



Town of Brookline

Massachusetts

12/2/19

PLANNING BOARD

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To: Planning Board
From: Planning Department
Date: December 12, 2019
Subject: Construct 4 parking spaces within the front yard setback
Location: 107 University Road

Atlas Sheet:	41	Case #:	2019-0063
Block:	210	Zoning:	T-6
Lot:	28	Lot Area:	5,354 SF

Board of Appeals Hearing: January 9, 2019 at 7:00 pm or later

SITE AND NEIGHBORHOOD

107 University Road is a 3-unit, 3.5 story building located on University Road between Gardner Road and Beacon Street, and immediately adjacent to Winthrop Path. The property is situated on the uphill side of University Road, which has a very steep slope. It is located in the Aspinwall Hill neighborhood, which is roughly bounded by the Brookline High School, Brookline Town Hall, and Washington Square. This portion of the neighborhood consists predominantly of two-family dwellings on small lots. The neighborhood features a variety of architectural styles.

APPLICANT'S PROPOSAL

The owner, Chris Kokoras of 107 University Road LLC, is proposing to create a new parking area to hold 4 parking spaces (the site currently has no parking). Three of the spaces would be 8.5 feet wide and the 4th space would be 9 feet wide. To make space for the new parking area, the applicant is proposing to excavate the area in front of the existing building, removing the existing deck, and then underpinning the building and constructing a new deck. New stairs to Winthrop Path would be constructed, 2 retaining walls would be constructed (one on each side of the parking area), and a new 35' wide curb cut would be made. The applicant contends that the new parking is needed to accommodate 3 blind residents on the property. At present, the residents must walk several blocks away to a rented parking space to access their vehicles. The new parking area would alleviate this significant burden on the blind residents.

FINDINGS

ZONING: T-6	Required/ Allowed	Existing	Proposed	Relief
Use		Three-family	Three-family	None
Lot Size	6,000 sf	5,354 sf	5,354 sf	None
Lot Width	55'	~55'	~55'	None
Open Space: Landsc. / Usable	10% / None	Unknown	Unchanged or reduced	Unknown
Bldg Setbacks:¹ University Winthrop Path	25' 25'	12' 4.8'	12' 4.8'	Special Permit, §8.02²
Parking Setbacks:¹ University Winthrop Path	25' (Min. 5') 25' (Min. 5')	Not applicable	0.3' ~12'	Special Permit, §5.43³
Parking Spaces	6 or 7	0	4	Special Permit, §8.02²
Curb cut	Max. 20'	0	35.5'	Special Permit, §6.04.4.c⁴

¹Based on the definition of a street, the lot lines abutting both University Road and Winthrop Path are considered street/front lot lines.

²**§8.02: Alteration or Extension** - A Special Permit is required to alter and/or extend this non-conforming structure.

³**§5.43: Exceptions to Yard and Setback Regulations** - The project needs setback relief because the proposed parking area is closer to the front and side lot lines than allowed by zoning. If a counterbalancing amenity is provided, such as landscaping, a Special Permit may be granted. The applicant has not indicated a proposed a counterbalancing amenity.

⁴**§6.04.4.c: Design of All Off-Street Parking Facilities**

Driveways can be a maximum of 20' wide in residential districts except that "the Board of Appeals by special permit may modify these limitations upon reports from the Commissioner of Public Works and the Director of Transportation that an increased width would facilitate traffic and be safer." The Commissioner of Public Works and the Director of Transportation have weighed in on this project (their joint report is attached) and do not support granting this relief.

Other Zoning Relief

§6.04.5.a: Design of All Off-Street Parking Facilities

This section requires that parking spaces be set back a minimum of 5' from all street lot lines. The proposed parking spaces are ~3' from the University Road lot line. See chart above for existing/proposed setbacks.

§6.04.5.c.1: Design of All Off-Street Parking Facilities

This section requires that parking areas be set back from the front lot line the same distance that the building is required to be set back. See chart above for existing/proposed setbacks.

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

This section requires that parking areas not be within the required side yard. The parking area is setback ~12.5' from the left side lot line, but the required distance is 20'.

§6.04.14: Design of All Off-Street Parking Facilities

This section requires that no more than 40% or 24' of the front façade, whichever is smaller, can be devoted to vehicular parking. The proposed covered parking area is 34.5' wide and covers essentially the entire width of the front façade. Based on the width and topography of the property overall, it does not seem feasible to have parking anywhere other than within the front yard setback. Therefore, this project satisfies the criteria of §6.04.14.c for getting relief from this section.

PLANNING DEPARTMENT COMMENTS

The Planning Department is not supportive of granting this application as proposed. While the applicant's desire to have parking on-site is understandable, the proposal does not appear to satisfy the criteria necessary for approval. Special permit relief under §6.04.4.c can only be granted based on favorable report from the Public Works and Transportation departments, which they have not received. The negative report from Public Works and Transportation also makes it difficult to argue that this project satisfies §9.05.1.c which requires a finding that "[t]here will be no nuisance or serious hazard to vehicles or pedestrians."

The direct abutters on the right and left sides of this property also have parking areas within the front yard setback, but they are slightly narrower with room for 2 and 3 cars, respectively. Planning Staff would be supportive of this project if the applicant were to reduce their proposal from 4 spaces (necessitating a 35.5' curb cut) to 2 spaces, thus complying with §6.04.4.c and §6.04.14 and only requiring relief for setbacks.

Should the Board move to recommend approval of the site plan and architectural plans prepared by FSL Associates, dated 11/25/19, staff recommends the following conditions:

1. **Prior to the issuance of a building permit, the applicant shall electronically submit final 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 electronically submit a landscaping plan indicating all counterbalancing amenities, stamped and signed by a registered landscape architect, to the Assistant Director of Regulatory Planning for review and approval.**

- 3. Prior to the issuance of a building permit, the applicant shall 1) electronically submit the site plan, elevations, 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.**

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Subject Site



Aerial Photograph - Neighborhood Context

