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James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: April 25, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: John B. Arone and Daniel A. Arone, applicants  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Applicant: John Arone and Daniel Arone	
Site: 39 Hawthorne Ave	SBL: 43034 0012
Zoning: SR-1	Lot Area: 9,602 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 39 Hawthorne Ave consists of a 9,602 square foot lot at the corner of Hawthorne Ave and Unity Street. The site is improved with a single-family residence constructed in 1848, and moved to the present location in 1906. The house was used as a student dorm for Lasell Female Seminary from 1907 to 1974, when it was converted back to a single-family residential use. The applicant proposes a 227 square foot second story addition over existing living space, and to construct a 672 square foot detached garage structure. These additions will further increase the nonconforming FAR requiring a special permit.

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

- Zoning Review Application, prepared by John Arone, applicant, submitted 3/23/2016
- FAR Worksheet, submitted 3/23/2016, revised
- Plot Plan, prepared by Paul Finicchio, PJF & Associates, dated 2/28/2016
- Plot Plan with proposed conditions, prepared by Paul Finicchio, PJF & Associates, dated 2/28/2016
- Worksheet of Lake Ave, prepared by Paul Finicchio, PJF & Associates, dated 3/4/2016
- Architectural Plans
  - Existing floor plans
  - Proposed floor plans
  - Elevations

o **ADMINISTRATIVE DETERMINATIONS:**

1. The applicants' existing FAR is .41, where .32 is the maximum allowed. The proposed addition adds 227 square feet to the dwelling, as well as an additional 672 square feet in a detached garage, resulting in an FAR of .48. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The existing structure has a nonconforming rear setback of 10.6 feet, where 25 feet is required. The applicant is proposing a second story addition consisting of 227 square feet, which extends the nonconforming rear setback vertically. The proposed 227 square foot addition is less than the 400 square feet allowed in Section 7.8.2.D.2.d by de minimus, and therefore does not require relief for the vertical extension of the nonconforming setback.
3. The applicant is proposing to construct a 672 square foot detached garage structure which creates a lot coverage of 25.9% from the existing 18.9%, where the maximum allowed is 20%. Section 1.5.2.D.2 provides that the lot coverage requirements of Section 3.1 shall not apply to the construction of a private garage in connection with a single-family dwelling in existence on December 27, 1922. The dwelling was constructed in 1848, therefore the lot coverage provisions do not apply to the proposed garage.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	<b>9,602 square feet</b>	<b>No change</b>
Frontage	100 feet	102.4 feet	No change
Setbacks – Principal			
• Front	25 feet	<b>10.2 feet</b>	<b>No change</b>
• Side	12.5 feet	32.9 feet	No change
• Rear	25 feet	<b>10.6 feet</b>	<b>No change</b>
Setbacks – Accessory			
• Front	25 feet		+/- 70 feet
• Side	5 feet		7.3 feet
• Rear	5 feet		6.1 feet
• Height	22 feet		20.8 feet
Building Height	36	26 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.32	<b>.41</b>	<b>.48</b>
Max Lot Coverage	20%	18.9%	25.9%
Min. Open Space	65%	NA	65%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3