



**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. 2014-0010  
RONALD AND SUSAN SCHWARTZ

Petitioner, 79 Coolidge Street, LLC, applied to the Building Commissioner for permission to construct a single-car garage in the rear yard. 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 certified by the Board of Assessors of the Town of Brookline and fixed June 26, 2014 at 7:15 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, to 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 on June 12, 2014 and June 19, 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: **79 COOLIDGE STREET LLC**  
Owner: **RONALD AND SUSAN SCHWARTZ**  
Location of Premises **79 COOLIDGE STREET**  
Date of Hearing: **JUNE 26, 2014**  
Time of Hearing: **7:15 PM**  
Place of Hearing: **SELECTMEN'S HEARING ROOM, 6<sup>TH</sup> FLOOR**

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

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.72: Accessory Structures in the Rear Yard**
  - a. Closer than 6 feet to Side Lot Line**
  - b. Closer than 6 feet to Rear Lot Line**
  - c. Closer than 6 feet to Principal Building**
- 3. Section 6.04.12: Design of All Off-Street Parking Facilities**

of the Zoning By-Law to **CONSTRUCT A SINGLE CAR GARAGE IN THE REAR YARD at 79 COOLIDGE STREET**. Said Premises located in an **T-5 (Two-Family and Attached Single-Family) Residence 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 Office of the Town Clerk at 617-730-2007 or check the meeting calendar at: [www.brooklinema.gov](http://www.brooklinema.gov).*

*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).***

**Jesse Geller  
Jonathan Book  
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jesse Geller, and Board Members Jonathan Book and Johanna Schneider. The case was presented by the attorney for the Petitioner, Adam R. Barnosky, Law Office of Robert L. Allen, Jr. LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts 02445. Also in

attendance was Belinda Hunsinger, Manager of 79 Coolidge Street, LLC, Ryan Noone, the architect for 79 Coolidge Street, LLC, and Ronald and Susan Schwartz, the current homeowners.

Chairman Jesse Geller called the hearing to order at 7:15 p.m. Attorney Barnosky stated that the Petitioner proposes to construct a single-car garage in the rear yard.

Attorney Barnosky presented to the Board a background of the Petitioner and the property, stating the following: 79 Coolidge Street is a two-and-a-half story single-family home located in a T-5 zoning district, originally constructed in 1895. Attorney Barnosky stated that the Petitioner made substantial renovations to the home before selling the property to the current homeowners this past April. Attorney Barnosky stated that the homeowners wanted to build a detached garage at the end of their 16'-wide driveway. Attorney Barnosky stated that after looking at the neighborhood, the owners determined that a single-car garage that was similar in overall size and bulk to other garages in the neighborhood would be appropriate. Attorney Barnosky stated that when designing the garage, the Petitioner chose to compliment the main house in terms of design aesthetics.

Attorney Barnosky noted that the Petitioner revised the original proposal significantly after meeting with the Planning Board and immediate abutters, specifically the adjacent neighbor to the southwest, to address concerns over the overall size of the garage. Attorney Barnosky stated that the revised proposal eliminated the rear storage room, removed the dormer on the front of the garage, decreased the pitch of the roof, shortening the height of the structure, and brought in the structure decreasing the encroachment into the rear and side yard setbacks to allow better access during construction and decrease the impact on the abutters. Attorney Barnosky stated that the new proposal addressed the main concerns of the adjacent neighbors: for the project improvements not to obstruct their kitchen window. Attorney Barnosky stated that this new proposal is consistent with other detached garages on Coolidge Street, notably 70, 73, 74, 78, 91, and 92 Coolidge Street.

Attorney Barnosky discussed zoning relief required under Section 6.04 and Section 5.72 of the Zoning By-Law pursuant to special permits under Section 6.04.12 and Section 5.43 of the Zoning By-Law, As for Section 9.05 of the Zoning By-Law, in looking at this conversion, (1) the specific site is an appropriate location because the property is located in the T-5 District, which consists of several properties with detached garages in the neighborhood; (2) there will be no adverse effect on the neighborhood because the new proposed changes in the garage side yard setback is 2.3 feet and the garage rear yard setback is 2.6 feet, which will be consistent with many of the garages in the neighborhood; (3) no nuisance or serious hazard to vehicles or pedestrians exists because the driveway will not be altered and will continue to provide on-site parking for the residents; (4) adequate and appropriate facilities will be provided for the proper operation; and (5) development will not have a significant adverse effect on the supply on housing available for low and moderate income people.

Attorney Barnosky then discussed zoning relief under Section 5.43 of the Zoning By-Law, where the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. Attorney Barnosky stated that the Petitioner is preparing a landscaping plan for the rear yard to indicate what portion of the rear will be paved and what portion will be planted with grass. Furthermore, Attorney Barnosky stated that the Petitioner will introduce new plantings as a counterbalancing amenity in addition to the changes already made with respect to the abutters' concerns.

Zoning Board Member Book asked whether the height of the garage changed in the new proposal. Attorney Barnosky stated that the new proposed garage height stands at 11 feet.

Ryan Noone, the project architect, having an address at 319 A Street, Suite 5B, Boston, MA 02210 then discussed the new proposed site plan for the property and elevation plans for the proposed single-car garage.

Zoning Board of Appeals Chairman Geller asked if anyone present wished to speak in favor of the application. Ronald and Susan Schwartz, 79 Coolidge Street, spoke in support of the proposal. Marilyn and Lee Rosenbaum, 73 Coolidge Street, asked for a clarification regarding the setbacks of the garage. Mr. Noone stated that the side yard setback is 2.3 feet.

Zoning Board of Appeals Chairman Geller asked if anyone present wished to speak in opposition to the application. No one spoke in opposition.

Timothy Richard, Planner for the Town of Brookline, delivered the findings of the Planning Board:

**FINDINGS:**

1. Section 6.04.12 – Design of All Off-Street Parking Facilities
2. Section 5.43 – Exceptions to Yard and Setback Requirements
3. Section 5.72 – Accessory Structures in Rear Yards

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>REVISED</b>	<b>Relief</b>
<b>Garage Side Yard Setback</b>	15'	16-2'	0	2.3'	Special Permit**
<b>Garage Rear Yard Setback</b>	30'	20-4'	0	2.6'	Special Permit**

\* Because the space between the accessory building (the garage) and the principal building is less than 6 feet, the yard setbacks of a principal building are required.

\*\* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. No counterbalancing amenity has been proposed by the Applicant.

Mr. Richard stated that the Planning Board is supportive of this proposal and is pleased that the applicant modified the garage plan to meet most of the concerns of the neighbor. Mr. Richard stated that the one-car structured garage is designed to complement the architectural details of the single-family home. Mr. Richard stated that the Board recommends that the applicant submit a landscaping plan to show new plantings as a counterbalancing amenity, and also what portion of the rear will be paved or planted with grass. Mr. Richard stated that the Planning Board suggested, and the applicant agreed, to eliminate the dormer at the front of the garage roof to reduce the overall bulk of the building. Lastly,

Mr. Richard stated that the Planning Board felt that the pitched roof would be more attractive than a flat roof, and because it would slope away from the abutters, would not significantly block their light.

Therefore, the Planning Board recommended approval of the plans by Dartagnan Brown dated 4/24/2014, and the site plan by George C. Collins, dated 6/11/2013, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of 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 garage elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Chief Building Inspector Michael Yanovitch, stated that the Building Department had no objections to the relief sought under this application and appreciated that the Petitioner addressed abutters' concerns.

In deliberation, Zoning Board of Appeals Member Jonathan Book stated that he was in support of the relief requested. Zoning Board of Appeals Member Johanna Schneider echoed support for the relief requested, specifically the proposal's attractive design and the Petitioner's efforts to work with neighbors' concerns. Zoning Board of Appeals Chairman Jesse Geller stated that he was in support of the relief requested and applauded the Petitioner's efforts to address neighbors' concerns. It was noted that the plans of record on which determination is made are those plans by Dartagnan Brown dated April 24, 2014.

The Board then determined, by unanimous vote that the requirements for relief by special permit from the application of the provisions of **Sections 6.04** and **5.72** of the Zoning By-Law pursuant to **Sections 6.04.12, 5.43** and **9.05** of the Zoning By-Law were met. The Board made the following specific findings pursuant to said **Section 9.05**:

- 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:

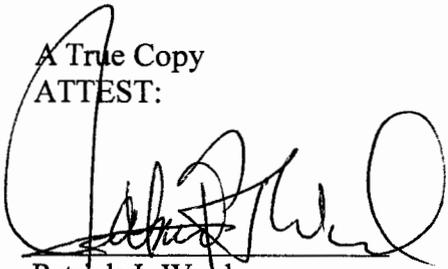
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- 3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final garage elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Unanimous Decision of  
The Board of Appeals

Filing Date: 7/23/14

  
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Jesse Geller, Chairman

A True Copy  
ATTEST:



Patrick J. Ward  
Clerk, Board of Appeals

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TOWN CLERK

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