4COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 09-712
Appellant(s): Stephen Jablonski vz. Appellee(s):City of West Springfield
representing Slavic Church of W. Springfield Patrick Moore

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 6th Edition 780 CMR 3107.53 for 2611 Westfield Street, West Springfield, 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 February 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing. Patrick Moore and others appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety. Brian Gale had to leave and therefore was not present for this hearing. The appellant agreed to present to the two board members present.

Discussion

A motion was made to grant the Appellant's request for a variance from 6th Edition 780 CMR 3107.53, and allow for a sloped auditorium to go down four 4 feet provided that relief valves are installed, instead of a thick concrete floor slab, to relieve the hydrostatic pressure. 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 6th Edition 780 CMR 3107.53 is hereby granted and so ordered[2] on this date: February 24, 2009.

William Middlemiss Alexander MacLeod

[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.