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James Freas
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ZONING REVIEW MEMORANDUM

Date: January 21, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Neal and Kathleen Kenslea, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for variance to allow a single-family dwelling with 3.5 stories and for a special permit to exceed FAR

Applicant: Neal and Kathleen Kenslea	
Site: 20 Kingston Rd	SBL: 54021 0010
Zoning: SR2	Lot Area: 11,902 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 20 Kingston Rd consists of a 11,902 square foot lot improved with a single-family residence built in 1928. The existing structure remains largely in its original condition, with only a deck addition at the rear. The structure is 2.5 stories with a building height of 34.9 feet. The topography of the property slopes steeply downward from the front to the rear.

The applicants propose a two-story rear addition to the basement and first floor levels. Because of the slope of the topography, more than half of the distance between the floor of the proposed basement level addition and next ceiling above it will be above the average grade plane adjacent to the building. Therefore, the basement level becomes the first story, as defined the by the Ordinance. This renders the dwelling 3.5 stories, where only 2.5 are allowed by Section 30-15, Table 1.

The applicants are requesting a variance from the maximum number of stories allowed in the Single Residence 2 district to allow for a 3.5 story single-family dwelling, where 2.5 is the maximum.

The proposed addition increases the FAR from .35 to .41, which exceeds the .36 allowed by right. A special permit is required to exceed FAR.

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

- Variance Application, prepared by Neal and Kathleen Kenslea, applicants, submitted 11/21/2014
 - Building Permit Refusal Form, date d11/19/2014
 - Photos
 - Letter of support, signed by Ram and Shuba Srinivasan, dated 11/10/2014
 - Letter of support, signed by Martin and Julie Kay, dated 11/10/2014
 - Middlesex County Registry of Deeds plan, filed 5/27/1926
 - Plan of Land, proposed additions, signed and stamped by Bruce Bradford, dated 10/14/2014
 - Construction documents, signed and stamped by Thomas Chalmers, architect, dated 7/24/2013, revised 8/13/2014
- Zoning Review Application, prepared by Neal and Kathleen Kenslea, applicants, dated 8/18/2014
- FAR calculations, prepared by Thomas C Chalmers, architect, dated 8/13/2014

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-15, Table 1 requires single-family structures in the Single Residence 2 district not exceed 2.5 stories. Given the steep downward sloping topography of the lot, the proposed two-story rear addition will change the grade plane average so-as to render the basement the first story, thus creating a dwelling with 3.5 stories, where 2.5 currently exist and meet the requirements of the Ordinance. A variance is required to build the addition as proposed.
2. The existing FAR for the property is .35. The proposed additions create an FAR of .41, where .36 is the maximum allowed by right. A special permit is required to build as proposed per Section 30-15(u)(2).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,902 square feet	No change
Frontage	80 feet	65 feet	No change
Setbacks for existing structure			
• Front	25 feet	23 feet	No change
• Side	7.5 feet	7.5 feet	No change
• Rear	15 feet	+/- 70 feet	52.1 feet
Number of stories	2.5	2.5	3.5
Height	36 feet	34.9 feet	35.9 feet
Min Open Space	50%	75%	74%
Max Lot Coverage	30%	10.7%	13.7%
FAR	.36	.35	.41

Zoning Relief Required

<i>Ordinance</i>		<i>Action Required</i>
§30-15 Table 1	To allow 3.5 stories	Variance
§30-15(u)(2)	Exceed maximum FAR	S.P. per §30-24