



# *Town of Brookline Massachusetts*

Town Hall, 3<sup>rd</sup> 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](http://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

**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.) *Review listed sections of By-law to ensure that you are providing any supplemental information they require.*

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\_\_\_\_\_

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

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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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.)

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

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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?

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**Certification and Signatures**

**Until your application package is deemed complete by the Zoning Coordinator per §9.04.4 of the Zoning By-law, no hearings will be scheduled.** You will be notified by email when the application has been deemed complete. After all necessary information has been submitted a Board of Appeals hearing date will be set. Once 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 for Application Package:

- An original completed application (2 paper copies; 1 PDF)
- Denial Letter issued by the Building Department (2 paper copies; 1 PDF)
- A certified plot plan or site plan showing **existing** and **proposed** conditions (13 paper copies; 1 PDF)
- 11x17 sized plans including floor plans and elevations which indicate **all existing** and **all proposed** conditions with legible and accurate labels (13 paper copies; 1 PDF)
- Set of scaled drawings for all submitted plans (1 copy; *not required if 11x17 plans are scaled*)
- Any supplemental info required by By-law sections cited in Denial Letter (*if applicable*; 2 copies)
- Application fee (\$350 base fee + \$21 newspaper fee + \$50 per 1,000 net sq. ft. rounded to the nearest thousand)
- Copy of any previous relief granted by the Board of Appeals for the lot (*if applicable*; 2 copies)

*(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.

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Signature(s) of Appellant	Date	Daytime Telephone Number and/or Cell
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		E-Mail Address
<hr/>		<hr/>
Signature(s) of Owner of Record	Date	Daytime Telephone Number and/or Cell
<hr/>		<hr/>
		E-Mail Address
<hr/>		<hr/>
Name of Attorney for Applicant		Phone Number of Attorney
<hr/>		<hr/>
Address of Attorney		E-Mail Address
<hr/>		<hr/>
Name of Architect or Designer		Phone Number
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		E-Mail Address
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