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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 11, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Peter Sachs, architect representing the applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment

Applicant: John & Christina Hennessey	
Site: 45 Brae Burn Road	SBL: 43 04 01
Zoning: SR2	Lot Area: 14,739 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with accessory apartment

BACKGROUND:

The property at 45 Brae Burn Road consists of a 14,739 square foot lot improved with a single-family dwelling built in 1925. The applicant received a building permit on 7/11/12 to do a rear addition of two stories and a basement, and is currently proposing to use 594 square feet of the basement addition as an accessory apartment.

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

- Zoning Review Application, prepared by Peter Sachs, Architect, submitted 5/3/13
- Architectural Plans, prepared by Peter Sachs, Architect, dated 3/19/12, revised 5/31/12, 6/19/12, 8/14/12
 - Existing First Floor Plan
 - Existing Second Floor Plan
 - Attic, Third Floor Plan
 - Basement Plan
 - Existing Front Elevation
 - Existing Rear Elevation
 - Driveway Elevation
 - Side Yard Elevation
 - Basement Floor Plan

- Basement
- Second Floor Plan
- First Floor Plan
- Attic/Roof Plan
- Driveway Elevation
- Rear Elevation
- Side Yard Elevation
- Topographic Site Plan Showing Proposed Conditions, prepared by VTP Associates, dated 8/27/12, revised 5/1/13

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per section 30-8(d)(1), a special permit is required to create an accessory apartment in a single-family dwelling on a lot less than 15,000 square feet.
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.
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. Section 30-8(d)(1)(e) states that additions to the single-family structure made within four years prior to the application may not be applied towards meeting the requirements of Table 30-8. In an SR2 district, a structure must contain at least 3,100 square feet to receive a by-right permit for an accessory apartment, or must contain 2,600 square feet to qualify for a special permit for a an accessory apartment. Prior to the issuance of the building permit for the addition, the dwelling contained 3,645 square feet, and therefore the house size meets the requirements for an accessory apartment by right.
5. The proposed accessory unit is 594 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 applicant proposes to maintain two parking spaces within the garage and will provide another 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.

Zone SR2	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	14,739 square feet	No change
Frontage	80 feet	80 feet	No change
Setbacks:			
• Front	25 feet	24.6 feet	No change
• Side	7.5 feet	25.1 feet	37.0 feet
• Rear	12.5 feet	48.2 feet	32.5 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	S.P. per §30-24
§30-8 Table	For a special permit to create an accessory apartment in a single-family dwelling on a lot less than 15,000 square feet (but greater than 10,000 square feet)	S.P. per §30-24