

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

**State Building Code Appeals Board¹
Docket No. 05-320**

Andrew Bedar, BKA
Architects, Inc.,
Appellant,

v.

Town of Nantucket
Appellee

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR 702.2, 705.3, 707.1, 3202.1, 3400.3 (6) and 3400.3 (8) of the Massachusetts State Building Code ("MSBC") for 17 South Water Street, Nantucket, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on November 2, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner, Dreamland Theatre ZMG, LLC, was Andrew Bedar of BKA Architects, Inc. ("Appellant"). Present and representing the Town of Nantucket Building Department was Bernie Bartlett. Other interested parties included Edward Maxwell, Leslie Woodson, Kevin Hastings and Tim Fitzroy.

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.

Findings of fact

1. The subject property is occupied by an historic 400 seat three story community theatre located at 17 South Water Street, Nantucket, MA.
2. The Appellant has plans to: renovate the theatre and add a mezzanine level; construct four residential units above with the third level units having loft spaces; and construct a two story addition with a restaurant and two offices over a basement parking garage.
3. Pursuant to the MSBC, the new interior lot line requires a Party Wall/Fire Wall at the existing theatre building and the proposed addition.
4. The Party Wall/Fire Wall creates two separate buildings with separate engineered building systems, duplication of areas such as restrooms, elevators, exit, stairs and projection booths. In effect, it splits all functions, creates inefficiency, wasted space and prevents a unified plan.

Discussion

A motion was made to Grant the Appellant's request for a variance from 780 702.2, 705.3, 707.1, 3202.1, 3400.3 (6) and 3400.3 (8) of the MSBC to allow for the elimination of the Party Wall/Fire Wall requirement along the interior lot line of the two commonly owned lots. By so doing, the Appellant would be able to move forward with the renovation of the theatre, adding a mezzanine level, constructing four residential units above with the third level units having loft spaces and constructing a two story addition with a restaurant and two offices over a basement parking garage.

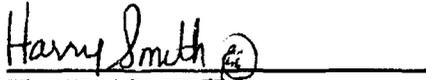
Conclusion

The Appellant's request for a variance from 780 CMR 702.2, 705.3, 707.1, 3202.1, 3400.3 (6) and 3400.3 (8) is hereby **GRANTED**. More Specifically, relief is granted from the requirement of Party Wall/Fire Wall along the interior lot line of the two commonly owned lots subject to the following conditions: the property is classified as a Type 5A structure; the fire separation between the assembly and the residential units is 2 hours; and the installation of a sprinkler system with 100% coverage at the existing building and the new addition.

SO ORDERED.



TIM RODRIQUE



HARRY SMITH



STAN SHUMAN

DATED: January 22, 2007

** 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.*