



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2015-0029
OWNER: JONATHAN & DANYA DINWOODEY

Petitioners, Jonathan and Danya Dinwoodey, applied to the Building Commissioner for permission to enclose a rear entryway creating 48 square feet of additional floor area at 15 Circuit Road. The application was denied and 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 July 23, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 July 2, 2015 and July 9, 2015 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.

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:

15 CIRCUIT RD – ENCLOSE A COVERED REAR ENTRYWAY in an S-10, Single-Family, residential district, on July 23, 2015, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner/Owner: DINWOODEY JONATHAN & DANYA) Precinct 13

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and additional zoning relief if needed:

- 1. Section 5.09.2.j: Design Review**
- 2. Section 5.22.3.c: Exceptions to Floor Area Ratio Regulations for Residential Units**
- 3. 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*

Publish: July 2, 2015 & July 9, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Jonathan Book and Board Members Mark Zuroff and Avi Liss. The petitioner, Jonathan Dinwoodey of 15 Circuit Road, presented project details to the Board. Mr. Dinwoodey stated that he is requesting to enclose an existing rear entryway. There is an

existing non-conforming FAR and this enclosure will increase the FAR from .410 to .414. The preservation Commission also approved proposed modifications.

Chairman Book questioned if this rear entryway is an original portion of the historic home. Mr. Dinwoodey confirmed that a non-historic portion of the home was demolished around 2005 but this portion of the structure is original, and the enclosure design and materials will be consistent with existing historic elements. The second and third story portions of the home above this area are already enclosed. The proposed addition will improve the functionality of the first floor kitchen and solve infiltration issues at this corner of the home.

Chairman Book called for public comment in favor of, or in opposition to, the petitioner's proposal. No members of the public commented.

Chairman Book requested that Jay Rosa review the findings of the Planning Board.

FINDINGS

Section 5.09.2.j – Design Review

Any exterior addition for which a special permit is required pursuant to §5.22 is subject to design review standards listed under Section 5.09.4 (a-m). All design review standards have been met, with the most relevant design review sections described below:

- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – Homes along Circuit Road produce a distinct streetscape that incorporates front-yard open space, unique fenestration, and fencing/landscaped screening between residential structures. This proposed addition is partially visible from Circuit Road, but has no adverse impact on, nor is it inconsistent with, the existing streetscape.

- k. Heritage – The disruption of historic architectural elements is minimized with this proposed rear addition. Applicants worked closely with the Preservation Commission to incorporate appropriate design elements that are consistent with the existing structure, including door and window design/location.

Section 5.22.3.c – Exceptions to Floor Area Ration Regulations for Residential Units

	Permitted	Existing	Proposed	Relief
Floor Area Ratio (FAR)	3,604 s.f. 100%	4,927 s.f. 136.7%	4,973 s.f. 138%	Special Permit*

* Under Section 5.22.3.c, the Board of Appeals may grant by special permit an exterior addition that is less than or equal to 350 square feet, provided that the resulting gross floor area is not more than 150% of the permitted gross floor area.

Section 8.02.2 – Alteration or Extension

A special permit is required to extend the pre-existing non-conforming Floor Area Ratio.

Mr. Rosa stated that the Planning Board unanimously supported the modest rear addition. The building footprint will be unchanged and the interior functionality of the home will be improved. Both historic design guidelines and design review standards for the FAR relief have been satisfied. Therefore, the Planning Board recommended approval of the site plan by Framingham Survey Consultants, dated 6/22/15, and plans by Conrad Ello, dated 6/15/15. Subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning.
2. 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 engineer or land surveyor, 2) final floor plans and elevations, stamped and signed by a registered architect, 3) a Certificate of Appropriateness issued by the Brookline Preservation Commission; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Book requested that Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department also has no objection to the

requested special permit relief. The FAR relief is de minimis and, if approved, the Department will work with the petitioner to ensure compliance with imposed conditions and building codes.

The Board deliberated on the merits of special permit relief as requested. Board Members were satisfied that required design review standards are met. Board Member Zuroff stated that the rear addition requires minimal zoning relief and the tasteful design effectively complements existing historic elements of the home. Board Member Liss agreed that the enclosure results in minimal abutter impact and believed that the standards for special permit relief are also satisfied. Board Chairman Book noted that the structural footprint will be unchanged and agreed that the proposal is worthy of special permit relief.

The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections 5.09.2.j and 9.05 and of the Zoning By-Law, granting relief from the provisions of Sections 5.22.3.c 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:

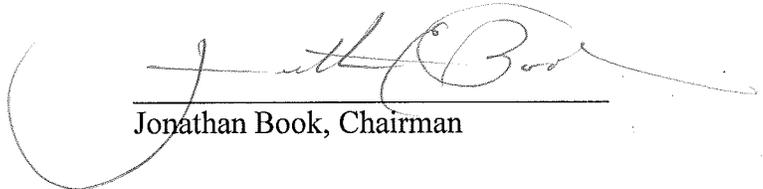
- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation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

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

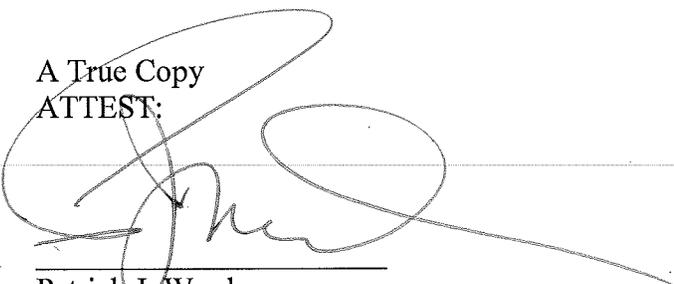
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Unanimous decision of the
Board of Appeals

Filing Date: 8/4/15


Jonathan Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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