



Ruthanne Fuller
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 19, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Olivia Zhao, John Realty Inc.
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request for a variance from lot area and lot area per unit

Applicant: John Realty Inc.	
Site: 34 John Street	SBL: 65010 0010 and 65010 0011
Zoning: MR1	Lot Area: 8,800 square feet
Current use: Vacant	Proposed use: Detached two-family dwelling

BACKGROUND:

The property at 34 John Street consists of 8,800 square feet in the MR1 zoning district. The property had previously consisted of two parcels, each containing 4,400 square feet and 50 feet of frontage. The petitioner received a demolition permit for the single-family dwelling in September of 2021. In December of that same year, the petitioner filed a plan at the Registry of Deeds in 2021 eliminating the interior dividing lot line creating the single larger parcel as exists today. Per section 7.8.4.D.4, if more than 50% of a single-family dwelling is demolished and the size or shape of the lot was changed any time after 1995, the new lot dimensional requirements apply. The petitioner requires a variance from the lot area and lot area per unit requirements to construct a new dwelling on the parcel.

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

- Zoning Review Application, prepared by Olivia Zhao, dated 1/27/2022
- Certified Plot Plan, signed and stamped by Clifford E. Rober, surveyor, dated 5/27/2021
- Proposed Plot Plan, signed and stamped by Scott C. Lynch, surveyor, dated 5/27/2021
- FAR worksheet, signed and stamped by Kai Yin Yip, Engineer, submitted 1/27/2021

ADMINISTRATIVE DETERMINATIONS:

1. As originally created in 1902, the property consisted of two commonly held parcels with separate metes and bounds, each with 4,400 square feet and 50 feet of frontage of John Street. A single-family dwelling was constructed on one of the parcels circa 1927. A demolition permit for the dwelling was granted in September 2021. A confirmatory deed with a revised property description was subsequently filed in December 2021 eliminating the interior lot line resulting in one 8,800 square foot parcel with 100 feet of frontage. Per section 7.8.4.D.4 if more than 50% of a single-family dwelling is demolished and the size or shape of the lot was changed any time after January 1, 1995, the post-1953 lot dimensional requirements apply to any subsequent construction. Section 3.2.3 requires a lot area of 10,000 square feet for a post-1953 lot. A variance from the lot area requirement of 10,000 square feet is required to allow for construction of a two-family dwelling on the 8,800 square foot lot.

2. Section 3.2.3 requires a lot area per unit of 5,000 square feet for a post-1953 lot. The petitioner proposes to construct a two-family dwelling on the 8,800 square foot parcel, resulting in a lot area per unit of 4,400 square feet, requiring a variance.

MR1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	8,800 square feet	No change*
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	11.7 feet**	22.9 feet	No change
• Side	10 feet	9.1 feet	19 feet
• Side	10 feet	55.4 feet	19 feet
• Rear	15 feet	23.1 feet	27.3 feet
Building Height	36 feet	20 feet	29.2 feet
Max Number of Stories	2.5	1	2.5 feet
Lot Coverage	30%	14%	26.9%
Open Space	50%	80.7%	55.3%
Lot Area Per Unit	5,000 square feet	8,800 square feet	4,400 square feet*
FAR	.50	NA	.50

*Requires relief

**Per the averaging provision in 1.5.3.B

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.2.3	To allow a reduced lot area of 8,800 sf	Variance per §7.6
§3.2.3	To allow a reduced lot area per unit of 4,400 sf	Variance per §7.6



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001554835

1. The exact name of the limited liability company is: 10 CHAMPA STREET LLC

2a. Location of its principal office:

No. and Street: 39 ORCHARD AVENUE
 City or Town: WABAN State: MA Zip: 02468 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 39 ORCHARD AVENUE
 City or Town: WABAN State: MA Zip: 02468 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO ENGAGE IN THE BUSINESS OF ACQUISITION, DEVELOPMENT, CONSTRUCTION, MANAGEMENT, INVESTMENT, LEASING AND SALE OF REAL ESTATE, AND TO CONDUCT OTHER INVESTMENT ACTIVITIES, AND ALL OTHER BUSINESS ACTIVITIES NOT PROHIBITED BY THE ACT.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: EDWARD I SHIFMAN III
 No. and Street: 39 ORCHARD AVENUE
 City or Town: WABAN State: MA Zip: 02468 Country: USA

I, EDWARD I SHIFMAN III resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	EDWARD I SHIFMAN III	39 ORCHARD AVENUE WABAN, MA 02468 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name	Address (no PO Box)
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First, Middle, Last, Suffix

Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	EDWARD I SHIFMAN III	39 ORCHARD AVENUE WABAN, MA 02468 USA

9. Additional matters:

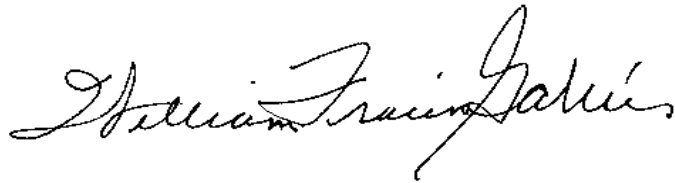
**SIGNED UNDER THE PENALTIES OF PERJURY, this 10 Day of January, 2022,
EDWARD I SHIFMAN III**

(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

January 10, 2022 02:58 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth