



Town of Brookline Massachusetts

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899

Applying for Special Permit/Variations:

- You have received a Denial Letter from the Building Department detailing the elements of your project that require relief from Brookline's Zoning By-Law.
- Your next step is to apply for zoning relief through the Special Permit/Variance process with the Planning Department. Special Permits and/or variances are two types of relief that can be granted for your property that allow for exceptions to zoning regulations if certain thresholds or conditions are met.
- Applying for a Special Permit/Variance initiates a public hearing process. You (or your attorney) will present your proposal before both the Planning Board and the Zoning Board of Appeal. Abutters to your property will also be formally notified of your proposal.
- You are encouraged to discuss your application with Building Department staff and to familiarize yourself with the Zoning By-Law sections pertaining to your project as well as with the Board of Appeals Rules and Regulations. Copies of these can be found at the Office of the Town Clerk or online at www.brooklinema.gov/564/Zoning-Board-of-Appeals

Steps to Follow:

- 1) Within 30 days of receiving your Denial Letter, submit a complete application to the Board of Appeals with the Department of Planning & Community Development. You are encouraged to speak with Building and Planning staff who can verify that your application includes the correct materials. See the checklist below for required materials.
- 2) After your application is deemed complete, the Zoning Coordinator will reach out to schedule your Planning Board and Zoning Board of Appeals hearing dates.
- 3) Speak with your neighbors about your proposal. The Planning Board and Board of Appeals welcome letters from abutters and take abutters' statements into account. Abutters can also appear at the hearings to speak in favor or against your proposal.
- 4) You and/or your legal representation will need to appear at both meetings. The Planning Board will take place first and will make a recommendation of approval/denial to the Zoning Board of Appeals. The ZBA issues a final decision of approval or denial. Conditions are also placed on the project which must be met before you can proceed with construction.

Please note: in addition to zoning relief, your project may need review from the Preservation Staff – this includes LHDs, NCDs, National Register, as well as partial and full demolition. Contact the Planning Department for more information.

Please contact the Department of Planning & Community Development at (617) 730-2130 with any questions

Special Permit/Variance Application Materials Checklist:

In accordance with Section 9.04.4 of the Brookline Zoning By-Law, the following materials are required to be submitted for a Special Permit/Variance:

- _____ An original completed application (2 copies)
- _____ Denial Letter issued by the Building Department (2 copies)
- _____ A certified plot plan or site plan (16 copies)
- _____ Full size floor plans and elevations showing existing and proposed conditions (1 copy)
- _____ 11x17 sized plans including floor plans and elevations which indicate existing and proposed conditions (16 copies)
- _____ Application fee payable to the Town of Brookline (\$350 base fee + \$21 newspaper fee + \$50 per 1,000 net sqft)

§9.05 – CONDITIONS FOR APPROVAL OF SPECIAL PERMIT

1. The Board of Appeals shall not approve any such application for a special permit unless it finds that in its judgment all of the following conditions are met:

- 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.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

2. In approving a special permit, the Board of Appeals may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, such as but not limited to the following:

- a. Requirement of front, side or rear yards greater than the minimum required by this By-law.
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the Board of Appeals.
- c. Modification of the exterior features or appearances of the structure.
- d. Retention, replacement or planting of trees, including public shade trees as defined by Massachusetts General Law Chapter 87, and other landscape and natural features.
- e. Limitation of size, number of occupants, method or time of operation, or extent of facilities.
- f. Regulation of number, design, and location of access drives or other traffic features.
- g. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable By-laws.

Please contact the Department of Planning & Community Development at (617) 730-2130 with any questions

EXHIBIT A

TOWN OF BROOKLINE BOARD OF APPEALS
APPLICATION FOR SPECIAL PERMITS AND/OR VARIANCES

(See MGL c. 40A s. 9 & 10, BOA Rules and Regulations, and Zoning By-laws § 9)

Date: ____/____/____

Address of Premises: _____ **Brookline, MA**

Applicant(s): _____ **Address:** _____

Owner(s) of Record: _____ **Address:** _____

Deed recorded in Registry of Deeds, Book _____ **Page** _____

or registered in the Land Registration Office under Certificate No. _____

Tax Assessor's Property ID No.: _____ **Map:** _____ **Block:** _____ **Lot:** _____

1. Is the applicant applying for special permits ___ and/or variances ___? Please list Zoning By-law sections under which special permits and/or variances are requested. (Refer to Denial Letter.)

2. Provide a description of your proposal including proposed use, size, location on the site, etc.

3. Present use of property (No. of dwelling units, if any).

4. Proposed use of property (description of all buildings and facilities, hours of operation, number of employees, visits by clients or pupils, amount of off-street parking, square footage of proposed additions or structures, etc.)

5. Why does the applicant believe that the proposed use or building will meet the conditions for a special permit under Sec. 9.05 of the Brookline Zoning By-Law and will be in harmony with the purpose and intent of the Bylaw?

6. (IF APPLICABLE) Why does the applicant believe that the proposed use or building will meet the conditions for a variance under MGL c. 40A, Sec. 10, i.e. what are the special circumstances relating to soil conditions, shape, or topography of such land or structures, which do not generally affect other land or structures in the same zoning district, so that a literal enforcement of the by-law would involve substantial hardship, financial or otherwise, and that relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of the By-law?

Certification and Signatures

If your application is deemed incomplete per §9.04.4 of the Zoning By-law, the missing information must be submitted before a Board of Appeals hearing is scheduled. After the Board of Appeals hearing is set, the Planning Board will hold a meeting prior to the Board of Appeals hearing to consider the case and make a recommendation to the Board of Appeals. Contact the Planning and Community Development Department (617-730-2130) with any questions about the approval process and/or meeting schedules.

Checklist

- An original completed application (2 copies)
- Denial Letter issued by the Building Department (2 copies)
- A certified plot plan or site plan showing **existing** and **proposed** conditions (16 copies)
- One full size floor plans and elevations showing existing and proposed conditions
- 11x17 sized plans including floor plans and elevations which indicate **all existing** and **all proposed** conditions (16 copies)
- Application fee (\$350 base fee + \$21 newspaper fee + \$50 per 1,000 net sqft)
- Any previous relief granted by the Board of Appeals for the lot (*if applicable*)

(Signatures of Appellant(s) and Owner(s) of Record are required.)

I (We) hereby certify that the statements within my (our) Appeal and attachments are true and accurate to the best of my (our) knowledge and belief.

Signature(s) of Appellant Date

Daytime Telephone Number and/or Cell

E-Mail Address

Signature(s) of Owner of Record Date

Daytime Telephone Number and/or Cell

E-Mail Address

If Applicable:

Name of Attorney for Applicant

Phone Number of Attorney

Address of Attorney

E-Mail Address

Name of Architect or Designer

Phone Number

E-Mail Address