



TOWN of BROOKLINE
Massachusetts

BOARD OF APPEALS

**TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 060014**

Petitioner, Priscilla Banister, owner of 16 Kent Square, applied to the Building Commissioner for permission to convert the ground floor and basement of the single family house to a two-family residence. The proposal includes some minimal exterior changes for new windows in the basement level, and increasing the size of some existing windows. The proposal also includes reconstruction of the existing rear deck and stairway. The building will remain sited in the same location.

The application was denied, and the petitioner appealed the decision of the Building Department.

Notice of the hearing was mailed to the petitioners, 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 April 6 and April 13, 2006 in the *Brookline Tab*, a newspaper published in Brookline. 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: PRISCILLA K. BANISTER
Location of Premises: 16 Kent SQ. BRKL
Date of Hearing: 04/27/2006
Time of Hearing: 07:00 p.m.
Place of Hearing: Selectmen's Hearing Room, 6th Floor

A public hearing will be held for a variance and/or a special permit from

- 1) 5.05: Conversions, Special Permit Required.
- 2) 5.60; Side Yard Requirements; Variance Required.
- 3) 5.70; Rear Yard Requirements; Variance Required.
- 4) 5.91: Minimum Usable Open Space; Variance Required.
- 5) For the Design of All Off-Street Parking Facilities:
6.04.5.c.3; Variance Required.
6.04.9.b; Variance Required.
6.04.12; Special Permit Required.
- 6) 8.02.2: Alteration or Extension; Special Permit Required.

Of the Zoning By-Law to convert an existing single family residence into a two-family residence per plans

At 16 KENT SQ BRKL

Said Premise located in a T-5 district.

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.

Diane R. Gordon
Harry Miller
Bailey Silbert

At the time specified in the notice, a public hearing was held in the Board Room on the 6th Floor of Town Hall by this Board. Present at the hearing were Board members Lawrence E. Kaplan (Chair), Harry S. Miller and Bailey S. Silbert.

Dr. Paul Parks, representing the owner and petitioner, presented the petitioner's case. He explained that the petitioner was requesting zoning relief on converting an existing single family residence into a two-family residence at 16 Kent Square, as per the plans titled "16 Kent Square" by Reynaldo Rodrigues, designer, and dated February 15, 2006. No one else appeared in favor or in opposition.

Tim Greenhill of the Planning Department delivered the Planning Board report, noting that the Planning Board had no objections to the petitioner's proposal and stating the conditions that the Planning Board would like this Board to incorporate in its decision.

Frank Hitchcock, Senior Building Inspector, then spoke on behalf of the Building Department. He set forth the zoning relief required for the proposal which now includes (i) side yard setback and usable open space special permits under Section 5.05 (He noted that the rear yard setback now complies); (ii) special permits under Section 6.04.12 to allow parking facilities to be one foot from the rear and side lot lines, and (iii) special permit under Section 8.02.2 for alteration of a lawful, pre-existing non-conforming structure. He concluded by noting that the Building Department had no objections to the granting of the requested zoning relief or the suggested conditions by the Planning Board.

The Board, having deliberated on this matter and having considered the submitted testimony, voted unanimously to grant the special permits for side yard setback and usable open space under Sections 5.05, Section 6.04.12 regarding parking facilities

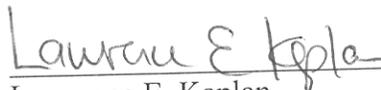
within 5 feet of rear and side lot lines, and Section 8.02.2 to allow the alteration of a lawful, pre-existing non-conforming structure, in order to allow for conversion of the existing single family house to a two-family and construction of the rear Deck and stairway as shown in the site plans entitled "Amendment Drawings to Proposed Rear Deck for Priscilla Banister, No. 16 Kent Square, Brookline, MA" prepared by Reynaldo Rodrigues, designer, and dated February 15, 2006 with the following conditions:

1. A landscaping plan, indicating all counterbalancing amenities, shall be submitted to the Chief Planner for review and approval prior to the issuance of a building permit.
2. Prior to obtaining a building permit, the applicant shall submit a drainage plan for the rear parking area to the Director of Engineering for review and approval.
3. Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan showing dimensions stamped and signed by a registered architect or land surveyor and 2) final building plans for the rear and side elevations.

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

MAY 19 P 12:28

Unanimous Decision of
The Board of Appeals


Lawrence E. Kaplan

Date of Filing: May 19, 2006

A True Copy:

ATTEST:



Patrick J. Ward
Board of Appeals