



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. 2016-74
8 Prince Street

Petitioner, Anthony White, applied to the Building Commissioner for a building permit to demolish an existing garage and construct a new garage at 8 Prince 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 certified by the Board of Assessors of the Town of Brookline and fixed December 15, 2016 at 7:10 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for 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 December 1, 2016 and December 8, 2016 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:

8 Prince Street to demolish an existing garage and construct a new garage in an M-1.0 (Apartment House) Residence District, on December 15, 2016 at 7:10 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Anthony White) Precinct 5

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- 1. Section 5.43: Exceptions to Yard and Setback Regulation**
- 2. Section 5.72: Accessory Buildings or Structures in the Rear Yard**
- 3. Section 8.02.2: Alteration or Extension**
- 4. Any Additional Relief the Board May Find Necessary**

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 programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at llgellineau@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 Chairman Jesse Geller, and Board Members Christopher Hussey and Jonathan Book. Michael Yanovitch was present on behalf of the Building Department and Ashley Clark was present on behalf of the Planning Department. The owner, Anthony White was also present.

Mr. White presented the application to demolish an existing garage and construct a new garage. Mr. White stated that where the proposed garage will go is an appropriate site

and will not affect the neighborhood adversely. Mr. White further stated that the proposal will not be a nuisance or hazard to pedestrians noting that the existing structure is 18' by 18' feet and the proposed new garage is 19' by 19'. Mr. White proposed to install landscaping on the side and the front as a counterbalancing amenity to ameliorate the setback issue.

Board Members Hussey and Book inquired about the size of the garage. Mr. White stated that they had considered a garage that was 20' by 20', but decided 19' by 19' would be more appropriate.

Board Chairman Geller called for public comment in favor of, or in opposition to, the Petitioner's proposal. The abutter at 40 Chestnut Street spoke in favor of the application.

Board Chairman Geller called upon Zoning Coordinator Ashley Clark from the Planning Department to review the findings of the Planning Board:

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.72 – Accessory Buildings or Structures in the Rear Yard (25% rear yard)

Dimensional Requirements	Required	Existing	Proposed	Relief
Garage - Rear Yard Setback	6'	2.8'	2.8'	Special Permit*
Garage - Side Yard Setback	6'	2.4'	2.4'	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements by special permit 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.

Ms. Clark stated the Planning Board is supportive of this proposal. Ms. Clark noted the new garage will be an aesthetic improvement to the neighborhood with shingle siding in place of the existing galvanized metal. Ms. Clark stated that numerous neighbors have written letters of support in favor of the new design and that several homes on the street have a rear yard garage. She continued that the new garage, although slightly larger, will not increase the setbacks or encroach on abutters. Ms. Clark stated the larger size will allow the garage to be more functional for the owners and the applicant will need to propose counterbalancing amenities.

Therefore, the Planning Board recommends approval of the site plan by Antoni Szerszunowisz dated 9/19/2016 and the architectural plans by David Harmon Architecture dated 9/27/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor and roof plans and elevations of the garage, 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 a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of 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 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.

Board Chairman Geller requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated that the Building Department has no objection to this request for relief. Mr. Yanovitch stated that should the Board grant relief, the Building Department will work with the Petitioner to ensure compliance.

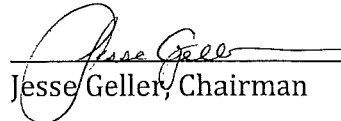
The Board then deliberated on the merits of the requested special permit relief. Board Members Hussey and Book were in support of granting the relief. Chairman Geller stated the proposal meets the requirements for special permit relief under **Section 9.05** and **Section 5.43** with the submission of a landscaping plan indicating counter balancing amenities.

Accordingly, the Board voted unanimously to grant the requested special permit relief under **Section 5.43** and **Section 9.05** of the Zoning By-Law, from application of the provisions of **Section 5.72** and **Section 8.02.2**, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor and roof plans and elevations of the garage, 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 a final landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
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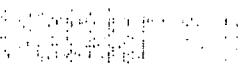
**Unanimous Decision of
The Board of Appeals**

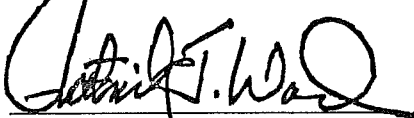
Filing Date: 1/5/17



Jesse Geller, Chairman

A True Copy

ATTEST: 



Patrick J. Ward
Clerk, Board of Appeals