



BOARD OF APPEALS
Jesse Geller, Chair
Johanna Schneider
Lark Palermo

Town of Brookline

Massachusetts

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Benjamin Kaufman, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
TIME EXTENSION FOR:
CASE NO. 2022-00003
41 CODMAN ROAD

Petitioner 41 Codman Road LLC sought a time extension from this Board for Special Permit #2022-00003, which was previously granted on April 28, 2022, allowing for the construction of an addition to the rear of an existing home and to rebuild an existing garage.

The Board of Appeals administratively determined that the property affected was that shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed March 30, 2023, at 7:00 p.m., virtually as the date, time, and place of a hearing for the extension. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) 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 16, 2023, and March 30, 2023, in the Boston Globe, a newspaper of general circulation in Brookline. A copy of said notice is as follows:

TOWN OF BROOKLINE - Zoning Board of Appeals
NOTICE OF HEARING

**The Brookline Zoning Board of Appeals will hold a public hearing
on**

Date/Time: Thursday, March 30, 2022

Location: Virtual Hearing

Virtual Registration Link: <https://bit.ly/4296elh>

Petitioner: Peter and Meredith Kellner

Address: 41 Codman Road

Subject: Time Extension Request of Special Permit # 2022-000003

Nature of Action/Relief:

§5.20 - FLOOR AREA RATIO

§5.70 - REAR YARD REQUIREMENTS

§8.02 - ALTERATION OR EXTENSION - PRE-EXISTING NON-CONFORMITIES:
FAR MAXIMUM, REAR YARD SETBACKS

Plans and submissions may be viewed online at

<https://www.brooklinema.gov/DocumentCenter/Index/3902>

*Interested persons may provide comments at the public hearing or
by submitting written comments by email to*

manthony@brooklinema.gov.

Assistive Listening Devices are available upon request:

<https://www.brooklinema.gov/560/Americans-With-Disabilities-Act-ADA>

Publish: 3/16/2023 & 3/23/2023

On March 30, 2023, the Zoning Board of Appeals held a public hearing. Present at the hearing were Chair Johanna Schneider and Board Members Randolph Meiklejohn and Wadner Oge. The case was presented by the attorney for the Petitioner, Robert Allen, Jr., RLAW P.C., 300 Washington Street, Brookline, Massachusetts.

Zoning Board of Appeals Chair Schneider called the hearing to order at 7:00 pm. Chair Schneider reviewed the standard hearing procedure for virtual hearings and confirmed that all Board Members and staff could visually and auditorily engage in the hearing. Attorney Allen waived a reading of the published notice.

Attorney Allen, noting that he was appearing on behalf of the new owners of 41 Codman Road, stated that he was seeking extension of relief previously granted by the Board of Appeals on April 28, 2022, under M.G.L. 40A Ch. 6. He continued that the cost of construction forced the previous owners to reconsider their position, leading to a sale of the home to petitioners. Attorney

Allen stated that the new owners have elected to proceed with the prior owners' proposal as it had been previously approved by the Board. He further stated that the application for a building permit had been recently submitted and was likely to be issued within the coming weeks, but that the fast approaching one-year expiration of the relief had convinced him to seek the presently requested extension.

Chair Schneider then inquired whether the requested extension was for one year or for a lesser amount. Attorney Allen responded that a six-month extension would be sufficient.

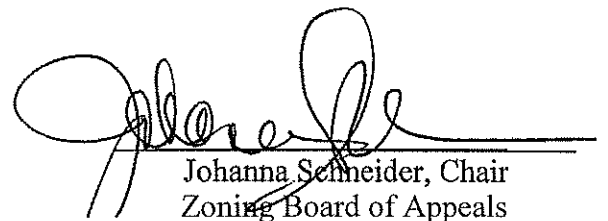
Board Member Meiklejohn then moved to grant a six-month extension of the special permit relief previously granted by the Board on April 28, 2022, expiring on April 28, 2023 with a new expiration date of October 28, 2023.

Board Member Oge seconded the motion.

Chair Schneider then also voted in favor of the motion.

Chair Schneider continued that the Board, therefore, unanimously approved a six-month extension, with said extension starting from the expiration date of the relief previously granted April 28, 2022. Said relief is from **Section 5.20**, to allow for an increase in preexisting nonconforming FAR; from **Section 5.70**, to decrease a nonconforming rear yard setback; and to allow for the alteration or extension of a nonconforming structure, under **Section 8.02**, pursuant to the Board's findings under M.G.L. Ch. 40 A, Section 6 and Section 9.05 of the Zoning By-Law.

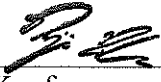
Unanimous Decision of
The Board of Appeals



Johanna Schneider, Chair
Zoning Board of Appeals

Filing Date: 4/25/2023

A True Copy
ATTEST:



Benjamin Kaufman
Clerk, Board of Appeals