



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2015-0012
OWNER: 201 HYSLOP ROAD LLC

Petitioner, 201 Hyslop Road LLC, applied to the Building Commissioner for permission to construct a single-story rear addition totaling 63 square feet at 201 Hyslop Road. The application was denied and 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 7, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 April 16, 2015 and April 23, 2015 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:

201 HYSLOP RD – CONSTRUCT TWO SINGLE-STORY REAR ADDITIONS TOTALING 119 SQUARE FEET in an S-25, Single-Family, residential district, on May 7, 2015, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: ALEX ZELFOND; Owner: 201 HYSLOP ROAD, LLC) Precinct 14

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 (FAR) for Residential Units**
- 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 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: April 16, 2015 & April 23, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Jonathan Book, and Board Members Johanna Schneider and Avi Liss. Alex Bushoy, representing 201 Hyslop Road LLC, stated that he is requesting a case continuance in order to revise plans following Planning Board recommendations. The proposed

rear addition requires zoning relief for floor area ratio (FAR) and design review. The Planning Board requested more detailed plans in order to evaluate relevant design review standards.

The Board unanimously granted this request for continuance, and fixed May 21, 2015 at 7:00 p.m. in the Selectmen's Conference Room as the time and place of a hearing for the appeal. At the time and place specified, this Board held a public hearing. Present at the hearing was Board Chairman, Jesse Geller, and Board Members Johanna Schneider and Mark Zuroff. Alex Zelfond, representing 201 Hyslop Road LLC, introduced project architect Will Gerstmyer and presented project details to the Board.

Mr. Zelfond stated that he is requesting special permit relief to construct a single-story rear addition totaling 63 square feet. Mr. Zelfond intends to install a first-floor powder room without altering historic interior features of the structure. This addition will extend off of the rear of the home, and is not visible from surrounding areas. The resulting gross floor area will be 9,291 square feet, and triggers the need for zoning relief from floor area ratio (FAR) requirements. The addition will be constructed of molded stucco, with a painted wood fascia board and a copper roof.

Chairman Geller called for any public comment in favor of, or in opposition to, the applicant's proposal.

No members of the public spoke in favor of, or opposition to, the applicant's proposal.

Chairman Geller requested that Zoning Coordinator Jay Rosa deliver the findings of the Planning Board.

FINDINGS

Section 5.22.3.c – Exceptions to Floor Area Ratio (FAR) for Residential:

	Permitted	Existing	Proposed	Relief
Floor Area Ratio (FAR)	6,223 s.f. 100%	9,172 s.f. 147.4%	9,291 s.f. 149.3%	Special Permit*

* Under **Section 5.22.3.c**, the Board of Appeals may grant a special permit for an increase in floor area of up to 350 square feet provided that the resulting gross floor area of the structure is not more than 150% of the permitted gross floor area.

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is required pursuant to §5.22 is subject to design review standards listed under Section 5.09.4 (a-m). All design review standards have been met, with the most relevant design review sections described below:

- a. Preservation of Trees and Landscape – The applicant has removed significant overgrowth, particularly along the front lot line. No significant trees were removed during this process and the natural grade of the property has been maintained. Proposed rear addition will have minimal impact on property trees and/or landscaping.

- d. Open Space – The property complies with all open space requirements. Completed landscape improvements add visual amenity for abutting properties and passing residents. Additionally, this improved open space exposes historic design elements that have been restored.

- k. Heritage – The proposed rear addition will conceal two existing rear windows and one door. The Preservation Commission administratively determined that this concealment is not considered to be the demolition of character defining features and therefore does not require further demolition delay review. Additionally, the disruption of exterior character defining features has been minimized as much as practicable during significant renovation of the entire structure.

Section 8.02.2 – Alteration or Extension: A special permit is required to expand the pre-existing non-conforming structure (FAR).

Mr. Rosa stated that the Planning Board unanimously supported the proposed rear addition at 201 Hyslop Road. Design review standards are appropriately satisfied and the applicant worked closely with planning, preservation, and building staff to revise plans, specifically building materials and window design. Initial Planning Board concern regarding the molded stucco building material was alleviated because the applicant is attempting to match existing structural features. Overall the addition is very low impact and supports additional restoration of the property.

Therefore, the planning board recommended approval of plans submitted by Will Gerstmyer Architects, dated 5/5/15 & 5/8/15, and the site plan submitted by Everett M. Brooks Co., dated 12/22/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations, including all building materials, 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; 2) final floor plans and elevations stamped and signed by a registered architect; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Geller requested that interim Chief Building Inspector Michael Yanovitch deliver the opinion of the Building Department. Mr. Yanovitch stated that the Building Department also has no objection to the proposal. Necessary FAR relief is provided under Zoning By-Law Section 5.22.3.c. Current project plans include a copper roof but slate is also a code compliant option if additional weatherproofing is included to account for the proposed two

over twelve roof pitch. If the Board finds that the standards for special permit relief are met, the Building Department will work with the applicant to ensure compliance with building codes and permit conditions.

Chairman Geller confirmed that recommended conditions provided by the Planning Board appropriately require review of final proposed roof material and pitch as provided in the Planning Board report.

The Zoning Board of Appeals deliberated on the merits of special permit relief as requested. Board Members were satisfied that the standards for special permit relief have been met. The rear addition is minimal in size and is intended to modernize the residential dwelling in a manner that generates very little impact on both the existing structure and surrounding abutters. The Board also agreed that the design review standards are appropriately satisfied. The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections 9.05, 5.22.3.c and 5.09.2.i of the Zoning By-Law, granting relief from the application of provisions of Sections 5.20 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:

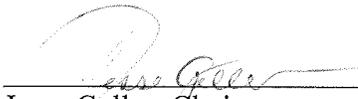
- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation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

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

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations, including all building materials, 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; 2) final floor plans and elevations stamped and signed by a registered architect; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous decision of the
Board of Appeals

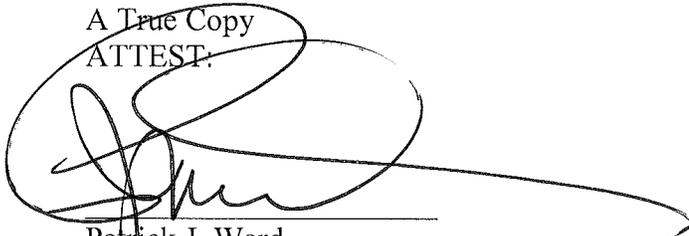
Filing Date: 6/29/15



Jesse Geller, Chairman

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TOWN OF BROOKLINE
TOWN CLERK
2015 JUN 29 P 2:23

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals