

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-285

David Eisen,)
Appellant,)
)
v.)
)
City of Medford and Donald)
Belanger)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from Section 1022 of the Massachusetts State building code ("MSBC"). In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 22, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing The Equity Company "(Developer)" was David Eisen of Abacus Architects ("the Appellant"). There was no representative present from the City of Medford Office of the Building Commissioner.

Findings of fact

1. The subject property is a 100 year old school, located at 68 Central Avenue, Medford, which is being converted into 20 condominium units.
2. The Developer seeks to preserve the historic brick work and two existing stairways within the subject property.
3. The two stairways, located at each end of the building, are approximately 100 years old. Hundreds of school age children and adults have descended up and down the stairways as they exist today.
4. The stairway handrails and guards are not in compliance with the current MSBC requirements. The handrails are 5 1/2" to 6" lower than the current

MSBC requirements. The guards at landings are 5 ½" to 6" lower than current state building code requirements.

5. New code compliant railings have been added to the opposite side of each stairway.
6. The subject property has been reorganized. There is a new entrance, elevator and parking area towards the rear of the building. These changes will decrease the amount of people utilizing the stairways.
7. It is very expensive to alter the noncompliant stairways.
8. Any alterations to the stairways would mar its beauty, and the alterations would not increase the safety of the stairways.

Discussion

A motion was made by Mr. MacLeod to approve the guardrails at 36" and the handrails at 30" and the handrails at the newel post should not extend beyond the end of the stair. The code compliant handrail which has been placed on the opposite wall, which does not extend beyond the stair, shall be maintained. The existing stairs do not have to comply with MSBC height requirements but the stairs must be structurally sound and in compliance with the MSBC with all other requirements. Motion was seconded by Mr. Gale.

Conclusion

The Appellant's request for a variance is **GRANTED** from the Handrails Requirement, 780 CMR 1022.0, of the MSBC.

Motion carried 3-0.

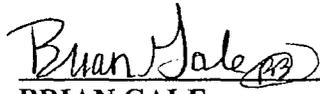
SO ORDERED,



HARRY SMITH



ALEXANDER MACLEOD


BRIAN GALE

DATED: November 8, 2006

** 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 receipt of this decision.*