



Jesse Geller, Chair
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0031

Petitioner Sharona Taieb applied to the Building Commissioner for permission to convert 260 square feet of the basement portion of Unit #1 into living space at 42 Griggs Terrace. The petition was denied and an appeal was taken to this Board.

On June 19th, 2014, 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 August 7th, 2014, at 7:15p.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, 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 July 24th and July 31st, 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: **SHARONA TAIEB**
Owner: **SHARONA TAIEB AND ERIC TAIEB**
Location of Premises: **42 GRIGGS TERRACE UNIT #1**
Date of Hearing: **August 7, 2014**
Time of Hearing: **07:15 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

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

1. **5.22.3.b.2 Floor Area Ratio, special permit required,**
2. **8.02.2; Alteration or Extension, special permit required**

Of the Zoning By-Law to Convert a portion of Unit #1 basement space into living space at **42 Griggs Terrace**

Said premise located in an **T-6 (Two 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 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 the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

**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, Mark G. Zuroff and Board Members Johanna Schneider and Jonathan Book. Attorney Jacob Walters, Business address 27 Harvard Street, Brookline, MA presented the case for the petitioner.

Mr. Walters stated that all the required relief could be granted by two **Special Permits**, under **Section 5.22.3.b.2** and **Section 8.02.2**. Mr. Walters further stated that he had been retained by

the Condominium Association to Amend the Master Deed to incorporate the additional living space in Unit #1, (if granted by this Board), and mentioned that each owner of the Condominium Association had signed the proposed Amendment, indicating their assent to the petitioner's request. Mr. Walters stated that under Section 5.22.3.b.2 the Board of Appeals may grant a Special Permit for an increase in floor area that is less than twenty (20%) per cent of the allowed floor area. In this instance, the increase sought is far below the twenty percent. Mr. Walters then stated that relief under Section 8.02.2 was required due to the alternation of a non-conforming structure. Mr. Walters stated that the proposed additional living space was entirely within the existing basement portion of Unit #1 at 42 Griggs Terrace and would have no impact upon the neighborhood. Mr. Walters went on to say that the requested Special Permits conformed to the requirements of Section 9.05 of the By-Law in that the location of the addition is appropriate, no nuisance would be created and traffic would in no way be affected. Mr. Walters concluded his remarks by requesting that the Board waive the condition set forth in the Planning Board's memorandum requiring the petitioner to submit a site plan. Mr. Walters noted that no portion of the exterior was in any way affected and the site plan requirement was superfluous.

The Chairman then asked if anyone in attendance wished to speak in support or in opposition to the petitioner's proposal. No one asked to be heard.

Timothy Richards, Planner, delivered the findings of the Planning Department.

Section 5.22.3.b.2 Exceptions to Floor Area Ratio (FAR) Regulations for Residential Units

Dimensional Requirements	Required	Existing	Proposed	Relief
Floor Area Ratio	.75	.75	.77'	Special Permit
% of allowed	100%	100%	102%	

Mr. Richards said the Planning Board is supportive of this proposal. The additional living space will be entirely within the existing dwelling and no exterior changes are necessary. The Planning Board does not anticipate any negative impact to the neighborhood.

Therefore, the Planning Board recommends approval of the plans by Michael Oratovsky dated 1/10/14 subject to the following conditions:

1. Prior to the issuance of a building permit, a final basement floor plan stamped and signed by a registered engineer or architect shall be submitted 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 to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) final building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Timothy Richards to deliver the comments of the Building Department. Mr. Richards stated that the Building Department has no objections to the request for relief and would work with the applicant to insure conformance with the Building Code.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.22.3.b.2, 8.02.2, and 9.05 of the Zoning By-Law and made the following specific findings pursuant to Section 9.05 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.

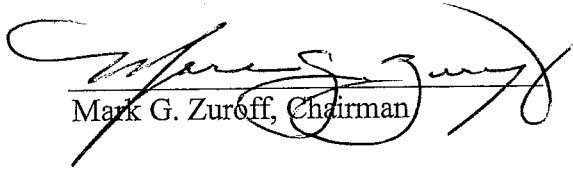
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to 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 to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) final building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

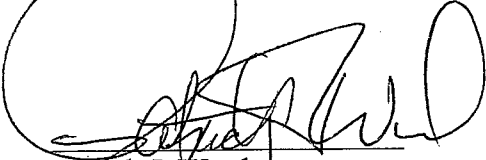
Unanimous Decision of

The Board of Appeals

Filing Date: 9/10/14


Mark G. Zuroff, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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TOWN CLERK
2014 SEP 11 A 11:03