#513-18

43 Kenwood Avenue

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further increase the nonconforming floor area ratio (FAR) from .42 to .44, where .37 is the maximum allowed as of right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming floor area ratio from .42 to .44, where .37 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood and will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is to the rear of the structure, not visible from the street, and within the footprint of the existing structure (§3.1.9 and §7.8.2.C.2).

PETITION NUMBER: #513-18

PETITIONER: Mark and Marth Fishman

LOCATION: 43 Kenwood Avenue, on land known as Section 64, Block 20, Lot 22, containing approximately 10, 652 square feet of land

OWNER: Mark and Marth Fishman

ADDRESS OF OWNER: 43 Kenwood Avenue

Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR to construct a rear addition.

ZONING: Single Residence 2 district

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:
   1. Site Zoning Plan, signed and stamped by Stephan K. Potts, Registered Architect, dated September 28, 2018
   2. Architectural Plans, prepared by Stanev Potts Architects, signed and stamped by Stephan K. Potts, dated September 28, 2018, consisting of the following five (5) sheets:
      1. A-203 Proposed Second Floor Plan
      2. A-301 West Elevation
      3. A-302 South Elevation
      4. A-303 East Elevation
      5. A-304 North Elevation
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
   1. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
   2. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
   3. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
   1. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
   2. 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 architect.