



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0072
OWNER: MARK & CHERYL ZARRILLO

Petitioner, Mark Zarrillo, applied to the Building Commissioner for permission to expand an existing garage toward the front of the lot at 3 Copley Street. The application was denied and an appeal was taken to this Board.

The Board administratively 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 December 18, 2014 at 7:15 p.m. in the Selectmen's conference room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney 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 on November 27, 2014 and December 4, 2014 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.



TOWN OF BROOKLINE

BOARD OF APPEALS

Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

3 COPLEY ST – EXPAND EXISTING GARAGE in an S-7, Single-Family residential district on December 18, 2014, at 7:15 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: ZARRILLO MARK J & CHERYL R; Owner: ZARRILLO MARK J & CHERYL R) Precinct 8

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law:

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.60: Side Yard Requirements**
- 3. Section 5.63: Accessory Buildings or Structures in the Side Yard**
- 4. Section 5.70: Rear Yard Requirements**
- 5. Section 5.72: Accessory Buildings or Structures in the Rear Yard**
- 6. Section 8.02.2: Alteration or Extension**

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

*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 Town programs and services may make their needs known to **Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneirson@brooklinema.gov.***

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chair Jonathan Book, and Board Members Johanna Schneider and Christopher Hussey. Property owner, Mark Zarrillo, presented the case on his own behalf.

Mr. Zarrillo described 3 Copley Street as a single-family Colonial Revival structure that was built in 1899. The structure is 2 ½ stories and is located on a corner lot at the intersection of Copley and Pleasant Street. A single-story detached brick garage is located at the northwest corner of the lot and extends over the property line that is shared with 204 Pleasant Street. A solid wall separates the interior of the garage along the property line, providing approximately 112 square feet of usable garage space for the property owner, but not enough space for parking vehicles. The immediate neighborhood consists of similar wood frame residential structures to the west of Pleasant Street and multi-family apartment buildings to the east of Pleasant Street.

Mr. Zarrillo stated that he is proposing to extend the existing garage toward the front lot line by 18'. The approximately 330 square feet of new garage space will provide adequate parking for two vehicles. Expanded garage dimensions will result in a 23'-9" setback from the front lot line along Copley Street and maintain 1' and 0' foot side and rear setbacks respectively.

Two new carriage style garage doors will be installed on the front of the extended garage to allow for vehicle access, and another carriage style door will be included on the side to allow for pedestrian access. The garage extension will include clapboard siding and a pitched roof that will raise the height of the garage by 2-3'. An existing side walkway between the garage and the

residential structure will also be extended by 16' to maintain property owner access to both the front and side of the garage.

Mr. Zarrillo provided two letters of support for this project from abutters that will be most impacted by this garage extension (204 Pleasant Street and 11 Copley Street). Mr. Zarrillo also explained that garages in close proximity or on rear and side lot lines are common throughout the surrounding neighborhood. Mr. Zarrillo provided a neighborhood map that highlighted 30 area garages that are located directly on property lines.

Board Members, Johanna Schneider and Christopher Hussey acknowledged the unique subdivision history of the property that renders the garage unusable for vehicle storage, and requested that the applicant describe proposed counterbalancing amenities.

Mr. Zarrillo described carriage style front doors on the garage that are intended to improve the streetscape. Driveway paving will also be replaced and new landscaping will be installed along the edge of a new walkway between the home and the extended garage.

Board Chair, Jonathan Book called for public comment in favor of, or in opposition to the applicant's proposal. No members of the public wished to comment.

The Board Chair called upon Jay Rosa, Zoning Coordinator, to deliver the findings of the Planning Board:

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

Section 5.63 – Accessory Buildings or Structures in the Side Yard

Section 5.72 – Accessory Buildings or Structures in the Rear Yard

Dimensional Requirements	Allowed	Existing	Proposed	Relief
Side Yard Setback (Accessory Building)	6'	1'	1'	Special Permit*
Rear Yard Setback (Accessory Building)	6'	0'	0'	

* Under *Section 5.43*, the Zoning Board of Appeals may waive by special permit yard and setback requirements if counterbalancing amenities are provided.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Mr. Rosa stated that the Planning Board was supportive of this proposal to extend the existing garage to allow for covered parking. The subdivision history of the 3 Copley Street lot creates a unique situation in which the applicant is unable to utilize the garage to park vehicles. The garage will remain below 15 feet in height and provides an attractive façade that is consistent with other structures in the neighborhood.

The Board believed that internal storage of the applicant’s vehicles improves the existing streetscape, and recommended the installation of additional landscaping as a counterbalancing amenity for special permit relief. Therefore, the Planning Board recommended approval of the plans by Mark Zarrillo, dated 9/26/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations subject to the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director for Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered land surveyor or engineer; 2) final floor plans and elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Board Chair called upon Michael Yanovitch to deliver the opinion of the Building Department. Mr. Yanovitch stated that that the Building Department had no objection to this proposal. The proposed garage will extend side yard setback non-conformance but will not increase it. Mr. Yanovitch stated that the project is well designed and the Building Department will work with the applicant to ensure compliance with Building and Zoning codes if special permit relief is granted.

The Board deliberated on the merits of special permit relief as requested. Board Member, Christopher Hussey, stated that he believed the proposal meets the conditions for special permit relief outlined in Zoning By-law Section 9.05. Johanna Schneider concurred with this opinion and referenced the fact that the most significantly impacted abutter at 11 Copley Street has expressed support for the project. The Board was also satisfied with the counterbalancing amenities provided by the applicant. The Board voted unanimously that the requirements had been met for the issuance of a special permit under Sections, **5.43, 5.60, 5.63, 5.70, 5.72 and 8.02.2** of the Zoning By-Law. The Board made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use

Accordingly, the Board voted unanimously to grant the requested relief, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations subject to the review and approval of the Assistant Director for Regulatory Planning.

2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director for Regulatory Planning.
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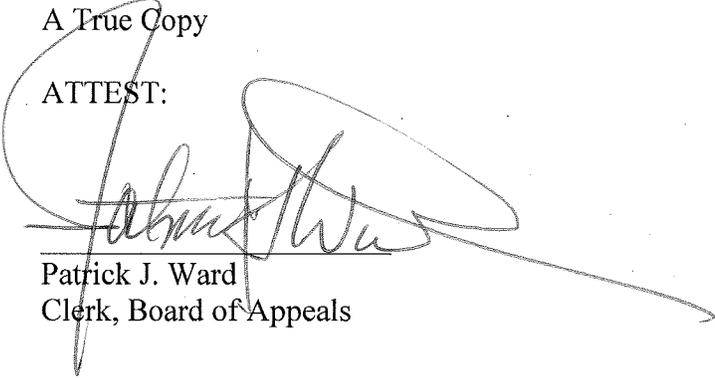
**Unanimous decision of the
Board of Appeals**

Filing Date: 1/6/15


Jonathan Book, Chair

A True Copy

ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

RECEIVED
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2015 JAN -6 A 9:26.