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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 31, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Chris and Melissa Kontaridis, Applicants
Peter Sachs, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further increase nonconforming FAR and nonconforming height

Applicant: Chris and Melissa Kontaridis	
Site: 45 Hyde Avenue	SBL: 72024 0007
Zoning: SR2	Lot Area: 19,603 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 45 Hyde Avenue consists of a 20,333 square foot lot improved with a single-family residence constructed circa 1900. The petitioners propose to construct a 1,357 square foot rear addition expanding the basement, the first-floor kitchen and family room and a new master suite on the second floor. The proposed changes will further increase the nonconforming FAR and height, requiring a special permit.

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

- Zoning Review Application, prepared by Peter Sachs, architect, dated 1/3/2018
- FAR Worksheet, submitted 1/29/2018
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 1/2/2019
- Architectural Plans, prepared by Peter Sachs, architect, dated 5/7/2018

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing FAR is .37, where .33 is the maximum allowed (the proposed additions meet new lot setbacks so the FAR bonus of .02 may be applied to allow for an FAR of .35). The proposed additions add 1,357 square feet to the dwelling, resulting in an FAR of .44. 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 dwelling has an existing nonconforming height of 41.12 feet, where a height of 36 feet is the maximum allowed per section 3.1.3. The petitioners intend to construct a rear addition which lowers the average grade around the building, increasing the overall height to 41.56 feet. The increased height increases the nonconformity, requiring a special permit per section 3.1.3 and 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	19,603 square feet	No change
Frontage	80 feet	124 feet	No change
Setbacks			
• Front (Hyde Ave)	25 feet	59.5 feet	No change
• Front (Garden Rd)	25 feet	32.8 feet	No change
• Side	7.5 feet	24.7 feet	16.8 feet
• Rear	15 feet	47.2 feet	31.1 feet
Max Number of Stories	2.5	2.5	No change
Height	36 feet	41.12 feet	41.56 feet
FAR	.37	.42	.44

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming height	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