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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 14, 2015
Land Use Action Date: May 5, 2015
Board of Aldermen Action Date: May 18, 2015
90-Day Expiration Date: June 15, 2015

DATE: April 10, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner 

SUBJECT: **Petition #62-15**, ANN LOUISE WOLF petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in a detached carriage house at **133 WABAN AVENUE**, Ward 5, Waban, on land known as SBL 55, 14, 15, containing approximately 33,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30- 24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



133 Waban Avenue

EXECUTIVE SUMMARY

The property at 133 Waban Avenue consists of 33,030 square feet of land, improved with a single-family dwelling and carriage house built in 1893, and open space. The petitioner is seeking a special permit to allow an approximately 540 square foot accessory apartment in the second floor of the carriage house. The site has adequate parking for the main dwelling and accessory apartment, and is partially screened along the property lines. The Planning Department believes the site is an appropriate location for the proposed accessory apartment and has no concerns regarding this petition.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for an accessory apartment. (§30-24(d)(1))
- The proposed accessory apartment will not adversely affect the neighborhood. (§30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Waban Avenue at the intersection with Crofton Road. The land uses in the surrounding neighborhood consist of single-family dwellings (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of Single-Residence 2 (**ATTACHMENT B**).

B. Site

The site consists of 33,030 square feet of land, improved with a 2½-story single-family dwelling and detached carriage house constructed in 1893, and open space. The carriage house is located along the western property line and is accessed off of Waban Avenue. The site is partially screened along the property lines by vegetation. The detached carriage house is currently used as a garage on the ground floor and was previously used as an apartment on the second floor. There is a stair case that wraps around the rear of the carriage house that provides a second egress.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner was previously using the second floor of the carriage house as an

accessory apartment, but was unaware that a special permit was required. The petitioner realized that a special permit was necessary after being contacted by the Inspectional Services Department after the owner's bank completed its due diligence on the owner's home equity loan request. The petitioner is now seeking to allow the accessory apartment use through the proper procedures.

The Planning Department believes the site is an appropriate location for an accessory apartment, and that the size (540 square feet) of the accessory apartment would help to diversify the City's housing stock.

B. Building and Site Design

The petitioner is not proposing to make any exterior changes to the carriage house or the remainder of the site, as the unit exists and has the required number of egresses.

C. Landscape Screening

No additional screening is necessary as there is existing vegetation around most of the property lines.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-8(d)(2), to create an accessory apartment in a detached structure.

B. Engineering Review

No engineering review is necessary as the petitioner is not increasing the amount of impervious surface on the site by more than 400 square feet.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum

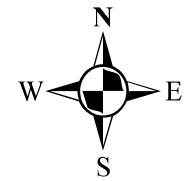
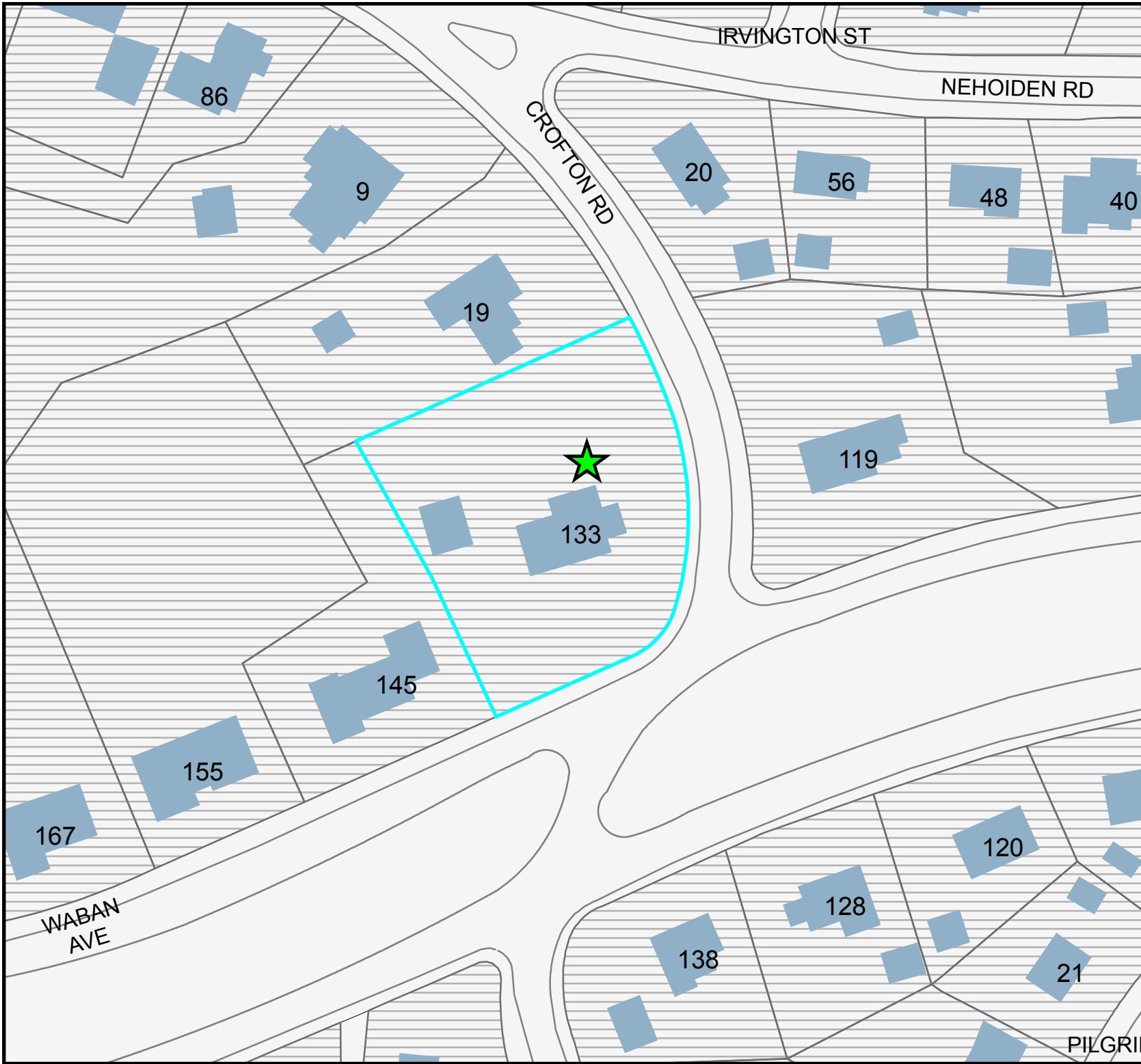
Land Use Map 133 Waban Ave

City of Newton,
Massachusetts

Legend

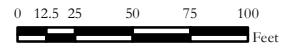
- Single Family Residential

ATTACHMENT A



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
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GIS Administrator - Douglas Greenfield



Map Date: April 08, 2015

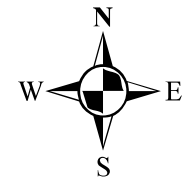
Zoning Map 133 Waban Ave

City of Newton,
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Legend

 Single Residence 2

ATTACHMENT B

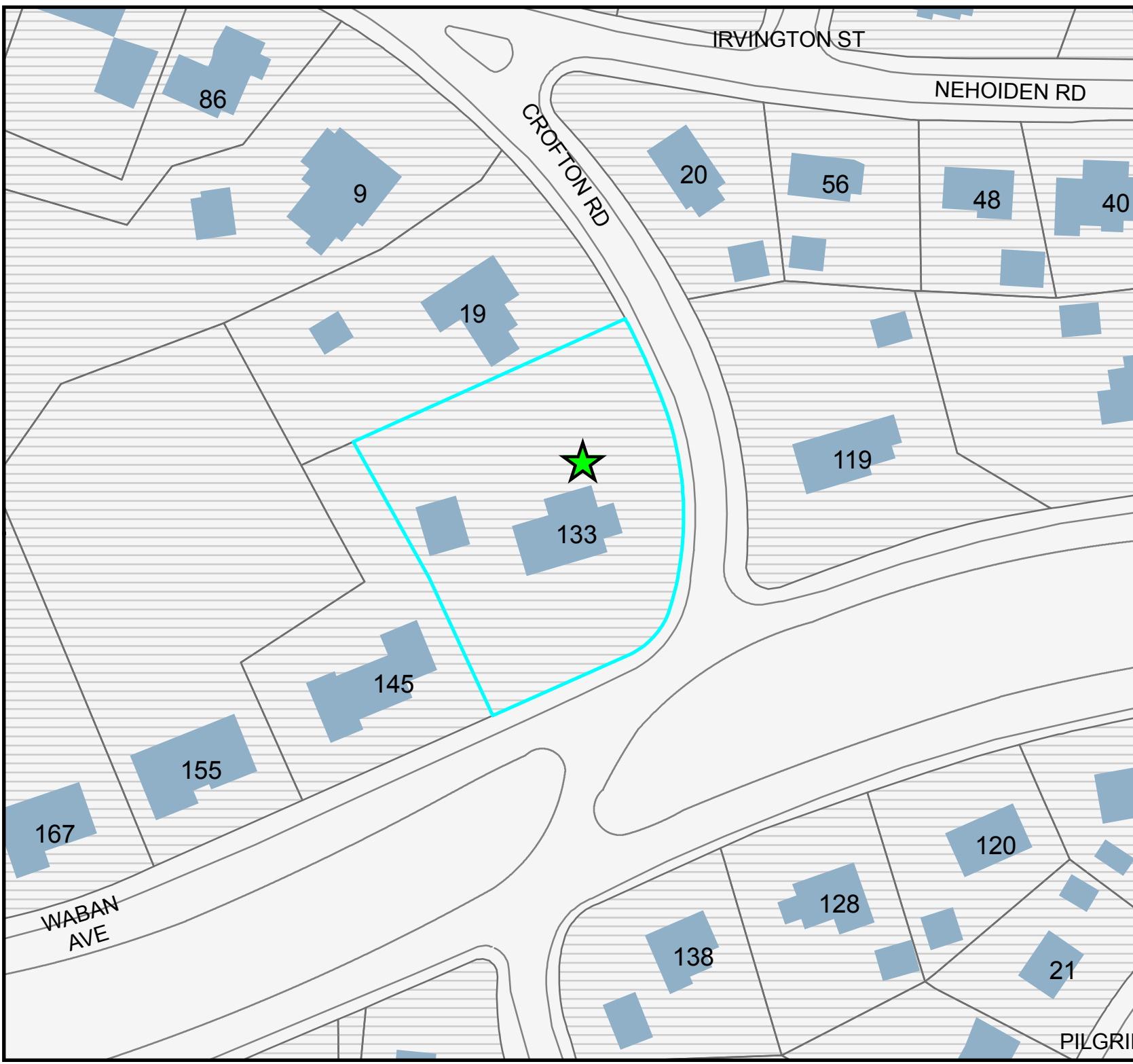


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ATTACHMENT C

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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