COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-589

Appellant(s): Richard Tedesco vz. Appellee(s): City/Town of Worcester
David Horne

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR 113.3 and 3603.13.3 of the Massachusetts State Building Code (MSBC) for 11 Sears Island Drive, Worcester, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on June 24, 2008 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 municipal Building Department was David Horne.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 113.3 and 3603.13.3 of the MSBC based upon the fact that the stairway height of 6' 2" is adequate since the stairway is used to access storage space only and that it would be a significant hardship at this point in time to change the stairway height to 6' 6" since the roof slope would have to be modified. The motion carried 3-0.

Conclusion

The Appellant's request for a variance from 780 CMR 113.3 and 3603.13.3 is hereby granted and so ordered[2] on this date: June 24, 2008.

Brian Gale | Alexander MacLeod | Jacob Nunnemacher

[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

[2] 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.