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

Docket No. 08-605

Appellant(s): Michael Mizrahi vz. Appellee(s): City/Town of Fall River
James D. Aguiar, Jr.

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 1010.0 Number of Exits, of the Massachusetts State Building Code (MSBC) for 148 Peckham Street, Fall River, 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 July 22, 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 also was Joseph Bisko.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1010.0 Number of Exits, of the MSBC based upon the fact that the building considered for this variance is an existing home and that the units in this building are first floor units and that the units have windows that are operable and large enough for emergency exit. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1010.0, Number of Exits, is hereby granted and so ordered[2] on this date: July 22, 2008.

William Middlemiss | Brian Gale | Alexander MacLeod

[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.