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Vice Chairman

Robert Anderson
Administrator

Date: November 18, 2009

Name of Appellant: Florence Graves
Service Address: 94 Warren Street
Needham, MA. 02492
In reference to: 94 Warren Street
Needham, MA. 02492
Docket Number: 09-815
Property Address: 94 Warren Street
Needham, MA. 02492
Date of Hearing: 11-05-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

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

Docket No. 09-815

Appellant(s): Florence Graves

vs.

Appellee(s): City/Town of Needham
Building Official Stephen O'Neil

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 a variance to the 7th edition 780 CMR 5311.5, 5311.5.1, and 5311.5.4, for the property at 94 Warren Street, Needham, 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 November 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Florence Graves, Sam Graves, Tim Burke, and Stephen O'Neil appeared and testified before the board.

Discussion

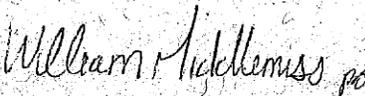
After testimony and discussion, a motion was made to grant the Appellant's request for a variance to the 7th edition 780 CMR 5311.5, 5311.5.1, and 5311.5.4 due to the fact the building official did not object. The Board noted also that this was a 'non required' stair. There was a second on the motion and a board vote was taken which was unanimous.

Conclusion

The Appellant's request for a variance to the 7th edition 780 CMR 5311.5, 5311.5.1, and 5311.5.4 is hereby **granted** as described in the discussion above and so ordered² on this date: November 5, 2009.



Douglas Semple



William Middlemiss



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.