



# Town of Brookline

## Massachusetts

### PLANNING BOARD

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9/26/19

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To: Brookline Zoning Board of Appeals  
From: Brookline Planning Board  
Date: 10/3/19 Zoning Board of Appeals Meeting  
Subject: Construct two-story addition on rear of structure  
Location: **143 Laurel Road**

Atlas Sheet:	119	Case #:	2019-0053
Block:	419	Zoning:	S-15
Lot:	15	Lot Area:	52,298 SF

Board of Appeals Hearing: **October 3, 2019 at 7:00 pm or later**

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### DEMOLITION/PRESERVATION

On July 30, 2019, Preservation staff determined that the existing building at 143 Laurel Road is significant. The Preservation Commission then confirmed the staff's initial determination at a meeting on August 13, 2019. The Laurel Road neighborhood is also eligible for the National Register. Partial demolition of the structure is therefore subject to an 18-month stay that would expire on February 13, 2021. The applicant has applied for a lift of the stay based on the same plans submitted for zoning relief. On September 25, 2019, the Preservation Commission approved the applicant's request to lift the stay based on the plans submitted for zoning relief.

### SITE AND NEIGHBORHOOD

The building at 143 Laurel Road was constructed as a single-family house in 1939. Most of the surrounding neighborhood was developed in the 1930s by the same developer, producing a cohesive streetscape and a quintessential example of a Brookline's upper middle class residential neighborhoods. The subject house is a Colonial, and most houses in the neighborhood are also Colonials or English Revivals. The Laurel Road Area is located in the northwest corner of the Town, surrounded by the Holyhood Cemetery to the north, the Putterham Meadow Golf Course to the east, and the Skyline Park and Incinerator Land to the west.

### APPLICANT'S PROPOSAL

The owners, Joshua and Hannah Ganjei, are proposing to construct a two-story addition on the rear of the existing building and make a variety of renovations and minor addition/demolitions. The majority of the work would only affect the rear of the structure so the front of the building would remain essentially unaffected. The proposal involves extending the footprint of the building on the rear-right side, by expanding the family room and dining room on the first floor and building a new master bedroom and bathroom on the second floor. Other changes include eliminating existing bay windows on the rear elevation and creating a new patio to replace the existing deck (which is located in the same space as the expanded footprint). In total, the proposal would add 1,331sf to the basement, 671sf to the first floor, and 829sf to the second floor.

### FINDINGS

ZONING: S-15	Required/ Allowed	Existing	Proposed	Relief
Use		1-family	1-family	None
Lot Size	15,000sf	52,298sf	52,298sf	None
Floor Area Ratio	0.25 / 100% 13,075sf	0.09 / 36% 4,656sf	0.14 / 57% 7,487sf	None
Lot Width	100'	117'	117'	None
Height	35'	27'	27'	None
Setbacks: F/S/R	25/15/40	34.6/9.3/ unknown	34.6/9.3/ unchanged	None
OS: Landscaped/Usable	10%/60%	unknown	270%/270%	None

### Other Zoning Requirements

#### **Section 8.02: Alteration or Extension**

A Special Permit is required to alter and/or extend this non-conforming structure.

Staff Note: The Building Department's Denial Letter lists sections 5.40 and 5.43 as sections of the By-law with which the project does not conform. Below is an explanation on why staff believes these sections do not apply:

#### **Section 5.40: Walls Not Parallel To Lot Lines**

This section states that buildings that have walls that are not parallel to the property line may define their side yard setback as the average distance of the wall from the property line provided that the closest point is not closer than  $\frac{3}{4}$  of the required setback distance. While it is true that the subject building is not parallel to the property line, the applicant does not need to

use this provision for the proposed addition to comply with setback requirements, since the closest point of the proposed addition to a side property line is 23'6".

#### **Section 5.43: Exceptions to Yard and Setback Regulations**

This section states "*under a special permit [...], the Board of Appeals may permit, in lieu of the requirements for yards or setbacks specified in this By-law, the substitution of such other dimensional requirements as shall assure the same standard of amenity to nearby properties as would have been provided by compliance with the regulations of the By-law.*" It is staff's opinion that this provision only applies in cases where a portion of an addition would, on its own, not comply with the setback requirements. The ZBA is then required to establish counterbalancing amenities to be offered concurrently with the violation. The ZBA cannot require a counterbalancing amenity for a pre-existing condition. In cases where the entirety of the addition complies with setbacks and only the existing building is nonconforming, only Section 8.02 applies.

#### **PLANNING DEPARTMENT COMMENTS**

The Planning Department is supportive of this proposal. The proposal successfully preserves the integrity of the historic building by incorporating architectural elements of the main structure into the design of the addition. The added space is reasonable and conforming and the altered structure remains well below the FAR requirement for this zoning district.

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board is supportive of this proposal.

**The Planning Department recommends approval of the site plan and architectural plans by Saltsman Brenzel Design Construction, dated August 8, 2019, subject to the following conditions:**

- 1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations 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 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

**Subject Site**



**Aerial Photograph - Neighborhood Context**

