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## ZONING REVIEW MEMORANDUM

Date: July 21, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Benyamin Ber, architect  
Shehzad S. Basaria and Milena Braga, applicants  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to establish an accessory apartment in an existing single-family dwelling**

Applicant: Shehzad S. Basaria and Milena Braga	
Site: 133 Harwich Road	SBL: 82037 0076
Zoning: SR3	Lot Area: 11,170 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with accessory apartment

### BACKGROUND:

The property at 133 Harwich Road is located in the SR3 zoning district and is improved with a single-family split-ranch structure built in 1960. The applicant is proposing a rear addition to the structure at the ground and first floors. The ground level addition will include a living room and kitchen, which will be used to create an accessory apartment with the existing ground level space not used as a garage. The addition on the first floor will include a 147 square foot office. The applicant is seeking a special permit to allow for the creation of an 800 square foot accessory apartment in the basement in a dwelling which is less than 2,500 square feet.

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

- Zoning Review Application, prepared by Benyamin Ber, architect, dated 6/7/2016
- Site Plan, prepared by Neh-Koo-Dah, architects, dated 6/7/2016
- FAR worksheet, undated
- Floor Plans, prepared by Neh-Koo-Dah, architects, date d6/7/2016

**ADMINISTRATIVE DETERMINATIONS:**

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1. The existing single-family structure is located in the SR3 district. Per Section 6.7.1.F a special permit is required to create an accessory apartment in single-family structure with less than 2,500 square feet of building size. While the total structure has an existing 2,680 square feet, 317 square feet is within the garage and may not be counted toward the building size as defined by Section 6.7.1.G. With 2,363 square feet of building size, a special permit is required.
2. Section 6.7.1.F requires a lot have at least 10,000 square feet for an accessory apartment. The applicants' lot has 11,170 square feet.
3. Section 6.7.1.D.1.a requires that an accessory apartment in the SR3 district be no larger than 1,200 square feet. The proposed apartment is 800 square feet.
4. Section 6.7.1.B.1 requires that an accessory apartment must have one of the units occupied by the owner of the property. The owner of the property must maintain residency in the main dwelling or the proposed apartment.
5. Section 6.7.1.B.2 requires a 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 1960 and thus meets the requirement.
6. Section 6.7.1.D.1.c states that any alterations required to meet the applicable Building, Fire or Health codes are permitted provided they maintain the residential character of the neighborhood.
7. Section 5.1.4.A requires two parking stalls for each dwelling unit, and one stall for the accessory unit. The existing dwelling contains an attached two-car garage, as well as two stalls located outside in front of the garage stalls, for a total of four stalls on site, satisfying the parking requirement.

SR3 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	11,170 square feet	No change
Frontage	80 feet	127 feet	No change
Lot size required for an accessory apartment	10,000 square feet	11,170 square feet	No change
Unit size required for an accessory apartment	2,500 square feet	2,363 square feet	2,879 square feet
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	30 feet 10 feet 15 feet	30 feet 11 feet ±80 feet	No change No change ±65 feet
Stories	1.5	1.5	No change
Max Lot Coverage	30%	12%	15%
Min Open Space	50%	83%	80%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.D §6.7.1.F	Creation of an accessory apartment in a single-family dwelling with less than 2500 square feet	S.P. per §7.3.3