



BOARD OF APPEALS
Jesse Geller, Co-Chair
Jonathan Book, Co-Chair
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. 2014-0036
Owner: Samuel and Sandra Comerchero

Petitioners, Samuel and Sandra Comerchero applied to the Zoning Board of Appeals to change a garage roof from flat to gabled requiring front yard setback relief at **51 Holland 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 October 23, 2014 at 7:00 p.m. in the Selectmen's hearing room as the time and place of a hearing on the request. 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 2, 2014 and October 9, 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:

51 HOLLAND RD – CHANGE GARAGE ROOF FROM FLAT TO GABLE in an S-15, Single-Family, residential district, on October 23, 2014, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: COMERCHERO SAMUEL & SANDRA; Owner: COMERCHERO SAMUEL & SANDRA)

The Board of Appeals will consider 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 5.50; Front Yard Requirements**
- 3. Section 8.02.2; Alteration or Extension**

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 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, Chair
Christopher Hussey
Jonathan Book*

Publish: October 2, 2014 & October 9, 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 Johanna Schneider and Christopher Hussey. Property owner, Samuel Comerchero, presented the case on his own behalf.

Mr. Comerchero described 51 Holland Road as a two and one half story single-family dwelling. It is a colonial style house that was built in 1900. Holland Rd. is located off of Fisher Ave. The structure has frontage along Holland Rd. and is oriented toward the road, similar to other structures in the area. Holland Rd. is comprised of primarily single-family dwellings that are similar in shape and overall bulk.

Mr. Comerchero stated that he is proposing to enhance the existing garage structure by replacing the flat roof. The plan calls for a gabled roof with a cupola and weathervane. The roofing material will consist of architectural asphalt shingles and existing gutters and downspouts will be replaced.

Mr. Comerchero stated that overall garage condition improvements and additional plantings around the garage represent sufficient counterbalancing amenities in exchange for necessary setback relief. He also stated that the gable roof design is more in line with the character of the existing house.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. No audience members wished to do so.

The Chairman called upon Timothy Richard, Planning Department, to deliver the comments of the Planning Board:

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.50 – Front Yard Setback

Because the new roof is taller and the existing garage is within the front yard setback, the gabled roof increases the front yard setback violation.

Dimensional Requirements	Required	Existing	Proposed	Relief
Front Yard Setback	30'	19.7'	19.7'	Special Permit*/

*Under *Section 5.43*, the Board of Appeals may waive yard and setback requirements if counterbalancing amenities are provided.

Section 8.02.2 – Alteration or Extension: A special permit is required to alter and/or extend this non-conforming structure.

Mr. Richard indicated that the Planning Board is supportive of the proposal to alter the roof of the structure. It is a preexisting garage, which the applicant is looking to improve. The proposal is expected to have a positive impact on the neighborhood and will significantly improve the streetscape. The improved roof design, changing from a flat roof to a gabled roof, significantly improves the appearance of the existing structure. The Planning Board feels that the improved roof structure is sufficient to be counted as a counterbalancing amenity, required to waive the front yard setback by special permit.

Therefore, the Planning Board recommended approval of the plans by Lidia Brill Design to Build, dated 4/3/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, a final architectural plan 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) a final site plan stamped and signed by a registered engineer or land surveyor that indicates the lot size and floor area of the building; 2) final 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 indicated that the Building Department had no objection to this proposal as it requires minimal relief and does not create a new non-conformity.

The Board deliberated on the merits of the relief requests. Board members agreed that provided counterbalancing amenities in the form of garage condition improvements, rainwater runoff mitigation, and landscaping improvements were adequate for the level of zoning relief requested by the applicant. Chairman Mark G. Zuroff suggested that a final landscaping plan should be included as a condition of this special permit, and the applicant voluntarily agreed. The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections, 5.43, 5.50 and 8.02.2 of the Zoning By-Law and 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 amended conditions:

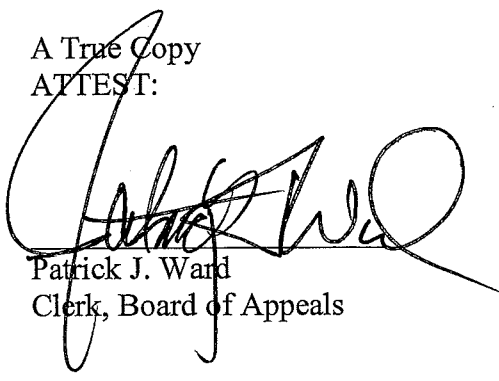
1. Prior to the issuance of a building permit, a final architectural plan and a final landscape plan shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor that indicates the lot size and floor area of the building; 2) final 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: 12/11/14


Mark G. Zuroff, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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