



Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

Mark J. Zarrillo, Chairman
Linda K. Hamlin, Clerk
Robert Cook
Steven Heikin
Steven Kanes
Sergio Modigliani
Jonathan Simpson

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: January 3, 2013
Subject: **Construct a two car garage within front yard setback**
Location: 62 Atherton Road

Atlas Sheet:	17a	Case #:	2012-0068
Block:	85	Zoning:	T-5
Lot:	37	Lot Area (s.f.):	3,730

Board of Appeals Hearing: January 17, 2013 at 7:00 pm

SITE AND NEIGHBORHOOD

62 Atherton Road is a two-family dwelling, located to the north of the Summit Avenue T stop and Coolidge Corner. Surrounding properties are primarily two-family dwellings that are similar in overall bulk. Properties on the southwest side of Atherton Road are significantly higher than the properties to the northeast. 62 Atherton Road is located on the southwest side. The dwelling is located on a portion of the property that is 9'-10' higher than the front property line, the property slopes up from the road to the dwelling at a slope of 42%.

APPLICANT'S PROPOSAL

The applicant, Roberto Arista, is proposing to construct a two-car garage within the front yard setback. The accessory structure will be 22' wide and will be situated on the front property line, with two garage doors on the front. Two staircases will be constructed on each side of the garage, and will be used to access the dwelling. The plans include a roof deck to be constructed above the proposed garage with a fence around the deck area. The deck will be accessed by a walkway from the stairs to the left of the garage.

FINDINGS

Section 5.01 – Table of Dimensional Requirements – Footnote 1

Section 5.43 – Exceptions to Yard and Setback Regulations**Section 5.50 – Front Yard Requirements****Section 5.53 – Accessory Buildings in Front Yards**

	Required	Existing	Proposed	Finding
Front Yard Setback	20'	23.4'	0'	Special Permit*/ Variance
Usable Open Space	1,119 s.f.	0 s.f.	228 s.f.	Special Permit/ Variance

*Under Section 5.43, the Board of Appeals by special permit may allow the substitution of other dimensions for yard and setback requirements if counterbalancing amenities are provided. The applicant is proposing to provide additional landscaping

Section 5.54 – Exceptions for Existing Alignment: This section is cited in the denial letter, but is not applicable to the property.

Section 5.91 – Minimum Usable Open Space: Total usable open space on the property is currently 0%. The proposal will add 288 square feet of open space, and increase it to 6%.

Section 6.04.12 – Design of All Off-Street Parking Facilities: The proposed construction of a two car garage on the property will create two parking spaces, where there are currently none. This proposal appears to meet the requirement for relief to dimensional requirements under this section.

Section 8.02.2 – Alteration or Extension: A special permit is required to alter and/or extend this non-conforming structure.

PLANNING BOARD COMMENTS

The Planning Board is not opposed to the proposal to construct a two-car garage in the front yard setback, since access to the backyard is not possible due to this severe slope. The garage and roof deck are attractively designed and will increase the enjoyment of this property.

There is a two-car garage situated on the front property line of 66 Atherton Road, the abutting property directly to the north. The property directly to the south has a parking area within the front yard setback. The Planning Board views this proposal as a reasonable request that will help to create two off street parking spaces and add usable open space. Therefore, the Planning Board feels that granting the relief is appropriate.

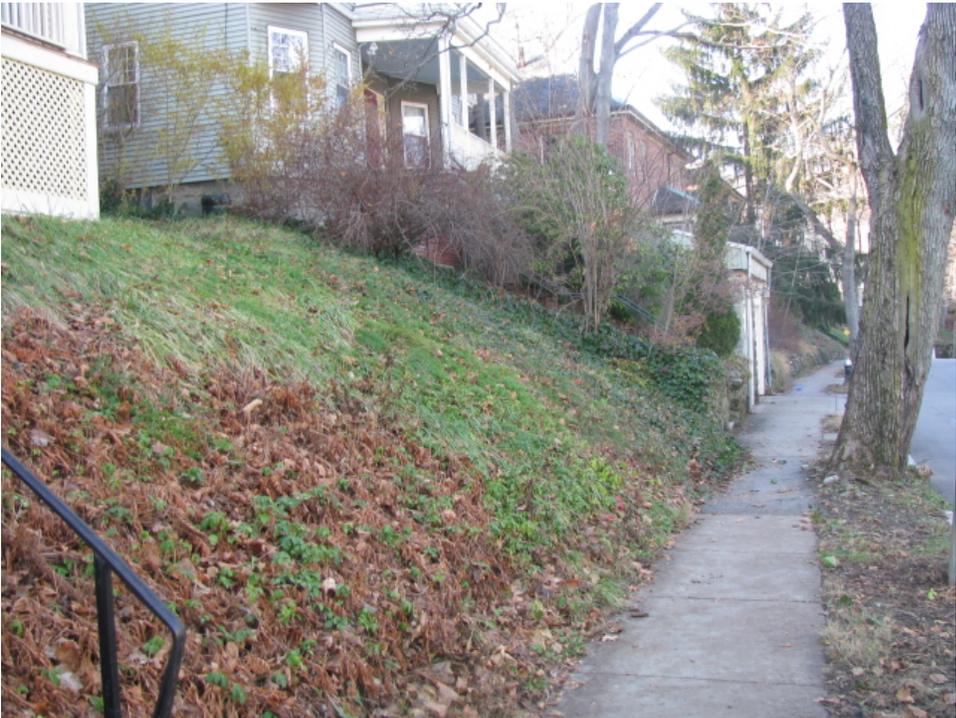
Therefore, the Planning Board recommends approval of the proposal and plans, and site plan by Bradford Engineering, dated 10/10/2012, with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a site plan with the required curb cut, final plans and elevations of the garage, indicating all dimensions and materials 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 a final landscape and railing plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.

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 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.

tcr





Area of proposed garage



66 Atherton Road with garage in front yard setback