



Town of Brookline

Massachusetts

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

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060017

Petitioner, Geoffrey Arnold and Ann Carol Grossman, applied to the Building Commissioner for permission to enclose an existing screen porch on the second floor rear of 60 Blake Road. As the approximately 154 square foot of the porch will now count under FAR and the property currently exceeds the permitted FAR, the application was denied and an appeal was taken to the Board of Appeals.

On March 30, 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 May 11, at 7:15 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 appeal. Notice of the hearing was mailed to the Petitioners, their attorney (if any of record), 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 April 20, 2006 and April 27, 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 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: ARNOLD GEOFFREY H & GROSSMAN ANN CAROL

Location of Premises: 60 BLAKE ROAD BRKL

Date of Hearing: 05/11/2006

Time of Hearing: 07:15 p.m.

Place of Hearing: Selectmen's Conference Room, 6th. Floor

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

- 1) **5.09.2.j; Design Review; Special permit Required**
- 2) **5.20; Floor Area Ratio; Variance Required**
- 3) **5.22.3.c; Exceptions to Floor Area Ratio Regulations for Residential Units; Special permit Required**
- 4) **8.02.2; Alteration or Extension; Special permit Required**

Of the Zoning By-Law to enclose the existing second floor porch per plans

at **60 BLAKE ROAD BRKL**

Said Premise located in a S-7 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.

**Diane R. Gordon
Harry Miller
Bailey S. Silbert**

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

Present at the hearing were Board members Harry Miller, Chair, Murray Shockett and Enid Starr.

Mr. Arnold and his architect Mr. Sergio Modigliani presented the petitioners' case. They explained that the petitioners were requesting zoning relief on the basis that this was a conversion of an existing screened porch to an enclosed porch, thereby technically adding new FAR to a property previously already in excess of the as of right FAR. As the roof above and room below already exist, there is no change to the volume or dimensions of the current footprint. Petitioners noted that an additional FAR was possible under the By-Law. The property was before the Board in 1995 (Case #3269) and that 466 SF was then granted for an attic conversion. Petitioners now propose to utilize an additional 154 SF for the porch enclosure, still leaving the property below the maximum allowed. Mr. Arnold noted that he had spoken with his neighbors and that no one had objected to the proposal. He added that he had received one letter in support from David and Jody Godes of 54 Blake Road, the direct abutter closest to the proposed change. The letter was filed with the Board.

The Board asked the audience if anyone wished to speak for or against the appeal. No one was present to speak in regards to the application.

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 had no objection to the request as the proposal will not extend beyond the existing footprint and will be constructed of materials similar to the existing dwelling. The proposed enclosure has a large expanse of windows that will serve to reduce the visual bulk. The Planning Board recommends approval of the requested zoning relief with the following conditions: (1) Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan, stamped and signed by a

registered architect or land surveyor and b) floor plans stamped and signed by a registered architect.

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. Mr. Hitchcock stated that the Building Department has no objections to the requested relief or the conditions recommended by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, voted unanimously to grant the special permits under Sections 5.09.2.j, 5.22.3.c, and 8.02.2 to allow for the proposed conversion, with the following condition:

1. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan, stamped and signed by a registered architect or land surveyor and b) floor plans stamped and signed by a registered architect.

Unanimous Decision of the Board of Appeals


 Harry Miller, Chair

Date of Filing: June 13, 2006

A True Copy:
ATTEST:



Patrick J. Ward
Board of Appeals

Twenty days have elapsed and no appeal has been filed.

A True Copy:
ATTEST:



Patrick J. Ward
Town Clerk

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