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James Freas
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ZONING REVIEW MEMORANDUM

Date: September 24, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Smadar Babchuck, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in an existing single family dwelling

Applicant: Smadar Babchuck	
Site: 206 Wiswall Rd	SBL: 84021 0010
Zoning: SR2	Lot Area: 11,109 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment

BACKGROUND:

The property at 206 Wiswall Road consists of a 11,109 square foot lot improved with a single-family dwelling built in 1948. Several additions and alterations have been made to the structure since it was built, the most recent in 2007 which added a two-stall attached garage with an office and common space above. The applicant would like to convert this space into an accessory apartment. No façade or site changes are proposed at this time, though minor alterations may be required to meet health and safety codes per the Building Code. The lot has less than 15,000 square feet, and thus an accessory apartment requires a special permit.

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

- Zoning Review Application, prepared by Smadar Babchuck, submitted 9/4/2014
- Architectural Plans, prepared by Residential Architecture, dated 9/23/2007, revised 7/27/2008
 - Plot Plan
 - Existing floor plans
 - Proposed first floor plan and wall section
 - Proposed second floor plan and wall section

- o Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per Table 30-8, a special permit is required to create an accessory apartment in a single-family dwelling if the lot size is between 10,000 and 15,000. The applicant’s lot is 11,109 square feet, and therefore requires a special permit to create an accessory apartment.
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 1948 and thus meets the requirement.
4. The proposed accessory unit must be 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). The proposed apartment is approximately 615 square feet.
5. The applicant is not proposing any changes, however any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d and 30-8(d)(2)(b).
6. There are no other existing or proposed accessory apartments on the lot, per section 30-8(d)(1)(f).
7. No lodgers are allowed in either unit, per section 30-8(d)(1)(g).
8. 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. The applicant has an attached two-car garage and parking in the driveway, therefore no parking waivers are required. The applicant must maintain screening from the parking area for the unit from the next adjacent lot.
9. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).

Zone SR2	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	11,109 square feet	No change
Lot size required for accessory apartment	10,000 square feet	11,109 square feet	No change
Building size required for accessory apt	2,600 square feet	3,247 square feet	No change
Size of apartment	250-1,000 square feet	----	615 square feet

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(2)	Creation of an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet	S.P. per §30-24