



# *Town of Brookline*

## *Massachusetts*

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

**BOARD OF APPEALS**  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2015-0063  
OWNER: ISHAD SIDEEKA  
683 BOYLSTON STREET, BROOKLINE, MA

Petitioner, Ishad Sideeka, applied to the Building Commissioner to construct a two-story rear addition at 683 Boylston 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 February 11, 2016 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 January 28, 2016 and February 4, 2016 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:

**683 BOYLSTON ST – CONSTRUCT A TWO-STORY REAR ADDITION in an S-15, Single-family, residential district, on February 11, 2016, at 7:00 PM in 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner: John Hagan; Owner: Irshad Sideeka & Khadija Khan) Precinct 14**

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

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.70: Rear Yard Requirements**
- 3. Section 8.02.2: Alteration or Extension**
- 4. Any Additional Relief the Board May Deem Necessary**

*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](http://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](mailto:rsneirson@brooklinema.gov).***

*Jesse Geller, Chair  
Christopher Hussey  
Jonathan Book*

**Publish: January 28, 2016 & February 4, 2016**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was acting Board Chairman Avi Liss and Board Members Kate Poverman and Christopher Hussey. Property owner Ishad Sideeka of 683 Boylston Street, Brookline, MA, presented project details to the Board. Mr. Sideeka introduced project architect Johan Hagan and stated that he is requesting to construct a two-story addition at the rear of the existing single-family structure, resulting in a gross floor area increase of totaling 200 square feet. This addition will create a new entrance, powder room, and closet area. Mr. Sideeka stated that wood

clapboard and asphalt shingle will be used to construct the addition and is intended to match a previously constructed addition to his home.

Board Chairman Liss requested that the Petitioner further detail the requested zoning relief from rear-yard setback requirements.

Mr. Sideeka stated that the S-15 zoning district requires a 40-foot rear yard setback, which the property does not currently comply with because the rear façade of the structure is located 32.1 feet from the rear property line. Mr. Sideeka further described the addition as an “infill” project that will be 14.5 feet wide and only reduces the rear yard setback to 31.7 feet. Mr. Sideeka also confirmed that the resulting gross floor area from this addition is well below that which is allowed for the zoning district.

Board Member Kate Poverman requested that the applicant further describe landscaping or planting features proposed to serve as counterbalancing amenity for the requested setback relief. Ms. Poverman also requested confirmation that the proposed clapboard building material is will be wood rather than aluminum.

Project Architect John Hagan of 60 Dracut Street, Boston, MA, stated that a small tree will be installed to the north of the proposed addition in order to screen the visibility of this addition from adjacent properties. Mr. Hagan confirmed that painted white wood clapboard will be used for the exterior of this proposed addition.

Board Member Christopher Hussey suggested that a more detailed landscaping plan that includes planting types and heights be submitted if the proposal is approved by the Board.

Board Chairman Liss called for public comments in favor of, or in opposition to, the Petitioner’s proposal.

Naren Gupta of 4 Fisher Avenue stated that he owns the property located directly to the east of 683 Boylston Street. Mr. Gupta stated that he was not opposed to the modest addition but was concerned about construction vehicles because they have parked in front of his property in the past when working at the subject property. Mr. Gupta also stated that he frequently had to pick up trash left by these construction workers. For these reasons, Mr. Gupta requested that the Board consider imposing a condition that requires all construction vehicles to park in the 683 Boylston Street driveway or to the north of his property on Fisher Avenue.

No members of the public spoke in opposition.

Board Chairman Liss requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board.

**FINDINGS**

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.70 – Rear Yard Requirements**

<b>S-15 (Single-Family)</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Rear Yard Setback</b>	40 feet	32.1 feet	31.7 feet	Special Permit*
<b>Floor Area Ratio (FAR)</b>	2,700 s.f. .25	2,352 s.f. .217	2,555 s.f. .236	Complies

*\* Under Section 5.43, the Board of Appeals may by special permit waive yard and/or setback requirements if counterbalancing amenity is provided.*

**Section 8.02.2 – Alteration or Extension**

A special permit is required to alter a pre-existing nonconforming structure (rear-yard setback).

Mr. Rosa stated that the Planning Board unanimously supported this two-story rear addition. The floor area increase is modest and will provide expanded closet and bathroom space for the property owner. Mr. Rosa confirmed that Planning Board Members also supported the clapboard building material as it is commonly used for additions to brick colonial style structures

in the Fisher Hill area. The Planning Board did recommend that final floor plans more clearly outline existing and proposed floor area.

Therefore, the Planning Board recommended approval of floor plans and elevations submitted by John Hagan, dated 7/1/2015, and the site plan submitted by George C. Collins, dated 7/1/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans that clearly indicate existing and proposed floor area, 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 a final landscaping plan indicating all counterbalancing amenities.
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 engineer or land surveyor; 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.

Board Chairman Liss requested that Mr. Rosa also review the findings of the Building Department. Mr. Rosa stated that the Building Department also has no objection to the relief as requested. The rear setback relief is minimal and represents an alteration to this pre-existing rear yard nonconformity as stated by Mr. Sideeka. Mr. Rosa further stated that the addition is not easily visible from surrounding areas and the Petitioner is also proposing to install landscaped features to further screen the proposed addition.

The Board deliberated on the merits of special permit relief as required. Board Member Hussey supported the Planning Board recommendation that final floor plans and elevations more clearly indicate existing and proposed floor area. Mr. Hussey was in favor of the setback relief as requested.

Board Member Poverman concurred with Mr. Hussey's comments and further stated that the proposed addition is modest in size and she believed that special permit standards are satisfied in accordance with Zoning By-Law Section 9.05 and 5.43.

Board Chairman Liss stated that requested setback relief is minimal and will allow Mr. Sideeka to construct a modest addition that will have limited impact on the surrounding neighborhood. Mr. Liss was satisfied that the standards for the grant of a special permit are satisfied. Mr. Liss also supported recommended conditions from the Planning Board.

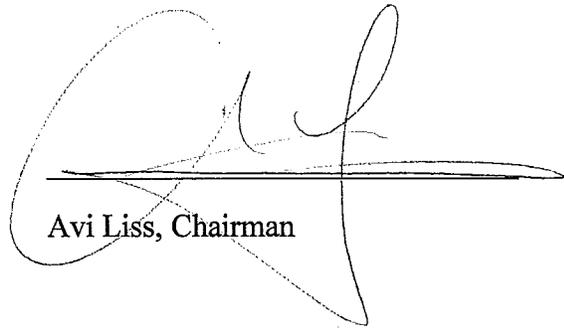
The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections 9.05 and 5.43 of the Zoning By-Law, granting relief from the provisions of Sections 5.70 and 8.02.2. The Board made the following specific findings pursuant to Section 9.05 of the Zoning 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.
- The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people

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

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans that clearly indicate existing and proposed floor area, 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 a final landscaping plan indicating all counterbalancing amenities.
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 engineer or land surveyor; 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.

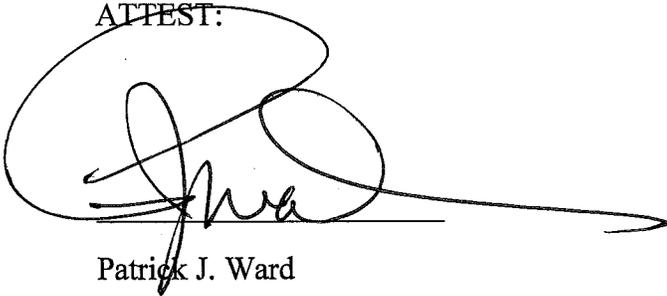
Unanimous decision of the  
Board of Appeals



Avi Liss, Chairman

Filing Date: 3/15/16  
A True Copy

ATTEST:



Patrick J. Ward  
Clerk, Board of Appeals

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TOWN CLERK  
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