



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#296-22**  
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 26, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

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

**RE: Request to amend Variances #1-80 and #10-08 to allow a reduced side setback, and a special permit to further reduce nonconforming open space, and to further increase nonconforming lot coverage and FAR**

Applicant: Ed Zielinski	
Site: 128 Gibbs Street	SBL: 61028 0005A
Zoning: SR2	Lot Area: 9,555 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 128 Gibbs Street is improved with a single-family dwelling on an undersized lot created by variance in 1980. The variance granted relief from the lot area and frontage requirements for a new lot. The variance was amended in 2008 to allow for an addition of a carport within the setback. The petitioner seeks to amend the variance again to allow for construction of a two-story side addition. The proposed addition will also require a special permit to address nonconformities relative to FAR, lot coverage and open space.

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

- Zoning Review Application, prepared by Ed Zielinski, applicant, submitted 3/12/2022
- Plan of Land Proposed Addition, signed and stamped by Bruce Bradford, surveyor, dated 1/25/2022
- FAR worksheet, submitted 3/12/2022
- Floor plans and elevations, signed and stamped by Edward C. Zielinski, architect, dated 2/7/2022
- Variance decisions #1-80 and #10-08

**ADMINISTRATIVE DETERMINATIONS:**

1. Variance #1-80 allowed for reduced lot area and frontage for the creation of the lot. Condition #2 of the variance required that the dwelling maintain a sideyard setback of at least 15 feet. A 2008 amendment, Variance #10-08, allowed for the construction of a carport within the required 15-foot setback at 5.2 feet, but was conditioned that the relief apply only to the carport and not to any subsequent construction. The petitioner seeks to amend Variances #1-80 and #10-08 to allow for construction of a two-story addition with a proposed side setback of 9.2 feet, where 15 feet is required by the decisions.
2. The existing nonconforming FAR is .48 where .39 is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed two-story addition further increases the nonconforming FAR to .51, requiring a special permit per section 7.8.2.C.2.
3. At the time the lot was created, a property was allowed a maximum lot coverage of 30%, regardless of when it was created. Section 3.1.3 now allows a maximum lot coverage of 20% for lots created after December 7, 1953. The property has an existing nonconforming lot coverage of 27.9%. The proposed addition further increases the nonconforming lot coverage to 29.2%, requiring a special permit per section 7.8.2.C.2.
4. At the time the lot was created there were no requirements relative to open space. Per section 3.1.3, 65% open space is required for a new lot in the SR2 district. The existing nonconforming open space of 61% will be reduced to 60%, requiring a special permit per section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	9,555 square feet*	9,555 square feet	No change
Frontage	84 feet*	84 feet	No change
Setbacks			
• Front	30 feet	NA	No change
• Side	15 feet*	5.2 feet**	<b>No change (addition to 9.2 ft)***</b>
• Side	15 feet*	NA	No change
• Rear	15 feet	NA	No change
Max Number of Stories	2.5	2.5	No change
FAR	.39	<b>.48</b>	<b>.51***</b>
Max Lot Coverage	20%	<b>27.9%</b>	<b>29.2%***</b>
Min. Open Space	65%	<b>61%</b>	<b>60%***</b>

\*As required by Variance #1-80

\*\*As allowed by Variance #10-08

\*\*\*Requires relief

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Variances #1-80 and 10-08	Variance per §7.6
§3.1.3 §3.1.9 §7.8.2C.2	Request to further exceed nonconforming FAR	S. P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further exceed nonconforming lot coverage	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further reduce nonconforming open space	S.P. per §7.3.3