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Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: November 13, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Commonwealth Engineering, engineer representing the applicant  
Arthur Ullian, applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to establish an accessory apartment in a detached accessory structure**

Applicant: Arthur Ullian	
<b>Site:</b> 76 Hyde Avenue	<b>SBL:</b> 72 23 57
<b>Zoning:</b> SR2	<b>Lot Area:</b> 37,405 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Single-family with accessory apartment

### BACKGROUND:

The property at 76 Hyde Avenue consists of a 37,405 square foot lot improved with a single-family dwelling with an attached two-car garage, and detached two-car garage. The dwelling was rebuilt in 2001 after razing the original 1912 structure. The detached accessory structure was built in 1913 and remains in its original condition. The applicant proposes to convert the detached structure into a ±600 square foot accessory apartment to be occupied by a health aid for the physically disabled owner. The applicant proposes to build a pergola structure connecting the main dwelling to the accessory structure.

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

- Zoning Review Application, prepared by Commonwealth Engineering, submitted 10/15/13
- Proposed site plan, prepared by Commonwealth Engineering, dated 10/10/13
- Architectural plans, prepared by MZO Group, architects, dated 10/10/13
  - Basement Plan
  - First Floor Plan

- Pergola/Pavilion Plan
- Elevations
- Pergola/Pavilion Elevation
- General Notes
- MA DEP Form 8B – Certificate of Compliance, dated 4/29/13

#### **ADMINISTRATIVE DETERMINATIONS:**

1. The existing single-family structure is located in an SR1 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. 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. The accessory unit is intended to be occupied by a home health aid.
3. 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 2001 and thus meets the requirement.
4. The proposed accessory unit is approximately 600 square feet, which is greater than the minimum of 400 square feet, and less than the maximum of 1,200 square feet required by the ordinance per Section 30-8(d)(2)(a).
5. No exterior alterations are required, per section 30-8(d)(1)(d) and (e) and 30-8(d)(2)(b).
6. There are no other existing or proposed accessory apartments on the lot, per section 30-8(d)(1)(f).
7. No lodgers are proposed in either unit, per section 30-8(d)(1)(g).
8. 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. The applicant has an attached two-car garage and a proposed designated parking stall in the driveway, therefore no parking waivers are required.
9. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).

<b>Zone SR2</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	37,405 square feet	No change
Frontage	80 feet	147.93 feet	No change
Setbacks for existing structure			
● Front	25 feet	40.2 feet	No change
● Side	7.5 feet	15.7 feet	No change
● Rear	15 feet	±100 feet	No change

1. See "Zoning Relief Summary" below:

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