COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 08-511

Elizabeth Rover Bailey	)
Appellant	)
	)
v.	)
	)
Town of Framingham,	)
Appellee	)
	)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on 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§ 3603.13.3 of the Massachusetts State Building Code ("Code") for the renovation of their basement where the stairway was reconstructed which vastly improved the safety of the basement access at the building known as 64 Hillside Avenue in Needham ("Project").

By letter dated October 27, 2007, Mr. Steven O' Neill, Building Inspector for the Town of Needham ("Appellee") denied the final inspection for the renovation of an existing house's basement for the non-code complying stairway as set forth in 780 CMR §3603.13.3.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on Thursday, January 3, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Elizabeth Rover Bailey appeared on behalf of Appellant.

Reasons for Variance

The issue is whether Appellant should be allowed a variance from the limitations set forth in 780 CMR §3603.13.3 for the newly constructed stairway to access the newly renovated basement of a 1904 built house. The existing steep winding stairway was replaced with a safer stairway, but due to pre-existing conditions, meeting the minimum headroom requirement would require renovating all the stairways in the house and adding a dormer to the top of the house.