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ZONING REVIEW MEMORANDUM

Date: April 22, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Lee Silverstone, Architect
Sharona Mizrahi and David Nahoumi, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow an accessory apartment in a detached structure and to further extend nonconforming FAR

Applicant: Sharona Mizrahi and David Nahoumi	
Site: 30-32 Salisbury Rd	SBL: 13007 0016
Zoning: MR1	Lot Area: 9,773 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 30-32 Salisbury Road consists of a 9,773 square foot lot improved with a two-family dwelling constructed in 2006 and an accessory structure in the form of a four car garage. The 1,016 square foot detached garage was reconstructed after a fire in its original size, configuration and location. The petitioner proposes to make a small first floor powder room addition to the principal dwelling, and to construct dormers in of the half story of the detached garage to be used as a four-car garage with an accessory apartment above.

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

- Zoning Review Application, prepared by Lee Silverstone, architect, dated 3/6/2020
- Existing and Proposed FAR and Habitable Space Calculations, submitted 3/6/2020
- FAR worksheet, submitted 3/6/2020
- Architectural plans and elevations, signed and stamped by Phillip Bakalchuk, architect, dated 3/6/2020
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 3/4/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct dormers in the detached garage to create a second level accessory apartment. Per section 6.7.1.E.1, a special permit is required for an accessory apartment in a detached structure.
2. The detached garage was reconstructed in its original 1,006 square foot footprint after a fire. Because it was constructed in its original nonconforming size, location and configuration, it did not require a special permit for a garage larger than 700 square feet, per section 3.4.2.B.1. The proposed changes do not increase the nonconforming footprint.
3. The petitioner proposes a first floor addition to the principal dwelling of a 54 square foot powder room, as well as dormer additions to the second level of the garage adding an additional 104 square feet for a total of 158 square feet. The proposed additions increase the FAR from .64 to .66 where .48 is the maximum allowed per sections 3.2.3 and 3.2.11. A special permit is required to further increase the nonconforming FAR per sections 3.2.3, 3.2.11 and 7.8.2.C.2.
4. Per section 6.7.1.E.5, a detached accessory apartment must meet the setbacks of the principal dwelling unit, as well as FAR and other applicable dimensional controls unless allowed by special permit. The existing detached garage structure has a 6.2 foot side setback, where 7.5 feet is required per section 3.2.3. A special permit is required to allow for the reduced setback. As mentioned above, the proposed dormers further increase the nonconforming FAR and also require a special permit per section 6.7.1.E.5.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1	To allow an accessory apartment in a detached structure	S.P. per §7.3.3
§3.2.3 §3.2.11 §7.8.2.C.2	To further increase nonconforming FAR	S.P. per §7.3.3
§6.7.1.E.5 §3.2.3	To allow an accessory apartment in a detached structure that does not meet the principal setback requirements and further increases nonconforming FAR	S.P. per §7.3.3