COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-587

Appellant(s): Kevin Hastings vz. Appellee(s): City/Town of Needham
Daniel Walsh

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 1014.11.2 of the Massachusetts State Building Code (MSBC) for 148 Chestnut St. Needham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on June 24, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Present and representing the municipal Building Department was Stephen O'Neill.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1014.11.2 of the MSBC based upon the fact that the redesign for the stairway is to provide a sprinkler head on the interior side of the bedroom window within 3 feet of the glass surface. The window area also is in compliance with the proposed 7th edition of the MSBC (1019.1.4) which allows unprotected exterior glazing within 10 feet of the stair enclosure when the adjacent wall is at an angle of 180 degrees or greater to the stair well. The vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1014.11.2 is hereby granted and so ordered[2] on this date: June 24, 2008

Brian Gale (B) | Alexander MacLeod | Jacob Nunnemacher (B)

Brian Gale | Alexander MacLeod | Jacob Nunnemacher