



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 5, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Thomas and Mairead Murphy, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to establish an accessory apartment in an existing two-family dwelling, to further decrease nonconforming open space, and to amend Board Order #233-07**

RECEIVED
NEWTON CITY OFFICE
2015 JAN 21 AM 9:09
DAVID A. OLSON, CMO
NEWTON, MA 02459

Applicant: Thomas and Mairead Murphy	
Site: 15-17 Weldon Road	SBL: 12022 0004A
Zoning: SR2	Lot Area: 11,113 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with accessory apartment

BACKGROUND:

The property at 15-17 Weldon Road, located in the SR2 district. The structure was built as a garage in 1915 for a residence at the corner of Summit and Bellevue Street. The main house burned down in 1927 and the garage was converted to the current two-family residence. The Board of Aldermen Order dated May 4, 1927 granted Petition #57494 pursuant to the Ordinance of that day, Chapter 32, Section 556B, para. C. which allowed for the two-family use of the property. A second special permit was issued in 2007, Board Order 233-07, permitting two decks to be built at the rear of the house which further decreased the existing nonconforming open space.

The applicant now seeks a special permit to allow for the creation of an accessory apartment in the basement level of the unit at 17 Weldon Road. Pursuant to Section 30-8(d)(2), a special permit is required to create an accessory apartment in a two-family dwelling.

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

- Zoning Review Application, prepared by Mairead Murphy, applicant, dated 11/21/2014
- Existing Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 9/15/2014
- Proposed Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 11/5/2014
- As-Built Plan, signed and stamped by Bradley Shotola, architect, dated 4/25/2005
- Architectural Plans, prepared by Bradley Shotola, architect, dated 10/6/2014
 - Proposed Basement
 - Proposed Accessory Apartment, Basement Plan
 - Proposed Accessory Apartment, First Floor Plan
 - Proposed Accessory Apartment, Second Floor Plan

ADMINISTRATIVE DETERMINATIONS:

1. The Board of Aldermen Order dated May 4, 1927 granted Petition #57494, which allowed for the use of the property for a two-family dwelling.
2. The existing two-family structure is located in an SR2 district. Per Section 30-8(d)(2), a special permit is required to create an accessory apartment in the SR2 district.
3. Table 30-8 requires a lot have at least 10,000 square feet for an accessory apartment by special permit. The applicant's lot has 11,113 square feet.
4. Table 30-8 requires that a unit has at least 2,600 square feet to allow an accessory apartment by special permit. The applicant has 2,830 square feet.
5. Sections 30-8(d)(1)a) and 30-8(d)(2) require that an accessory apartment within a two family dwelling must have one of the units occupied by the owner of the property. The owner of the property must maintain residency in the main dwelling or the proposed apartment.
6. Section 30-8(1)(b) requires a two-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 circa 1927 and thus meets the requirement.
7. The proposed accessory unit must be greater than the minimum of 250 square feet, and less than the maximum of 1,000 square feet required by the ordinance per Section 30-8(d)(2)(a). The proposed apartment is approximately 474 square feet.
8. Any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(2)(b).
9. There are no other existing or proposed accessory apartments on the lot, per section 30-8(d)(1)(f).
10. No lodgers are allowed in any unit, per section 30-9(h)(1)(g).
11. Sections 30-8(d)(1)(h), 30-19(d)(19) and 30-19(g) require two parking stalls for each dwelling unit, and one stall for the accessory unit. The existing two-family dwelling contains two attached

garages, one per unit, as well as two undersized stalls located outside in front of the garage stalls, for a total of four stalls on site. The 1987 zoning review prepared by Juris Alksnitis concluded that only two stalls are required for the two-family use, as the use predates the 1977 requirement that two-family dwellings provide four parking stalls (two per unit), and set the minimum size of parking stalls as 9 ft. x 19 ft. The applicants propose to create a new third stall, which meets the dimensional requirements of Section 30-19(g)(2).

12. The property has an existing nonconforming open space of 39.2%, where 50% is required per Section 30-15, Table 1. The construction of the parking stall required for the accessory unit further decreases the nonconforming open space to 37.5%. A special permit per Section 30-21(b) is required, as well as a modification to Board Order #233-07 which authorized a decrease in nonconforming open space in 2007. This project creates a further reduction.
13. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).

SR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	11,113 square feet	No change
Frontage	80 feet	72 feet	No change
Lot size required for an accessory apartment	10,000 square feet	11,113 square feet	No change
Unit size required for an accessory apartment	2,600 square feet	2,830 square feet	No change
Setbacks			
• Front	25 feet	16.9 feet	No change
• Side	7.5 feet	9.8 feet	No change
• Rear	15 feet	24.1 feet	No change
Height	36 feet	31.32 feet	No change
Stories	2.5	3	No change
Max Lot Coverage	30%	35.3%	No change
Min Open Space	50%	39.2%	37.5%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(1), §30-8(d)(2)	Creation of an accessory apartment in a two-family dwelling in the SR2 district	S.P. per §30-24
§30-21(b) §30-15, Table 1, BO #233-07	Further decrease nonconforming open space	S.P. per §30-24