



Enid Starr, Co-Chair
Jesse Geller, Co-Chair
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Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0057

Petitioner, Arden Reamer, applied to the Building Commissioner for permission to construct an addition on the second floor at the rear of 72 Stedman Street. The application was denied and an appeal was taken to this Board.

On September 20, 2012, 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 November 8, 2012, 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 Petitioners, 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 October 18 and October 25, 2012, 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: REAMER ARDEN M
Owner: : REAMER ARDEN M
Location of Premises: 72 STEDMAN ST
Date of Hearing: 11/18/2012
Time of Hearing: 07:00 PM
Place of Hearing: Selectmen's hearing room, 6th floor

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

- 1. 5.43; Exceptions to Yard and Setback Regulations, special permit required.**
- 2. 5.60; Side Yard Requirements, variance required.**
- 3. 5.70; Rear Yard Requirements, variance required.**
- 4. 8.02.2; Alteration and Extension, special permit required.**

Of the Zoning By-Law to **Construct an addition on the second floor at the rear.**
at **72 STEDMAN ST**
Said premise located in a **T-5 (Two-Family and Attached Single-Family)** residential 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.

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Jesse Geller and Board Members Christopher Hussey and Jonathan Book. Chris Hossford, architect, presented the case for the petitioner.

The Chairman then called on Timothy Richard, Planner, to deliver the findings of the Planning Department.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Requirements:

Section 5.60 – Side Yard Requirements:

The dwelling is currently 4.3 feet from the west side property line, which does not conform to current setback regulation. The addition will not increase the footprint of the structure; however setback relief is required due to the work that is being performed on the existing nonconforming dwelling. The side yard setback on the east side of the property complies with current regulation and does not require relief.

Section 5.70 – Rear Yard Requirements:

Dimensional Requirements	Required/Allowed	Existing	Proposed	Relief
Front Yard Setback	15 feet	19.7 feet	19.7 feet	Complies
Rear Yard Setback	30 feet	28.3 feet	28.3 feet	Special Permit/ Variance
Side Yard Setback (East)	7.5 feet	4.3 feet	4.3 feet	Special Permit/ Variance*
Side Yard Setback (West)	7.5 feet	23.8 feet	23.8 feet	Complies

*The dwelling has a pre-existing non-conforming front setback that is not being altered with this proposal.

Section 8.02.2 – Alteration or Extension

A special permit is required for alterations to a dimensionally nonconforming structure.

Mr. Richard said the Planning Board **supports the proposed addition**, which will allow for an additional 71 square feet of floor area. The addition will not further encroach on the rear yard setback, as the bay of the new addition will be even with the existing wall on the first story of the dwelling. The structure is currently in violation of the side yard setback on the west side of the property, but will not be affected by the proposed addition. The Board supports granting relief to the rear yard and side yard setbacks.

Therefore, the Planning Board recommends approval of the plans by Helios, dated 10/18/12, for a 71 square foot second story addition with conditions.

1. Prior to issuance of a building permit, final elevations, indicating all exterior alterations and proposed materials shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor; 2) final 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.

Mr. Richard delivered the comments of the Building Department on behalf of Michael Yanovitch, Chief Building Inspector. He said the Building Department has no objection to the request. Mr. Richard on behalf of Mr. Yanovitch said the petitioner has taken great care in preserving a structure which had significant structural deficiencies. He said the requested relief is minimal and if granted the Building Department will work with the petitioner to ensure compliance with the building code and any conditions of the granted relief.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the requested Special Permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.43, 5.60, 5.70, 8.02.2 and 9.05 of the Zoning By-Law and made the following specific findings pursuant to Section 9.05 of the Zoning By-Law:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. 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:

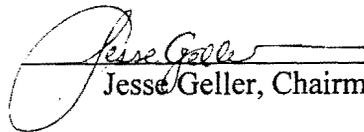
1. Prior to issuance of a building permit, final elevations, indicating all exterior alterations

and proposed materials and a landscaping plan showing all counterbalancing amenities shall be submitted to the Assistant Director for Regulatory Planning for review and approval.

2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor; 2) final 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.

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2012 DEC 30 P 54

Unanimous Decision of
The Board of Appeals
Ending Date December 31, 2012


Jesse Geller, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals