

COMMONWEALTH OF MASSACHUSETTS
State Building Code Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-614

Appellant(s): James Tsoukalas

vz. Appellee(s): City/Town of Leominster
William Charpentier

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 1010.2, Table 1010.2, and 3400.4.1 of the Massachusetts State Building Code (MSBC) for 11 to 17 Green Street, Leominster, 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 August 7, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

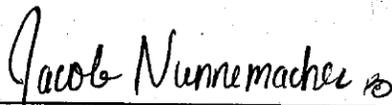
The Appellant appeared for the hearing *pro se*. William Charpentier was present also.

Discussion

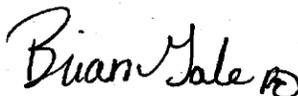
A motion was made to grant the Appellant's request for a variance from 780 CMR 1010.2, Table 1010.2, and 3400.4.1, of the MSBC contingent upon the appellant submitting second egress improvement plans to the Leominster Building Department for review and approval. In addition the building official will make a final inspection of the installed condition. The motion noted that these plans due not necessarily have to comply with the MSBC for new construction but must contain at least improved railings, lighting, and operable doors. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance, as described in the above Discussion, from 780 CMR 1010.2, Table 1010.2, and 3400.4.1, is hereby granted and so ordered² on this date: August 7, 2008.



Jacob Nunnemacher



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.