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# *Town of Brookline*

## *Massachusetts*

BOARD OF APPEALS  
Enid Starr, Co-Chair  
Jesse Geller, Co-Chair  
Christopher Hussey

Town Hall, 1<sup>st</sup> 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. 2012-0017

Petitioner, Raj Jayashankar, applied to the Building Commissioner for permission to construct a two story rear addition for a new attached garage with living space above at his home on 615 Chestnut Hill Avenue. The application was denied and an appeal was taken to this Board.

On February 9, 2012, the Board met and 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 April 5, 2012, at 7:15 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. 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 15 and 22, 2012, 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. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:**

Petitioner: **JAYASHANKAR RAJ SUBRAMANIAN NIRUPAMA**  
Owner: **JAYASHANKAR RAJ SUBRAMANIAN NIRUPAMA**  
Location of Premises: **615 CHESTNUT HILL AVENUE**  
Date of Hearing: **APRIL 05, 2012**  
Time of Hearing: **7:15 p.m.**  
Place of Hearing: **Selectmen's Hearing Room, 6<sup>th</sup> Floor**

A public hearing will be held for a variance and/or special permit from:

**5.09.j; Design Review, special permit required.**

**5.22; Exceptions to Maximum Floor Area Ratio Regulations for Residential Units, variance required.**

**5.22.3.c; ; Exceptions to Maximum Floor Area Ratio Regulations for Residential Units, special permit required.**

of the Zoning By-Law to provide an additional parking space in the front yard at **615 CHESTNUT HILL AVE**

Said Premise located in a S-15 (**single-family**) residential district.

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

*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 the ADA Coordinator, **Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.***

**Enid Starr  
Jesse Geller  
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Enid Starr and Board Members Jonathan Book and Christopher Hussey.

The case was presented by the petitioner, Raj Jayashankar, of 615 Chestnut Hill Ave. Mr.

Jayashankar stated he wanted to construct the addition and the reason that he was before the board was because he exceeded the allowable FAR.

The Chairman asked whether anyone in attendance wished to speak in favor of or against the proposal. No one rose to speak.

Courtney Synowiec, Planner, delivered the findings of the Planning Board.

**Section 5.09.2.j – Design Review:** Any exterior addition for which a special permit is requested pursuant to *Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations)* requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. The most relevant sections of the design review standards are described below:

- *Preservation of Trees and Landscape:* The proposed addition would be located in an area already used for parking, so the removal of landscaping will be minimal.
- *Relation of Buildings to the Form of the Streetscape and Neighborhood:* The proposed addition would be located to the rear of the building and would not be visible from the street.
- *Circulation:* The existing circulation pattern on site would largely remain, as the garage would be located where the residents currently park their vehicles.

**Section 5.22.3.c – Exceptions to Maximum Floor Area Ratio Regulations for Residential Units:** The Board of Appeals may grant a special permit for an increase in floor area of up to 350 s.f. provided the resulting gross floor area of the building is not more than 150% of the gross floor area.

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio	0.25	0.21	0.269	Special Permit*
(% of allowed)	100%	84%	108%	
Floor Area (s.f.)	3,990	3,358	4,304	

\* See *Section 5.22.3.c* discussed above.

Courtney stated that the Planning Board is supportive of the proposed rear addition. The proposal will allow for the applicant to garage his vehicles while also providing for additional living space for his family. The addition would not be visible from the street, and it would meet all setback requirements for the zoning district. The final plans should be modified to correctly reflect the location of the chimney on all elevations, and the rendering should be consistent with the plans. Additionally, the Board did suggest the applicant may want to consider installing a door leading from the bedroom to the deck. Otherwise, the Planning Board felt the addition would complement the home.

Therefore, the Planning Board recommends approval of the proposed addition and the plans prepared by JK Development Group, dated 8/22/2011, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations, indicating all salient dimensions and materials, shall be submitted 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 building 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.

The Chairman then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch expressed concern that there was an existing window 10-12 inches above the new, proposed, flat roof. Snow drift, coupled with the window being located below the eaves of the existing gable roof, creates a hazardous condition. Mr Yanovitch suggested an impact resistant window to replace the existing window. The Building Department supports the request for relief.

The Board, having heard all the testimony, deliberated on the merits of the application. The Board then determined, by unanimous vote to grant the special permit required under **Section 5.09**, **Section 5.22** and **Section 5.22.3.c** of the Zoning By-Law. The Board made the following specific findings pursuant to said **Section 9.05**:

- 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.

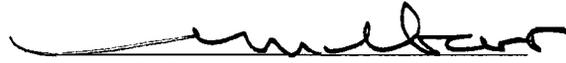
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations, indicating all salient dimensions and materials, shall be submitted 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 building 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.

Unanimous Decision of

The Board of Appeals



Enid Starr, Chairman

Filing Date: April 17, 2012

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Patrick J. Ward  
Clerk, Board of Appeals