



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair

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TOWN OF BROOKLINE, MASS. FILED: 23
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BROOKLINE

Town of Brookline

Massachusetts

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0050

Petitioners, Valerie and Richard Levine, applied to the Building Commissioner for permission to construct an addition at the rear of their home and relocate their driveway at 81 Jordan Road. The application was denied and an appeal was taken to this Board.

On September 29, 2011, 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 10, 2011, at 7:00 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 October 27, and November 3, 2011, 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: **LEVINE, VALERIE S & RICHARD E**
Owner: **LEVINE, VALERIE S & RICHARD E**

Location of Premises: **81 JORDAN RD**
Date of Hearing: **November 10, 2011**
Time of Hearing: **7:00 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. 5.09; Design Review, special permit required.**
- 2. 5.22.3.b.1.b; Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units, special permit required.**
- 3. 5.43; Exceptions to Yard and Setback Regulations, special permit required.**
- 4. 6.04.5.c.2; Design of All Off-Street Parking Facilities, variance required.**
- 5. 8.02.2; Alteration or Extension, special permit required.**

of the Zoning By-Law to **construct an addition to the rear of your home at 81 JORDAN ROAD.**

Said premises are located in an **S-7 (single family) 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.

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Jesse Geller**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Mark G. Zuroff and Board Members Lisa Serafin and Enid Starr. The case was presented by the architect for the petitioner, Christian Hosford, of Helios Design Group, 179 Boylston St., Jamaica Plain, MA 02130. Also in attendance was the attorney for the petitioners, Scott Vaughn, of the Heuer Law Group, One Mifflin Place, Suite 400, Harvard Square, Cambridge, MA 02138.

Mr. Hosford described the property at 81 Jordan Road as a two-story brick American Colonial single family home, constructed in 1947. The home is situated on the “low” side of Jordan Road and has a rather steep topography that slopes down from the street. The residence is served by a driveway that is located partially on the neighboring property at 87 Jordan Road, which he said his clients are seeking to remedy by moving the driveway to the other side of the property where there is more space.

Mr. Hosford said that his clients are seeking to construct a rear two-story addition with garage parking underneath as well as a new driveway. The new addition will create an additional 1,538 square feet total of gross floor area and will accommodate a new family room and dining room on the first floor and a new master bedroom suite on the second floor. A two-car garage and garden storage room will be on the basement level (which will be at grade given the slope of the lot). The addition will be clad in clapboard on the first and second floors and shiplap siding on the basement level. He said as part of the project they would like to construct a new driveway on the side of the property adjacent to 77 Jordan Road. The existing driveway for 77 Jordan Road is located partially on the applicant’s property and as part of this proposal 84 square feet of pavement from that driveway will be removed. The new driveway will have a 10’ wide curb cut and will be located 7’ from the side lot line (at the street) and will move closer in to 5’ from the side lot line at the end of the driveway.

The Chairman asked whether anyone wished to speak in favor or in opposition to the proposal. No one rose to speak.

Courtney Synowiec, Planner, delivered the findings of the Planning Board.

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is requested pursuant to Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations) requires a special permit subject to the design review standards listed under Section 5.09.4(a-l). The most relevant sections of the design review standards are described below:

- (a) Preservation of Landscape: The proposal is not anticipated to disturb any existing landscaping as it is located primarily within the footprint of the existing driveway behind the home.
- (b) Relation of Buildings to Environment: The bulk of the mass of the new addition is located so that it is screened entirely by the existing home from the street.
- (c) Relation of Buildings to the Form of the Streetscape and Neighborhood: The proposed addition is consistent with the scale and use of the neighboring structures and meets all required yard setbacks.
- (d) Open Space: As the addition is sited primarily on existing driveway, there should be limited impact to the open space on this site.
- (e) Circulation: This proposal is an improvement to circulation as it utilizes a hammerhead turn around and the parking facilities will be located entirely on 81 Jordan Road.

Section 5.20 – Floor Area Ratio

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	.35 100%	.26 75%	.42 119%	Special Permit*
Floor Area (s.f.)	3,514	2,640	4,178	

* Under Section 5.22.3.b.1.b the Board of Appeals may grant a special permit in S districts for an increase in floor area, so long as the addition does not exceed 20% of the permitted gross floor area.

Section 6.04.5.c.2 – Side Yard Setback for Parking Facilities

Dimensional Requirements	Required	Existing	Proposed	Relief
Side Yard Setback	5'	Est. -3'	5'	Complies

Section 8.02.2 – Alteration or Extension

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

Ms. Synowiec reported that the Planning Board was supportive of this proposal. It allows the applicant to make their driveway conforming while also giving them additional living space to help balance the costs and benefits associated with this project. Although the addition is tastefully done, the Planning Board felt the design would benefit from some additional detailing. The Planning Board suggested the applicant utilize corner boards and consider adding windows to the garage and garden storage room. Therefore, the Planning Board recommended approval of the requested relief referencing the plans by Helios Design Group, dated 9/21/11, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations indicating all salient dimensions and materials as well as a stamped FAR analysis 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) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building 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.

The Chairman called upon Michael Shepard, Building Commissioner, to deliver the comments of the Building Department. Mr. Shepard stated that the addition looked tastefully designed and relocation of the driveway would solve an encroachment issue. Therefore, he said that the Building Department was supportive of the requested relief and he assured the Board that should they consider approval the Department would assure compliance with the requirements of the International Residential Building Code.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that it was desirable to grant special permit relief from Sections 5.22.3.b.1.b and 8.02.2 of the Town of Brookline 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:

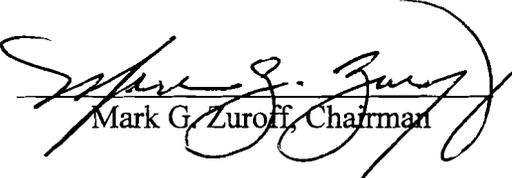
- 1. Prior to the issuance of a building permit, final plans and elevations indicating all salient dimensions and materials as well as a stamped FAR analysis shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.**

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) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building 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

TOWN OF BROOKLINE
TOWN CLERK

2011 NOV 21 A


Mark G. Zuroff, Chairman

Filing Date: November 21, 2011

A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals