



Town of Brookline

Massachusetts

PLANNING

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12/4/19

To: Brookline Planning Board
From: Brookline Planning Department
Date: December 12, 2019 Planning Board Meeting
Subject: Construct an addition and change use from single family dwelling to two-family dwelling.
Location: 35 Eliot Crescent

Atlas Sheet: 62	Case #: 2019-0068
Block: 271	Zoning: T-5
Lot: 04	Lot Area: 3,669 SF

Board of Appeals Hearing: January 9, 2020 at 7:00 pm or later

PRESERVATION AND BACKGROUND

The applicant applied for partial demolition in June 2019. The Preservation Commission determined that the house is not significant and so approved the application for partial demolition.

SITE AND NEIGHBORHOOD

35 Eliot Crescent is a one-family dwelling constructed in 1905 (according to Assessor's records). The building is a 2.5-story house with clapboard siding but no particular architectural style. The neighborhood has a consistent architectural style, which this building is consistent with, although most of the buildings in the neighborhood are two-family dwellings where 35 Eliot Crescent is a one-family dwelling. The Eliot Crescent neighborhood is located just north of Route 9 and adjacent to the Heath School.

APPLICANT'S PROPOSAL

The owners, Linda Mancini and Philip Hresko, are proposing an expansion of the existing building and conversion to a two-family dwelling. The expansion of the building would involve an addition on the rear of the structure above the existing footprint of the deck and the addition of a third story. The building's expansion would result in an increase in the height of the building from ~29 ft. to ~33 ft. and an increase in the floor area from 2,597 square feet to 3,669 square feet. 87 SF would be added to the first floor, 283 SF would be added to the second floor, and 702 SF would be added to the third floor (existing attic).

FINDINGS

ZONING: T-5	1F Reqs.	2F Reqs.	Existing	Proposed	Relief
Use			Single family	Two family	None
Lot Size	4,000sf	5,000sf	3,669sf	3,669sf	Variance¹
Floor Area Ratio	1.0 / 100% 3,669sf	same	0.71 / 71% 2,597sf	1.0 / 100% 3,669sf	None
Lot Width	40'	45'	35'	35'	Variance¹
Height	35'	same	28'9"	33'	None
Setbacks: F/S/R	15/10/30	same	6 / 5.2 / 42.9	6 / 5.2 / 42.9	Special Permit, \$5.43²
Parking Spaces	2	4	3	3	Variance¹

¹**MGL c. 40A §10: Variances** - The permit granting authority has the power to grant a variance from the terms of the applicable zoning by-law where the SPA specifically finds that:

1. Owing to circumstances relating to the soil conditions, shape, or topography of the land or structures but not affecting generally the zoning district in which it is located...
2. a literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioner...
3. that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

A Variance is required in this case because a change of use is proposed and therefore the nonconformities of lot size, lot width, and parking, are not protected under pre-existing nonconformities.

²**Section 5.43: Exceptions to Yard and Setback Regulations** - The Zoning Board of Appeals may waive any setback requirement in the By-Law if appropriate counterbalancing amenities are provided.

Other Zoning Requirements

Section 6.04.5.C: Design of all Off – Street Parking Facilities – This section requires that all entrance and exit drives be set back from property lines according to the distances specified in this section. A driveway must be set back a minimum of 5 ft. from a side property line and in this case, the driveway is not setback from the property line at all. This setback requirement may be reduced or waived by the Zoning Board of Appeals under 5.43 if appropriate counterbalancing amenities are proposed.

PLANNING DEPARTMENT COMMENTS

While the Planning Department does not oppose this project in concept, it remains unclear how the proposal would satisfy the statutory requirements for the granting of a Variance. The petitioner has not submitted a statement addressing those statutory requirements. The petitioner would need to show that the lot or structure is unique/unusual in terms of soil conditions, lot shape, or topography for its zoning district and that strict enforcement of the By-Law's requirements would cause a hardship stemming from those unique circumstances. A strict enforcement of the Zoning By-Law in this case would require the property to remain a single-family dwelling, as any change in the use would require a Variance. It has not been made clear how preservation of this property as a single-family dwelling constitutes a hardship nor how that hardship stems from soil conditions, lot shape, or topography.

The Planning Department recommends denial of the proposal. If the Planning Board opts to approve the site plan by R.E. Cameron & Associates, dated July 7, 2019, and architectural plans by Hresko Associates, dated September 2, 2019, the Planning Department recommends the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect or engineer and 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 submit a final landscaping plan showing proposed counterbalancing amenities 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 1) electronically submit the site plan, floor plans, and elevations 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

