

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to further reduce a nonconforming front setback and further reduce the nonconforming open space, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. Further reducing the existing nonconforming front setback as measured from the rear lot line of the parcel at the front from 24.5 feet to three feet will not be substantially more detrimental than the existing nonconforming front setback to the neighborhood. (§3.2.3, §7.8.2.C.2)
2. Further reducing the nonconforming open space from 40.7% to 34.2% will not be substantially more detrimental than the existing nonconforming open space to the neighborhood. (§3.2.3, §7.8.2.C.2)

PETITION NUMBER: #416-22

PETITIONER: Celia Ivanov

LOCATION: 39 Floral Street, Section 52, Block 38 Lot 13, containing approximately 7,589 square feet of land

OWNER: Celia Ivanov

ADDRESS OF OWNER: 39 Floral Street
Newton, MA 02461

TO BE USED FOR: Single Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to further reduce a nonconforming front setback (§3.2.3, §7.8.2.C.2) and further reduce the nonconforming open space (§3.2.3, §7.8.2.C.2)

ZONING: Multi Residence 1 (MR1)

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans:
 - a. a site plan entitled "Plan Showing Proposed Gar.- Addition, 39 Floral Street, Newton, MA Middlesex County," dated November 11, 2021, as revised through May 13, 2022, prepared by O'Brien Land Surveying, stamped and signed by Dennis B. O'Brien, Professional Land Surveyor
 - b. a set of architectural plans entitled "Proposed Garage and Second Story Addition, 39 Floral Street, Newton, MA," prepared by Costa Architects LDC, dated February 13, 2022, as revised through May 3, 2023, comprised of the following drawings:
 - i. Existing/Proposed First and Second Floor Plans (A-1)
 - ii. Existing/Proposed Front, Left and Right Elevations (A-2)
 - c. a document entitled "Floor Area Worksheet- 39 Floral Street," indicating a proposed total gross floor area of 3,393 square feet and a proposed FAR (floor area ratio) of 0.45
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.