



BOARD OF APPEALS
Jesse Geller, Chair
Christopher Hussey

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. 2013-0011

Petitioner, Ying Li Hong, applied to the Building Commissioner for permission to convert a two family dwelling to a lodging house at 1073 Beacon Street. The application was denied and an appeal was taken to this Board.

On January 24, 2013, the Board 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 March 14, 2013 at 7:30 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to 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 on February 28, and March 7, 2013, 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. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **Hong, Ying Li**
Owner: **Hong, Ying Li**

Location of Premises: **1073 BEACON ST**
Date of Hearing: **March 14, 2013**
Time of Hearing: **7:30 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th Floor**

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

1. **4.07; Table of Use Regulations, Use #7**
2. **5.09.2.e; Design Review**
3. **5.20; Floor Area Ratio**
4. **5.30; Maximum Height of Building**
5. **5.43; Exceptions to Yard and Setback Regulations**
6. **5.50; Front Yard Requirements**
7. **5.60; Side Yard Requirements**
8. **5.90; Minimum Landscaped Open Space**
9. **8.02.2; Alteration or Extension**
10. **Modification, as necessary, of BOA case #080046, October 15, 2008**

of the Zoning By-Law to **Convert a two family dwelling to a lodging house at 1073 Beacon ST**

Said premise located in a **M-2.0 (Apartment House)** Residence district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

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.

**Jesse Geller
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Jesse Geller, Board Members Mark Zuroff and Jonathan Book. Chairman Geller made the following disclosure:

Attorney Robert Allen represents the petitioner. Attorney Allen and I each represent a common client, that client is not before the Board this evening on any matter. However, this common client has had business before various Town Boards in the past and may have business before various Town Boards in the future. I did not sit on any matter related to this common client and, obviously, will not sit on any matter related to this common client. However, Town counsel has advised me that in order to avoid any appearance of a conflict in this matter before me this evening that I make this disclosure and it should be so noted in the minutes.

Attorney Robert Allen, whose business address is 300 Washington St. Brookline, then presented the case for the petitioner. David Liu, the son of the petitioner, spoke in favor of the application.

A number of neighbors spoke in opposition to the application, raising the concern that a disproportionate number of commercial properties are in the neighborhood and that the neighborhood has reached the “tipping point”; that a lodging house would adversely increase noise, trash and traffic; and that the applicant has presented few plans about the operation of their business, which is being characterized by the petitioner as a bed and breakfast facility.

Tim Richard, Assistant Town Planner, presented the report from the Planning Board. Mr. Richard advised the Board that the Planning Board determined that the proposed use is not within an appropriate location and was concerned about the adverse effect on the neighborhood.

Mike Yanovitch, Chief Building Inspector, stated that conversion to a lodging house use would necessitate extensive renovations, including upgrades in safety and fire prevention systems.

Following questioning and some deliberation by the Board Members, Attorney Allen requested the Board to grant a withdrawal. The Board deliberated and unanimously granted the withdrawal without prejudice.

Case withdrawn without prejudice



Jesse Geller, Chairman

Filing Date: April 10, 2013

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2013 APR 10 P 7 16