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James Freas
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ZONING REVIEW MEMORANDUM

Date: June 3, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney
Wajdi Zainoun, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to amend Special Permit #416-12(3) to allow for office use of the existing basement, to amend the site plan to restripe the parking and to waive stall dimensional requirements

Applicant: Wajdi Zainoun	
Site: 242-244 Commonwealth Avenue	SBL: 61 13 11
Zoning: MR1	Lot Area: 7,452 square feet
Current use: Retail/office	Proposed use: Same

BACKGROUND:

The property at 242-244 Commonwealth Avenue consists of a 7,452 square foot lot improved with a small commercial building and surface parking lot. Originally used as an office, the use of the site has changed a number of times over the years. Several special permits have been issued for the site, allowing for office, retail and service uses, which are nonconforming in the MR1 district, as well as parking waivers.

The building currently has two tenants on the first floor; an interior design business and a fitness studio. The basement had been finished by the previous owner for office use. The applicant seeks to legitimize the basement space for his personal office.

The applicant seeks to amend the most recent special permit, Board Order #416-12(3), to allow the owner's use of the basement for an office. The applicant also seeks to restripe the nonconforming parking facility to provide for five stalls, where four are now permitted on the approved site plan.

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

- Zoning Review Application, prepared G. Michael Peirce, attorney, dated 4/17/2015
- Site Plan, signed and stamped by Peter Nolan, surveyor, dated 4/8/2015
- Board Order #416-12(3), dated 8/12/2013
- Board Order #416-12, dated 2/19/2013
- Plot Plan, signed and stamped by Peter Nolan, surveyor, dated 10/25/12
- Existing Basement Floor Plan, dated 12/9/2014

ADMINISTRATIVE DETERMINATIONS:

1. The existing service uses are in conformance with the conditions of Board Order 416-12(3), which allowed for extension of nonconforming commercial uses within the Multi-Residence 1 district. The use of the basement space for an office and storage extends the nonconforming use of the site, and requires a special permit
2. Board Order 416-12 allowed for four parking spaces within the front setback to accommodate the office and retail use. The applicant is proposing 250 square feet of office space in the basement, with the remaining 250 square feet in the basement will be used as storage for the owner. The additional 250 square feet of office space requires an additional parking stall, which the applicant intends to create by restriping the lot.
3. The applicant proposes to restripe the parking lot to create five stalls, where four currently exist. The stalls will measure 8 feet in width. Section 30-19(h)(2)a) requires that stalls measure at least 9 feet in width. A special permit per Section 30-19(m) is required.
4. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-21(b)	Amend existing special permit (Board Order 416-12(3)) to allow a basement office.	S.P. per §30-24
§30-19(h)(2)a), 30-19(m)	To allow reduced parking stall width	S.P. per §30-24