

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-336

Shawn McCormack,	)
Appellant,	)
	)
v.	)
	)
Town of Sutton and John	)
Couture,	)
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 (minimum ceiling heights, exception #3) of the Massachusetts State Building Code (“MSBC”) for 518 Mendon Road, Sutton, 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 December 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellant was Clem Lanza of Owens Corning. Present and representing the Town of Sutton Building Department was Building Commissioner, John Couture. There was no representative present from the Town of Sutton Fire Department.

**Discussion**

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<sup>1</sup> 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.

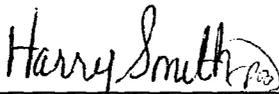
A motion was made to Grant the Appellant's request for a variance from 780 CMR 3603.8.1 (minimum ceiling heights, exception #3) of the MSBC in order to lower the ceiling height of a finished basement to six feet eight inches because there is no impact on life safety and it would be a hardship to comply with the current MSBC requirements.

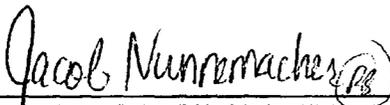
Motion carried 3-0.

**Conclusion**

The Appellant's request for a variance from 780 CMR 3603.8.1 (minimum ceiling heights, exception #3) is **GRANTED**.

**SO ORDERED.**

  
\_\_\_\_\_  
**HARRY SMITH**

  
\_\_\_\_\_  
**JACOB NUNNEMACHER**

  
\_\_\_\_\_  
**STANLEY SHUMAN**

DATED: January 18, 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.*