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James Freas
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ZONING REVIEW MEMORANDUM

Date: March 12, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney
Leslie See and Christopher Man Szeto
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

Applicant: Leslie See and Christopher Man Szeto	
Site: 34-36 Broadlawn Park	SBL: 82046 0006
Zoning: MR1	Lot Area: 13,913 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with accessory apartment

BACKGROUND:

The property at 34-36 Broadlawn Park is located in the MR1 district. The two-family structure was built in 1970 and abuts the Town of Brookline to the rear, and the City of Boston to the east. The structure consists of two and one-half stories with an attached two-car garage. The applicant is seeking a special permit to allow for the creation of a 572 square foot accessory apartment in the garage level of the structure. Pursuant to Section 30-9(h)(1), 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 G. Michael Peirce, dated 2/12/2015
- Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 2/3/2015
- Architectural Plans, signed and stamped by D. Christopher Royer, architect, dated 1/26/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure is located in an MR1 district. Per Sections 30-9(h)(1) a special permit is required to create an accessory apartment in two-family structure.
2. Table 30-8 requires a lot have at least 8,000 square feet for an accessory apartment by special permit. The applicant's lot has 13,913 square feet.
3. Table 30-8 requires that a unit has at least 2,600 square feet to allow an accessory apartment by special permit. The structure has 4,040 square feet, with an additional 2,000 square feet in the basement.
4. Sections 30-9(h)(1)a) 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.
5. Section 30-9(h)(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 in 1970 and thus meets the requirement.
6. The proposed accessory unit must be greater than the minimum of 250 square feet, and less than the maximum of 1,200 square feet required by the ordinance per Section 30-9(h)(1)c). The proposed apartment is approximately 572 square feet.
7. Per Section 30-9(h)(1)e), any additions or alterations to the structure made within two years prior may not be applied towards meeting the requirements of Table 30-8.
8. There are no other existing or proposed accessory apartments on the lot, per section 30-9(h)(1)f).
9. No lodgers are allowed in any unit, per section 30-9(h)(1)g).
10. Sections 30-9(h)(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 an attached two-car garage, as well as two stalls located outside in front of the garage stalls, for a total of four stalls on site. The applicants propose to create a new third outdoor stall on the eastern side of the property, which meets the dimensional requirements of Section 30-19(g)(2). The additional parking stall will be located adjacent to the parking lot of the abutting condo complex.
11. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-9(h)(1)i).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	13,913 square feet	No change
Frontage	80 feet	80 feet	No change
Lot size required for an accessory apartment	8,000 square feet	13,913 square feet	No change
Unit size required for an accessory apartment	2,600 square feet	6,040 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 10 feet 15 feet	35 feet 13 feet 55 feet	No change No change No change
Stories	2.5	2.5	No change
Max Lot Coverage	30%	15.3%	No change
Min Open Space	50%	72.49%	71%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-9(h)(1)	Creation of an accessory apartment in a two-family dwelling in the MR1 district	S.P. per §30-24