COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-629

Appellant(s): Joao Vasconcelles vz. Appellee(s): City/Town of Fall River
James D. Aguiar Jr.

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, the Appellant requested that the Board grant him a variance from 780 CMR 1010.0, for 351 Montaup Street, 1st floor East and West, Fall River, 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 September 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant did not appear for the hearing. James D. Aguiar Jr. of the Fall River Building Department was present.

Discussion

A motion was made to dismiss the Appellant's request for a variance from 780 CMR 1010.0, based on the fact that the appellant did not appear and that the incorrect code is cited in the appeal request. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1010.0, is hereby dismissed and so ordered[2] on this date: September 4, 2008.

Jacob Nunnemacher — Brian Gale — Douglas Semple

[1] This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

[2] In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.