



Town of Brookline

Massachusetts

PLANNING BOARD

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

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

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: January 8, 2015
Subject: Legalize a side yard setback, created by an addition built with a building permit, and prospectively approve FAR relief to create a buildable adjacent rear lot
Location: **260 Beverly Road**

Atlas Sheet:	110	Case #:	2014-0077
Block:	393	Zoning:	S-7
Lot:	07	Lot Area (s.f.):	7,606

Board of Appeals Hearing: January 29, 2015 at 7:00 p.m.

BACKGROUND

Spring 2005 – A building permit was issued to construct an exterior addition at 260 Beverly Road. Construction included the expansion of first floor living space by 77 square feet and the expansion of second floor living space by 367 square feet, resulting in a gross floor area of 2,877 square feet for an FAR of .37, if the area of the rear lot is not included.

Although a building permit was issued, the addition did not conform to side-yard requirements. The floor area in the addition was considered by right because the area of the empty adjacent rear lot was used for calculation purposes. Two contiguous lots in the same ownership are considered one lot for zoning purposes.

SITE AND NEIGHBORHOOD

260 Beverly Road is a two and a half story Colonial style single-family dwelling located in South Brookline. The immediate neighborhood primarily consists of similarly sized single-family dwellings and is in close proximity to both the Baker School and Hancock Village. The abutting lot at the rear, facing Wallis Road (Parcel ID: 393-21-00) is under the same ownership as 260

Beverly Road. The 260 Beverly lot is 7,606 square feet and the rear Wallis Road lot is 7,035 square feet.

APPLICANT'S PROPOSAL

The applicant, Samuel Schneider, is seeking retroactive relief for a non-conforming side-yard setback, which was not cited when the building permit was issued. He is also seeking prospective relief of the floor area ratio (FAR) of the house and the addition, so that the adjacent rear lot can be sold to a separate owner and would not cause infectious invalidity to the existing house. If this retroactive relief is not provided, the Wallis Road lot is rendered undevelopable for a single-family home.

FINDINGS

Section 5.09.2.j – Design Review

5.22.3.b.1.b – Exceptions to Gross Floor Area (FAR) for Residential Units

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

	Required	Existing	Proposed	Finding
Floor Area Ratio***	.35	.32	.37	Special Permit*
Floor Area	2,662 s.f.	2,433 s.f.	2,877 s.f.	
FAR Percentage***	100%	91.4%	108%	
Side-Yard Setback	7.5'	6.7'	6.7'	Special Permit**

* Under Section 5.22.3.b.1.b, the Board of Appeals may grant a special permit for an exterior addition that is less than or equal to 20% of the permitted gross floor area.

** Under Section 5.43, the Board of Appeals may waive dimensional requirements in lieu of other dimensions if the applicant provides counterbalancing amenities.

*** FAR calculations include 7,606 Beverly Road lot only

Section 8.02.2 – Alteration or Extension

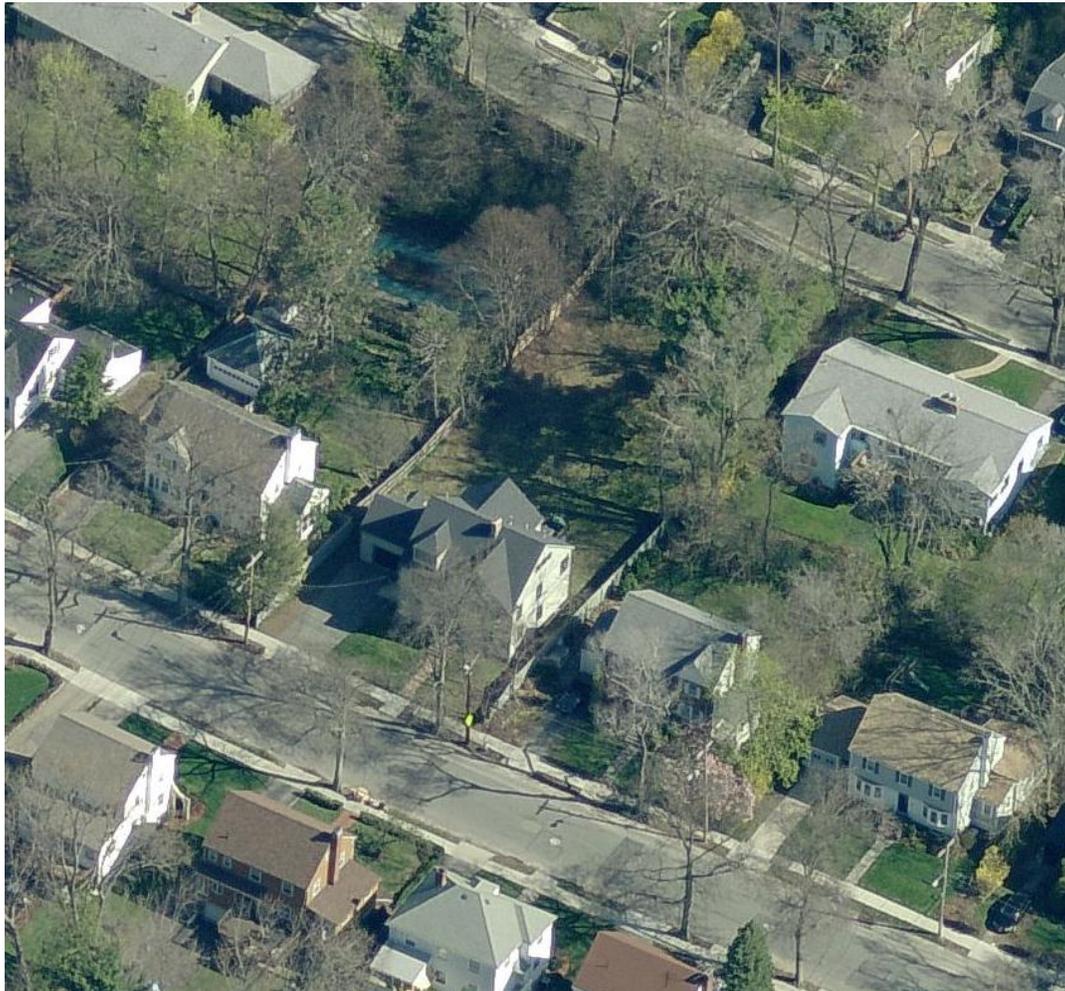
A special permit is required to alter this pre-existing non-conforming structure.

PLANNING BOARD COMMENTS

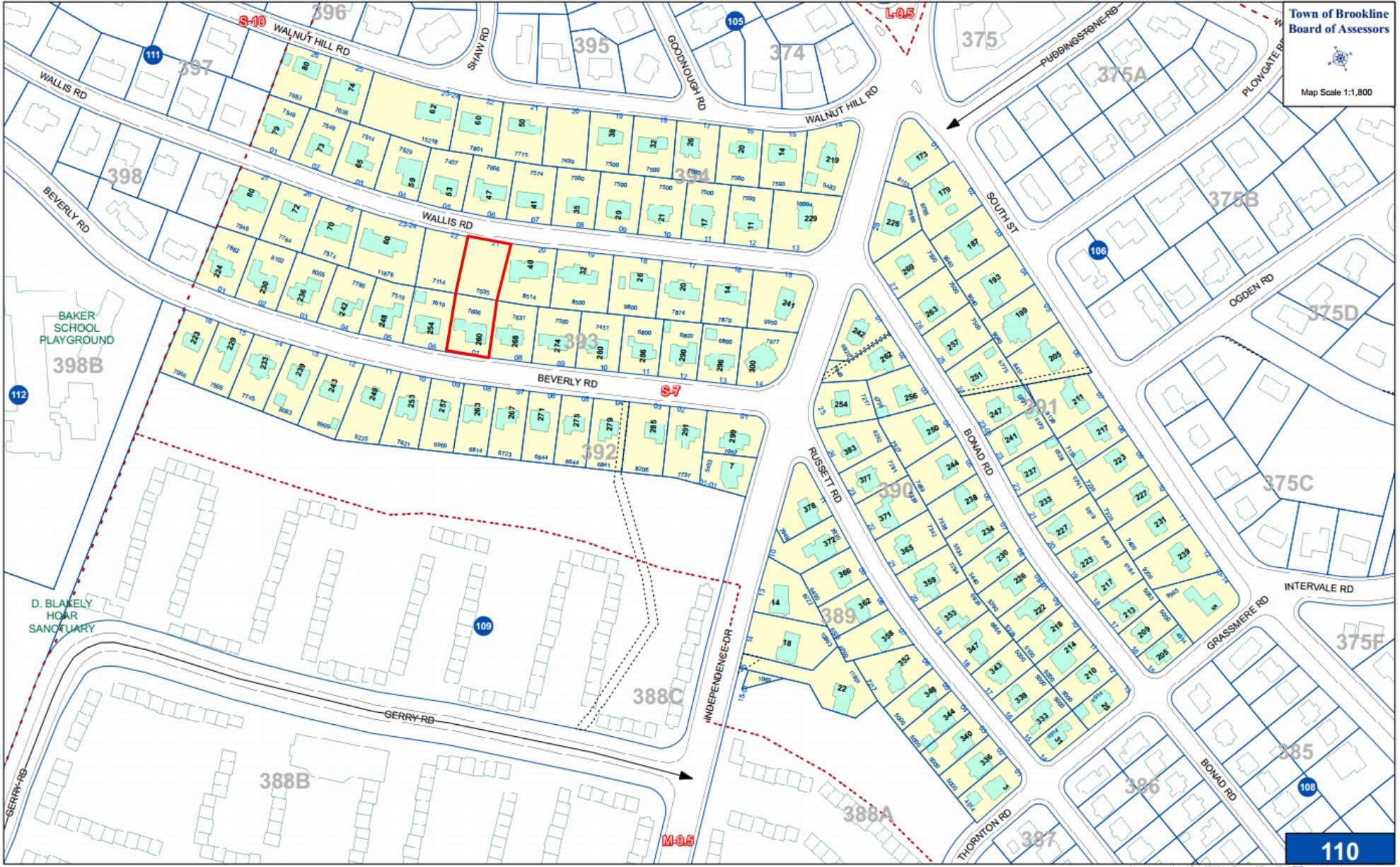
The Planning Board is not opposed to this request for retroactive side-yard setback relief and prospective FAR relief. Non-conforming side-yard conditions are minimal, and existed prior to home renovations completed in 2013. Prospective FAR relief will maintain the value of the 7,035 Wallis Road lot, which meets minimum lot size requirements for the S-7 zoning district.

Therefore, The Planning Board recommends legalization of the non-conforming side-yard condition, and approval of prospective FAR relief, per site plans submitted by John R. Hamel, dated 4/23/04, and building plans submitted by Design Associates Inc, dated 11/17/03, subject to the following conditions:

1. 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.



jr



NORTH FROM LAND COURT PLAN 10950D

AS BUILT FOUNDATION PLAN
BROOKLINE, MASSACHUSETTS
1 INCH = 20 FEET APRIL 22, 2004
SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773

WALLIS ROAD

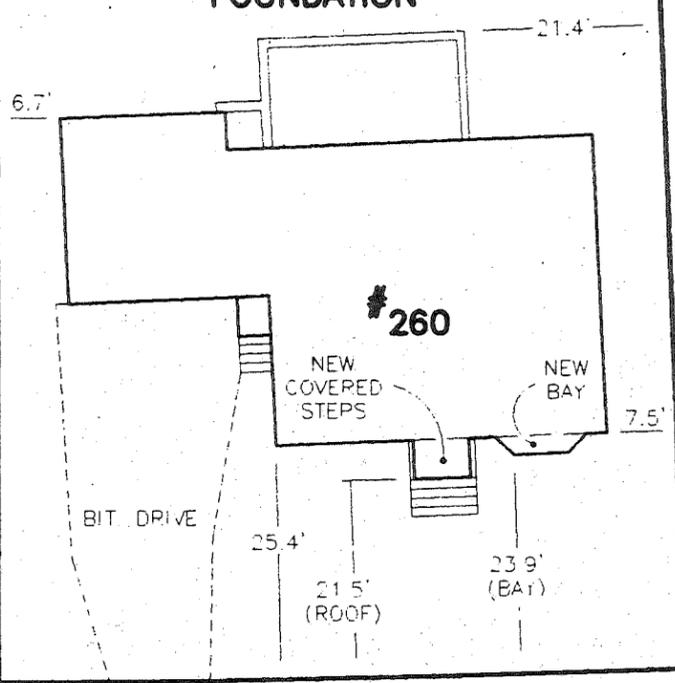
LOT 54A
7,035 ± SQ. FT.
(PER ASSESSOR'S DATA)

N/F
NATOWITZ

N/F
DORF

LOT 39
7,606 ± SQ. FT.
(PER ASSESSOR'S DATA)

NEW
FOUNDATION



N/F
BRUNO

BEVERLY ROAD

- REFERENCES:
- CERTIFICATE OF TITLE NUMBER 146764
 - LAND COURT PLAN NUMBER 10950D
 - LAND COURT PLAN NUMBER 10950Z

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF APRIL 19, 2004.

[Signature]
JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



4/23/04
DATE:

ARCHITECTURE
PLANNING
HISTORIC
PRESERVATION

432 Columbia Street
Cambridge MA 02141
☎ 617 661 9082
☎ 617 661 2550

PO Box 1520
Nantucket MA 02554
☎ 508 228 4342
☎ 508 228 3428

<http://www.design-associates.com>

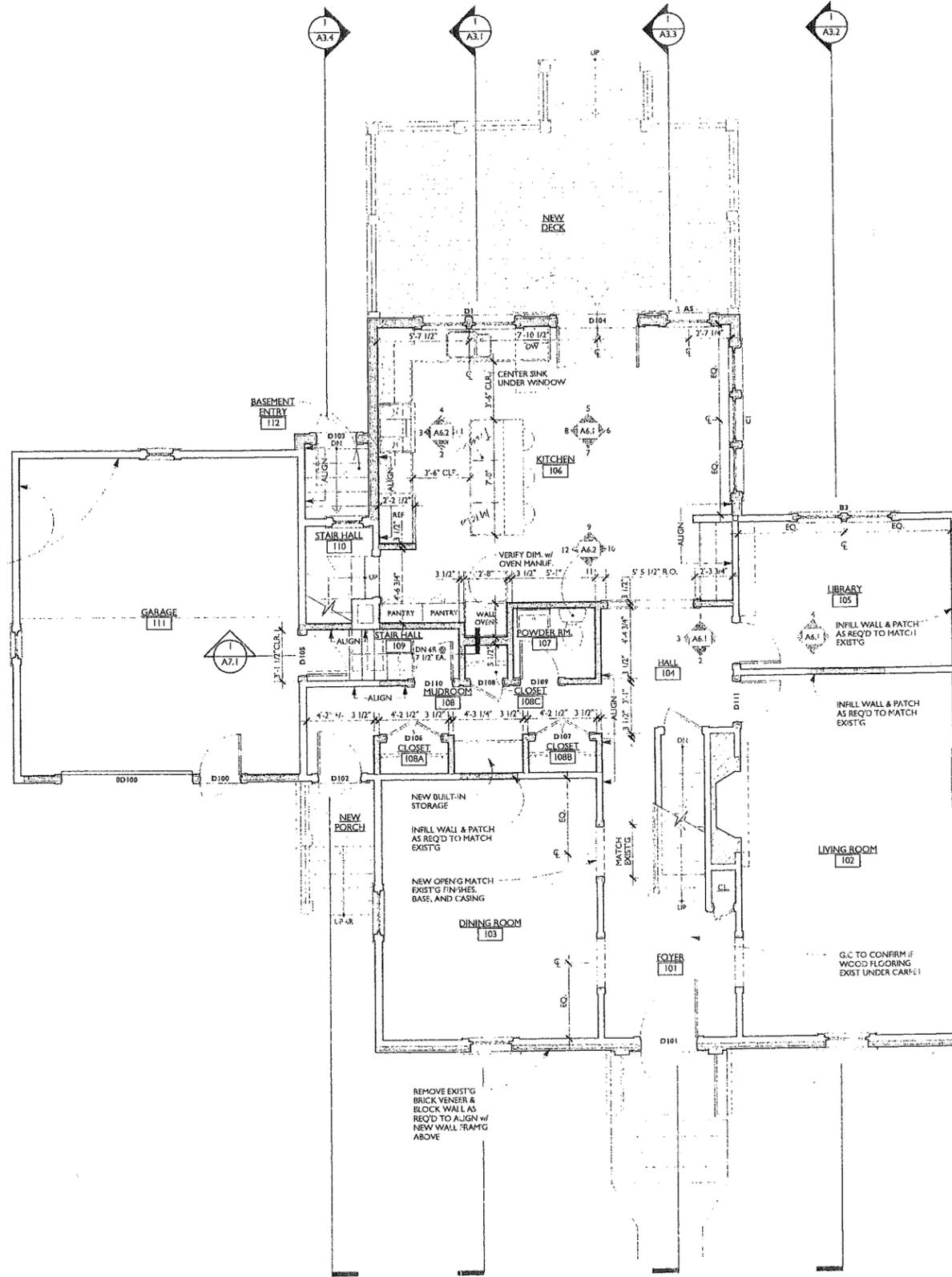
Additions & Alterations to:

THE
SCHNEIDER
RESIDENCE

260 Beverly Road
Brookline, MA 02467

MARK	DATE	REVISIONS
	11-17-03	CONTRACT SET

Print Date: November 17, 2003



NOTE: REMOVE DECAYED SIDING & SIL. THIS AREA ADJUST GRADING FOR POSITIVE PITCH AWAY FROM STRUCTURE & PROVIDE RAISED CONC. BLOCK FOUND. TO PROVIDE MIN. 6" SEPARATION FROM GRADE TO WOOD SIDING. COORD. AS REQ'D W/ LANDSCAPE DESIGNER. THIS WORK SHALL BE CONFORMED CONSISTENT W/ BUILDING INSPECTION REPORT AS PREPARED BY REC CONSULTANTS, INC., DATED 1/29/03

FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN

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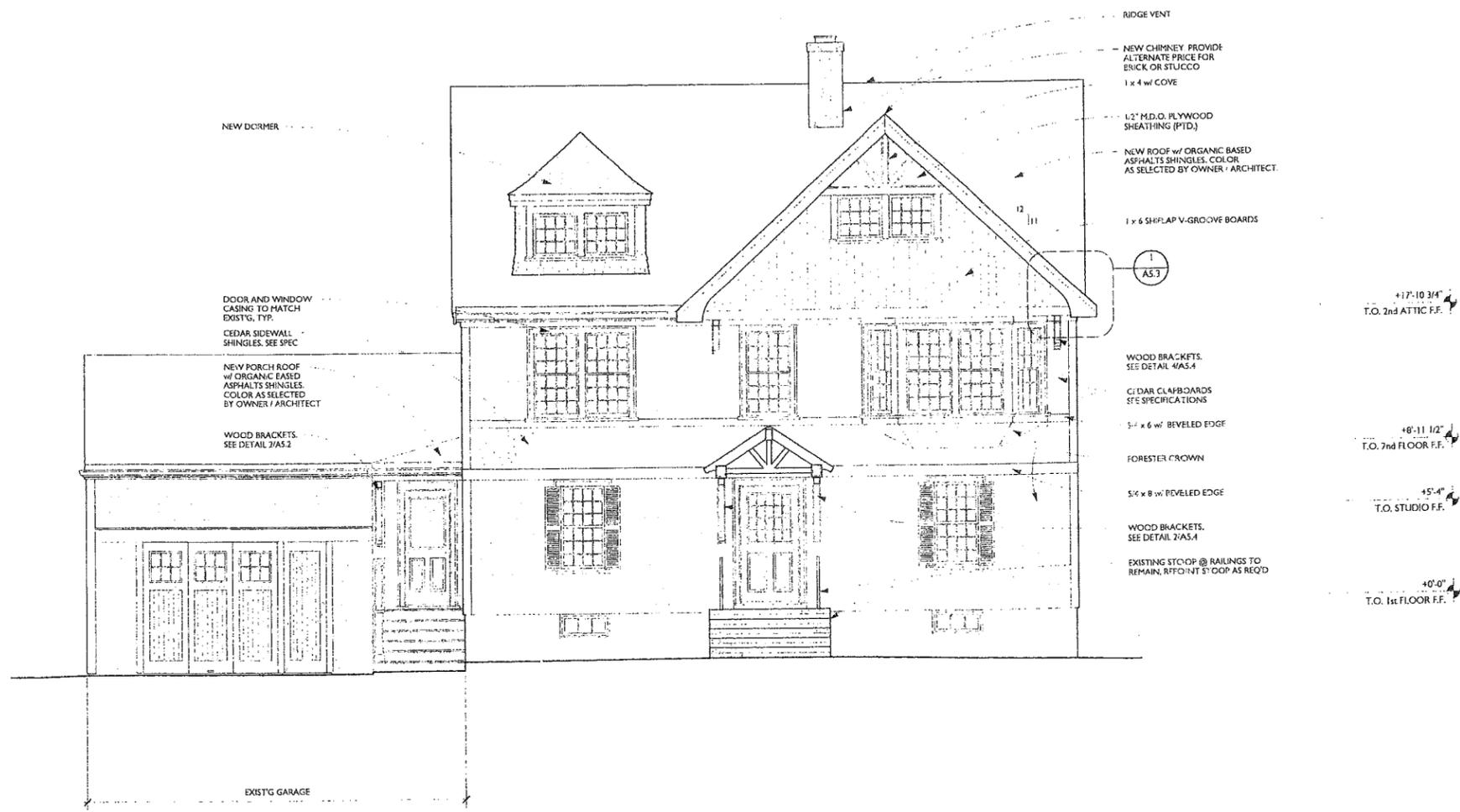
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Print Date: November 17, 2003

ELEVATIONS

A2.1



SOUTH ELEVATION
Scale: 1/4" = 1'-0"

GENERAL NOTES:
1) PROVIDE NEW ROOF SHINGLES FOR THE ENTIRE PROJECT, INCLUDING THE GARAGE, MAIN HOUSE AND PORCHES.

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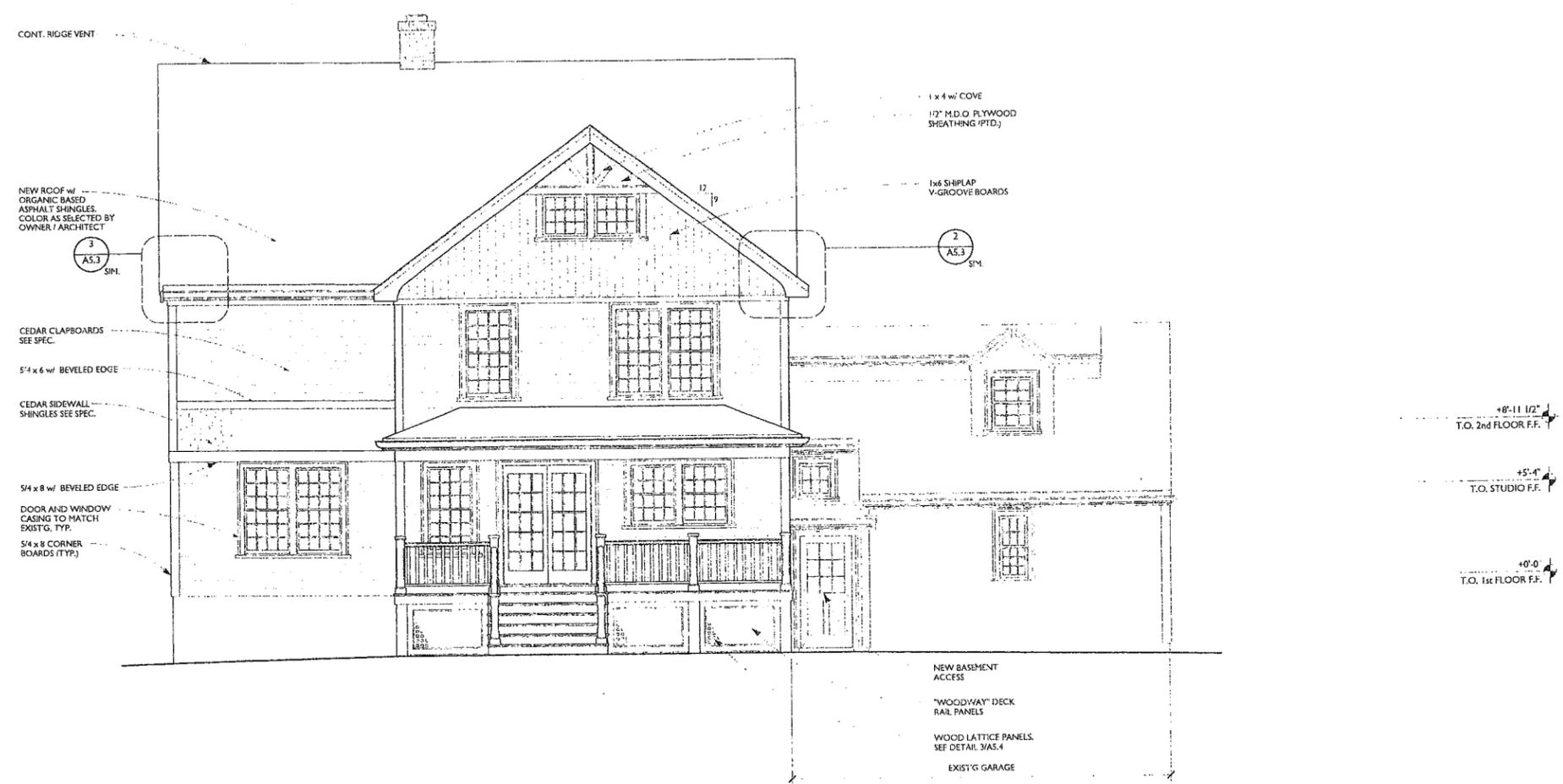
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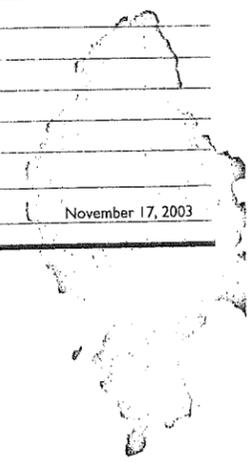
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1 NORTH ELEVATION
 Scale: 1/4" = 1'-0"

ELEVATIONS

A2.3



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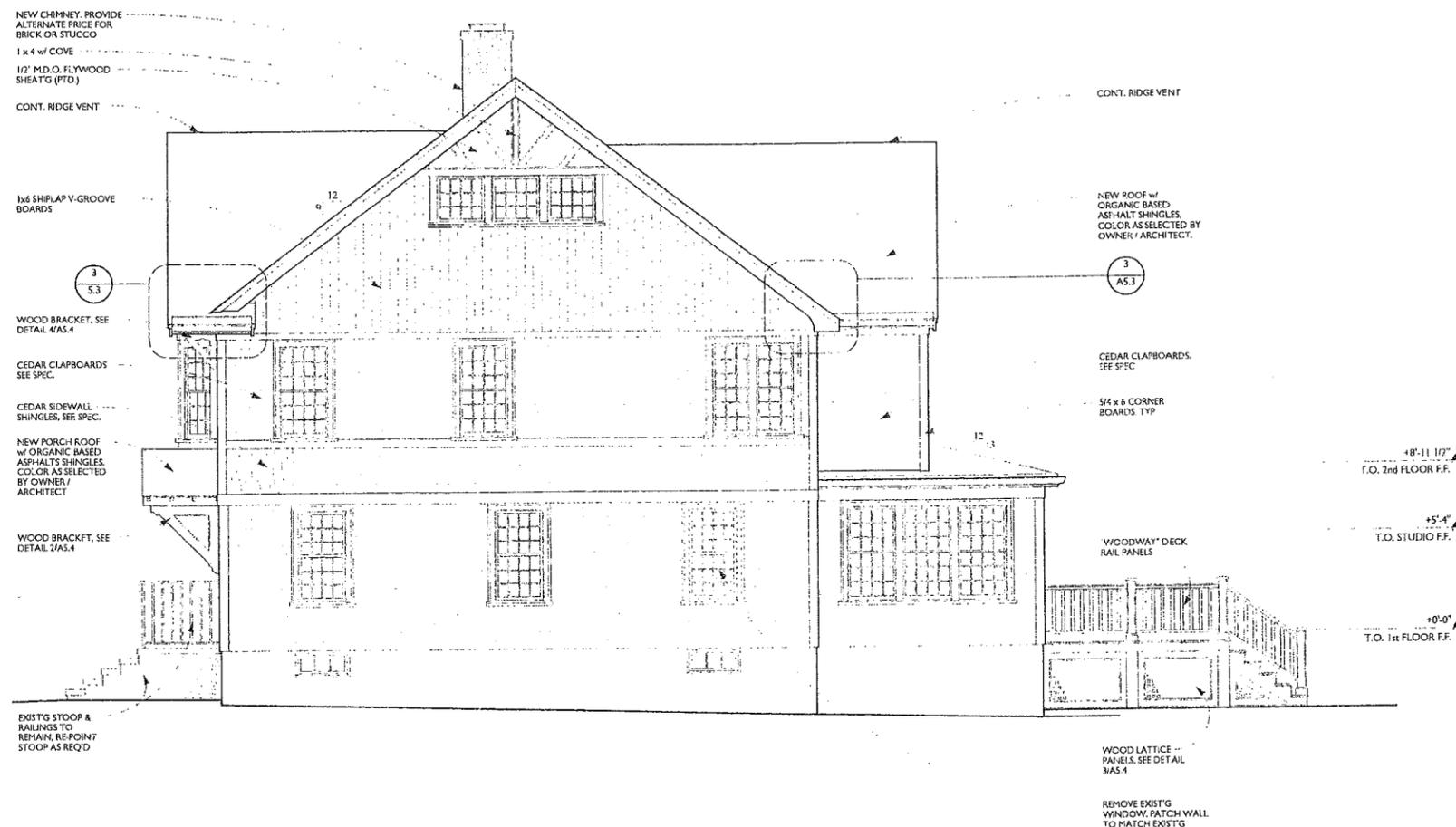
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(1) EAST ELEVATION
 Scale: 1/4" = 1'-0"

ELEVATIONS

