



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

# *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. 2014-0049**  
**Owner: Charles and Myrieme Churchill**

Petitioners, Charles and Myrieme Churchill, applied to the Building Commissioner for permission to construct a garage and a 128 square foot addition in the rear and side yard of **27 Beaconsfield Road**. 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 September 18, 2014 at 7:00 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 August 28, 2014 and September 4, 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. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

**25 BEACONSFIELD RD – CONSTRUCT GARAGE AND ADDITION AT REAR in a T-6, Two-Family and attached Single Family, residential district, on September 18, 2014, at 7:00 PM in the 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner: Peter Sachs; Owner: CHURCHILL CHARLES E & MYRIEME)**

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law:

- 1. Section 5.09.2.j: Design Review**
- 2. Section 5.22.3.c: Exceptions to Floor Area Ratio For Residential Units**
- 3. Section 5.43: Exceptions to Yard and Setback Regulations**
- 4. Section 5.63: Accessory Structures in the Side Yard**
- 5. Section 5.72: Accessory Structure in the Rear Yard**
- 6. Section 8.02.2: Extension or Alteration**

*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](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 Town programs and services may 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, Chair  
Christopher Hussey  
Jonathan Book*

**Publish: August 28, 2014 & September 4, 2014**

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 Jonathan Book and Johanna Schneider. Architect, Peter Sachs, presented the case on the petitioners' behalf.

Mr. Sachs described 27 Beaconsfield Road as a three-story, two-family dwelling that was built in 1937 and renovated in the early 2000s. The property fronts onto Beaconsfield Road. There is an existing driveway on the west side yard. The front of the site is landscaped with grass, while the rear yard is largely paved. A stone retaining wall exists at the rear of the property, and behind the wall, the land drastically rises away from the dwelling. The immediate neighborhood is comprised of similar two-family dwellings.

The petitioners stated they are proposing to construct a garage to the side and rear of the dwelling, along with a 128 square foot rear addition. The garage will be a detached garage with a roof deck on the top. The garage will be constructed 2.3' from the side property line and 4.3' from the rear property line. The garage will be for one car and will be constructed with materials to match the style of the dwelling. The applicant is also proposing to construct an addition on the dwelling's second and third stories. The addition will add 63.7 square feet to each floor, for a total of 127.5 square feet of floor area. The area beneath the addition will be a covered open area that could be used for trash bin storage.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. Mr. Churchill wished to be acknowledged for the record as being in support of the proposed project.

The Chairman called upon Tim Richard, planner, to deliver the comments of the Planning

Board:

**FINDINGS**

**Section 5.09.2.a – Design Review:**

Any structure that exceeds the allowed FAR and is requesting a special permit to exceed is subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

*Preservation of Trees and Landscape:* The construction of the garage will result in the removal of some trees in the rear of the property. The removal of trees will be somewhat minimal, and can be addressed through the applicant's proposed counterbalancing amenity of additional landscaping, required for a special permit to grant setback relief.

*Relation of Buildings to Environment:* The proposed changes to the structure are in harmony with the surrounding landscape. The proposal is not expected to have a negative relation to the environment.

*Relation of Buildings to the Form of the Streetscape and Neighborhood:* The proposed garage will be constructed in the rear of the dwelling and will not be very visible from the street. The two-story addition will also be constructed to the rear and will not be visible from the street. The proposal is not expected to negatively impact the streetscape or neighborhood.

*Open Space:* The subject property has a good amount of open space that will be affected by this proposal. However, a large portion of the proposed garage will be built into the existing retaining wall, which will minimize the amount of affected open space.

*Circulation:* There would be no change in the existing parking facilities for this proposal. The proposed garage will create one additional parking space on the property.

**Section 5.22.3.c – Exceptions to Floor Area Ratio For Residential Units**

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

**Section 5.63 – Accessory Structures in the Side Yard**

**Section 5.72 – Accessory Structures in the Rear Yard**

<b>Dimensional Requirements</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Floor Area Ratio</b>	.75	.87	.89	Special Permit*
<b>FAR Percentage</b>	100%	116%	118%	
<b>Floor Area (sf)</b>	4,354	5,056	5,184	
<b>Side Yard Setback</b>	6'	N/A	2.3'	Special Permit**
<b>Rear Yard Setback</b>	6'	N/A	4.3'	Special Permit**

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

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

**Section 8.02.2 – Alteration or Extension**

A special permit is required to alter a non-conforming structure.

Mr. Richard said the Planning Board was supportive of this proposal to construct a single-car garage and an addition to the second and third stories. The garage will be located to the side and rear of the property and will not be very visible from the street, and it is not expected to negatively impact the neighborhood. The proposed addition is also located in the rear and will not impact the streetscape. The applicant submitted letters from multiple neighbors in support of the proposal. The Board would like to see the applicant install some additional landscaping as a counterbalancing amenity, and ideally attempt to screen the garage from the affected neighbor to the west.

**Therefore, the Planning Board recommended approval of the plans by Peter Sachs Architect, last dated 7/14/14, subject to the following conditions:**

1. Prior to issuance of a building permit, the applicant shall submit final elevations, including the missing rear elevation, indicating all proposed materials for the garage and addition, subject to the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan and a final landscaping plan with an arborists evaluation of the trees, and input from the rear abutters to the garage, subject to the review and approval of the Planning Board.
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 floor plans and 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 called upon Timothy Richard, to deliver the comments of the Building Department. Mr. Richard said the Building Department has no objections to the request. He went on to say the proposal is very well designed and the relief is minimal and 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 building code as well as the Town of Brookline Zoning By-Law

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections, 5.09.2.j, 5.22.3.c, 5.43, 5.63, 5.72 and 8.02.2 of the Zoning By-Law, and the Board made the following specific findings pursuant to Section 9.05 of the of the Zoning By-Law:

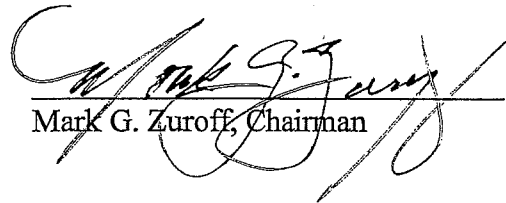
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the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

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

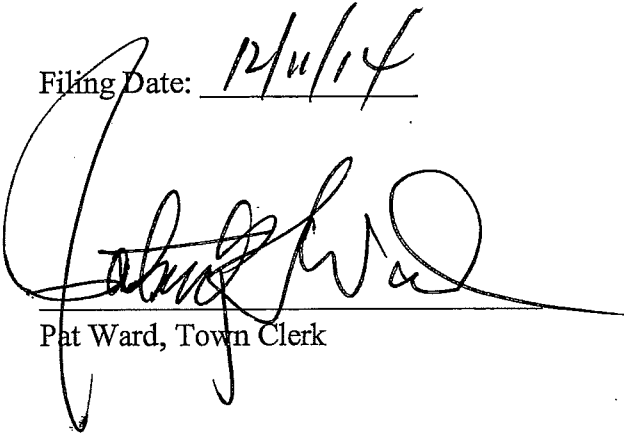
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3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and 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**

  
Mark G. Zuroff, Chairman

Filing Date: 12/11/14

  
Pat Ward, Town Clerk

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