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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 1, 2011

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning ET

Cc: Jay W. Melick, designer representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an accessory apartment in an accessory structure

Applicant: Kevin Mizrahi	
Site: 1099 Walnut Street	SBL: 52009 0011
Zoning: SR2	Lot Area: 13,816 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with an accessory apartment

Background:

The property at 1099 Walnut Street consists of a 13,816 square foot lot currently improved with a single-family dwelling and a large carriage house. The applicant proposes to use the existing carriage house as an accessory apartment.

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

- Architectural plans, by Jay W. Melick, designer, revised 10/20/11
- Site plan signed and stamped by Allen F. Paige, Engineer, dated 4/30/10
- Zoning summary, unsigned and undated

ADMINISTRATIVE DETERMINATIONS:

1. The property is located in the SR2 zone and must meet the dimensional criteria of Section 30-15 Table 1 for a pre-1953 lot. Accessory structures must meet the dimensional requirements of Section 30-15(m), per the table below. The existing carriage house is legally nonconforming with regard to setbacks and ground floor area, as it predated zoning regulations in the City of Newton.

SR2 Zone	Required/Allowed	Existing	Proposed
Ground Floor Area	700 square feet	847 square feet	No change
Setbacks	5 feet	4.2 feet	No change

2. Per Section 30-8(d)(2), the applicant must obtain a special permit from the Board of Aldermen to locate an accessory apartment in an accessory structure.
3. Per Section 30-8(d)(2)a), an accessory apartment permitted under Section 30-8(d)(2) is limited to a maximum of 1,200 square feet or 1/3 the total building size as defined in Section 30-1, whichever is more. The total building size is 4,408 square feet, including the primary dwelling and the area of the accessory structure used for the accessory apartment. The proposed accessory apartment would have an area of 1,445 square feet, which is 32.8% of the total building area and is therefore allowed.
4. Per Section 30-19(d)(19) one parking stall must be provided on site for an accessory apartment in addition to the two required for the single-family dwelling, for a total of three stalls. The applicant's site plan shows these required parking stalls. However, Section 30-8(d)(1)h) requires "landscape screening in the area between the parking space required for the accessory unit and the nearest side lot line sufficient to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences, or a combination thereof." The applicants must meet the requirements of Section 30-8(d)(1)h) or obtain a special permit from the Board of Aldermen to waive this requirement.
5. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Accessory Apartment</i>	<i>Action Required</i>
§30-8(d)(2)	Allow an accessory apartment in a detached structure	S.P. per §30-24
§30-8(d)(1)h)	Provide the required screening or obtain a waiver	S.P. per §30-24