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Director

ZONING REVIEW MEMORANDUM

Date: March 8, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Kane Built Inc, Applicant
Michael J. Quinn
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to reconstruct a nonconforming two-family dwelling use

Applicant: Kane Built Inc.	
Site: 2163 Commonwealth Avenue	SBL: 41018 0032
Zoning: SR3	Lot Area: 10,535 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property located at 2163 Commonwealth Avenue consists of 10,535 square feet and is improved with a nonconforming two-family dwelling constructed in 1910 in the Single Residence 3 zoning district. The petitioner proposes to raze the structure and construct a new two-family dwelling with four surface parking stalls in a split driveway. To reconstruct the nonconforming two-family dwelling use in a new configuration requires a special permit.

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

- Zoning Review Application, prepared by Michael Quinn, dated 1/27/2021
- Proposed Conditions Plan, signed and stamped by Robert Bibbo, surveyor and Tsung Ting Chiang, Engineer, dated 1/7/2021
- Architectural Plans and Elevations, signed and stamped by Michael Burke, Engineer, dated 7/8/2020
- FAR worksheet, submitted 1/27/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing nonconforming two-family dwelling and construct a new two-family dwelling. Per section 3.4.1, two-family dwellings are not allowed in the Single Residence 3 district. A special permit per section 7.8.2.C.2 is required to reconstruct the nonconforming two-family use.
2. A two-family dwelling is not allowed in any Single Residence district. Per section 3.1.2.A.3, where a density or dimensional control is not listed for a use allowed by special permit, the most restrictive density or dimensional controls applicable to such use in any district where it is allowed by right shall be applied, unless otherwise required in the special permit. Two-family dwellings are allowed by right in the MR1 zoning district, the most restrictive for this use. As such, the dimensional controls for a single- or two-family dwelling on a new lot in the MR1 district are applied.

SR3 Zone	Required*	Existing	Proposed
Lot Size	10,000 square feet	10,535 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	30 feet	36.1 feet	30.7 feet
• Side	10 feet	13 feet	15.7 feet
• Side	10 feet	12.9 feet	15.9 feet
• Rear	15 feet	47 feet	63.4 feet
Building Height	36 feet	NA	32 feet
Stories	2.5	2.5	No change
Lot Area Per Unit	5,000 square feet	5,268 square feet	No change
FAR	.48	.34	No change
Maximum Lot Coverage	30%	17.3%	17.6%
Minimum Open Space	50%	66.6%	68.2%

*The required dimensional controls for a post 1953 Multi Residence 1 lot have been applied.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.4.1 §7.8.2.C.2	Request to alter and reconstruct a nonconforming two-family dwelling	S.P. per §7.3.3