



**City of Boston
Board of Appeal**

Inspectional Services Department
1010 Massachusetts Avenue
Boston, MA 02118
617-635-4775

Members

Christine Araujo - *Chair*
Bruce Bickerstaff
Mark Fortune - *Secretary*
Peter Chin
Mark Erlich
Anthony Pisani, AIA
Craig Galvin

**NOTICE OF DECISION
CASE NO. BOA660491
PERMIT #ALT644208
APPEAL DISMISSED
WITHOUT PREJUDICE**

In reference to appeal of

Derric Small

concerning premises

88-94 Lincoln 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 11/3/2017.

FOR THE BOARD OF APPEAL

**Matthew Fitzgerald, Esq
Assistant Corporation Counsel**



CITY OF BOSTON BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

May 23, 2017

DATE

Decision of the Board of Appeal on the Appeal of

Derric Small

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

88-94 Lincoln Street, Ward 22

In the following respect: Variance

Article(s): 11(11-7)

Purpose: To install a new 14'x48' (2) sided electronic billboard on a monopole 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 BOA-660491 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 May 2, 2017

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 May 23, 2017 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 #ALT644208 October 6, 2016 plans submitted to the Board at its hearing and now on file in the Building Department.



CITY OF BOSTON
BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

88-94 Lincoln Street, Ward 22
BOA-660491
Date of Hearing: May 23, 2017
Permit: ALT644208
Page: 2

The premises in question are located in the Allston/Brighton section of the City of Boston in a zoning area designated NS-1. Appellant's application for building permit was denied by the Building Commissioner for violation of Statute 1956, Chapter 665, Article: 11, Section 7.

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.

This appeal is hereby dismissed without prejudice. In the event a new application for this site is filed and refused by the Building Commissioner, the provisions of Article 5, Section 5-3 are hereby waived. However, the Board is of the opinion that if another hearing on these premises must be held before the Board of Appeal, it will not be necessary for the Appellant to wait the required year, but may file a petition at the convenience of the Appellant.



CITY OF BOSTON BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

88-94 Lincoln Street, Ward 22
BOA-660491
Date of Hearing: May 23, 2017
Permit: ALT644208
Page: 2

Therefore, the Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal without prejudice.

APPEAL DISMISSED WITHOUT PREJUDICE


Signed, October 31, 2017



Christine Araujo - Chairperson



Mark Fortune - Secretary

Peter Chin


Bruce Bickerstaff

Mark Erlich

Anthony Pisani, AIA



Craig Galvin