



BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town of Brookline

Massachusetts

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0020

Owner: Thomas Hauser and Bela Bashar

Petitioners, Thomas Hauser and Bela Bashar, applied to the Building Commissioner for permission to construct an entryway with addition above at 17 Baker Circle. 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 May 15, 2014 at 7:30 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 their attorney 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 May 1, 2014 and May 8, 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: **THOMAS HAUSER**

Owner: **THOMAS HAUSER & BELA BASHAR**

Location of Premises: **17 BAKER CIRCLE**

Date of Hearing: **MAY 15, 2014**

Time of Hearing: **7:30 PM**

Place of Hearing: **SELECTMEN'S 6TH FLOOR CONFERENCE ROOM**

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

Section 5.09.2.j: Design Review

Section 5.22.3.c: Exceptions to Floor Area Ratio Regulations for Residential Units

Modification, as necessary, of BOA Case #080055, February 17, 2009

of the Zoning By-Law to **CONSTRUCT AN ENTRYWAY WITH ADDITION ABOVE** at **17 BAKER CIRCLE**. Said Premises is located in a **S-7 (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.

*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.***

**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 Jonathan Book, and Board Members Christopher Hussey and Mark Zuroff. The petitioner, Thomas Hauser presented the case on his own behalf.

Mr. Hauser described 17 Baker Circle is a two-and-a-half story single-family dwelling located near the center of the lot with an attached two-car garage. The property is similar to those in the rest of the neighborhood, both in size and in building placement.

Mr. Hauser said he is proposing to construct a new front entry with a second floor addition above. The proposal will increase the floor area by 126 square feet, with an additional

31 square feet on the first floor, and 95 square feet on the second floor. The roof of the addition will be constructed with shingles to match the existing roof. The exterior of the addition will have Hardee sheet material and three new clad casement windows on the second floor, with a metal railing on the new front porch.

The Chairman asked if anyone wished to speak in favor of the proposal or in opposition to the proposal. There was no one present to speak.

The Chairman called upon Lara Curtis Hayes, Senior Planner, to deliver the findings of the Planning Board:

FINDINGS

Section 5.09.2.j – Design Review

Section 5.22.3.c – Exceptions to Floor Area Ratio Regulations for Residential Units

Dimensional Requirements	Required	Existing	Proposed	Relief
Floor Area Ratio	.35	.349	.36	Special Permit*
Size of Dwelling	3,272	3,270	3,396	
Percent of FAR	100%	99%	102%	

* Under Section 5.22.3.c, the Board of Appeals may grant a special permit for an additional 350 square feet of floor area, provided that the increase is not more than 150% of the permitted floor area. A special permit may also be granted under Section 5.22.3.b.1.b, which allows an exterior addition that is less than or equal to 20% of the permitted gross floor area.

Modification, as necessary of BOA Case #2008-0055 – Granted a special permit with conditions to replace garage with a new garage and floor area above.

Ms. Hayes said the Planning Board is supportive of the proposal to increase the floor area by 126 square feet of additional living space. The Board finds the addition to be attractively designed and supports the granting of a special permit under either 5.22.3.b.1.b or 5.22.3.c of the Zoning Bylaw.

Therefore, the Planning Board recommends approval of the plans, by Hamlin & Co. Inc., dated 2/25/14, and the site plan by Scott M. Cerrato, P.L.S., dated 2/18/14, subject to the following conditions:

1. Prior to issuance of a building permit, final elevations, floor plans, and a site plan, shall be submitted for review and approval by 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) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans building 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 Yanovich, Chief Building Inspector, to deliver the comments of the Building Department. Ms. Hayes delivered Mr. Yanovitch's comments in his absence. Mr. Yanovich stated that the Building Department had no objections to the relief sought under this application. The relief requested is minimal, the use is compatible with the area, and the Building Department will work with the Petitioner if relief is granted to ensure all codes are

complied with.

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, and 5.22.3.c of the Zoning By-Law and to **modify Board of Appeals case #080055**. The Board 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:

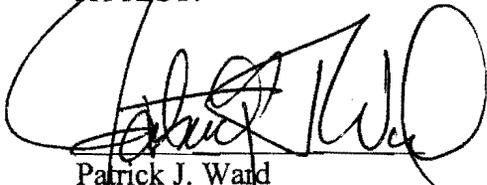
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 - 1) **a final site plan stamped and signed by a registered engineer or land surveyor;**
 - 2) **final floor plans building elevations stamped and signed by a registered architect;** and
 - 3) **evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Unanimous Decision of
The Board of Appeals

Filing Date: 7/14/14


Jonathan Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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TOWN CLERK
2014 JUL 14 A 9:45