



Ruthanne Fuller
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: April 27, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Shiva Karimi, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request to further increase nonconforming FAR and to allow a three-story structure

Applicant: Shiva Karimi	
Site: 540 Dudley Road	SBL: 82027 0002
Zoning: SR1	Lot Area: 14,971 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 540 Dudley Road consists of a 14,971 square foot lot improved with a single-story single-family dwelling constructed in 1950. The petitioners propose to construct an addition of a second story within the existing footprint of a portion of the dwelling. The proposed changes will increase the FAR beyond the maximum allowed and create a three-story structure, requiring a special permit.

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

- Zoning Review Application, prepared by Shiva Karimi, submitted 1/1/2021
- Plan of Land, prepared by EMB, surveyors, dated 10/27/2020, revised 4/20/2021
- Architectural plans and elevations, prepared by I-Kanda Architects, architect, dated 8/18/2020, revised 8/26/2020, 10/23/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners intend to construct an addition of a second story within the existing footprint of a portion of the dwelling. The addition adds 1,473 square feet resulting in a total of 6,198 square feet. The existing nonconforming FAR is .32, where .31 is the maximum allowed per section 3.1.9. The proposed addition further increases the nonconforming FAR to .41, requiring a special permit pursuant to Sections 3.1.3, 3.1.9 and 7.8.2.C.2.
2. Due to the average grade, the basement is the first story, creating an existing two-story ranch-style house. The proposed addition of a story over the existing footprint increases the dwelling to three stories, where 2.5 is the maximum allowed per section 3.1.3. Per that same section, a special permit is required for a three-story single-family dwelling.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	14,971 square feet	No change
Frontage	100 feet	107 feet	No change
Setbacks			
• Front	25 feet	37.6 feet	No change
• Side	12.5 feet	18.6 feet	No change
• Rear	25 feet	32.6 feet	No change
Max Number of Stories	2.5	2	3
Max Height	36 feet	27 feet	36 feet
FAR	.31	.32	.41
Max Lot Coverage	20%	16.9%	No change
Min. Open Space	65%	66%	69%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §3.1.9 §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3
§3.1.3	Request to allow a three-story structure	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