

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-689

Appellant(s): Penny Van Dell

vz.

Appellee(s): City/Town of Salem
Tom McGrath

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 her a variance from 780 CMR 413.4, for 131 Essex Street, Salem, 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 January 8, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

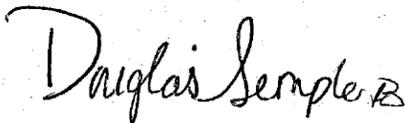
The Appellant appeared and testified for the hearing. Tom McGrath appeared as well.

Discussion

A motion was made to allow the Appellant to withdraw her request for a variance from 780 CMR 413.4, without prejudice and to allow her to work with the Salem building official and a fire protection engineer to develop a compliance alternative. 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The Appellant's request for a variance from 780 CMR 413.4, is hereby withdrawn without prejudice as described in the discussion above and so ordered² on this date: January 8, 2009.



Douglas Semple



Jacob Nunnemacher



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.