



**BOARD OF APPEALS**  
Jesse Geller, Chairman  
Jonathan Book  
Christopher Hussey

# *Town of Brookline*

## *Massachusetts*

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2014-0001

**Owner: Richard Brodie and Deborah Danzig-Brodie**

Petitioners, Richard Brodie and Deborah Danzig-Brodie, applied to the Building Commissioner for permission construct an addition at the rear with an additional 110 square feet of floor area at 220 South Street. The application was denied and an appeal was taken to this Board.

The Board administratively 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 March 27, 2014 at 7:15 p.m. in the Selectmen's Hearing Room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to its 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 on March 6 and 13, 2014 in the Brookline Tab, a newspaper published in Brookline. A 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: SEAN DONOVAN, WOODSMOKE LLC  
Owner: RICHARD and DEBORAH DANZIG-BRODIE  
Location of Premises: 220 SOUTH STREET  
Date of Hearing: MARCH 27, 2014  
Time of Hearing: 07:15 p.m.  
Place of Hearing: Selectmen's Hearing Room, 6<sup>th</sup> Floor.**

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

- 1. Section 5.09.2.j; Design Review**
- 2. Section 5.22.3.c; Exceptions to Floor Area Ration(FAR) for Residential Units**
- 3. Section 5.43; Exceptions to Yard and Setback Requirements**
- 4. Section 5.60; Side Yard Requirements**
- 5. Section 5.70; Rear Yard Requirements**
- 6. Section 8.02.2; Alteration and Extension**

Of the Zoning By-Law to **CONSTRUCT AN ADDITION AT THE REAR FOR AN ADDITIONAL 110 SQUARE FEET OF FLOOR AREA** at 220 SOUTH STREET  
Said premises is in an S-7 (Single Family) Residential District

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

*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 Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at [rsneirson@brooklinema.gov](mailto:rsneirson@brooklinema.gov).*

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Mark G. Zuroff and Board Members, Johanna Schneider and Avi Liss. Sean Donovan, general contractor for the petitioner, address 58 Erie Avenue, Newton, presented the case.

Mr. Donovan described 220 South Street is a two-story single-family dwelling in a residential neighborhood on the corner of South Street and Ogden Road to the south of Putterham Circle. The dwelling is a Garrison style structure that was built in 1935. There is currently an attached garage on the property located close to the dwelling.

Mr. Donovan said his client, Richard Brodie, is proposing to remove a one and a half story connector between his house and garage and replace it with a two-story connector of 110 square foot. The new floor space will not only connect the garage to the house but will also provide more floor area on the rear of the house at the first and second floor level. He said the proposal is all within the existing setbacks and they are only looking for FAR relief. Chairman Zurooff asked what would be provided for counterbalancing amenities. Mr. Donovan said there would be additional landscaping and cleaning up the existing landscaping.

The Chairman asked if anyone in attendance would like to speak in favor of the petition. No one spoke. The Chairman asked if anyone in attendance would like to speak in opposition to the proposal. No one spoke.

The Chairman called upon Tim Richard, Planner, to deliver the comments of the Planning Department:

### **FINDINGS**

**Section 5.09.2.j – Design Review:** All proposals for exterior additions that require FAR relief under *Section 5.22*, also require a special permit for design review. The applicant has submitted a statement reviewing the applicable Community and Environmental Impact and Design standards listed in *Section 5.09.4.a-n*. The applicable standards are as follows:

*Preservation of Trees and Landscape:* The rear yard is primarily landscaped with grass, with large trees on the perimeter. The addition will not require the removal of trees or a change in grade.

*Relation of Buildings to Environment:* The addition is consistent with the rest of the building's massing, and is not expected to cause any shadows on neighboring properties.

*Relation of Buildings to the Form of the Streetscape and Neighborhood:* The addition will be between the garage and the dwelling. The addition will not cause a significant change to the streetscape.

*Open Space:* The property will continue to have a large landscaped rear yard after the addition is complete.

**Section 5.22.3.c – Exceptions to Floor Area Ratio (FAR) for Residential Units**

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.60 – Side Yard Requirements**

**Section 5.70 – Rear Yard Requirements**

<b>Dimensional Requirements</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>	
<b>Floor Area Ratio</b>	.35	.405	.421	Special Permit*	
<b>FAR Percentage</b>	100%	115%	120%		
<b>Floor Area</b>	2,450 s.f.	2,840 s.f.	2,950 s.f.		
<b>Side Yard Setback</b>	7.5'	7'	7'	Pre-existing	non-
<b>Rear Yard Setback</b>	30'	22.5'	22.5'	Pre-existing	non-

\*Under Section 5.22.3.c, the Board of Appeals may by special permit allow an increase in floor area for an exterior addition that is less than or equal to 350 square feet, provided that the addition is not more than 150% of the allowed floor area.

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

**Section 8.02.2 – Alteration or Extension**

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

The Planning Board is supportive of the proposal to increase the floor area of the dwelling by 110 square feet. The addition is modest and is not anticipated to negatively impact the neighborhood. The design will fit in with the existing dwelling and is expected to be attractive. Relief for the side yard setback was initially thought to be needed because it could not be determined from the plans that the garage was already attached to the house. The Planning Board recommends that the applicant install additional landscaping as a counterbalancing amenity.

**Therefore, the Planning Board recommends approval of the proposal and the plans by the applicant, dated 3/11/14 , and the site plan by Frank Iebba, dated 10/30 /13 , subject to the following conditions:**

1. Prior to issuance of a building permit, final floor plans and elevations including materials shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, a final site plan, indicating any revisions or modifications, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan; 2) final floor plans and elevations, stamped and signed by a registered architect or engineer; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Tim Richard read the comments on behalf of Chief Building Inspector Michael Yanovitch . Mr. Yanovitch said the Building Department does not have any objection to this request. He said the addition is modest and the only relief required is for Floor Area Ration. He said if the Board finds the proposal meets the requirements for the grant of a special permit, the Building Department will work with the petitioner to ensure compliance with the code and any conditions of the grant.

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirement have been met for the issuance of a special permit under Sections 5.09.2.i, 5.22.3.c and 8.02 of the Zoning By-Law. The Board made the following specific findings pursuant to Section 9.05 of the of the Zoning By-Law:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to issuance of a building permit, final floor plans and elevations including materials shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, a final site plan, indicating any revisions or modifications, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.

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RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK  
2014 APR 28  
9:22

Unanimous Decision of  
The Board of Appeals

Filing Date:

April 28, 2014

Mark G. Zuroff, Chairman



A True Copy  
ATTEST:

Patrick J. Ward  
Clerk, Board of Appeals

