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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: September 5, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Jessica O'Rourke, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to establish an accessory apartment in a detached garage**

Applicant: Jessica O'Rourke	
Site: 305 Albemarle Road	SBL: 31028 0017
Zoning: SR3	Lot Area: 10,345 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment

BACKGROUND:

The property at 305 Albemarle Road consists of a 10,345 square foot lot improved with a single-family dwelling and a detached two-car garage constructed in 1925. The applicant proposes to raze the existing detached garage and build a new one with an accessory apartment above. The apartment will be used to house an aid worker for an elderly resident in the primary home.

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

- Zoning Review Application, prepared by Jessica O'Rourke, applicant, submitted 8/6/13
- FAR calculations, prepared by Jessica O'Rourke, applicant, submitted 8/6/13
- Architectural plans, signed and stamped by Hezekiah Pratt, architect, dated 6/4/13
 - Plot Plan
 - Site Plan
 - First Floor Plan
 - Second Floor Plan
 - Front Elevation
 - Left Side Elevation

- Rear Elevation
- Right Side Elevation

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR3 district. Per section 30-8(d)(2), a special permit is required to create an accessory apartment in a detached structure accessory to a single-family dwelling.
2. Section 30-8(d)(1)(a) requires that an accessory apartment be located within a single family dwelling and one of the two units must be occupied by the owner of the property. The owner of the property intends to maintain residency in the main dwelling.
3. Section 30-8(d)(1)(b) requires a single-family dwelling to have been constructed at least ten years prior to the date of application for the permit for the accessory apartment. The dwelling was built in 1925 and thus meets the requirement.
4. The existing detached garage structure is being razed and rebuilt. Section 30-8(d)(2)(b) requires a special permit to make alterations to the detached structure containing the accessory apartment.
5. The proposed accessory unit is 784 square feet, which is greater than the minimum of 400 square feet, and less than the maximum of 1,200 square feet required by the ordinance per Section 30-8(d)(2)(a).
6. The footprint of the proposed detached accessory structure is 784 square feet, which exceeds the 700 square feet allowed by the Ordinance per Section 30-8(b)(7). A special permit is necessary to waive this requirement.
7. The applicant proposes to maintain two parking spaces within the first floor of the garage. Sections 30-8(d)(1)(h), 30-19(d)(1) and 30-19(d)(19) require two parking stalls for the single-family dwelling, and one stall for the accessory unit, therefore no parking waivers are required as parking is available within the garage and in the driveway.

Zone SR3	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	10,345 square feet	No change
Frontage	70 feet	60 feet	No change
Setbacks			
• Front	25 feet	25.5 feet	No change
• Side	7.5 feet	8.2 feet (garage)	5.3 feet (garage)
• Rear	15 feet	14.8 feet (garage)	5.3 feet (garage)

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(2)	Creation of an accessory apartment in a detached structure accessory to a single-family dwelling	S.P. per §30-24
§30-8(d)(2)(b)	Exterior alterations to a detached structure to be used as an accessory apartment	S.P. per §30-24
§30-8(b)(7)	Creation of a garage exceeding 700 square feet	S.P. per §30-24