



Town of Brookline

Massachusetts

PLANNING BOARD

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10/10/19

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To: Brookline Planning Board
From: Brookline Planning Department
Date: 10/17/19 Planning Board Meeting
Subject: Extend driveway and retaining wall into left side yard.
Location: **99 South Street**

Atlas Sheet:	105	Case #:	2019-0060
Block:	374	Zoning:	S-7
Lot:	23	Lot Area:	7,751 s.f.

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

SITE AND NEIGHBORHOOD

The building at 99 South Street is a single-family dwelling that was originally constructed in 1950. The two-story structure sits slightly above grade with an attached one-car garage underneath it. The driveway into the garage is bordered by retaining walls. The existing retaining wall for 105 South Street (left side abutter) partially sits on the 99 South Street parcel.

Most other houses on the street have a similar set-up with a one-car garage underneath the house, but some houses have driveways wide enough for two vehicles side-by-side. The property is located in the Walnut Hill area very close to Putterham Circle. The Baker and Putterham Schools are nearby as well.

APPLICANT'S PROPOSAL

The owners, Danielle and Ariel Weil, are proposing to expand the existing driveway into the left side yard setback area by shifting the retaining wall further to the left. This project needs relief from multiple sections of §6.04: Design of All Off-Street Parking Facilities. The retaining wall is currently slightly more than 10' from the left side lot line, but this proposal would shift it to being 0.5' from the left lot line in order to accommodate two side-by-side parking spaces.

According to the applicant, the proposed retaining wall will be directly next to 105 South Street's existing retaining wall, but any damage done to that retaining wall during the course of construction will be repaired.

The retaining walls are, at most, 4' tall and so do not need to comply with setback requirements, as those apply only to walls 6' above the natural grade. Expanding the driveway will also require removing one existing tree and expanding the curb cut. The applicant has said that the curb cut will be no wider than 20', as is required by §6.04.4.c. The expanded driveway would be 21'x26' and could comfortably fit two standard parking spaces (8.5'x18'), although both cars would be encroaching upon the required front yard setback and one of the cars could be encroaching upon the required side yard setback. No changes to the house itself are proposed as part of this project.

FINDINGS

ZONING: S-7	Required/ Allowed	Existing	Proposed	Relief
Use		1-family	1-family	None
Lot Size	7,000sf	7,751sf	7,751sf	None
Lot Width	65'	~75'	~75'	None
Parking Setbacks: F/S	20/7.5	~8/~10.4	~8/0.5	Special Permit, §5.43
Parking Spaces	2	2	2	None

Other Zoning Requirements

Section 5.43 – Exceptions to Yard and Setback Regulations

This project requires relief because the proposed parking areas are within the front and side yard setback requirements. This section allows the Zoning Board of Appeals to waive any yard or setback requirement in the Bylaw provided that the applicant provides a counterbalancing amenity. The applicant is expanding the driveway as part of a larger project of renovating the front area, including replacing stairs and landscaping; the applicant has suggested that new landscaping in the front of the house could serve as a counterbalancing amenity. Another potential counterbalancing amenity is to provide screening on the left side of the parking area to replace the tree that will be removed to accommodate the expanded driveway.

Section 6.04.5.a – Design of All Off-Street Parking Facilities

This section requires that parking areas are a minimum of 5' away from all lot lines. The proposed driveway is 0.5' from the side lot line. The owner may be granted relief from this provision by a special permit under Section 5.43.

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities

This section prohibits parking lots and entrance and exit drives from being located within the required front yard setback. The required front yard setback is 20 feet and the parking spaces and proposed drive are approximately 8' from the property line (assuming that the parking spaces are standard 18' spaces). The owner may be granted relief from this provision by a special permit under Section 5.43.

Section 6.04.5.c.2 - Design of All Off-Street Parking Facilities

This section prohibits parking lots and entrance and exit drives from being located within the required side yard setback. The required side yard setback is 7.5 feet and the parking spaces and proposed drive are approximately 1' from the property line. The owner may be granted relief from this provision by a special permit under Section 5.43.

Section 6.04.5.d - Design of All Off-Street Parking Facilities

This section requires the installation of a curb to prevent cars from parking within the required setback areas. The owner may be granted relief from this provision by a special permit under Section 5.43.

Section 8.02: Alteration or Extension

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

PLANNING DEPARTMENT COMMENTS

The Planning Department is supportive of this proposal. Expanding the driveway allows the applicant to park two cars side-by-side rather than tandem, which will allow them to access both cars without needing to maneuver one out of the way. Having two cars parked side-by-side rather than tandem requires expanding the curb cut, but the applicant has agreed to limit the curb cut to being no wider than 20' (the maximum by-right width in residential districts).

The abutter on the left side at 105 South Street has expressed concern about the fact that her retaining wall is on the property line and will likely be damaged by this proposal. The applicant has said that she will not be removing that retaining wall despite it being on her property, and that any damage done to it during construction will be repaired. The abutter's concerns are understandable, but Staff believes that given that the retaining wall is on the applicant's property, the applicant has sufficiently attempted to address the abutter's concerns.

Therefore the Planning Department believes that the request is reasonable and will not be substantially more detrimental to the neighborhood than the existing conditions. The project satisfies all the Conditions for Approval of Special Permits as listed in §9.05.

The Planning Department recommends approval of the site plan by C&G Survey Company dated May 21, 2019 subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director of Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit a final landscaping plan showing counterbalancing amenities to the Assistant Director of Regulatory Planning for review and approval.**

- 3. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Department 1) the site plan and landscaping plan displaying the approval stamp of the Assistant Director of Regulatory Planning; and 2) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

Subject Site



Aerial Photograph - Neighborhood Context

