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Board of Building Regulations and Standards

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Alexander MacLeod, R.A.
Vice Chairman

Robert Anderson
Administrator

Date: July 30, 200

Name of Appellant:	Mr. Frank Saeli
Service Address:	89 Redington Road Needham, MA 02492
In reference to:	89 Redington Road Needham, MA 02492
Docket Number:	05-479
Property Address:	89 Redington Road Needham, MA 02492
Date of Hearing:	October 4, 2007

Enclosed please find a copy of the decision on the aforementioned matter.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 05-479

Frank Saeli, Appellant	)
v.	)
Town of Needham, 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§ 3603.12.1 & 3603.14 of the Massachusetts State Building Code ("Code") in order to have the exits from the sliding doors at the rear of the house remain as is without required landings and have stairs in the landscape remain without handrails ("Project").

By letter dated, August 13, 2007, Building Inspector Stephen A. O'Neil for the Town of Needham ("Appellee") wrote a violation notice for the removal of the required landings and handrails at the rear the house leading to the swimming pool area as set forth in 780 CMR § 3603.12.1 & 3603.14.

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, October 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Frank Saeli appeared on behalf of Appellant. Stephen A. O' Neil appeared on behalf of Appellee.

Exhibits

Exhibit 1: Application

Exhibit 2: State Building Code Appeals Board Sign-In Sheet
Exhibit 3: Four 8½ x 11 inch photos dated August 10, 2007.

Exhibit 4: Proposal by the homeowner to install handrails.

Reasons for Variance

The issue is whether Appellant should be allowed a variance from the limitations set forth in 780 CMR §§ 3603.12.1 & 3603.14. The Appellant testified that he hired a landscape architect to design the Project and a landscaper did the actual work. The first item at issue involved the requirement of landings with regard to two sliding doors. The Appellant testified that he believed that these doors fall under an exception in the Code for sliding doors, which was applied by the architect. He further stated that if a landing was required, there would be an issue based on the raised patio. There is a stairway down to a garden and a screened in porch, and people would have to step around a landing extending 48 inches. The Appellant explained that the options were either to install a landing that would graze the entire patio or to interpret the Project as an exception to the Code. In response, the Board explained that the Project required a variance rather than interpreting it as an exception in the Code.

The second issue dealt with a landscaped set of stairs (3 stairs) with stone retaining walls on each side (Exhibit 1, page 6). The Appellant testified that stairway is not an access way to the house. Appellant agreed to install handrails in addition to the preexisting guardrails on the stairs connected to the building in the rear of the residence, but seeks a variance relative to the stairs in the landscape.

The Chair explained that the 7th edition of the Code has classified where guardrails and handrails are necessary. Furthermore, the 7th edition states that any stair connected to a building requires guardrails and handrails, but the Code does not require guardrails or handrails on pathways. This Project falls under the 6th edition, and a variance is necessary for this Project.

Building Inspector Stephen O' Neil testified that after a pool had been installed at the residence, he noticed that the handrails had been eliminated. The Appellee further explained that the projects at issue here include the set of stairs in the front of the building and the landing requirement for the two rear doors. The Appellant and the Appellee previously agreed that the Appellant would add handrails to the set of stairs at the rear of the property. The Appellee did not object to the granting of the variance.

Decision

Board Member Stanley Shuman motioned to grant the variance to § 3603.12.1 for an exterior landing and § 3603.14 regarding handrails and guardrails, due to the fact that the building official has no issue with the granting of the variance and there is no life safety issue ("Motion"). The Motion was seconded by Dana Haagensen. Following testimony, and based upon relevant information provided, Board members voted to approve the Motion as described on the record. The Board voted as indicated below.

X..... Granted ☐..... Denied ☐..... Rendered Interpretation

☐.....Granted with conditions ☐..... Dismissed

The vote was:

X.....Unanimous ☐ ..... Majority

Robert Anderson

Robert Anderson

Stanley Shuman

Stanley Shuman

Dana Haagensen

Dana Haagensen

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: July 30, 2008

Patricia Barry

Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of $5.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
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