



Town of Brookline

Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town Hall, 1st Floor
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Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043

Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0048
OWNER: Julia Kim

Petitioner, Julia Kim, applied to the Building Commissioner to legalize two parking spaces on the side and front of the property at 56 Beals 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 November 6, 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 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 October 16, 2014 and October 23, 2014 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows:

Notice of Hearing

THE PETITIONER HAS REQUESTED TO WITHDRAW THIS APPLICATION

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

56 BEALS ST – INSTALL TWO ADDITIONAL PARKING SPACES in a T-5, Two-Family and Attached Single-Family residential district, on November 6, 2014, at 7:15 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: KIM JULIA; Owner: KIM JULIA) – Precinct 8

The original relief requested included variances and/or special permits from the following sections of the Zoning By-Law:

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 6.04.5.c.1 and 2: Design of All Off-Street Parking Requirements**
- 3. Modification, as required, of BOA case #1672, December 10, 1970**

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town 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 Town programs and services may make their needs known to **Robert Sneider**, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneider@brooklinema.gov.*

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: October 16, 2014 & October 23, 2014

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 Mark Zuroff and Avi Liss. The case was presented by Attorney Scott C. Gladstone, 1244 Boylston St., Suite 200, Chestnut Hill, Massachusetts 02467 on the applicant’s behalf.

Mr. Gladstone stated that the petitioner was proposing to legalize two additional parking spaces at the side and front of the property. The two proposed parking spaces, and an additional legalized off-street parking space, are 0.44' from the side property line. The proposed front-yard parking space is located 5' from the front property line. Special permit relief from both side and front yard setback regulations would be required for this proposed off-street parking plan. This parking arrangement would also require the removal of cobblestones and an existing bay window in order to accommodate the three spaces, as well as an existing wheelchair ramp.

Mr. Gladstone also stated that the applicant was requesting to withdraw this proposed parking plan. The proposal was presented before the Planning Board and received recommended improvements from both Planning Board members and abutting residents.

One front yard parking space at 56 Beals Street was approved by special permit on December 10, 1970 (BOA Case #1672). The property owner had been parking 2 cars in the front yard and was cited by the Building Department for violation of this condition. The applicant considered removing a side bay window in order to provide adequate space for additional parking, but ultimately decided not to undertake property alterations of that scale at this time.

Mr. Gladstone stated that the property owner has decided to comply with the initial special permit provision that provides one front yard parking space and requests that the Board allow the petitioner to withdraw the proposed parking expansion relief application without prejudice.

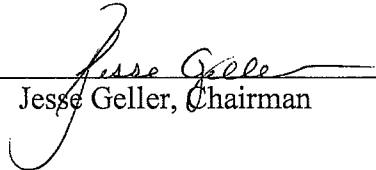
The Board deliberated on the merits of this withdrawal request. Board member Mark Zuroff indicated support for the applicant's request, and both Jesse Geller and Avi Liss concurred.

Board Chairman, Jesse Geller stated to the applicant should ensure compliance with the original special permit conditions for one parking spot in order to avoid further citation from the Building Department.

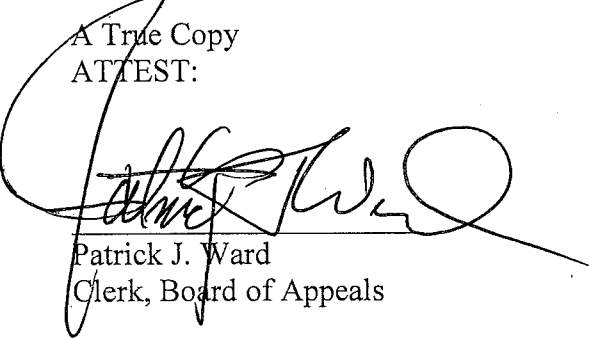
Accordingly, the Board voted unanimously to grant the request to withdraw the special permit application without prejudice.

Unanimous Decision of
The Board of Appeals

Filing Date: 12/2/14



Jesse Geller, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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