



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals
From: Brookline Planning Board
Date: February 19, 2015
Subject: Legalize existing deck requiring side-yard setback relief
Location: 24 Elba Street

Atlas Sheet: 6	Case #: ZBA-2014-0078
Block: 030	Zoning: S-7
Lot: 09	Lot Area (s.f.): 7,000

Board of Appeals Hearing: March 5, 2015 at 7:00 pm

BACKGROUND

September, 2014 – Property owner Mark Irvings completed bathroom renovations and deck improvements at 24 Elba Street. A building permit was issued prior to this work, and the applicant was required to submit an as-built site plan to the Building Department following completed construction. Deck alterations did not reduce the distance between the deck and the side lot line in question, but the as-built site plan revealed that the property line is actually located 5.2' from the existing deck. Uncovered decks may not be located within 6' of a side lot line under By-Law Section 5.62.

SITE AND NEIGHBORHOOD

24 Elba Street is located in the Crowninshield Road area, approximately two blocks south of Commonwealth Avenue. The single-family dwelling was constructed around 1915 and presents a stucco craftsman style that is common for the neighborhood. The uncovered porch at the side of the home existed for approximately 30 years prior to the 2014 alterations that minimally extended the deck toward the rear of the property and improved the overall structural conditions.

Applicant’s Proposal

Applicants, Mark and Susan Irvings, are requesting to legalize the existing deck that is within the required side-yard setback. The deck is approximately 250 square feet and is located 5.2’ from the side lot line.

Findings

Section 5.43: Exceptions to Yard and Setback Regulations

Section 5.60: Side-Yard Requirements

Dimensional Requirements	Required	Existing	Proposed	Finding
Side-Yard Setback (Uncovered Porch)	6’	5.2’	5.2’	Special Permit *

** Under Section 5.43, the Board of Appeals may waive dimensional requirements in lieu of other dimensions if the applicant provides counterbalancing amenities.*

PLANNING BOARD COMMENTS

The Planning Board supports this request to legalize the deck at 24 Elba Street. The location of the deck has existed for approximately 30 years and presents minimal visual impact to the abutting property at 50 Cowinshield Road due to existing landscaping features along the property line. The requested relief is minimal (9 ½”), and the abutting resident has provided a letter in support of this legalization.

Therefore, the Planning Board recommends approval of the site plan submitted by Everett M. Brooks Co., dated 10/27/2014, subject to the following conditions:

1. The applicant shall submit final site and landscaping plans, subject to the review and approval of the Assistant Director for Regulatory Planning.
2. The applicant shall submit to the Building Commissioner to ensure 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.

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