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Director

ZONING REVIEW MEMORANDUM

Date: August 11, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Celia Ivanov, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to further extend the nonconforming front setback and open space

Applicant: Celia Ivanov	
Site: 39 Floral Street	SBL: 52038 0013
Zoning: MR1	Lot Area: 7,589 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 39 Floral Street consists of a 7,589 square foot back lot improved with a single-family dwelling constructed circa 1869. The petitioners propose to construct an attached garage with living space above. The proposed additions will further extend the nonconforming front setback, and further reduce the nonconforming open space, requiring a special permit.

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

- Zoning Review Application, prepared by Celia Ivanov, submitted 6/8/2022
- Plan Showing Proposed Garage Addition, signed and stamped by Dennis B. O'Brien, surveyor, dated 11/29/2021, revised 5/13/2022
- FAR calculation, submitted 6/8/2022, revised 8/11/2022
- Plans and elevations, prepared by Costa Architects, architect, dated 2/13/2022, revised 3/17/2022, 4/26/2022, 5/3/2022

ADMINISTRATIVE DETERMINATIONS:

1. The subject lot is a back lot, where the front setback is measured from the rear lot line of the parcel at the front (in this case, 43-45 Floral Street). The existing dwelling has a nonconforming front setback of 24.5 feet where 25 feet is required per section 3.2.3. The petitioners propose to construct an attached garage with living space above. The proposed addition further reduces and extends the nonconforming front setback to 3 feet. A special permit per sections 3.2.3 and 7.8.2.C.2 is required.
2. The open space for the parcel is nonconforming at 40.7%, where the minimum required is 50% per section 3.2.3. The proposed construction further reduces the open space to 34.2%. requiring a special permit per section 7.8.2.C.2.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,589 square feet	No change
Frontage	70 feet	90 feet*	No change
Setbacks			
• Front	25 feet	24.5 feet	3 feet**
• Side	7.5 feet	9.2 feet	No change
• Side	7.5 feet	42.4 feet	33.8 feet
• Rear	15 feet	4.3 feet	No change
Max Number of Stories	2.5	2	No change
Max Height	36 feet	28.9 feet	No change
FAR	.53	.26	.45
Max Lot Coverage	30%	15.3%	25.1%
Min. Open Space	50%	40.7%	34.2%**

*For a back lot, the frontage is measured along the rear lot line of the lot in front of it, as well as any frontage along the street.

**Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.2.3 §7.8.2.C.2	To further reduce a nonconforming front setback	S.P. per §7.3.3
§3.2.3 §7.8.2.C.2	To further reduce the nonconforming open space	S.P. per §7.3.3