Town of Burlington Board of Appeals Application for Hearing (Instructions are contained on the reverse side)

This application must be completed, signed and submitted with the necessary documents and filing fee by the applicant or his/her representative in accordance with the Board’s Rules and Procedures as set forth on the reverse side of this application.

Location of Property: 121, 123, 125 Lexington St.

Applicant
Name: Joe Currier
Address: 121 Lexington St., R.T.
Telephone Number: 617-686-6075
Email: joejcdb@gmail.com

Property Owner
Name: 121 Lexington St., R.T.
Address: 121 Lexington St., R.T.
Telephone Number: 617-686-6075
Email: joejcdb@gmail.com

Characteristics of the Property
Lot Area: 35,674 Map #: 46 Parcel #: 13 Zoning District: RO Present Use: Three Family
Application is for: An appeal from the Building Inspector X A Variance A Sign Permit
Applicable Section of the Zoning By-Law: Article # V Section #: 5.2.0
Nature and justification of request – Please give a detailed description (Use additional pages if necessary)

See Attached

I hereby request a hearing before the Board of Appeals with reference to the above application.
Signature of Applicant (or his/her representative): 
Address if not Applicant:
Telephone Number: 617-686-6075
Owner’s permission if other than Applicant:

Application and fee in the amount of $ 100.00 received and filed with the Town Clerk for the Town of Burlington on 01/31/2020 (Date)

Summary of Board of Appeals Action

Received by Hearing
Date Decision required by (100 days after filing for appeal or variance)
Parties in Interest Notified or Public Hearing
Notice of Decision sent to Parties in Interest

Decision of the Board:
Granted (Date)
Denied (Date)
Withdrawn (Date)
Decision filed with Town Clerk (Date) 06/2013

1.0 Application

1.01 Applicant is advised to review the Burlington Zoning By-Law and the Rules of the Board of appeals prior to filling out an application and prior to appearing before the Board at a public hearing. The application form shall
Date: January 29, 2020

Your request for approval of two (2) lot buildable single family sub-division from the Burlington Building Department is here by denied this day January 29, 2020.

Type of permit / approval: Divide one lot into two buildable single family house lots

Location of property: 121 Lexington Street, Burlington, MA - Residential One Family (R-O) zone Map 46, parcel 13

Name: Richard Bertone & RFK TRS / 121 Lexington St. Realty Trust
121 Lexington Street, Burlington, MA 01803

Property Owner & Mailing Address (if different): same as above

Your proposal / plan was reviewed at the Building Department on January 29, 2020 by Andrew Ungerson

And it has been determined that it is in violation of the Town of Burlington’s Zoning By Laws.

The specific article and section used to determine the need for such action is / are: please see below

The specific reason(s) to determine the need for such action is / are: Applicant proposes to sub-divide the existing parcel of land I.D.’d as 121 Lexington St. Burlington, MA (Assessor’s map 46, parcel 13 having 35674 s.f. of land with 143.6 ft. of frontage) into two (2) lots of land I.D.’d as Lot A having 17,837 s.f. of land with 71.80 feet of frontage on Lexington Street and the second lot I.D.’d as Lot B having 17,837 s.f. of land with 71.80 feet of frontage of Lexington Street.

Approval for both Lots A & B are here-by denied.

Town of Burlington Zoning by Law Article 5, section 5.2.0 require that with in the Residential One Family (R-O) Zone, buildable house lots are required to have a minimum of 20,000 s.f. of land and 100 ft. of frontage on public way.

Neither proposed Lots A or B have the proper square footage (s.f.) of land or frontage on a public way.

Signature Date

Any person or any municipal officer or Board aggrieved by any order, act or refusal of the Inspector of Buildings or other administrative officer, having authority under Burlington’s Zoning By Laws, may within thirty (30) days from the date of this decision from the Building Department, file a notice to appear before the Board of Appeals, through the Office of the Town Clerk, specifying the grounds thereof. (Burlington Zoning By Law article IX, section 9.5.3)
January 22, 2020

Hardship Justification

121, 123 & 125 Lexington Street

Prior to me purchasing 121-125 Lexington Street back in November 2017 the property was listed as a three family. I then went to the building department to research the property with John Clancy and back on November 12, 2004, is when Mr. Clancy confirmed that three family residence status was established in 1936 prior to adoption of local zoning.

I purchased the property in January 2018 under the knowledge that my section six nonconforming three family would be grandfathered in and was transferrable owner to owner. In April 2018, I applied for a special permit through the planning board once I realized that renovation to the existing structure were not financially feasible. The special permit that I submitted was to raze the existing three family and rebuild a three-unit building. I have had several meetings with planning board as well the historical committee as the building dates to the 1830’s. In addition to meeting with the historical committee I agreed that they could remove some artifacts along with the wainscoting from the building prior to being razed. Additionally, I had meetings with the board of health for storm water management on the proposed plans.

July 2018 Mr. Clancy received a letter from an abutter questioning his section six findings back in 2004, 14 years prior to me purchasing the three family. Three months later after Mr. Clancy consulted town council Mr. Clancy issued a letter revoking my grandfathered section six findings two months prior to his retirement and town council being fired. So, I had no choice but to withdraw my planning board application. After consulting with my Attorney, it was clear that the time to appeal Mr. Clancy and town council’s decision to revoke my section six would take a lot of time as they no longer work for the Town of Burlington.

Now, that I have absorbed tens of thousands of dollars into this project already through design work, engineering, storm water management lawyer fee’s, interest are just some of the cost expended into this project for it to be approved. These expenses were going to be a return on investment for what I was told as well, the evidence shown to me about being a legal three family. The only hope in recuperating some of the money is that I can subdivide the property into 2 lots in order to build two single family residence with address 121 Lexington and the other being 123 Lexington Street.

Appreciate you understanding where I am coming from and your time.

Thank You

Joe Currier
Unofficial Property Record Card - Burlington, MA

General Property Data

Parcel ID 46-13-0
Prior Parcel ID 000046 --
Property Owner BERTONE RICHARD & RFK TRS
121 LEXINGTON ST REALTY TRUST
Mailing Address 121 LEXINGTON STREET

City BURLINGTON
Mailing State MA Zip 01803
ParcelZoning RO

Account Number 0
Property Location 121 LEXINGTON ST
Property Use Three Fam.
Most Recent Sale Date 1/19/2018
Legal Reference 70532-310
Grantor BERTONE RICHARD
Sale Price 10
Land Area 0.808 acres

Current Property Assessment
Card 1 Value 386,100
Building Value 386,100
Xtra Features Value 0
Land Value 283,500
Total Value 669,600

Building Description
Building Style Conventional
# of Living Units 3
Year Built 1830
Building Grade Average
Building Condition Average
Finished Area (SF) 3678
Number Rooms 12
# of 3/4 Baths 0

Foundation Type Brick/Stone
Frame Type Wood
Roof Structure Gable
Roof Cover Asphalt Shgl
Siding Clapboard
Interior Walls Drywall
# of Bedrooms 6
# of 1/2 Baths 1

Flooring Type Carpet
Basement Floor Concrete
Heating Type Forced H/W
Heating Fuel Oil
Air Conditioning 0%
# of Bsmt Garages 0
# of Full Baths 3
# of Other Fixtures 3

Legal Description

Narrative Description of Property
This property contains 0.808 acres of land mainly classified as Three Fam., with a(n) Conventional style building, built about 1830, having Clapboard exterior and Asphalt Shgl roof cover, with 3 unit(s), 12 room(s), 6 bedroom(s), 3 bath(s), 1 half bath(s).

Property Images

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

http://burlington.patriotproperties.com/RecordCard.asp

1/30/2020