



City of Boston
Mayor Martin J. Walsh
Board of Appeal

NOTICE OF DECISION
CASE NO. BOA848024
PERMIT # ALT755924

APPEAL SUSTAINED
WITH PROVISOS

In reference to appeal of

Domingo De La Paz

concerning premises

109 to 117A Blue Hill Avenue , Ward 12

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 granted.

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
Mayor Martin J. Walsh
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

April 9, 2019
DATE

Domingo De La Paz

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

109-117A Blue Hill Avenue, Ward 12

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Conditional Use
Article(s): 50(50-28)

Change Occupancy to include Coffee Shop.

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 BOA848024 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 Wednesday, January 23, 2019

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, February 14, 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# ALT755924 and April 12, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

109-117A Blue Hill Ave., Ward 12
BOA-848024
Date of Hearing: April 9, 2019
Permit: #ALT755924
Page: 2

This appeal seeks permission to change the occupancy at the location to include a coffee shop..

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 50, Section 28 Use regulations: coffee shop conditional

The proposal will allow the Appellant to have reasonable use of the premises by changing the occupancy to include a coffee shop. The project is located in a multifamily residential zoning subdistrict of the Roxbury Neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, 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 in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held a public hearing on the Appeal on April 9, 2019.

At the hearing, a representative of the Mayor's Office of Neighborhood Services stood in support of the project. There is also a letter of support on file with the Board. There was no opposition voiced at the hearing, however, there are multiple letters of opposition from abutters and the Roxbury Path Forward Neighborhood Association on file with the Board. The showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



City of Boston
Mayor Martin J. Walsh
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

109-117A Blue Hill Ave., Ward 12
BOA-848024
Date of Hearing: April 9, 2019
Permit: #ALT755924
Page: 3

The Board of Appeal finds that all of the following conditions are met:

- (a) The specific site is an appropriate location for such use;
- (b) The use will not adversely affect the neighborhood;
- (c) There will be no serious hazard to vehicles or pedestrians from the use;
- (d) No nuisance will be created by the use; and
- (e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a conditional use permit under Article 6, Section 6-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



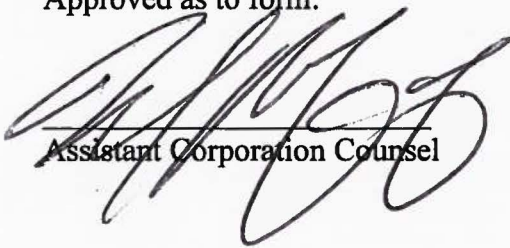
City of Boston
Mayor Martin J. Walsh
Board of Appeal

DECISION OF THE BOARD ON THE APPEAL OF

109-117A Blue Hill Ave., Ward 12
BOA-848024
Date of Hearing: April 9, 2019
Permit: #ALT755924
Page: 4

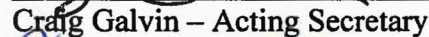
Therefore, acting under its discretionary power, the Board (the members and/or substitute member(s) sitting on this appeal) unanimously voted to grant the requested Conditional Use Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit, in accordance with this decision, with the following proviso(s) which, if not complied with, shall render this decision null and void.

Approved as to form:


Assistant Corporation Counsel

PROVISOS: BPDA design review with
attention to grates.

Signed, June 11, 2019


Christine Araujo - Chair
Mark Erlich
Bruce Bokerstaff
Craig Galvin - Acting Secretary
Kerry Walsh Logue
Tyrone Kindell, Jr.