



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: *August 13, 2015*

Subject: Construct a parking area in the front yard, convert portion of basement to one car garage with entrance in front; install staircase in the rear, and construct addition in the rear requiring relief for side and rear setbacks

Location: 29 Summit Avenue

| | | | |
|--------------|-----|------------------|-----------|
| Atlas Sheet: | 17A | Case #: | 2014-0028 |
| Block: | 085 | Zoning: | T-5 |
| Lot: | 51 | Lot Area (s.f.): | 4,125 sf |

Board of Appeals Hearing: August 27, 2015, at 7:00 p.m.

BACKGROUND

This case was heard by the Planning Board on July 9, 2015, and was continued. It was recommended that the applicant reconfigure space in the basement more efficiently and recalculate gross floor area, as well as incorporate plans for parking in one application.

SITE AND NEIGHBORHOOD

29 Summit Avenue is a two-and-a-half story two-family Victorian home built in 1910 in the Corey Hill neighborhood, a district that consists of primarily single- and two-family dwellings on the block between Beacon Street and Mason Terrace. Topographically, the streets in this area are steep; however, the rear yard, where zoning relief is requested, is relatively flat.

The structure is clad with asbestos shingles that will be replaced with wood clapboards. The asphalt shingled roof will also be replaced in kind as part of the renovation.

APPLICANT'S PROPOSAL

The proponent Boris Kutikov submitted plans dated April 10, 2015 and revised July 22, 2015 (site plan dated July 8, 2015).

The applicant, Boris Kutikov of Kenwood Builders, is renovating and expanding this two family structure

to create a third floor in the attic space and converting the two units to two condominiums. *This report describes only those portions of the renovation that do not comply with zoning:*

1 – Mr. Kutikov is seeking side and rear setback relief for an exterior staircase on the rear façade that would begin at grade at the basement level and extend to the second floor. The footprint of the staircase would be 7.5 feet deep by 11.75 feet wide. The proposed materials are wood treads, risers, and rails. The staircase is covered by a flat roof that is the same dimension of the stairwell’s footprint.

2 – The applicant is also seeking rear yard setback relief for expanding the basement, first, and second floors of the structure. Currently, there is an L-shaped jog in the right rear corner of the footprint. The applicant is expanding this 44 sf area of the foundation by extending the existing rear wall and the existing right side wall so that they meet at 90 degrees; the walls on the first and second floors would align with the newly expanded foundation.

The applicant is also adding a gable to the rear to create space on the third floor and thereby extending the non-conforming rear yard setback.

Mr. Kutikov proposes heavy landscaping in the front yard, left side yard, and rear yards, as well as a new fence as counterbalancing amenities.

FINDINGS

Section 5.43 – Exception to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

Section 5.01 Footnote 1 – Setback between garage entrance and front line

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities

Section 6.04.12 – Design of All Off-Street Parking Facilities

| | Required | Existing | Proposed | Finding |
|---|---|--|--|------------------|
| Section 5.60 Side Yard Setback | 7.5 feet | 18 feet where staircase is proposed. (3 feet to bay window; 5.5 feet to side wall) | 5.5 feet to proposed staircase <i>10 feet to proposed infill addition (compliant)</i> | Special Permit* |
| Section 5.70 Rear Yard Setback | 30 feet | 31 feet where staircase is proposed (18.4 feet at most shallow depth) | 24 feet where staircase is proposed (18.4 feet at most shallow depth) 17 feet to infill addition | Special Permit* |
| Section 5.01 Footnote 1 | 20 feet | NA (new basement garage proposed) | 19.3 feet | Special Permit** |
| Section 6.04.5.c.1 | No parking area within 15 foot front yard setback | NA (new parking area proposed) | Driveway proposed (parking area likely) within 15 foot front yard setback | Special Permit** |

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

** Under **Section 6.04.5.c.1**, the Board of Appeals may grant a special permit to waive dimensional requirements for new parking facilities to serve existing buildings.

Section 8.02.2- Alteration or Extension; Special Permit Required

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

PLANNING DEPARTMENT COMMENTS

1 – Front Yard Parking

The required number of parking spaces is 4.3 rounded down to 4 spaces (one two-bedroom unit required 2 parking spaces; one three-bedroom unit requires 2.3 parking spaces).

- a. The parking layout shows three cars parked in tandem in the existing side yard driveway; the car parked last in the layout is about two feet away from the 15 foot front yard setback. It is conceivable that the cars parked in the side driveway will not be parked so closely and therefore cars will be parked within the front yard setback, a violation.
- b. With two condo units, it is conceivable that each unit will have two cars and that following parking layout is more likely: Two cars for one unit will be parked in the side yard driveway, and two for the other units will be parked in the garage and proposed front yard driveway, also a violation. (No parking has been proposed in the front yard driveway on the layout; however, at 19 feet deep a car could fit in the driveway.)
- c. Two alternative layouts are shown for the garage parking: One with a 10% slope (the maximum allowed); the other showing a slope of 3%.
- d. The garage doors are shown to open inward, from the centerline toward the left and the right; it is not clear if there is sufficient space to accommodate the swing line of the doors if a car is parked inside.

2 – Gross Floor Area Breakdown and Open Space Analysis

Gross floor area was increased by 1,100 sf, and the open space illustrated and measured on the plans appears to meet the requirements.

| | Proposed | Existing | Allowed/ Required | Finding |
|--|--|-----------------|------------------------------|----------------|
| Gross Floor Area(1) | 3372 sf | 2322 sf | 4125 sf | Compliant |
| Floor Area Ratio | 3372 / 4125 = 0.82 | 2322 / 4125 | 1.0 | |
| Landscaped Open Space 10% of GFA | 573 sf measured | 2011 sf | 337 sf | Compliant |
| Usable Open Space 30% of GFA | 1150 sf measured First floor porch demo'd Second floor porch not calculated | 1234 sf | 1011 sf | Compliant |

3 – Grading

Rear Yard Grading: Existing contours are not shown on the topography plan, just the proposed grading. Because the rear yard, now excavated, was known to slope toward the rear property line, the Planning Department has requested both existing and proposed grading plans to assess if a higher retaining wall would be needed. This still needs to be resolved. **Front Yard Grading:** It is not clear how the front yard will be re-graded and if a retaining wall would be needed at the right side lot line.

4 – Planning Department asks Planning Board to look at roof plan, especially the seam where the right side hip and rear gable meet.

5 – Although the design of the front façade is not under the Planning Board’s purview for this case, the Planning Department feels compelled to point out that the proposed front façade entrance appears off-balance.

Abutters Comments – No letters of opposition or support were received at the time this report was distributed. Applicant should confirm outreach to abutters.

PLANNING BOARD COMMENTS

Therefore, the Planning Board recommends [approval/denial] of the architectural plans submitted by Beth McDougal of McDougal Architects, dated April 10, 2015 and revised July 22, 2015, and the site plan submitted by registered engineer Ronald Tiberi of FSL Associates, dated July 8, 2015, subject to the following conditions:

1. Prior to the issuance of building permit, the applicant shall submit a final site plan, elevations, and floor plans showing the house raised with two parking spaces in the side yard driveway and one parking space in the basement garage, no grade separation between driveway and garage, a 7-foot high garage door, and pavers installed in the front yard driveway and in the side yard driveway at least up to the garage entrance subject to the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating parking layout and all counterbalancing amenities, subject to the review and approval of the Assistant Director for 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 and elevations stamped and signed by a registered architect; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

M. Morelli

Photographs follow.

29 Summit Avenue

Planning Board Meeting August 13, 2015

Photos of existing conditions



29 Summit Ave Rear Yard, facing left and rear abutters: New footing purportedly in same location as foundation indicated on site plan. Building Department granted demo permit for interior demo only. Preservation Commission review not triggered nonetheless. (July 7, 2015)



Rear façade (July 7, 2015): Note new footing.



View of driveway in **right side yard**. (July 7, 2015)



Not the best perspective of the existing **rear façade** due to condition of construction site. (Portion that was demolished will be replaced and extended up to third floor. Basement, first, and second floors will be extended left to meet right façade.) (July 7, 2015)



Left side yard: 5.5 feet setback to side wall. (July 7, 2015)



View of left façade. Because of condition of construction, I was not able to photograph proposed location of exterior staircase. (July 7, 2015)



The existing retaining wall and fence at the rear lot line. The view is from the rear abutter's property on Atherton.



View of rear yard at 29 Summit. Rear property line and fence is at the right. Retaining wall is covered by excavated earth.



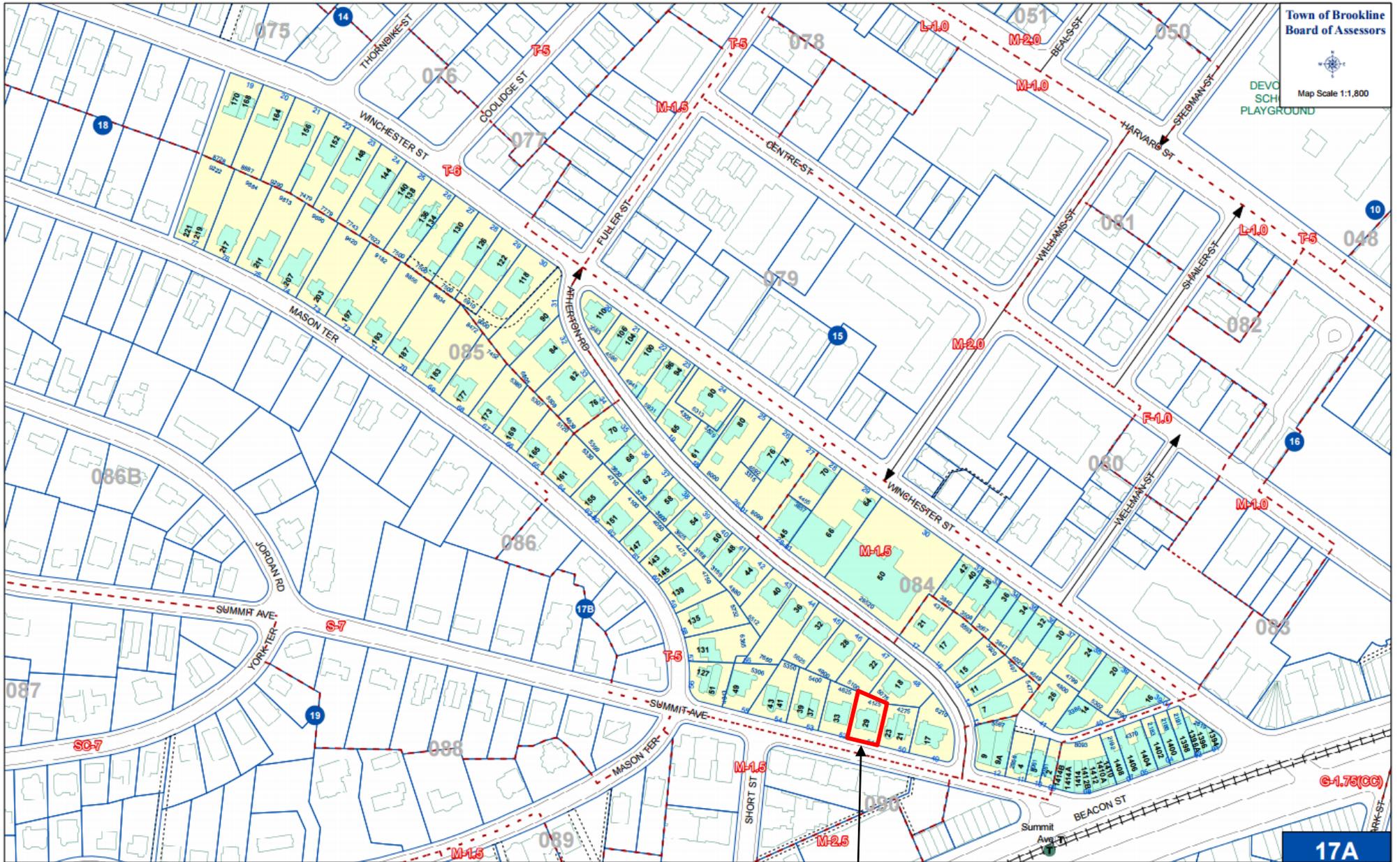
View of fence at rear property line at 29 Summit.



View of 29 Summit before demolition of front porches.

Outline indicates area of proposed basement garage and driveway. Existing driveway is in the right side yard.

Grading of front yard needs to be spec'd.



Town of Brookline
Board of Assessors



DEVOT
SCH
PLAYGROUND

Map Scale 1:1,800

29 Summit Avenue

Map data updated Feb 2010 by Town of Brookline GIS and printed on 04/08/2010

17A