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

Docket No. 08-673

Appellant(s): David Harris vz. Appellee(s): City/Town of Springfield
Louise Vera

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 1014.11.3, for Building 11, One Armory Square, Springfield, 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 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. Harold Cutler was present as well.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1014.11.3, based on the fact that the 7th edition of 780 CMR has an allowance for the condition described in the testimony and due to the fact that a smoke detection system, which will activate the doors, will be installed in Stairways #1 and #2. The appellant also noted in testimony that there was no verbal objection from the State Building Inspector, regarding the granting of this 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 1014.11.3, 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.