



City of Boston
Mayor Martin J. Walsh
Board of Appeal

NOTICE OF DECISION
CASE NO. BOA 896852
PERMIT # ERT786744

APPEAL DISMISSED

In reference to appeal of

Derric Small

concerning premises

17 to 19 Myrick Street, Ward 22

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
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DECISION OF THE BOARD ON THE APPEAL OF

April 9, 2019
DATE

Derric Small

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

17-19 Myrick Street, Ward 22

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance
Article(s): 51(51-9: Lot area insufficient, Add'l lot area insufficient, Floor area ratio excessive, Usable open space insufficient, Front yard insufficient, Side yard insufficient & Rear yard insufficient)

Erect two new townhouses with garage and roof deck on Lot 2: 1,472 SF on a subdivided parcel at 55 Easton Street. Demolish existing one story garage. File in conjunction with ALT787787.

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 BOA896852 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 Monday, December 31, 2018

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, January 29, 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# ERT786744 and December 19, 2017 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

17-19 Myrick St., Ward 22
BOA-896852
Date of Hearing: April 9, 2019
Permit: #ERT786744
Page: # 2

The premises in question are located in the Allston/Brighton Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ERT786744 by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 51, Section 9 (lot area insufficient; additional lot area insufficient; floor area ratio excessive; usable open space insufficient; front yard insufficient; side yard insufficient; and 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 as specified in Article 7, Section 7-3 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 Bickerstaff

Craig Galvin - Acting Secretary


Kerry Walsh Logue


Tyrone Kindell, Jr.