



City of Boston
Mayor Martin J. Walsh
Board of Appeal

NOTICE OF DECISION
CASE NO. BOA 853295
PERMIT # U49804448

APPEAL DISMISSED

In reference to appeal of

Elida Sanchez

concerning premises

31 Dell Avenue, Ward 18

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

A handwritten signature in blue ink that reads "Kevin P. O'Connor, Jr.". To the right of the signature is a small blue oval stamp containing the word "ADDS".

Kevin P. O'Connor, Jr.
Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

April 30, 2019
DATE

Elida Sanchez

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

31 Dell Avenue, Ward 18

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Extension of Non-Conforming Use & Variance

Article(s): 9(9-1) 69(69-29.4)

Install retaining walls and driveway on the front right of the house.

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 BOA853295 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 Thursday, January 24, 2019 and discussed on Tuesday, April 30, 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# U49804448 and May 29, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



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DECISION OF THE BOARD ON THE APPEAL OF

31 Dell Ave., Ward 18
BOA-853295
Date of Hearing: April 30, 2019
Permit: #U49804448
Page: # 2

The premises in question are located in the Hyde Park Neighborhood zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit U49804448 by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 9, Section 1 (Extension of an existing non-conforming two-family in a one-family subdistrict) and Article 69, Section 29.4 (Parking not permitted in front yard).

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 permission to extend a non-conforming use as specified in Article 9, Section 9-1, and pursuant to Article 6, Section 6-3 and a Variance under 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 case where the specific site is an appropriate location for extension of such use, nor that extension of the use will not adversely affect the neighborhood, nor that extension of the use will not cause serious hazard to vehicles or pedestrians, nor that no nuisance will be created by extension of the use nor that adequate and appropriate facilities will be provided for the proper operation or extension of the use 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.



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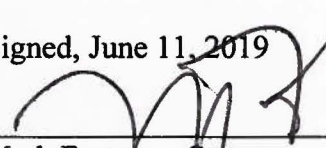
DECISION OF THE BOARD ON THE APPEAL OF

31 Dell Ave., Ward 18
BOA-853295
Date of Hearing: April 30, 2019
Permit: #U49804448
Page: # 3

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


Mark Fortune - Secretary


Mark Erlich - Acting Chair


Bruce Bickerstaff


Craig Galvin


Kerry Walsh Logue


Tyrone Kindell, Jr.