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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 9, 2013
Land Use Action Date: September 17, 2013
Board of Aldermen Action Date: September 23, 2013
90-Day Expiration Date: October 7, 2013

DATE: July 5, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning

SUBJECT: **Petition #215-13**, Christina & John Hennessey, for Special Permit/Site Plan Approval to use 594 sq. ft. of the existing basement as an accessory apartment at **45 Brae Burn Road**, Ward 4, Auburndale, on land known as SBL 43, 4, 1, containing approximately 14,739 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-22, 30-8(d)(1), and 30-8 Table of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



45 Brae Burn Road

EXECUTIVE SUMMARY

The property at 45 Brae Burn Road consists of a 14,739 square foot lot improved with a 2½-story single-family residence constructed in 1925 with a detached garage. The existing structure totals approximately 3,650 square feet and the petitioners currently have a building permit for a two-story rear addition adding an additional 1,100 square feet. The petitioners are proposing to use 594 square feet of the basement addition in order to create an accessory apartment. Because the size of the lot is less than 15,000 square feet the petitioners must seek a special permit for the proposed apartment. The petitioners appear to meet all other requirements for an accessory apartment in a Single Residence 2 zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed accessory apartment.
- The use will not adversely affect the neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on the corner of Brae Burn Road and the carriage lane side of Commonwealth Avenue. The house is surrounded by single-family residences and is located in an area zoned Single Residence 2. Lasell College is located across Commonwealth Avenue.

B. Site

The site consists of 14,739 square feet of land and is improved with a single-family house and detached two-car garage. The site is relatively level.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners are proposing to add an accessory apartment in the basement of their single-family house.

B. Building and Site Design

The petitioners received a building permit in July of 2012 to add a two-story addition to the rear of their house. The addition is nearly complete. Although the proposed apartment is located in the basement of the addition the petitioners' house met the square footage requirement for an accessory apartment before the addition was

constructed.

The proposed apartment is approximately 594 square feet. The proposed apartment will have access from the rear of the house and will contain two means of egress. The apartment contains a bedroom, bathroom, living room and kitchen. Since the proposed apartment is located in the basement it does not add to the mass of the house with the exception of a retained staircase leading to the basement entrance.

C. Parking and Circulation

There will be no parking or circulations changes to the site. The petitioners have parking in an existing two car garage. There is an additional parking stall located in the driveway in front of the garage.

D. Landscape Screening

No landscape plan was required for this petition. Existing screening from landscaping on the abutting property currently separates the petitioners' driveway from their abutters to the east.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioners are requesting a special permit to create an accessory apartment in a single-residence dwelling on a lot containing less than the required 15,000 square feet.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking the following reliefs:

- Section 30-8(d)(1), to create an accessory apartment in a single-family dwelling.
- Table 30-8, for a special permit to create an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map



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Attachment A

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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 |

215-13

Zoning Map 45 Brae Burn Rd.

*City of Newton,
Massachusetts*

Legend

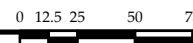
-  Single Residence 2
-  Streets-Pavement Edge
-  Building Outlines
-  Surface Water



ATTACHMENT B

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas



Map Date: July 03, 2013



215-13

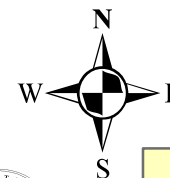
Land Use Map 45 Brae Burn Rd.

*City of Newton,
Massachusetts*

Legend

Land Use

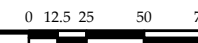
- Single Family Residential
- Private Educational
- Streets-Pavement Edge
- Building Outlines
- Surface Water



ATTACHMENT C

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