



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals
From: Brookline Planning Board
Date: February 6, 2014
Subject: Convert structure from a three-family to a two-family and construct a roof deck and exterior stair
Location: **29 Harvard Avenue**

Atlas Sheet:	35	Case #:	2013-0101
Block:	170	Zoning:	M-1.0
Lot:	26	Lot Area (s.f.):	±3,048

Board of Appeals Hearing: February 20, 2014, at 7:00 p.m.

BACKGROUND

June 7, 2012 – The Planning Board reviewed a proposal for two sets of dormers for 29 Harvard Avenue to create additional floor area. On June 28, 2012 the Board of Appeals denied the request for a variance. The Planning Board was supportive of the original proposal after working with the applicant, but ultimately the Board of Appeals did not feel that the applicant met the statutory requirements for a variance to allowed floor area.

SITE AND NEIGHBORHOOD

29 Harvard Avenue is a three-family dwelling located across from the Pierce School Playground. The two-and-a-half story dwelling has a gable roof with dormers on both sides, a front porch with deck above, and a fire escape at the rear for secondary egress. There is no parking on site. The immediate neighborhood is densely developed with two- and three-family dwellings and two courtyard-style developments across the street.

APPLICANT’S PROPOSAL

The applicants, Patricia and Jerry Navarette, are proposing to convert the existing dwelling from a three-family to a two-family dwelling and create a second front entrance to allow for personal access to each unit. Also proposed are the removal of two existing hip dormers and the construction of one large dormer in its place on the west side of the dwelling. The applicant is also proposing to remove the gable roof on the rear side and construct a flat roof to allow for a new roof deck, with a porch and stairs that will replace the existing metal stairs and porch. The new porch and stairs will be slightly closer to the rear property line than the existing stairs by 2.25’, making it 10.55’ from the rear property line. The applicant is also proposing to relocate the existing A/C units from the rear to the east side of the dwelling and construct a new concrete pad.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

Section 5.72 – Accessory Structures or Buildings in the Side Yard (condensers)

Setbacks	Required	Existing	Proposed	Relief
Side Yard Setback (West) Dormers/Porch/Roof deck	10’	3.7’-4.0’	3.7’-4.0’	Special Permit*
Side Yard Setback (East) Condensers	10’	1’	1’	Special Permit*
Rear Yard Setback Roof Deck & Porch	30’	12.8’	10.55’	Special Permit*

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

Section 8.02.2 – Alteration or Extension

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

PLANNING BOARD COMMENTS

The Planning Board is supportive of the proposed conversion of the dwelling from a three-family to a two-family unit. The removal of the two existing dormers on the west side and replacement with one large dormer is not anticipated to have a negative impact on the neighborhood, as it will not be closer to the side property line than the current dormers. The proposed roof deck and stair replacement will create usable open space for the dwelling and is attractively designed. The proposed A/C units on the east side of the dwelling are not anticipated to have a negative impact, as the neighboring property has similar units in the same location on their property. Lastly, the applicant has significantly reduced the floor area from their 2012 proposal, which was denied by the Board of Appeals, so that no variance zoning relief is necessary for the FAR.

Therefore, the Planning Board recommends approval of the plans and elevations prepared by Walter Jacob Architect, LTD, dated 11/21/13, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations, and all salient dimensions and 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 landscaping plan indicating all counterbalancing amenities, including plantings and fencing, 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.

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Front Façade



View of side from the street



Location of A/C Units and concrete pad