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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 24, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Janice Crotty, architect representing the applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment exceeding 1,000 square feet

RECEIVED
Newton City Clerk
2015 MAR -4 PM 1:48
DAVID A. DISON, CLIC
Newton, MA 02459

Applicant: Morris Chen	
Site: 1765 Beacon Street	SBL: 55009 0004
Zoning: SR2	Lot Area: 20,800 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with accessory apartment

BACKGROUND:

The property at 1765 Beacon Street is located at the corner of Beacon Street and Dorset Road, and consists of a 20,800 square foot lot improved with a single-family dwelling built in 1929. The applicant intends to add a 200 square foot dormer with windows over the existing garage to expand existing living space to create an accessory apartment.

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

- Zoning Review Application, prepared by Shu Fen Chen, submitted 12/30/2014
- FAR worksheets, prepared by Janice Crotty, Darlow Christ Architects, date d12/29/2014
- Architectural Plans, signed and stamped by Peter G. Darlow, Architect, dated 11/26/2014, revised 12/29/2014
 - Demo Plan
 - Demo Reflected Ceiling Plan
 - Demo Exterior Elevations
 - Window and Door Schedules, Wall Types
 - First and Second Floor Plans
 - First and Second Reflected Ceiling Plans
 - Building Sections

- Exterior Elevations
- Interior Elevations
- Partial Roof and Second Floor Framing Plans

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per section 30-8(d)(1), an accessory apartment is allowed in an owner-occupied single-family dwelling meeting the criteria of Table 30-8, which requires at least a 15,000 square foot lot, and 3,100 square feet in the dwelling unit. The property contains 20,800 square feet, and the dwelling is 5,898 square feet. No special permit is required.
2. Section 30-8(d)(1)(a) requires that an accessory apartment be located within a single family dwelling and that one of the two units must be occupied by the owner of the property. The owner of the property intends to occupy the main unit.
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 1929 and thus meets the requirement.
4. The proposed accessory unit exceeds 1,000 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)(1)(c). To exceed 1,000 square feet requires a special permit.
5. Section 30-8(d)(1)(d) allows for exterior alterations required to meet applicable building, fire and health codes.
6. Section 30-8(d)(1)(e) states that additions and exterior alterations to the structure made within the last four years may not be applied to meet the requirements of Table 30-8. The applicant meets this requirement.
7. Only one accessory apartment is allowed per lot pursuant to Section 30-8(d)(1)(f). Only one apartment is proposed.
8. No lodgers are allowed in either unit, per Section 30-8(d)(1)(g).
9. The applicant proposes to maintain three parking spaces within the garage and will provide four more in the driveway. 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.
10. Per Section 30-8(d)(1)(i), the apartment must comply with all applicable building, fire and health codes.

Zone SR2	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	20,800 square feet	No change
Frontage	80 feet	125 feet	No change
FAR	.33	.28	.29
Accessory Apt Requirements			
• Lot Size	15,000 square feet	20,800 square feet	No change
• Building Size	3,100 square feet	5,898 square feet	6,093 square feet

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(1) §30-22	To create an accessory apartment in a single-family dwelling	RAAP
§30-8(d)(1)(c)	To create an accessory apartment greater than 1,000 square feet, but less than 1,200.	S.P. per §30-24