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Docket Number V 18 294

NOTICE OF ACTION

RE: Apollonia Enterprises LLC, Fuel, 100 Front Street

Worcester

1. A request for a variance was filed with the Board by Richard J. Vallarelli (Applicant) on August 23, 2018
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
25.1	Petitioner seeks relief from having to make a proposed new entrance into the tenant space to be occupied by "Fuel America" accessible to persons with disabilities. The grade change at the entry is approximately 24" inches down to the floor level. The petitioner argues that there will be a loss of 12 -15 seats if a ramp is There is an additional entrance served by a ramp that is approximately 90' feet from the proposed new entry.

2. The application was heard by the Board as an incoming case on Monday, September 24, 2018

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variance to Section 25.1 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case and on the condition that:

1. signage is provided at the new entrance indicating the location of the existing accessible entrance. The signage is required to comply with the applicable parts of 521 CMR Sections 25.6 and 41.
2. maintenance is provided for the existing ramp and accessible route, i.e. responsive repairs are made to the ramp when needed, snow/ice removal is provided regularly along all parts of the accessible route.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: September 27, 2018

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD