



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: March 9, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Ann Wolf, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in a detached carriage house

Applicant: Javitch Realty Trust	
Site: 133 Waban Ave	SBL: 55014 0015
Zoning: SR2	Lot Area: 32,654 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment in detached carriage house

BACKGROUND:

The property at 133 Waban Ave consists of a 32,654 square foot lot improved with a single-family dwelling and carriage house constructed in 1893. The applicant proposes to convert the existing second-floor finished space in the carriage house into an approximately 540 square foot accessory apartment. No exterior renovations are required.

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

- Zoning Review Application, prepared by Ann Wolf, Javitch Realty Trust, submitted 2/10/2015
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 2/5/2015
- Floor plan and photos, signed and stamped by Daphne Petri, architect, dated 1/22/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per section 30-8(d)(2), a special permit is required to create an accessory apartment in a detached structure accessory to a single-family dwelling.
2. Table 30-8 requires a lot of at least 15,000 square feet and a building size of at least 3,100 square feet. The property is 32,654 square feet and the dwelling is approximately 3,280 square feet, not included attic and basement space. The property meets the requirements of Table 30-8.
3. Section 30-8(d)(1)(a) requires that an accessory apartment be located within a single family dwelling and one of the two units must be occupied by the owner of the property. The owner of the property intends to maintain residency in the main dwelling.
4. 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 1893 and thus meets the requirement.
5. The applicant has not made any alterations to the structure within the last four years necessary to meet the requirements of Table 30-8, per Section 30-8(d)(1)(e).
6. Pursuant to Section 30-8(d)(1)(f), only one accessory apartment is allowed per lot. Only one is proposed.
7. No lodgers are proposed in either unit, per Section 30-8(d)(1)(g).
8. The applicant proposes to maintain two parking spaces within the first floor of the carriage house, as well as parking within 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.
9. Section 30-8(d)(1)(i) requires that the apartment comply with all applicable building, fire and health codes.
10. The proposed accessory unit is 540 square feet, which is 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).

Zone SR2	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	32,654 square feet	No change
Frontage	100 feet	105 feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	37.2 feet 65.9 feet 68.9 feet	No change No change No change
Setbacks for detached structures <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	+/- 110 feet 9.5 feet 60.3 feet	No change No change No change
Max Lot Coverage	30%	8.8%	No change
Min Open Space	50%	80%	No change

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(2)	Creation of an accessory apartment in a detached structure accessory to a single-family dwelling	S.P. per §30-24