



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060002

Petitioners, Johanna Klein and Robert Lepson applied to the Building Commissioner for permission to construct a two and half story addition to the rear of their house, within the required side yard and rear setback at 36 Thorndike Street. The application was denied and an appeal was taken to the Board of Appeals.

On January 12, 2006 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed February 9th, 2006, at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the approval. Notice of the hearing was mailed to the Petitioner, and to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published January 26 2006 and February 2, 2006, in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 5.43 & 5.63, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: JOHANNA KLEIN, ROBERT LEPSON
Location of Premises: **36 THORNDIKE. BRKL**
Date of Hearing: **2/09/2006**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th. Floor**

A public hearing will be held for a variance and/or a special permit from

- 1) **5.30: Maximum Height of Buildings; Variance Required**
- 2) **5.43: Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 3) **5.60: Side Yard Requirements; Variance Required**
- 4) **5.70: Rear Yard Requirements; Variance Required**
- 5) **8.02.2: Alteration or Extension; Special Permit Required**

Of the Zoning By-Law to construct a two and a half story addition in height per plans

At **36 THORNDIKE ST. BRKL**

Said Premise located in a

T-5 district.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, a public hearing was held by this Board.

Present at the hearing were Board members Larry Kaplan, Chair, Enid Starr and Bailey Silbert.

Mr. Blake presented the petitioners' case. He explained that the petitioners were requesting zoning relief on the basis that the existing house was already non conforming and that there was no way to build a viable addition without the zoning relief.

The proposed addition will permit the owners to add new livable space while providing a stronger connection to the existing rear yard. The new design complements the style and character of the existing house and is consistent with the size and arrangement of homes in the surrounding area. Additionally, smaller window openings along the northeast elevation will help mitigate any privacy concerns with the abutting property at 40 Thorndike Street.

In addition, Mr. Blake submitted a note of support, from the abutters on the northeast side of the property. A booklet of comparative views showing the existing conditions and a massing model of the proposed design along with a graphic site plan showing the intended countermeasures were also provided.

The Chair then called upon Tim Greenhill of the Brookline Planning Department to present the Planning Board report. Mr. Greenhill stated that the Planning Board noted the proposal was compatible with the existing house and surrounding area and recommends approval of the requested zoning relief with the following conditions: Prior to obtaining a building permit, the Applicant shall submit to the Chief Planner of the Planning and Community Development Department, for review and approval for conformance to the Board of Appeals decision: 1) final site building elevations, stamped and signed by a registered architect; 2) a final site plan stamped and signed by a registered architect or land surveyor; 3) a landscaping plan.

Frank Hitchcock, Senior Building Inspector, spoke on behalf of the Building Commissioner. He restated the sections of the Zoning By-Law under which relief is needed and stated that all requested relief could be granted by Special Permit, by consideration of the side

yard setback as 6.7', which would keep the addition in line with the existing structure and side yard setback. The 21' rear setback the proposed structure presents no adverse site conditions. The height relief could be granted as the location of addition's proposed ridgeline remains below the existing ridge line. Mr. Hitchcock stated that the Building Department has no objections to the requested relief.

The Board, having deliberated on this matter, considered the foregoing testimony and noted that the requested side and rear setback relief of 6.7' and 21' respectively, would have a minimal impact on the neighborhood and that the requested height relief was for less than the existing height of the building, voted unanimously to grant special permits under Section 5.43 and Section 8.02.2 to allow for the proposed rear 2 ½ story addition, with the following conditions:

- 1) A landscaping plan, indicating all counterbalancing amenities, shall be submitted to the Chief Planner for review and approval prior to the issuance of a building permit.
- 2) Prior to obtaining a building permit, the applicant shall submit to the Chief Planner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; and 2) final building elevations stamped and signed by a registered architect

Unanimous Decision of
the Board of Appeals


Lawrence Kaplan, Chair

Date of Filing: July 14, 2006

A True Copy:
ATTEST:



Patrick J. Ward
Board of Appeals

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