



Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

6 BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2010-0040

Petitioner, James Stergios, applied to the Building Commissioner for permission to enclose the existing covered porch on the front of his home at 584 Washington Street. The application was denied and an appeal was taken to this Board.

On 10, June 2010, 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 16, September 2010, 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 Petitioner, to his 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 26, August and 2, September 2010, 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: **STERGIOU, JAMES & MACHIDA, RITSUKO**
Owner: **STERGIOU, JAMES & MACHIDA, RITSUKO**
Location of Premises: **284 WASHINGTON ST**
Date of Hearing: **September 16, 2010**
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.a; Design Review, special permit required.**
2. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
3. **5.51; Projections Into Front Yards, variance required.**
4. **8.02.2; Alteration or Extension, special permit required.**

Of the Zoning By-Law to **Enclosure of front porch requiring BOA relief at 284 WASHINGTON ST.**

Said premise located in a **T-5 (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
Robert De Vries**

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 Lisa Serafin and Robert DeVries. The homeowner, Mr. Stergios presented the case on his own behalf.

Mr. Stergios described his property at 584 Washington Street as a two-family dwelling located near the Washington Square area. His home is two and a half stories tall, with a two car garage below grade. The house has a hip roof and dormers on the front and sides. There is a stairwell that runs along the front of the building leading to an existing unenclosed, covered porch and an adjacent patio. The buildings in the neighborhood include large multi-unit buildings, single family and two-family homes.

Mr. Stergios, said he would like to enclose the existing front porch. The proposal would retain the existing porch roof, with structural posts being installed at each corner of the roof. Doors on either side of the porch would lead to the stairwell and patio. Large vestibule windows would be installed in the front of the porch. The porch floor would be built up to the level of the existing vestibule.

The Chairman inquired as to whether any Board Members had any question at this point. Board Member DeVries inquired as to whether Mr. Stergios intended to replace the existing iron railings on the front of the home, citing a question in the Planning Board Report. Mr. Stergios replied that he did not intend to replace the existing railings.

The Chairman then asked if anyone in attendance wished to speak in support or in opposition to the petitioner's proposal. No one rose to speak.

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

Section 5.09.2(a) and (d) – Design Review: *Special permit required.* Exterior alterations to buildings that front on Washington Street require review subject to the community and environmental impact and design review standards as listed under *Section 5.09.4*. The applicant has not submitted a Community and Environmental Impact Statement; however, the following standards are the most relevant:

Relation of Buildings to Environment: The surrounding structures are other single-family, two-family and multi-family dwellings. The porch is using the existing patio footprint with the

existing porch roof, and is not expected to cause any additional shadows on surrounding properties.

Relation of Buildings to the Form of the Streetscape and Neighborhood: The enclosed porch would be the first enclosed porch in the immediately surrounding streetscape. However, many of the neighboring two-family structures have similar porch projections in the front yard. The materials and design of the proposed enclosed porch should integrate well into the existing neighborhood architecture.

Section 5.43: Exception to Yard and Setback Regulations.

Section 5.51: Projections Into Front Yards: This is a pre-existing non-conforming setback that is not being altered with this proposal.

Setbacks	Required	Existing	Proposed	Finding
Front Yard	11.5 feet*	Est. 5'	Est. 5'	Special permit**

* Under Section 5.51, bays and porches may project 3.5' into the required front yard setback. The required front yard section for a two-family dwelling in a T-5 zone is 15'.

**Under Section 5.43, the Board of Appeals may substitute by special permit other dimensional requirements for yards and setbacks if counterbalancing amenities are provided.

Section 8.02.2: Alteration or Extension: A special permit is required to alter this pre-existing non-conforming structure.

Ms. Curtis-Hayes reported that the Planning Board was not opposed to the construction of an enclosed porch in the front of the dwelling. The proposal will work within the current footprint of the building and will not extend further into the front yard. There will be little impact on the neighborhood and the existing streetscape of Washington Street. Additionally, the building will remain within the allowed FAR requirements. Therefore, the Planning Board approved the plans by West Hill Architects, submitted 5/25/10, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans indicating all materials 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 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Shepard, Building Commissioner, to deliver the comments of the Building Department. Mr. Shepard stated that the relief required in this case was minimal since the enclosure of the existing porch had no impact on the gross floor area of the structure. He said that the design appeared attractive, and would provide additional protection for the inhabitants in severe weather. He said that the enclosure would be an asset to the neighborhood as well. Mr. Shepard said that the Building Department was supportive of the project as well as the conditions proposed by the Planning Board. He said that should the Board grant the request relief, he would insure compliance with the requirements of the State Building Code.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.09.2(a)&(b), 5.43, 5.51, 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 indicating all materials 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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RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

2010 OCT 22 AM 10:00

Unanimous Decision of
The Board of Appeals



Jesse Geller, Chairman

Filing Date: October 22, 2010

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals