COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-668

Appellant(s): Jay Ierardi vz. Appellee(s): City/Town of Boston
Thomas O'Donnell

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, the Appellant requested that the Board grant him a variance from 780 CMR 903.2.1 and 919.3.2, for 1245 Adams Street, Boston, MA a.k.a. Baker Square Condos. 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 December 4, 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*. Others were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 903.2.1 and 919.3.2, and allow the alternate design as presented to the Board. The motion noted that the appellant's design will utilize additional fire rating protection, the design has been completed a third party review (Sullivan Code Group letter dated October 2, 2008) and the Boston ISD is not opposed to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 903.2.1 and 919.3.2, is hereby granted and so ordered[2] on this date: December 4, 2008.

Douglas Semple — Jacob Nunnemacher — Brian Gale

[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.