applicant seeks a waiver from the maximum lot coverage requirement.

MR2 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	18,717 square feet	No change
Frontage	80 feet	108 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side (east)</li> <li>• Side (west)</li> <li>• Rear</li> </ul>	25 feet 25 feet 25 feet 25 feet	12.5 feet 12.7 feet 12.3 feet 95.1 feet	<b>No change</b> <b>10.5 feet</b> <b>No change</b> <b>24.5 feet</b>
Building Height	36 feet	24.32 feet	No change
Max Number of Stories	2.5	2.5	2.5
Lot Coverage	25%		<b>31.2%</b>
Open Space	50%		51.4%
Lot Area Per Unit	4,000 square feet	9,359 square feet	4679 square feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district	S.P. per §7.3.3
§3.2.4	To reduce the lot coverage requirement for attached dwellings in the an MR2 zoning district	S.P. per §7.3.3