

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-347

Gwen Scarborough,)
Appellant,)
)
v.)
)
Town of Needham and Stephen)
O'Neill,)
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 780 CMR 3603.8.1 of the Massachusetts State Building Code ("MSBC") for 43 Bradford Street, Needham, MA. 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 January 4, 2007 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 Town of Needham Building Department was Local Building Inspector, Stephen O'Neill. There was no representative present from the Town of Needham Fire Department.

Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR 3603.8.1 for the minimum ceiling height of the basement located at 43 Bradford

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.

Street, Needham, MA. There is no increased safety hazard by lowering the minimum ceiling height requirement and the Board of Building Regulations and Standards has already approved a MSBC change to lower the ceiling height requirement from 7 feet to 6 feet 10 inches. Motion carried 3-0.

Conclusion

The Appellant's request for variance from 780 CMR 3603.8.1 is hereby
GRANTED.

SO ORDERED.



HARRY SMITH



TIMOTHEE RODRIQUE



STANLEY SHUMAN

DATED: January 22, 2007

** 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.*