



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION  
CASE NO. BOA 871937  
PERMIT # ERT843995**

**APPEAL DISMISSED**

In reference to appeal of

Patrick Cibotti

concerning premises

1A Barnard Place, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 6/14/2019.

**FOR THE BOARD OF APPEAL**

  
Kevin P. O'Connor, Jr.

Kevin P. O'Connor, Jr.

Principal Administrative Assistant



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

## DECISION OF THE BOARD ON THE APPEAL OF

April 9, 2019  
DATE

Patrick Cibotti

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

1A Barnard Pl, Ward 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: IPOD & Variance  
Article(s): 27S(27S-5) 68(68-8: Front yard insufficient & Rear yard insufficient) 68(68-33) 10(10-1)

Erect a new two-family dwelling and propose 4 off-street parking as per plans.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA871937 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, February 19, 2019 & Tuesday,  
March 19, 2019

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, March 12, 2019 and discussed on Tuesday, April 9, 2019 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT843995 and June 18, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

1A Barnard Pl., Ward 6  
BOA-871937  
Date of Hearing: April 9, 2019  
Permit: #ERT843995  
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The premises in question are located in the South Boston Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT843995 by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 10, Section 1 (off-street parking shall not be less than 5 feet from side lot line); Article 27S, Section 5 (IPOD Applicability); Article 68, Section 33 (off-street parking shall not be located in any part of a front yard); and Article 68, Section 8 (front yard insufficient; rear yard insufficient).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance or IPOD permit as specified in Article 7, Section 7-3 and 27S, Section 5, respectively, of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms same.

APPEAL DISMISSED

Signed, June 11, 2019

  
Christine Araujo - Chair

  
Mark Erlich

  
Bruce Bickelstaff

  
Craig Galvin - Acting Secretary

  
Kerry Walsh Logue

  
Tyrone Kindell, Jr.