



BOARD OF APPEALS
Jesse Geller
Mark G. Zuroff

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2018-0084
Owner: 15 Lanark Road, LLC

Petitioner, 15 Lanark Road, LLC, applied to the Building Commissioner for permission to add a rear dormer and convert the structure from 2 units to 4 units. The application was denied and an appeal was taken to this Board.

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 June 6, 2019 at 7:00 p.m. in the Select Board'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 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 May 23, 2019 and May 30, 2019 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. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

15 LANARK ROAD, BROOKLINE, MA 02445 - Rear dormer addition requiring rear yard relief, basement fit-out, division of building from 2 to 4 dwelling units, expansion of parking to 7 cars in a(n) M-1.0 APARTMENT HOUSE on JUNE 6, 2019 at 7:00 pm in the

**6th Floor Select Board's Hearing Room (Petitioner/Owner: 15 LANARK ROAD LLC,
Precinct 13**

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- §5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS
- §5.70 - REAR YARD REQUIREMENTS
- §8.02.2 - ALTERATION AND EXTENSION

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.

***Jesse Geller, Chair
Mark G. Zuroff***

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Members Mark G. Zuroff, Lark Palermo, and Stephen Chiumenti.

Petitioner, Sam Sokol, and architect, Michael Kim, presented the case on behalf of 15 Lanark Road LLC.

15 Lanark Road is a two-family dwelling built in 1900. The property sits on the Brighton border between Englewood Avenue and Kilsyth Road. The site currently has four tandem parking spaces located outside of a stone retaining wall to the right side of the house and accessed by a common driveway that leads to a large multi-unit apartment complex that abuts this lot.

The applicant, 15 Lanark Road LLC, proposes to add a rear dormer addition to this two-family dwelling and convert it into a four-unit building. The basement will also be finished in order to allow for the conversion and a small addition will be added on the left side. The number of parking spaces on site will be increased to seven by rearranging the four tandem spaces to five 90 degree spaces and adding two new tandem spaces.

The proposed dormer is to be added to the rear roof at the fourth (“loft”) level in order to create habitable space at this floor for two bedrooms and two bathrooms. The shed dormer will be about 41 feet in length and will be clad in siding to match the existing home in material and color. A small three-story addition at the rear of the structure will add living space on each of the first three floors.

The newly-configured structure will have a one-bedroom unit in the lower level, a two-bedroom unit on the first level, a two-bedroom unit on the second level and a four-bedroom unit occupying the third and fourth floors. The structure’s gross floor area will increase overall from .77 to 1.0 which is allowed in this district.

In response to the Planning Board’s initial feedback, the applicant reconfigured the parking area with now 6 spaces in a row and a 7th tandem space. They also added a retaining wall at the parking and added a path and steps at the rear. The dormer size was also reduced by 2 feet on the sides and 8” in the center.

The Chairman called upon Maria Morelli, Senior Planner, to deliver the findings of the Planning Board. Ms. Morelli presented the Planning Board’s findings:

FINDINGS

Section 5.05 – Conversions

In the case of a conversion ... in an F or M district, the structure shall conform to all dimensional requirements specified in 5.01. However, the Board of Appeals may waive by special permit any

of said dimensional requirements, provided that no previously existing nonconformity to such requirements is increased and provided that all other requirements are met.

Section 5.09.2.d – Design Review

Exterior alterations associated with multiple dwellings with four or more units on the premises require a **special permit** subject to design review standards listed under **Section 5.09.4 (a-m)**. The most relevant design review sections are described below:

- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The only proposed changes to the structure are the rear shed dormer and a small three-story addition at the left side. These changes will not have a significant impact on the relationship of the building to the neighborhood which consists of dense, multi-unit buildings.
- e. Circulation – The total of four units in the building require seven parking spaces. The applicant proposes to rearrange four existing tandem spaces into five 90 degree spaces and carve out two additional tandem spaces in existing green space.

Section 5.43 – Exceptions to Yard and Setback Requirements

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

M-1.0	Required	Existing	Proposed	Relief
Side Yard Setback (Left)	10 + L/10 = ~ 13 feet	8.7 feet	8.7 feet	Special Permit*
Rear Yard Setback	30 feet	12.3 feet	12.3 feet	Special Permit*

** Under Section 5.43, the Board of Appeals may waive yard and/or setback requirements by special permit if counterbalancing amenity is provided.*

Section 8.02.2 – Alteration or Extension

A special permit is required for alterations to a non-conforming structure.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. A member of the Board of trustees for the Englewood Road condos, which abuts 15 Lanark, stated that she was opposed to the project because (a) she felt that the owners of the individual condos were not notified of the hearing by the Town and that the applicant had not reached out to the trustees and (b) she considered the new parking configuration would mean that parked cars would encroach on the passageway on which both parties have a reciprocal easement. She stated

that snow removal would make that passageway narrower and create obstructions. She stated she was not speaking on behalf of trustees but as a concerned trustee member.

The Board concluded that because the applicant had not reached out to the trustees at the Englewood Road condos with which his property has a reciprocal easement agreement, the case should be continued to July 11, 2019 at 7pm. The ZBA wanted staff to confirm that owners of the condo units received notice for the June 6 hearing. Although not required for a hearing that is continued, for this re-notification the Assessor's Department certified the abutters list once again June 18, 2019 and the Notice of Hearing was re-sent to abutters within a 300 foot radius and to the TAB. **The ZBA voted unanimously to continue the hearing to July 11, 2019.**

At the July 11, 2019 hearing Board Members Mark G. Zuroff, Lark Palermo, and Stephen Chiumenti once again took up the case. Also present at the hearing were Zoning Planner & Coordinator, Charlotte Leis, and Deputy Building Commissioner, Joseph Braga. Mr. Sokol described 15 Lanark Road as a 2-unit house between Englewood Avenue and Kilsyth Road, near the border with Brighton. The site currently has four tandem parking spaces on the right side of the house that are accessed by a common driveway that leads to a large multi-unit apartment complex that abuts this lot. The neighborhood consists of dense apartment buildings and multi-family homes and is located close to Cleveland Circle.

The petitioner said they are proposing to convert this two-family dwelling into a four-unit building by adding a rear dormer addition to the fourth ("loft") level and adding a three-story addition at the rear of the structure which will add living space on each of the first three floors. The basement will also be finished in order to allow for the conversion and a small addition will be added on the left side. The number of parking spaces on site will be increased to seven by rearranging the four tandem spaces to 6 spaces in a row and a 7th tandem space.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. No one was present to speak.

The Chairman called upon Charlotte Leis, Planner / Zoning Coordinator, to deliver the findings of the Planning Board. Ms. Leis reiterated the findings delivered at the June 6, 2019 hearing by Ms. Morelli.

Ms. Leis said the Planning Board is supportive of this proposal a rear dormer and convert the structure from 2 units to 4 units. The Board does not feel that the neighborhood will be negatively impacted by the addition, and while the design of the dormer at the rear could be improved ultimately it is not highly visible to the public and so is a minor concern. Ms. Leis also addressed the concern raised at a previous Board hearing that abutters may not have been property notified, and confirmed that all abutters on the certified list produced by the Assessor's office had been sent notices of the hearing.

Therefore, Planning Board recommended approval of the site plan by A. Matthew Belski, Jr., dated 9/21/2018 and floor plans and elevations by Michael Kim Associates, dated 3/19/2019, subject to the following conditions:

1. Prior to the issuance of a building permit, the Applicant shall submit a final site plan, dimensioned floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a verified ceiling height for the basement and attic for verification by the Building Commissioner to ensure compliance with applicable building code regulations.
3. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan including all counterbalancing amenities, subject to review and Approval by the Assistant Director for Regulatory Planning.
4. 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 floor plans and 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 called upon Joseph Braga, Deputy Building Commissioner, to deliver the comments of the Building Department. Mr. Braga said that the Building Department had no objections to the relief requested.

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirement have been met for the issuance of a special permit under Sections 5.05, 5.09.2.d, 5.43, 5.60, 5.70 and 8.02.2 of the Zoning By-Law.

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 a final site plan, dimensioned floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning.**
2. **Prior to the issuance of a building permit, the applicant shall submit a verified ceiling height for the basement and attic for verification by the Building Commissioner to ensure compliance with applicable building code regulations.**
3. **Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan including all counterbalancing amenities, subject to review and Approval by the Assistant Director for Regulatory Planning.**
4. **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 floor plans and 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

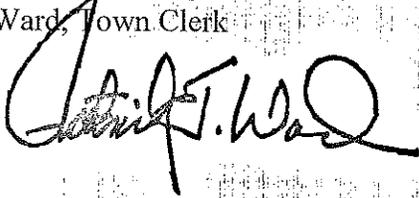
Board of Appeals



Mark G. Zurhoff, Chairman

Filing Date: 7/26/19

Pat Ward, Town Clerk



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