



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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. 2014-0063
OWNER: GABI ESSBER

Petitioner, Gabi Essber, applied to the Building Commissioner for permission to construct an attached two-car garage at **71 Grove 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 December 18, 2014 at 7:00 p.m. in the Selectmen's conference 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 November 27, 2014 and December 4, 2014 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.



TOWN OF BROOKLINE

BOARD OF APPEALS

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:

71 GROVE ST – CONSTRUCT AN ATTACHED GARAGE in an S-10, Single-Family residential district on

December 18, 2014, at 7:00 PM in the 6th Floor Selectmen's Hearing Room (Petitioner: ESSBER GABI & JOELLE JREIJE; Owner: ESSBER GABI & JOELLE JREIJE) Precinct 15

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 5.60: Side Yard Requirements**
- 3. Section 5.70: Rear Yard Requirements**
- 4. 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 Sneurson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneurson@brooklinema.gov.***

Jesse Geller, Chair

Christopher Hussey

Jonathan Book

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chair Jonathan Book, and Board Members Johanna Schneider and Christopher Hussey. Property owner, Gabi Essber, presented the case on his own behalf.

Mr. Essber described 71 Grove as a single-family house situated on a high rocky bluff above Grove Street, opposite Allandale Road. The property has an existing steep driveway. There was previously a garage which was converted to living space. The property is located across from Allandale Farm and Walnut Hills Cemetery. The neighborhood consists primarily of single-family dwellings, although two lots away is a cluster development of attached townhouses, with a gas station next to that.

Mr. Essber stated that he is proposing to construct an attached open concrete garage (27.6' by 23.9') with the possibility of future garage doors and roof deck on top of the garage. The garage opening has been designed to receive doors at a later date. The driveway is being improved as well and will have heating elements under it. Property excavation will also allow family vehicles to turn around on the property prior to entering Grove Street, which was described as a busy vehicle route. Mr. Essber reiterated that this proposal is intended to improve family safety and use of the property.

The Board requested further detail of proposed counterbalancing amenities for the requested zoning relief. Mr. Essber provided renderings to the Board that depicted, improved landscape and hardscape elements, stone retaining walls in the front-yard, and additional plantings in the rear-yard.

The Board Chair called for public comment in favor of, or in opposition to the applicant's proposal. No members of the public wished to comment.

Jreije Joelle, also a property owner, reiterated the fact that this project is primarily focused on improving safe vehicle access and storage for the property.

The Board Chair called upon Jay Rosa, Zoning Coordinator, to deliver the findings of the Planning Board:

FINDINGS

Section 5.60 – Side Yard Setback

Section 5.70 – Rear Yard Setback

Dimensional Requirements	Required	Proposed	Relief
Side Yard Setback	10'	14.4'	complies
Rear Yard Setback	30'	8.7'	Special Permit*

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

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Mr. Rosa stated that the Planning Board was supportive of this proposal to construct an attached two-car garage because steep topography of the lot, along with existing and proposed vegetation reduces the visibility of the garage from both the street and abutting properties.

Therefore the Planning Board recommended approval of the site plan by David E. Denny, dated 6/2/14, and garage plans by Samil LLC, dated 5/10/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final site plans and elevations subject to the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director for Regulatory Planning.
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 garage elevation 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 Board Chair called upon Michael Yanovitch to deliver the opinion of the Building Department. Mr. Yanovitch stated that the proposal requires fairly mild relief. Mr. Yanovitch stated that the home and lot are unique and the applicant has already engaged in significant property renovations. The Building Department has no objection to this proposed garage and

will work with the applicant to ensure compliance with building and zoning codes if special permit relief is granted.

The Board deliberated on the merits of special permit relief as requested. The Board was satisfied with counterbalancing amenities provided by the applicant. Board member Johanna Schneider stated that the garage addition enhances the use of the property, neighbor letters of support were submitted, and the proposal meets the requirements for special permit relief under Zoning By-Law Section 9.05. Board Members Jonathan Book and Christopher concurred with this opinion. The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections, **5.60, 5.70 and 8.02.2** of the Zoning By-Law. The Board made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- 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:

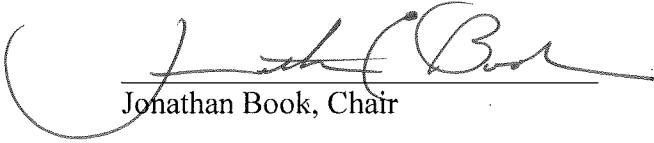
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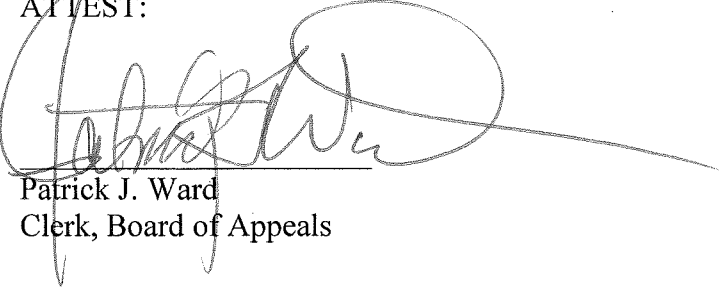
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**Unanimous decision of the
Board of Appeals**

Filing Date: 1/6/15


Jonathan Book, Chair

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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