



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060025

Petitioner Carol Stuart applied to the Building Commissioner for permission to install a trellis breezeway between the main house and garage at 50 Glenoe Road. The application was denied and an appeal was taken to the Board of Appeals.

On May 11, 2006 the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed June 15, 2006, at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, 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 May 25, 2006 and June 1, 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: **STUART RALPH E. JR & CAROL T.**
Location of Premises: **50 GLENNOE ROAD BRKL**
Date of Hearing: **06/15/2006**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **Selectmen's Conference Room, 6th. Floor**

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

- 1) **5.43; Exceptions to Yard and Setback Regulations; Special Permit**
- 2) **5.60; Side Yard Requirements; Variance Required**
- 3) **5.70; Rear Yard Requirements; Variance Required**
- 4) **5.71; Projections into Rear Yards; Variance Required**
- 5) **8.02.2; Alteration or Extension; Special Permit Required.**

Of the Zoning By-Laws to construct a trellis breezeway between the house and garage per plans
at **50 GLENNOE ROAD BRKL**

Said Premise located in a
S-15 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.

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At the time and place specified in the notice, a public hearing was held by this Board.

Present at the hearing were Board members Harry Miller, Chair, Larry Kaplan and Bailey Silbert.

Carol Stuart, the co-owner of 50 Glenoe Road, presented the petitioner's case.

She explained that they were requesting zoning relief to install a trellised breezeway connecting their house to an unattached garage. The proposed wood trellis with a membrane roofing would be 11.4 feet by 7.3 feet and would cover an existing walkway between the house and garage. The breezeway would be open on two sides. The connection of the garage by the trellis to the

main dwelling would result in nonconformity of the existing side yard setback of 11.6 feet and the rear yard setback of 4.2 feet and the rear yard projection setback of 4.0 feet. The garage itself would not be changing in location. The primary reason that the petitioners are asking for the special permits and variances to build a trellis is that in the last several years it has become increasingly more difficult for them to access the garage during inclement weather.

Photographs were presented showing the location of the garage from the street and the area where the trellis would be constructed over the existing walkway. None of the abutting homes is in close proximity to the garage or house. The petitioners offer as a counterbalance amenity, additional landscaping on the westerly side of the driveway near the garage to satisfy the requirements of Section 5.43 of the Brookline Zoning Bylaws. The petitioners believe that the proposed addition is reasonable in scope and in keeping with the character of the neighborhood. A petition, signed by the abutting neighbors in support of the proposed special permits and variances, was submitted to the Zoning Board

The Chair then called upon Tim Greenhill of the Brookline Planning Department to present the Planning Board report. Mr. Greenhill stated that the Planning Board felt the design of the trellis was compatible with the existing structure and surrounding neighborhood and recommended approval of the requested zoning relief with the following conditions prior to the issuance of a building permit: (1) the applicant shall submit a written description of the proposed landscaping improvements to the Chief Planner for review and approval (2) 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) a recorded copy of the Board of Appeals decision.

Frank Hitchcock, Senior Building Inspector, spoke on behalf of the Building Commissioner. He restated the sections of the Zoning By-Laws under which relief is needed and stated that all requested relief could be granted by Special Permits. Mr. Hitchcock stated that the Building Department has no objections to the requested relief or the conditions recommended by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, voted unanimously to grant Special Permits pursuant to Section 5.43 of the Zoning By-Law for relief from the side and rear setback requirements and Section 8.02.2 of the Zoning By-Law for relief from the preexisting nonconforming condition, subject to the following conditions:

1. Prior to obtaining a building permit, the applicant shall submit to the Chief Planner for review and approval a written description of landscape improvements indicating the counterbalancing amenities.
2. 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) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.

Unanimous Decision of
the Board of Appeals

Date of Filing: July 14, 2006

A True Copy:
ATTEST



Patrick J. Ward
Board of Appeals


Harry Miller, Chair

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