



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline Massachusetts

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Patrick J. Ward, Clerk

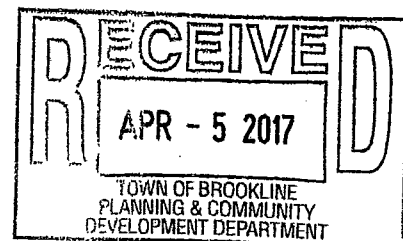
TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-0007
OWNER: ZHUKOVSKIY DMITRIY
1880 BEACON STREET UNIT #6

Petitioner, Dmitriy Zhukovskiy, applied to the Building Commissioner for a building permit to raise existing section of rear roof at 1880 Beacon Street Unit #6. 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 March 16, 2017 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 Petitioners, 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 March 2, 2017 and March 9, 2017 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:



1880 Beacon Street Unit #6– Raise existing section of rear roof in M1.5 (Apartment House) Residence District, on March 16 at 7:10 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner/Owner: Vlad Sirotin, Dmitrey Zhabovsky) Precinct 13

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 5.09.2.a: Design Review**
- 2. Section 5.43: Exceptions to Yard and Setback Regulations**
- 3. Section 5.70: Rear Yard Requirements**
- 4. Section 8.02.2: Alteration and Extension**
- 5. 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*

Publish: March 2 & March 9

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jonathan Book, and Board Members Kate Poverman and Lark Palermo. Ashley Clark, Zoning Coordinator, was present on behalf of the Planning Department and the Building Department. The case was presented by the contractor for the Petitioner, Vladimir Sirotin. Chairman Book called the hearing to order at approximately 7:10 pm. Mr. Sirotin waived the reading of the public hearing notice.

Mr. Sirotin stated that they are proposing to raise the existing section of rear roof by approximately 1 foot 8 inches. Mr. Sirotin stated that they are improving the property by raising

the roof and the existing footprint will not be changed. Mr. Sirotin described the exterior of the unit as in deteriorating condition in need of repair. Mr. Sirotin stated that they are seeking special permit relief for design review as well as for their rear yard setback. Mr. Sirotin stated that he did not control the ground surrounding the building and was not sure how he would go about adding landscaping and felt instead that an appropriate counterbalancing amenity is the improvement of materials on the exterior.

The Board discussed the materials proposed for the roof and exterior. Mr. Sirotin stated that they will be replacing the old asphalt shingles with a fiber cement siding such Hardiplank. Mr. Sirotin worked with the Preservation planners to find the most appropriate material and color considering the property is on Beacon Street. The Board felt that fiber cement siding was an improvement to the existing shingles since the relief requested was minimal, was an appropriate and proportional counterbalancing amenity.

Chairman Book asked whether anyone would like to speak in favor of or in opposition to the proposal. There were no public comments submitted.

Chairman Book then called upon Ashley Clark, Zoning Coordinator, to deliver the findings from the Planning Board:

FINDINGS

Section 5.09.2.a: Design Review Exterior additions and alterations to structures on Beacon Street and to multiple dwellings with four or more units require a *special permit*, subject to the Community and Environmental Impact and Design Standards of Section 5.09. The standards relative to this application are as follows:

Preservation of Trees and Landscape: The proposal does not remove any existing landscaping as it is located entirely on the roof of an existing building.

Relation of Buildings to Environment: The change to the roof and proposed new materials would be an improvement to the building. The existing materials are worn and in need of repair. There is not expected to be much of a change in regards to shadow impacts in raising the roof approximately 1.7 feet.

Relation of Buildings to the Form of the Streetscape and Neighborhood: Though this addition would be visible from the street, it is a minimal change and would keep the footprint of the existing apartment unit.

Circulation: The vehicular and pedestrian circulation is not expected to be affected by this proposal.

Section 5.43: Exceptions to Yard and Setback Requirements

Section 5.70: Rear Yard Requirements

<u>Dimensional Requirements</u>	Required	Existing	Proposed	Finding
Rear yard setback	30'	14.5'	14.5'	<u>Special Permit*</u>

**§5.43: Exceptions to Yard and Setback Requirements The Board of Appeals may waive dimensional requirements as long as counterbalancing amenities are provided.*

Section 8.02.2 – Alteration or Extension

A use or structure which does not conform to the regulations of this By-law, but which did conform to all applicable regulations when initially established, may be altered, repaired, or enlarged, except that any nonconforming condition may not be increased unless specifically provided for in a section of this By-law.

Ms. Clark stated that the Planning Board is in support of the proposal to raise the roof to increase the ceiling height by approximately 1.7 feet at 1880 Beacon Street. Ms. Clark stated that the relief required is minor and the view from Beacon Street will be minimally impacted. Additionally, Ms. Clark stated that the building footprint remains the same and there should be no impact on abutters. Ms. Clark concluded that the proposal will match existing materials which will help integrate the new height of the roof into the existing building.

Therefore, the Planning Board recommends approval of the site plan by Peter Nolan, Land Surveyor, dated 9/28/16, and the elevations and floor plans by Richard Volkin, dated 10/2/2016, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall provide a letter approving the proposed plans from the condo association.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans and 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 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 Book then called upon Ashley Clark, Zoning Coordinator, to deliver the findings from the Building Department. Ms. Clark stated that the Building Department has no objection to the relief requested and if the Board finds it meets the requirements for the grant of a special permit, the Building Department will work with the Petitioner to ensure compliance.

Deliberation


The Board then deliberated on the merit of special permit relief. Board Member Poverman was in support and felt the improvement of the exterior was appropriate for a counterbalancing amenity considering it was on the third floor and a landscaping plan did not seem realistic. Board Member Palermo was in support and felt it was important that the Condominium Association is made aware of all construction plans. Chairman Book stated that the proposal was worthy of relief and satisfied the requirements of the By-Law.

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 5.70**, subject to the following amended conditions:

1. Prior to the issuance of a building permit, the applicant shall provide a letter approving the proposed plans from the condo association.
2. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans and 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 a list of exterior materials to the Assistant Director of Regulatory Planning for review and approval to serve as the counterbalancing amenity.
4. 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.

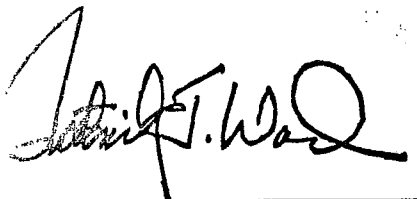
Unanimous Decision of
The Board of Appeals

Filing Date: 4/5/2017


Jonathan Book, Chairman

A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals