The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618
Phone (617) 727-3200 Fax (617) 727-5732
TTY (617) 727-0019
www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: May 3, 2010

Name of Appellant:	Christopher Johnson
Service Address:	15 Fairway Road South Yarmouth, MA. 02664
In reference to:	53 Little Cove Circle West Dennis, MA. 02670
Docket Number:	10-848
Property Address:	53 Little Cove Circle West Dennis, MA. 02670
Date of Hearing:	03-04-10

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

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO.: 10-848

Christopher Johnson, Appellant,	)
v.	)
Town of Dennis, Appellees	)

MEMORANDUM OF DECISION AND ORDER ON APPELLANT'S REQUEST FOR FURTHER REVIEW

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 from 7th edition 780 CMR 5311.8, for the property at 53 Little Cove Circle, West Dennis, 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 4, 2010 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Appearing on behalf of the Appellant was Christopher Johnson. Brian Florence, Dennis building commissioner, appeared for the Appellee.

DISCUSSION

The issue before the Board is whether a variance should be granted from 780 CMR 5111.8, permitting an extension to a temporary building permit. 780 CMR 5111.8 states that "any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within six months after its issuance…"

The Board found that given the current economic climate, the appellant's claim of financial hardship was a legitimate ground for his appeal. It reasoned that an extension to the temporary building permit would relieve the appellant from any hardship associated with reapplying for the permit and simultaneously would cause no burden to any other individual. The Board's finding was further supported by the building commissioner's statement at hearing that he was not opposed to the Board granting the variance. At hearing, a motion was made to grant the appellant's request for variance; however set aside were the following conditions. The permit extension was not to last beyond 2 years, which the appellant would then need to reapply; and second, at the end of the 2 years, any new permit must meet the 7th edition of the building code for fire protection. There was a second on the motion and the Board vote was taken, which was unanimous.

ORDER

For the forgoing reasons, the Appellant's request for a variance from 780 CMR 5111.8 is hereby **GRANTED**, by a vote of 3-0, extending the Appellant's building permit under the aforementioned conditions.

SO ORDERED.

Jacob Nunnemacher	Brian Gale	Stanley Shuman
JACOB NUNNEMACHER	**BRIAN GALE**	**STANLEY SHUMAN**

DATED: May 3, 2010

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 receipt of this decision.