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ZONING REVIEW MEMORANDUM

Date: September 9, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence Morris, Attorney
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in a nonconforming detached structure accessory to an nonconforming existing two-family dwelling less than 2,500 square feet.

Applicant: Andrew and Monica Healy	
Site: 59-61 Warwick Rd	SBL: 31028 0062 and 31028 0063
Zoning: SR3	Lot Area: 11,218 square feet
Current use: Two-family dwelling	Proposed use: Two-family with accessory apartment

BACKGROUND:

The property at 59-61 Warwick Road, located in the SR3 district, is improved with a two-family dwelling built in 1925 and a detached two-car garage. The applicant also owns the adjacent parcel, which is improved with an existing 640 square foot building built in 1910 as a stable and shed. This parcel was associated with the property at 51 Warwick Rd in 1910, but has since become associated with the Applicants' parcel at 59-61 Warwick Road. The applicant proposes to convert the stable into an accessory apartment.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, dated 8/5/2014
- Certified Plot Plan, signed and stamped by Kenneth B. Anderson, surveyor, dated 7/1/2014
- Existing and Proposed Floor Plans, prepared by Ronald F. Jarek, architect, dated 7/7/2014, revised 9/8/2014
- Existing and Proposed Elevations, prepared by Ronald F. Jarek, architect, dated 7/7/2014, revised 9/8/2014

ADMINISTRATIVE DETERMINATIONS:

1. The existing legal nonconforming two-family structure is located in an SR3 district. Per Section 30-8(d)(2), a special permit is required to create an accessory apartment in an existing nonconforming two-family structure.
2. The applicant proposes to convert an existing detached stable in to an accessory apartment. Section 30-8(d)(2) requires a special permit to create an accessory apartment in a detached structure.
3. Table 30-8 requires a lot have at least 10,000 square feet for an accessory apartment in the SR3 district. The Applicant's lot has 11,218 square feet.
4. The Applicant's main structure has 2,190 square feet. Table 30-8 requires a special permit for the creation of an accessory apartment associated with a dwelling which is at least 1,800 square feet, but less than 2,500.
5. Section 30-8(d)(1)(a) requires that when there is an accessory apartment within a two-family dwelling, one of the units must be occupied by the owner of the property. The owner of the property intends to maintain residency on the property.
6. Section 30-8(d)(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 1925, and the stable in 1910, and thus meet the requirement.
7. 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 30-8(d)(2)(a). The proposed apartment is 1,197 square feet.
8. Any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d).
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 30-8(d)(1)(g).
11. Sections 30-8(d)(h), 30-19(d)(19) and 30-19(g) require two parking stalls for each dwelling unit, and one stall for the accessory unit. There currently exists a two-car detached garage associated with the main two-family dwelling, as well as at least two parking stalls in the driveway. The stable building has its own driveway and provides parking for at least two vehicles.
12. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).
13. Section 30-15(m)(2) states that an accessory building with a sloping roof shall have a maximum height of 22 feet. The existing stable structure was built in 1910 with a height of 22.3 feet at the

peak, and is therefore legally nonconforming. The Applicant is not proposing to increase the height of the existing accessory structure.

14. The Ordinance requires an accessory structure to have no more than 1½ stories per Section 30-15(m)(3). The existing stable was built with two stories and is legally nonconforming due to its age. The Applicant is not proposing to increase the number of stories.

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	11,218 square feet (5,762.9sf and 5,455.1 sf)	No change
Frontage	70 feet	125 feet (62 ft and 63 ft)	No change
Lot size required for an accessory apartment	10,000 square feet	11,218 square feet	No change
Building size required for an accessory apartment	1,800-2,500 square feet	2,191 square feet	No change
Size of accessory apartment	250 sf minimum to 1,200 sf maximum		1,197 square feet
Max height of accessory building	22 feet	22.3 feet	No change
Max stories of accessory building	1½	2	No change
Lot Coverage	30%	21.5%	No change
Open Space	50%	57.1%	No change
FAR	.40	.40	.40

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(2) §30-21(b)	Creation of an accessory apartment in a nonconforming two-family dwelling in the SR3 district	S.P. per §30-24
§30-8(d)(2) §30-21(b)	Creation of an accessory apartment in an detached structure	S.P. per §30-24
Table 30-8	Create an accessory apartment accessory to a building at least 1,800 square feet but less than 2,500 square feet	S.P. per §30-24
§30-15(m)(2) §30-21(b)	Change of use of a detached structure which is nonconforming due to height	S.P. per §30-24
§30-15(m)(3) §30-21(b)	Change of use of a detached structure which is nonconforming due to number of stories	S.P. per §30-24