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Town of Brookline
BUILDING DEPT.
TOWN OF BROOKLINE *Massachusetts*

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

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0019

Petitioner, Christopher Johnson, applied to the Building Commissioner for permission to construct an addition on top of an existing den. The application was denied and an appeal was taken to this Board.

On March 8, 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 19, 2012, at 7:00p.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 Petitioners, 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 29 and April 05, 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: **Johnson, Christopher**
Owner: **Johnson, Christopher**
Location of Premises: **17 GREENOUGH CIR**
Date of Hearing: **April 19, 2012**
Time of Hearing: **7:00 PM**
Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

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

1. **5.09.2.k; Design Review, special permit required.**
2. **5.43; Exceptions to Yard and Setback regulations, special permit required.**
3. **5.60; Side Yard Requirements, variance required.**
4. **5.70; Rear Yard Requirements, variance required.**
5. **8.02.2; Alteration or Extension, special permit required.**

Of the Zoning By-Law to construct an addition above the existing single story den.

Said premise located in a **T-6 (two family and attached single-family)** residence 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, Jesse Geller and Board Members, Mark Zuroff and Christopher Hussey.

The Petitioner, Christopher Johnson, presented his case before the Board.

Mr. Johnson described the property as a single-family house which is located on a cul-de-sac off of Washington Street. The property is located approximately one block from the intersection of Washington and Cypress Streets. Built in 1939, the house is a two and one half story Colonial Revival with a small pedimented entrance. A front-facing single-car garage is located to the left of the house. The surrounding neighborhood consists mostly of single and two-family houses on a range of lot sizes.

Mr. Johnson said he is looking to create an additional bathroom, guest bedroom and access to the attic. He intends to use the existing footprint of the house and make some changes to the exterior that would improve the aesthetics of the house. Mr. Johnson said he intends to change some windows and remove the built-in air conditioner. He said he sent out notice of his plans and of the special permit process to his abutters and was able to obtain letters of support from three abutters on Greenough Circle, but most importantly, from the abutter most impacted, at 15 Greenough Circle.

Board Member Hussey asked about the landscaping and removal of the airconditioning unit. The petitioner stated there may need to be one tree removed during construction but it would be replaced. Board Member Mark Zurroff asked if this addition was to add a master bedroom. The petitioner stated that they were taking an existing bedroom and dividing it in half to create a bathroom and a guestroom as well as bumping the master bedroom out an additional thirty feet.

The chairman asked if anyone wished to speak in favor of the application. Maydad Cohen of 15 Greenough Circle spoke in favor of the project. Mr. Cohen said the project was well thought out and he is supportive.

The Chairman asked if anyone wished to speak in opposition to the application. No one rose to speak.

Lara Curtis Hayes, Planner, delivered the findings of the Planning Board.

Section 5.60 – Side Yard Setback

Section 5.70 – Rear Yard Setback

Dimensional Requirements	Required	Existing	Proposed	Relief
Side Yard Setback	7.5'	6.9'	6.9'	Special Permit*
Rear Yard Setback	30'	22.8'	22.8'	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The applicant is proposing to install additional landscaping to help screen the addition as a counterbalancing amenity.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Ms. Curtis Hayes said the Planning Board is supportive of this proposal. The new addition is well integrated into the structure and style of the existing house and will improve the appearance of the house. The existing single story addition has a somewhat awkward appearance that will also be substantially improved when the windows are reconfigured. The Planning Board notes the applicant has received letters of support from several of the neighbors, including the neighbors at 15 Greenough Circle who will be most impacted by the renovation.

Therefore, the Planning Board recommends approval of the plans by Hamlin & Co., dated 2/6/2012, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations 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 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.

Lara Curtis Hayes delivered the Building Departments comments on behalf of Chief Building Inspector Michael Yanovitch. She indicated that the Building Department has no issue with the request for relief; however the applicant would need additional structural drawings detailing the cantilever at the rear of the house.

During deliberations, Board Member Hussey noted that he was glad to see the counterbalancing amenities proposed are more than just landscaping. Board Member Zuroff was supportive.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that all the requested relief could be granted by special permit. The Board found that that the petitioner has satisfied the requirements necessary for relief under **Sections 5.43, 8.02.2, and 9.05** of the Zoning By-Law and made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- 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, the applicant shall submit final plans and elevations 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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Under the Decision of
The Board of Appeals

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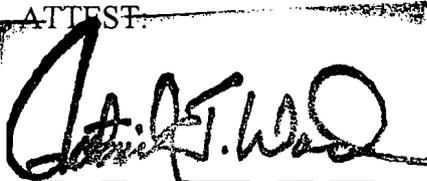
Filing Date: May 18, 2012



Jesse Geller, Chairman

A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals