



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. 2015-0048
OWNER: CELINE & RONY SELLAM
385 CLINTON ROAD, BROOKLINE, MA

Petitioners, Celine and Rony Sellam, applied to the Building Commissioner for permission to enclose a second story porch above an existing sunroom, creating 190 square feet of additional floor area at 385 Clinton Road. 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 October 15, 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 October 1, 2015 and October 8, 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:

385 CLINTON RD – ENCLOSE A SECOND STORY PORCH WITH A NEW DECK ABOVE, CREATING 190 SQUARE FEET OF ADDITIONAL FLOOR AREA, in an S-10, Single-Family, residential district, on October 15, 2015, at 7:05 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: David Sharff; Owner: SELLAM, RONY & CELINE) 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 as needed:

- 1. Section 5.09.2.j: Design Review**
- 2. Section 5.22.3.c: Exceptions to Maximum Floor Area Ratio (FAR) 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: October 1, 2015 & October 8, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Mark G. Zuroff and Board Members Johanna Schneider and Christopher Hussey. The project architect, David Sharff, introduced property owner Celine Sellam and presented project details to the Board. Mr. Sharff stated that the proposed 190 square foot second-floor addition requires zoning relief for the resulting Floor Area Ratio (FAR). Subsequent design review by the Planning Board was also required. Mr. Sharff stated that the

addition will sit above the existing ground floor sunroom in place of any existing porch. The design and wood clapboard material of the addition are intended to match the gambrel style house. The Petitioner was uncertain about the particular building material for a small pitched portion of the roof between the first and second story. Mr. Sharff stated that the original slate roof is challenging to match. He considered a synthetic slate, standing seam copper, and now has settled on colored aluminum with Ms. Sellam. This material is the most cost effective and complementary of the existing architecture, in Mr. Sharff's opinion. Mr. Sharff submitted updated drawings, photos, and material samples to the Board to highlight this aluminum material (Group Exhibit 1).

Board Member Schneider questioned if the property has any history of exterior modification that triggered the need for FAR relief. Ms. Sellam confirmed that she has not significantly altered the exterior of the home since purchasing the property but could not confirm that a rear kitchen "bump out" and the side sunroom are original. Mr. Rosa confirmed that there is no FAR related special permit history for this property.

Board Member Hussey noted that the exterior portions of the structure mentioned by Ms. Sellam are most likely not original to the structure. Additionally, Mr. Hussey stated support for the synthetic slate building material but acknowledged that the portion of new roof in question is minimal.

Board Chairman Zuroff questioned if the petitioner intends to use the new porch area above the proposed addition. Mr. Sharff stated that the balustrade above the proposed addition is purely decorative and the roof area will not be used. Two windows will provide access to this roof space but no door will be installed.

Board Chairman Zuroff called for public comment in favor of, or in opposition to, the Petitioner’s proposal. No Members of the public commented in favor or in opposition.

Board Chairman Zuroff requested that Jay Rosa review the findings of the Planning Board and the Building Department.

FINDINGS

Section 5.09.2.j – Design Review: All proposals for exterior additions that require FAR relief under *Section 5.22*, also require a special permit for design review under the Community and Environmental Impact and Design standards listed in *Section 5.09.4.a-n*. The applicable standards are as follows:

Preservation of Trees and Landscape: Since the addition is on top of the first floor there will be no removal of trees or landscaping.

Relation of Buildings to Environment: The addition is consistent with the rest of the dwelling’s style.

Relation of Buildings to the Form of the Streetscape and Neighborhood: Since the addition is in keeping with the style of the house, it will not impact the streetscape or neighborhood.

Open Space: The addition will not affect the existing open space on the property.

Section 5.22.3.c – Exceptions to Floor Area Ratio (FAR) for Residential Units

Dimensional Requirements	Allowed	Existing	Proposed	Relief
Floor Area Ratio	.30	.41	.43	Special Permit*
FAR Percentage	100%	134%	140%	
Floor Area	3,499 s.f.	4,696 s.f.	4,886 s.f.	

*Under Section 5.22.3.c, the Board of Appeals may by special permit allow an increase in floor area for an exterior addition that is less than or equal to 350 square feet, provided that the addition does not result in a floor area that is over 150% of the allowed floor area.

Section 8.02.2 – Alteration or Extension

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

Mr. Rosa stated that The Planning Board unanimously supported this proposal to enclose a second story porch creating an additional 190 square feet of floor area. Mr. Rosa confirmed that Board Members agreed that all pertinent design review standards are satisfied and the addition is well designed to match the existing home. Board Members favored standing seam

copper as a roof material but were not opposed to the colored aluminum. Board Members also suggested minor modifications to the balustrade design to eliminate the perception of a free standing post along the side façade. Therefore, the Planning Board recommends approval of the plans by David Sharff, Architect, dated 7/23/15, subject to the following conditions:

1. Prior to the issuance of a building permit, final floor plans, elevations, and a site plan shall be submitted subject to the review and approval of the Assistant Director of 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) final floor plans and building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa suggested a minor modification to Condition 1 in order to include final roof materials and balustrade design as discussed.

Mr. Rosa further stated that the Building Department also has no objection to the requested relief. The Building Department agrees that the addition is well designed and consistent with the surrounding neighborhood. Requested relief represents an extension of the pre-existing non-conforming FAR but the building footprint will not be altered in any way. Mr. Rosa concluded his comments by stating that should the Board find that the standard for special permit relief is met, the Build Department will work with the petitioner to ensure compliance with all imposed conditions and building codes.

The Board deliberated on the merits of special permit relief as requested. Board Member Johanna Schneider stated that the Petitioner's request for relief is modest. Ms. Schneider stated that the project represents an improvement to an owner occupied home. Additionally, abutting residents have submitted written support for the proposal. For these reasons, Ms. Schneider support the grant of special permit relief as requested.

Board Member Hussey supported Planning Board design review findings and concurred with Ms. Schneider's comments.

Board Chairman Zuroff stated that three support letters from abutters have been submitted for the record. Mr. Zuroff also believed that standards for required special permit relief are satisfied. Mr. Zuroff also confirmed that special permit relief for the expansion of pre-existing non-conforming FAR is also granted.

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** of the Zoning By-Law, granting relief from the provisions of **Section 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 revised conditions:

1. Prior to the issuance of a building permit, final floor plans, elevations, and a site plan including final roof materials and balustrade design shall be submitted subject to the review and approval of the Assistant Director of 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) final floor plans and building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

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TOWN CLERK

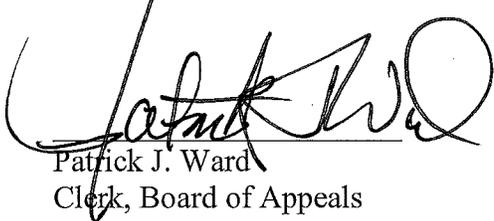
2015 OCT 27 A 10:29

Unanimous decision of the
Board of Appeals

Filing Date: 10/27/15


Mark G. Zuroff, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals