



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Zoning Board of Appeals
From: Kelly Lynema, Acting Director, Dept. of Planning and Community Development
Marisa Lau, Senior Planner
Date: 9/9/2022
RE: Docket 3713 – 82 Winter Street; Special Permit under Section 8.1.3(E) (Nonconforming Single-Family or Two-Family Dwellings)

The applicant, James Boyle, seeks a Special Permit in accordance with Section 8.1.3(E) (Nonconforming Single-Family or Two-Family Dwellings) of the Zoning Bylaw. The applicant seeks to create an accessory dwelling unit (ADU) in the rear yard setback of their two-family home. The proposal would add 306 square feet of gross floor area within an existing accessory garage.

The existing structures on the property, which is in the R2 Zoning District, are nonconforming with the Zoning Bylaw's lot size; frontage; front and left side yard; and usable open space requirements. Because the accessory building is located within six feet of the right and rear lot lines, under Sections 5.9.2.B(1) and 8.1.3(E) of the Zoning Bylaw, the Board may grant a Special Permit provided it finds that the creation of the ADU is not substantially more detrimental to the neighborhood than the use of the accessory building as a private garage or other allowed use. The applicant is not increasing the footprint or height of the existing structures. The proposal would not increase any of the existing nonconformities on the property.

The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted through a Special Permit in the R2 zoning district since the existing accessory structure is located less than six feet from the property line.

Criterion #2: Public Convenience/Welfare

This proposal would provide an ADU to allow the owners to age in place.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

There would not be an increase in traffic congestion or an impairment of public safety.

Criterion #4: Undue Burden on Municipal Systems

There would not be an undue burden on municipal systems.

Criterion #5: Special regulations

If granted a Special Permit, this proposal would meet the required conditions for ADUs in Section 5.9.2.B(1) of the Zoning Bylaw:

- The floor area of the proposed ADU is less than the maximum floor area requirement;
- Due to its proposed size, the ADU is not a large addition and therefore is not subject to Section 5.4.2.B(6);
- The ADU would have its own separate entrance;
- This would be the first ADU established on this property (a maximum of two would be allowed on this property);
- ADU are allowed in accessory buildings, in this case subject to the granting of a special permit due to the existing setbacks of the accessory building;
- The ADU would not be used as a short-term rental; and
- The ADU is subject to State Building Code and State Fire Code.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

While the accessory building is located less than six (6) feet from the abutting properties, the proposal to create an ADU is not substantially more detrimental to the neighborhood than the existing use as a garage or other allowed uses. The property abuts the B4 Zoning District (Vehicular Oriented Business) to the north and is across from apartments in the R5 Zoning District. Additionally, three-family homes are located in the R3 Zoning District to the northeast of the property.

The accessory building is located entirely in the rear yard of the property. The façade improvements are designed to complement the style of the primary dwelling and adjacent homes in the neighborhood. Additional window details and a new egress improve the compatibility of the structure with the surrounding neighborhood.¹ Staff note the proposed elevation and plans are not consistent, however. Overall, this proposal would not detrimentally impact the neighborhood character of the district or adjoining districts, nor will it be detrimental to the health, morals, or welfare of the neighbors of the property.

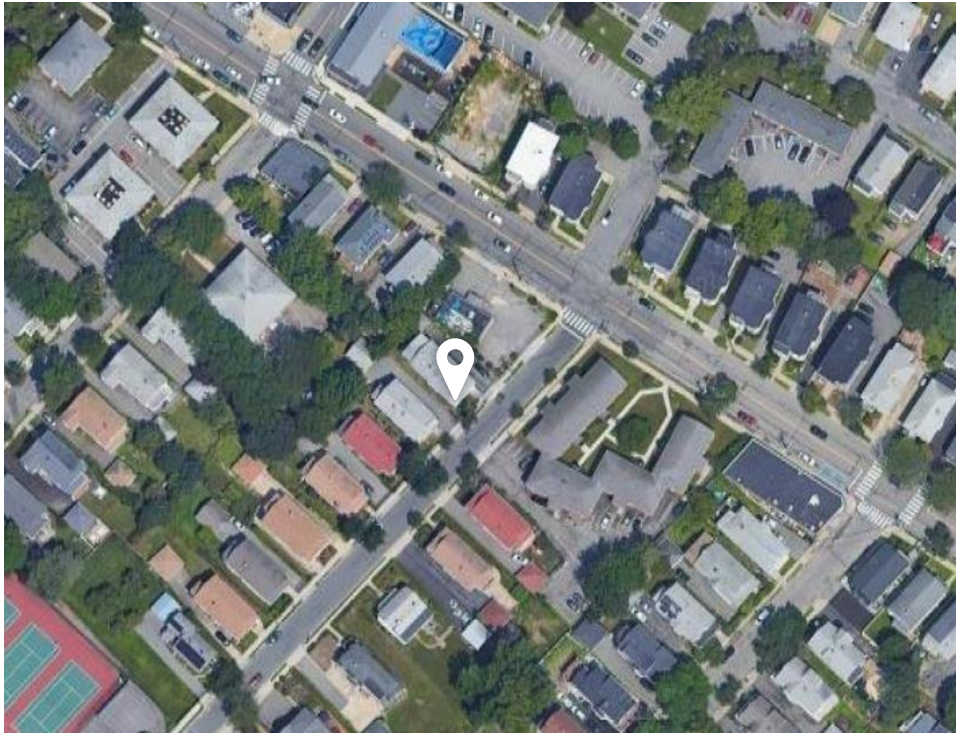
Criterion #7: Detrimental Excess in Particular Use

There would not be any detrimental excesses.

Below are aerial and street-based photos of the current building:

¹ Residential Design Guidelines, Principles B-1 and C-1.

<https://www.arlingtonma.gov/home/showpublisheddocument?id=54518>





Summary of Analysis:

The Department of Planning and Community Development (DPCD) maintains that this proposal is consistent with the Special Permit criteria in Section 3.3.3, A through G, of the Zoning Bylaw.