



Town of Brookline

Massachusetts

PLANNING BOARD

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Steven Heikin
Sergio Modigliani
Jonathan Simpson

To: Brookline Board of Appeals

From: Brookline Planning Board

Date: July 17, 2014

Subject: Divide lot into two -- one lot retaining the existing house, requiring relief for FAR and minimum lot size and lot width; and the other, for a new house, requiring minimum lot size and lot width

Location: **78-80 Bonad Road**

Atlas Sheet:	108	Case #:	2014-0039
Block:	380	Zoning:	S-7
Lot:	03 & 02	Lot Area (s.f.):	±5,000 and 5,000

Board of Appeals Hearing: November 6, 2014, at 7:00 p.m.

SITE AND NEIGHBORHOOD

80 Bonad Road is a single-family dwelling located in South Brookline near the Brookline-Boston line and on the far side of the VFW Parkway, in relation to the rest of Brookline. The dwelling is a Garrison style built in 1940 with an attached one-car garage. 78 Bonad Road is an undeveloped lot with 171 square feet in Boston. The neighborhood is comprised of small single-family dwellings and was primarily developed between the 20s and 40s.

APPLICANT'S PROPOSAL

The applicants, Moses and Valerie Hasson are proposing to divide the lot into two, with one lot retaining the existing house, and the other having a new house built on it. The attached garage of the existing house at 80 Bonad Road will be demolished.

FINDINGS

Section 5.01 – Lot Area and Yards Required

Because the lots are in the same ownership, dividing them creates the need for relief by special permit from the minimum lot size and width.

Section 5.10 and 5.15 – Minimum Lot Size**Section 5.13 – Lot Width**

The Board of Appeals may issue a special permit to allow the minimum lot size and width to be reduced to $\frac{3}{4}$ of that allowed as long as yard requirements are observed, and the lot size or lot width is not less than $\frac{3}{4}$ of the requirement, unless more than half of the frontage on the same side of the same street in the same block is already built up with such lesser lot sizes or lot widths. In this case, all of the houses in Brookline on the same side of the street, in the same block, are on lots of 5,000 s.f. or less.

Dimensional Requirements	Required	Existing	Proposed	Relief
Minimum Lot Size – 80 Bonad Road	7,000 s.f.	5,000 s.f.	5,000 s.f.	Special Permit*
Minimum Lot Size – 78 Bonad Road	7,000 s.f.	5,000 s.f.	5,000 s.f.	Special Permit*
Lot Width – 80 Bonad Road	65'	50'	50'	Special Permit*
Lot Width – 78 Bonad Road	65'	50'	50'	Special Permit*

*The Board of Appeals may issue a special permit to allow the minimum lot size and width to be reduced to $\frac{3}{4}$ of that allowed under By-law Section 5.15.2

Section 5.20 – Floor Area Ratio

This section is applicable to 80 Bonad Road. The existing house will exceed the FAR when the lot is subdivided or a house is built on 78 Bonad Rd. The proposed new house at 78 Bonad Road will conform to the allowed maximum FAR.

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	0.35 100%	0.22 62%	0.44 124%	Special Permit*
Floor Area (s.f.)	1,750	2,208	2,208	

*Town Counsel has opined that the lot at 80 Bonad Road is not a legal pre-existing, non-conforming lot on its own and would need relief for its FAR. Special permit relief can be granted retroactively by the Zoning Board of Appeals under By-law Section 5.22.3.c

Section 5.22.3.c – Exceptions to Floor Area Regulations for Residential Units

If the total floor area increase is less than 350 square feet, a special permit may be granted for an increase in floor area up to 350 square feet provided that the resulting gross floor area of the building(s) is not more than 150% of the permitted gross floor area. Legalization of the pre-existing non conformity is subject to Board interpretation and implementation of retroactive FAR relief for a 153 square foot addition at 80 Bonad Road in 1990.

This exterior alteration, if retroactively granted special permit relief, also triggers design review according to By-law **Section 5.09.2.j: Design Review** for which a special permit is also required.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use at 80 Bonad Road.

PLANNING BOARD COMMENTS

The Planning Board is supportive of this proposal which would allow for the construction of a new dwelling at 80 Bonad Road and the legalization of the existing dwelling at 78 Bonad Road. The Board feels that the applicant meets the special permit requirements for waiving the minimum lot size and lot width because all of the other houses on that block on the same side of the street have lots of 5,000 s.f. or less. Therefore, having the existing house and a new house on a 5,000 s.f. lot will be in keeping with the character of the neighborhood, which is located on the Brookline/Boston boundary.

If the Board of Appeals determines that the statutory requirements for retroactive FAR relief is met, the Planning Board has no objection to legalizing the existing FAR for the house at 78 Bonad Road. This is necessary to prevent infectious invalidity from affecting the new house and lot.

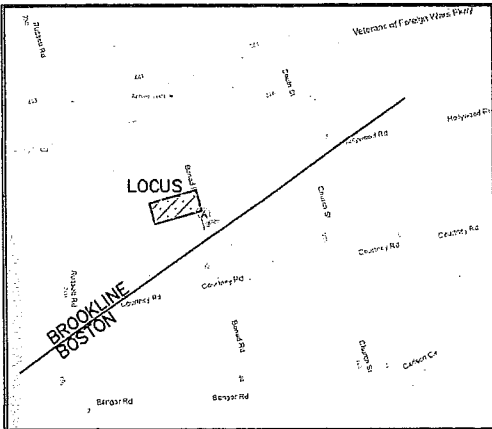
Therefore, if the statutory requirements for a variance are met, the Planning Board recommends approval of the site plans by Alpha Omega Engineering, dated 5/8/2014, for the existing and proposed house lots, subject to the following conditions:

1. Prior to the issuance of a building permit for a new house at 78 Bonad Road, the applicant shall submit a final site and landscaping plan for the lot subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit for a new house at 78 Bonad Road, the applicant shall submit final elevations and floor plans, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit for a new house at 78 Bonad Road, 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, and 2) final elevations and floor plans stamped by a registered architect and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

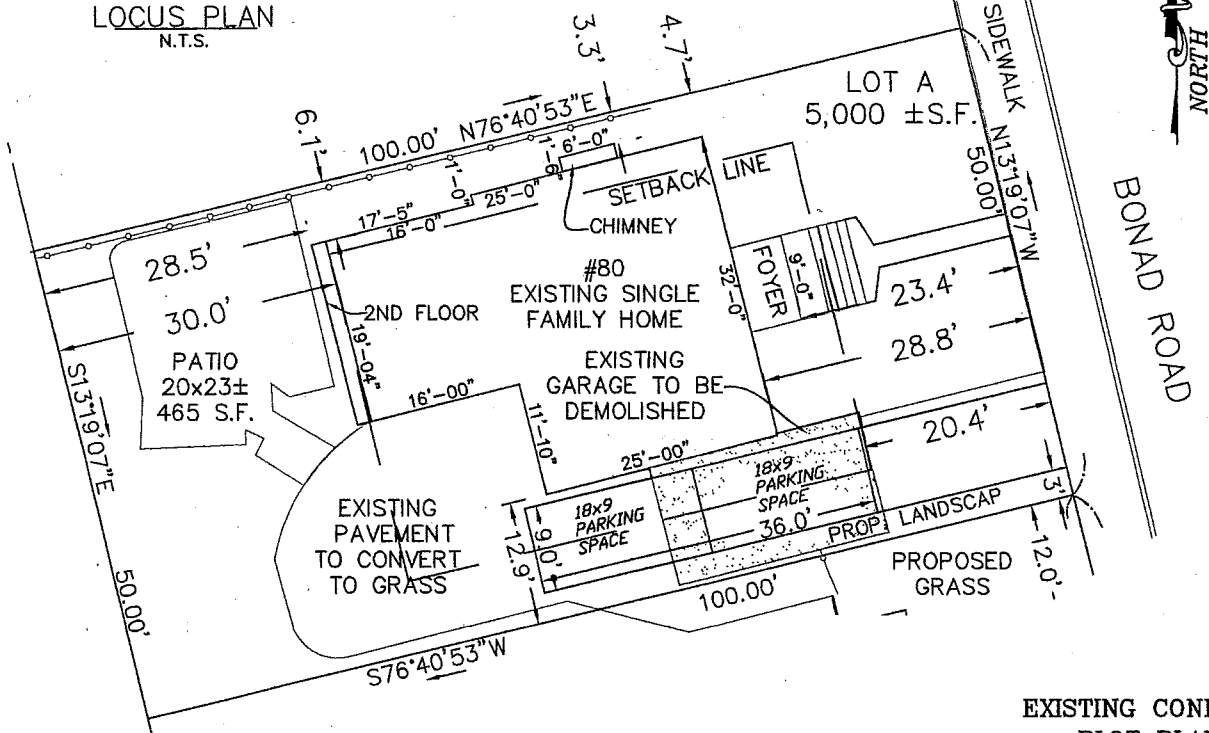


78-80 Bonad Road Aerial View

pss/tcr



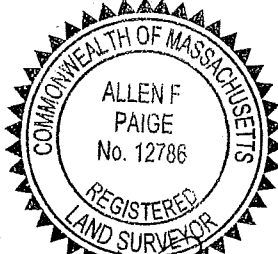
LOCUS PLAN
N.T.S.



EXISTING CONDITION
PLOT PLAN
LOCATED AT
80 BONAD ROAD
BROOKLINE, MA
PREPARED FOR & OWNED BY
MOSHE & VALERIE HASSON
SCALE: 1"=20'
05/08/2014

THE PROPOSED PARCEL DOES NOT CONFORM TO LOT AREA AND LOT WIDTH REQUIREMENTS OF THE TOWN OF BROOKLINE ZONING BYLAWS. APPROVAL BY THE TOWN OF BROOKLINE ZONING BOARD OF APPEAL IS REQUIRED.

I CERTIFY THAT THE EXISTING BUILDING IS LOCATED AS SHOWN HEREON



Allen F. Paige
5/08/14

ALLEN PAIGE P.L.S. #12786

The structure is not located within a Federal Flood Zone per HUD Map # 25021C Community # 0042E dated 07/17/2012

ZONING: S-7

	REQ.	PROP.
LOT AREA:	7,000 S.F.	5000
FRONTAGE:	25'	50'
LOT WIDTH	65'	50'
FRONT SETBACK:	20'	23.4 (exist)
SIDE SETBACK:	7.5'	3.3 (exist)
REAR SETBACK:	30'	28.5 (exist)
FAR	0.35	0.44
LANDSCAPE	10%	129%

GROSS FL. AREA:
1ST FLOOR GROSS FLOOR AREA=1,090 S.F.
2ND FLOOR GROSS FLOOR AREA=1,118 S.F.
TOTAL AREA=2,208 S.F.

ASSESSORS ID: 380-0300
DEED REF. BOOK: 9915 PAGE: 668
RECORDED @ S. NORFOLK REGISTRY OF DEEDS



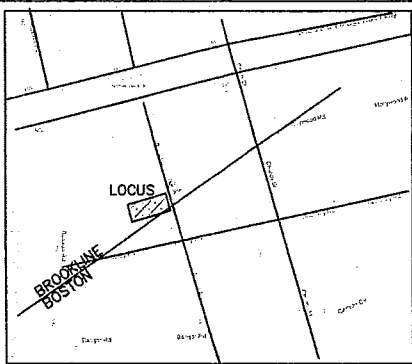
**ALPHA OMEGA
ENGINEERING INC**

ENVIRONMENTAL CONSULTANTS
CIVIL ENGINEERS • LAND SURVEYORS

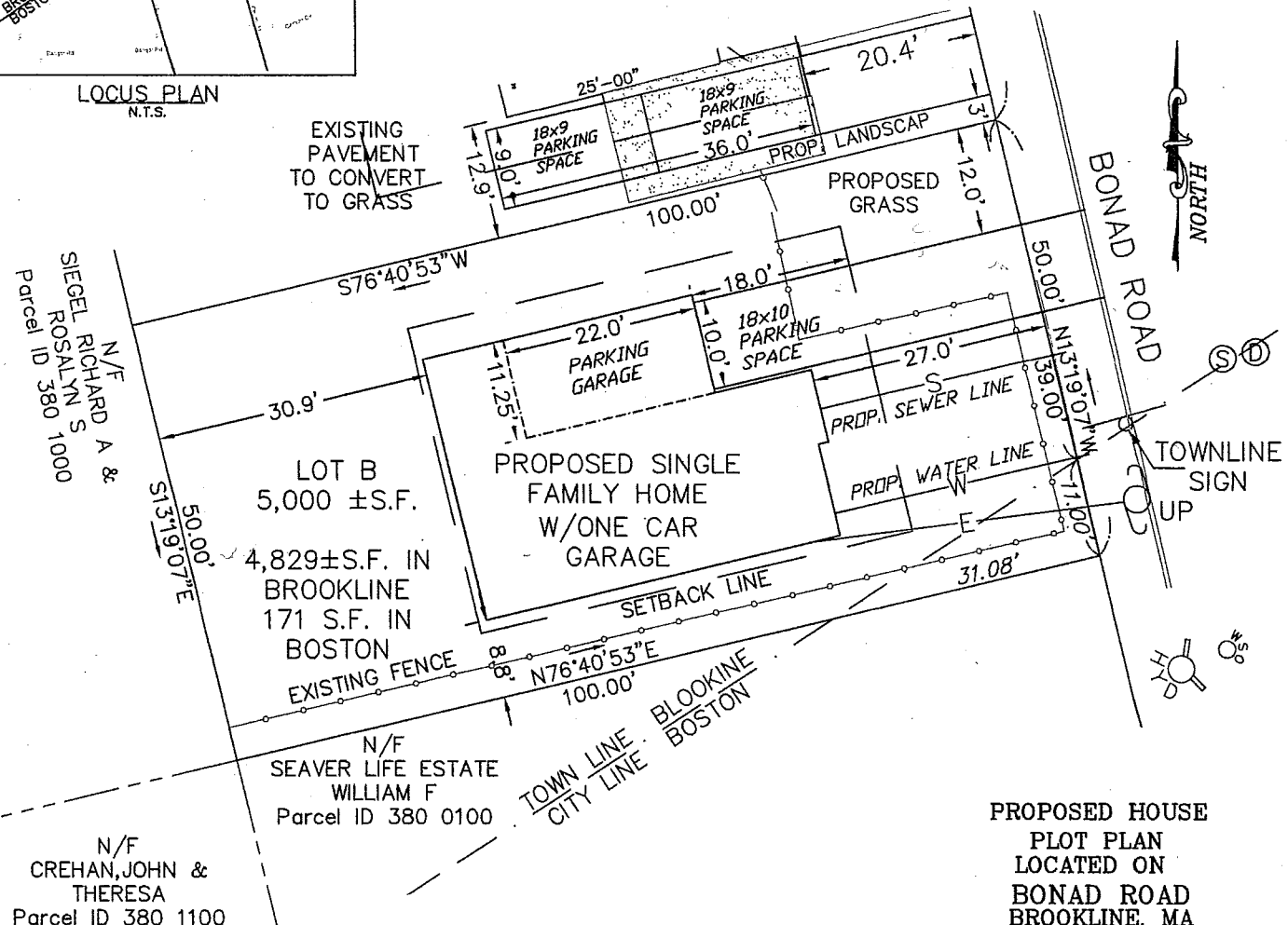
25 HIGHLAND VIEW DR
SUTTON, Massachusetts 01590

(508) 865-9551

info@alphaomegaeng.net



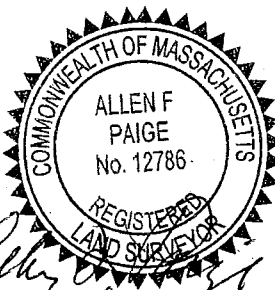
LOCUS PLAN
N.T.S.



PROPOSED HOUSE
PLOT PLAN
LOCATED ON
BONAD ROAD
BROOKLINE, MA
PREPARED FOR & OWNED BY
MOSHE & VALERIE HASSON
SCALE: 1"=20'
05/08/2014

THE PROPOSED PARCEL DOES NOT CONFORM TO LOT AREA AND LOT WIDTH REQUIREMENTS OF THE TOWN OF BROOKLINE ZONING BYLAWS. APPROVAL BY THE TOWN OF BROOKLINE ZONING BOARD OF APPEAL IS REQUIRED.

I CERTIFY THAT THE PROPOSED BUILDING LOCATION CONFORMS TO THE DIMENSIONAL SETBACK REQUIREMENT OF THE ZONING BYLAW OF THE TOWN OF BROOKLINE, MA.



ALLEN PAIGE P.L.S. #12786

The structure is not located within a Federal Flood Zone per HUD Map # 25021C Community # 0042E dated 07/17/2012

ZONING: S-7

	REQ.	PROP.
LOT AREA:	7,000 S.F.	5000
FRONTAGE:	25'	39'±
LOT WIDTH:	65'	50'
FRONT SETBACK:	20'	20'
SIDE SETBACK:	7.5'	7.5'
REAR SETBACK:	30'	30'
FAR:	0.35	.35
LANDSCAPE:	10%	150%
GROSS FL. AREA:	30%	30%

ASSESSORS ID: 380-0200
DEED REF. BOOK: 9915 PAGE:668
RECORDED @ S. NORFOLK REGISTRY OF DEEDS



ALPHA OMEGA
ENGINEERING INC

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