



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 24, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Beth Kirsch, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a home occupation with more than three customers occasionally, and a waiver of one parking stall associated with the home business

Applicant: Beth Kirsch	
Site: 27 Waldorf Road	SBL: 54046 0008
Zoning: SR2	Lot Area: 4,883 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with home occupation

BACKGROUND:

The property at 27 Waldorf Road consists of a 4,883 square foot lot improved with a single-family residence constructed in 1913. The owner of the property is proposing a home business making chocolates and teaching classes on chocolate making on the premises. While the chocolate-making business is by-right and falls within the Section 30-8(c) which regulate home businesses, the applicant is requesting a special permit to allow for more than three customers so as to hold classes on the premises.

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

- Zoning Review Application, prepared by Beth Kirsch, submitted 1/8/2015
- Plot plan, signed and stamped by Clifford E. Rober, surveyor, dated 5/23/2001
- Zoning determination letter, signed by John Lojek, Commissioner of Inspectional Services and Jane Santosuosso, Chief Zoning Code Official, dated 1/6/2015

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-8(c) allows a single home business per dwelling unit, with conditions.
2. Pursuant to Section 30-8(c)(1), the home business must be clearly incidental to the residential use, and will not change the residential character. The applicant intends to make chocolates, and hold classes within the dwelling's existing kitchen.
3. The total area of the dwelling unit utilized for the home business cannot exceed 30% of the ground floor area of the dwelling unit per Section 30-8(c)(2). The dwelling is approximately 2,300 square feet, according to the Assessor's database, which allows for approximately 350 square feet of space dedicated for use by the home business. Building permits show the kitchen has 208 square feet.
4. Not more than one non-resident may be employed by the business per Section 30-8(c)(3). The applicant does not intend to have any non-resident employees.
5. Section 30-8(c)(4) states that there may be no more than three customers or pupils for business or instruction present at any time. The applicant would occasionally like to hold chocolate-making classes within her home as part of her business. The application states that classes will generally have four to six students, but a few times per year may have up to twelve. Section 30-8(c)(11)c states that the Board may grant a special permit to allow for more than three customers or pupils to be present at one time.
6. Pursuant to Section 30-8(c)(5), there may be no on-premises storage of merchandise for sale, except where the merchandise for sale is produced entirely on-site. The applicant intends to produce her merchandise entirely on site.
7. There may be no exterior display or storage of merchandise, and no exterior indication of the business other than one non-illuminated sign no greater than one square foot per Section 30-8(c)(6). The applicant does not intend to display merchandise or have a sign.
8. There may be no retail or wholesale sale of merchandise on the premises per Section 30-8(c)(7).
9. The home business may not be disruptive to the neighborhood pursuant to Section 30-8(c)(8).
10. Pursuant to Section 30-19(d)(2), two parking spaces are required for the single-family residential use of the premises. Section 30-8(c)(9) requires an additional parking stall per each 200 square feet used by the home business. The applicant may use up to 350 square feet for the business, thus requiring two parking stalls. The provision states that the total number of stalls may be reduced by one if the more than one is required. Thus, the applicant requires one parking stall for the home business.

There is enough room in the driveway for two cars. A waiver of one parking stall is required pursuant to Section 30-8(c)(11)e).

SR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	4,883 square feet	No change
Frontage	80 feet	70 feet	No change
Setbacks for existing structure			
• Front	25 feet	11.5 feet	No change
• Side	7.5 feet	14.8 feet	No change
• Rear	15 feet	32.5 feet	No change
Max. Lot Coverage	30%	23.8%	No change
Open Space	50%	66.9%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§30-8(c)(4), §30-8(c)(11)c)	Allow more than three customers or pupils in a home business	S.P. per §30-24
§30-8(c)(9), §30-8(c)(11)e)	Waive the requirement for one parking stall associated with a home occupation	S.P. per §30-24