

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 09-725**

Appellant(s): Sudhakar Arde

vs.

Appellee(s): City of South Grafton  
Robert Berger

**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 the 7<sup>th</sup> Edition 780 CMR 5310.1 for 6 Eseks Circle, South Grafton, 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 March 24, 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.

**Discussion**

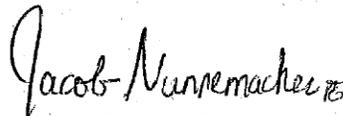
A motion was made to grant the Appellant's request for a variance from the 7<sup>th</sup> Edition of 780 CMR 5310.1 based on the exhibits and testimony that was presented indicating that the existing basement had an exit to the interior first floor and one to the garage which led to grade via a man-door in the garage. The variance request was to finish the basement for habitable use. The motion specified that no area in the basement shall be used for sleeping purposes. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

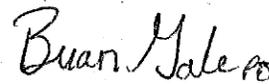
**The Appellant's request for a variance from the 7<sup>th</sup> Edition 780 CMR 5310.1 is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: March 24, 2009.**



Douglas Semple



Jacob Nunnemacher



Brian Gale

<sup>1</sup> 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

<sup>2</sup> 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.