



# TOWN OF BROOKLINE

## *Massachusetts*

### BOARD OF APPEALS

DIANE R. GORDON, Co-Chair  
HARRY MILLER, Co-Chair  
BAILEY S. SILBERT

333 Washington Street  
Brookline, MA 02445  
617-730-2010  
Fax: 617-730-2298  
PATRICK J. WARD, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. BOA 0600010

Petitioners Matthew Bless and Feixue Zhang applied to the Building Commissioner for permission to convert the first floor apartment at 54 Harvard Street from residential use to commercial office space. The proposed change of use violated the Zoning By-Law, the application was denied and an appeal taken to this Board.

On February 2<sup>nd</sup>, 2006 the Board 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. The Board then fixed the date of March 23<sup>rd</sup>, 2006 at 7:15 p.m. in the Selectmen's Conference Room on the sixth floor of Town Hall as the time and place of a hearing of the appeal. Notice of the hearing was mailed to petitioners and their attorney, (if any of record), to owners of 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 on March 9<sup>th</sup> and March 16<sup>th</sup>, 2006 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice as follows:

LEGAL NOTICE  
TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEAL  
NOTICE OF HEARING  
PETITIONERS: Matthew Bless and Feixue Zhang  
  
LOCATION OF PREMISES: 54 Harvard Street

DATE AND PLACE OF HEARING

Thursday March 23rd, 2006

At 7:15 p.m. in the Selectman's Hearing Room on the sixth floor of Town Hall  
333 Washington Street Brookline, Massachusetts.

A public hearing will be held for a variance and/or special permit for the Design of  
All Off Street Parking Facilities

(1) Section 6.02.1; Variance Required

(2) Section 6.02.1; Special Permit Required

Of the Zoning By-Law to convert the current 878 square foot, one bedroom  
residential apartment on the first floor to an office/retail use at **54 HARVARD ST.  
BROOKLINE.**

Said premises is located in a G-2 district.

The Town of Brookline does not discriminate on the basis of disability in admission  
to, or 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 Co-ordinator,  
Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445.  
Telephone (617) 730-2330; TDD (617) 730-2327.

Diane R. Gordon

Harry Miller

Bailey Silbert

At the time and place specified in the notice a public hearing was held by this  
Board. Present were Harry S. Miller, Chair, Diane Gordon and Bailey Silbert.

Petitioners were represented by Attorney Jacob Walters of Goldenberg,  
Walters and Popkewitz of Seven Harvard Street in Brookline. Mr. Walters stated  
that pursuant to Section 6.02.1.b of the Zoning By-Law, the Board could grant the  
requested relief by way of a Special Permit. Mr. Walters stated that the property in  
question has never had parking, and the requested special permit will allow the  
Board to waive the required spaces. Mr. Walters stated that the Board may,  
pursuant to Section 6.02.1.b, waive up to six spaces but the applicant at best will need  
a waiver of three (3) spaces. Mr. Walters went on to say that the property is located  
in a commercial area near Brookline Village and the apartment to be converted from

residential to commercial is very small. It is unlikely that the number of owners and or employees at this location would exceed two or three persons who may or may not drive to work. Mr. Walters concluded by saying that on street parking was often available in this section of Harvard Street, and noted the proximity of the property to both bus service and the trolley line.

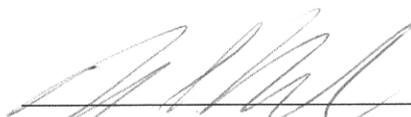
The Chair asked if any members of the public wished to be heard in favor of or against the proposal. No one requested to be heard.

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 supports the commercial use of this property and believes such use is good for the Town. The Planning Board also felt that the relief was appropriate given the proximity of the property to public transportation. Mr. Greenhill concluded by stating that the Planning Board unanimously recommended approval without any conditions.

The Chairman then called upon Frank Hitchcock of the Brookline Building Department. Mr. Hitchcock stated that relief could be granted by Special Permit under Section 6.02.1.b of the By-Law. Mr. Hitchcock stated that the only relief needed was for the waiver of required parking spaces for commercial properties. Mr. Hitchcock added that 54 Harvard Street was in a business district and the proposed use is allowed under our Zoning By-Law. Mr. Hitchcock concluded by stating that the Building Department had no objections to the grant of relief.

The Board, having heard all testimony, and after review of the plans submitted, voted unanimously to grant a Special Permit under Section 6.02.1.b to allow the conversion of the first floor apartment to commercial office space and to waive the three (3) required parking spaces

Unanimous decision of  
the Board of Appeals

  
\_\_\_\_\_  
Harry S. Miller, Chair

Date of Filing:

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TOWN OF BROOKLINE  
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