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## ZONING REVIEW MEMORANDUM

Date: July 3, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence Morris, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to create five single-family attached dwellings on a lot**

<b>Applicant: Luis Diazgranados, Manager DT-ARCO, LLC</b>	
<b>Site:</b> 75-77 Auburn Street	<b>SBL:</b> 33 06 0042
<b>Zoning:</b> MR-1	<b>Lot Area:</b> 31,437 square feet
<b>Current use:</b> Two -family dwelling	<b>Proposed use:</b> Five single-family attached dwellings

### BACKGROUND:

The property at 75-77 Auburn Street contains an existing two-family dwelling built in approximately 1853. It was converted to a two-family residence around 1918, and interior and exterior modifications reflect this conversion. The applicant proposes to reconfigure the existing two unit building with a new addition consisting of a third unit and a two-car garage. Two additional attached dwelling units with two-car garages are proposed at the rear of the site in a separate building for a total of five units on the site.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 5/20/13
- Site Plan – Existing Conditions, prepared by VTP Associates, dated 4/24/13
- Site Plan – Proposed Conditions, prepared by VTP Associates, dated 4/24/13
- Proposed Unit Floor Plans, signed and stamped by Ronald F. Jarek, Architect, dated 5/9/13

### ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the MR-1 zoning district. The applicant is proposing five single-family attached dwelling units on a 31,437 square foot lot. Section 30-9(b)(5) of the Newton Zoning Ordinance allows single-family attached dwellings in one or more groups provided that the applicant obtains a special permit from the Board of Aldermen.

2. The applicant proposes to re-use the existing driveways on either side of the house to serve the five proposed units. The driveway on the left side of the property will be widened to 15 feet, and will be within the 10 foot setback requirement. Section 30-9(b)(5)a) requires that no driveway be located within ten (10) feet of the side lot line. The applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b) to waive this requirement.
3. The applicant proposes to locate Unit 5's garage within 15 feet of the side setback, where 25 feet is required. The applicant proposes a lot coverage of 28%, thereby exceeding the maximum allowed by the Ordinance of 25%. The applicant must obtain a waiver from the side setback and lot coverage requirements per Section 30-9(b)(5)(b).
4. The site is currently used as a two-family dwelling. The applicant proposes to add three additional dwelling units by special permit for a total of five dwellings. This increase triggers the inclusionary housing provisions of Section 30-24(f), which would apply to a residential project allowed by special permit that increases the number of existing units by more than two, per Section 30-24(f)(2). Since Section 30-24(f)(2) applies, the applicant elects to satisfy the inclusionary housing requirement consistent with Section 30-24(f)(4), which allows a cash payment in lieu of providing an affordable unit when the total number of dwelling units proposed will not exceed six units.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 sf	31,347 sf	No change
Lot Area Per Unit	4,000 sf	n/a	6,270 sf
Frontage	80 feet	138 feet	No change
Setbacks			
• Front	25 feet	27.5 feet	No Change
• Side	25 feet	20.5 feet	25 feet
		20.5 feet	<b>15 feet</b>
• Rear	25 feet	107.9 feet	25 feet
Building Height	36 feet	33.6 feet	29.8 feet
Max Number of Stories	2.5	2.5	2.5
Lot Coverage	25%	8.2%	<b>26%</b>
Open Space	50%	72.4%	56.7%
Parking Stalls	2 stalls/unit	2	10

5. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§30-9(b)(5)	Allow the creation of single-family attached dwellings	S.P. per §30-24
§30-15 Table 1, §30-5(b)(5)(b)	Locate a proposed structure 15 feet from the side lot line	S.P. per §30-24
§30-15 Table 1, §30-5(b)(5)(b)	Exceed maximum lot coverage of 25%	S.P. per §30-24
§30-9(b)(5)(a), §30-9(b)(5)(b)	Locate proposed driveway five feet from the side lot line	S.P. per §30-24