



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: February 21, 2013

Subject: Legalization of basement space converted to habitable space for two bedrooms requiring front yard setback and parking relief

Location: **171-173 Thorndike Street**

Atlas Sheet:	11	Case #:	2013-0008
Block:	060	Zoning:	T-5
Lot:	02	Lot Area (s.f.):	5,525

Board of Appeals Hearing: March 7, 2013 at 7:00 pm

SITE AND NEIGHBORHOOD

171-173 Thorndike Street is a three story two-family dwelling that was built in 1885. The two units have separate access, with one unit occupying the first floor, and the second unit occupying the second and third floor. There are currently four parking spaces on the property. The dwellings along Thorndike Street are primarily two and three-family dwellings that were developed from the late 19th century to the early 20th century.

APPLICANT'S PROPOSAL

The applicant, Yechiel Naor, is proposing to legalize habitable space in the basement at 173 Thorndike Street. He states that the space was converted in 1985 to habitable space by a previous owner. The space includes two bedrooms and a bathroom. Part of the basement space will still be used for mechanicals and common storage. The applicant states that the basement is not a separate unit but is joined to the unit on the first floor. Two window wells will be added for emergency egress from the bedrooms.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.44 – Accessory Underground Structures

Section 5.50 – Front Yard Requirements

Section 5.60 – Side Yard Requirements

Dimensional Requirements	Required	Existing	Proposed	Relief
Front Yard Setback (window wells)	15 feet	10.3 feet	8.5 feet	Special Permit*/Variance
Side Yard Setback	10 feet	4.5 feet	2 feet	Special Permit*/Variance

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements by Special Permit if a counterbalancing amenity is provided.

Section 6.02 Paragraph 1 – Table of Off-Street Parking Space Requirements

There are currently four parking spaces on the property. Because 173 Thorndike has four bedrooms (when the two basement bedrooms are included in the total), and 171 Thorndike has five bedrooms, the parking requirement is for 5 parking spaces, or 2.3 per unit.

Design of Parking Requirements	Required	Existing	Proposed	Relief
Total Parking Spaces	5	4	4	Variance

Section 8.02.2 – Alteration or Extension

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

PLANNING BOARD COMMENTS

The Planning Board does not object to this proposal to legalize the existing bedrooms in the basement. The dwelling will be brought up to current building code with the addition of two new window wells to provide emergency egress. The front yard setback relief is triggered by the window wells, but they will not be highly visible and therefore should not negatively impact the neighborhood. The Planning Board recommends, however, that the applicant install additional landscaping to serve as a counterbalancing amenity, which should include a rebuilt fence along the affected side yard. The Board also recommends that the applicant screen the unapproved parking space in front of “Parking D” on the site plan.

The Board does not object to the waiving of one parking space, if the applicant can demonstrate that the requirements for a variance have been met. The applicant maintains that 173 Thronrdike has had two basement bedrooms for over 27 years and that parking hasn’t been an issue. However, staff noted on a recent site visit that it appeared an unpaved area was being used for a fifth parking space. (See photo at end of Planning Board report.)

Therefore, if the Board of Appeals finds that the statutory requirements for a variance are met, the Planning Board recommends approval of the site and floor plans by Kevin Wong & Associates Inc., dated November 2012, subject to the following conditions.

1. Prior to the issuance of a building permit, the applicant shall submit a final site and parking layout plan and floor plans, 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 plan indicating all counterbalancing amenities, including screening for the unapproved parking space, 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 floor plans 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 /pss



Front Façade



Aerial Photograph from April 16, 2009



Parking Area

