

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

**State Building Code Appeals Board
Docket No. 08-513**

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

Appellant(s): David C. Hawkins

v.

Appellee(s): Glenn R. Clancy,
Belmont Inspector of Buildings

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 Section 1014.6 and Section 1014.6.2 of the Massachusetts State Building Code ("MSBC") in reference to the property address of 19 Moore St., Belmont, MA 02478. 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 January 29, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present at the Hearing were:

The Appellant, David C. Hawkins representing the Town of Belmont, the Appellant's Consultant, Robert Vogel P.E. of Design Partnership, and Appellee, Glenn R. Clancy, Town of Belmont Inspector of Buildings.

Findings:

The second floor of the Belmont Town Hall Annex received a major renovation in 2004 which included two new stairways from the first floor. As a result of a pedestrian accident on the front stairs in March 2006 the Belmont Inspector of Buildings discovered the stair construction did not meet the building code, 780 CMR, in that some risers exceeded 7-inches in height as per Section 1014.6 and that the variation in riser height exceeded 3/16th inch and tolerance between the largest and smallest riser exceeded 3/8th inch as per Section 1014.6.2. In addition, the treads lacked slip resistant surfaces as required per Section 1014.9.

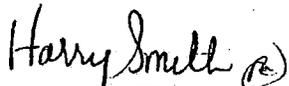
Discussion/Reason for Variance:

The Appellant hired Design Partnership to investigate the matter and make recommendations for a solution. Robert Vogel, P.E. of Design Partnership noted that upon review of the design and construction documents it was determined that the stairs were not fabricated in accordance with the drawings. Mr. Vogel noted the cost to bring the stairs in strict compliance with the Code would be in excess of \$225,000 at this time and suggested an alternative, as outlined in Attachment B of the appeal application that would achieve substantial compliance with the Code at a much more reasonable price. Mr. Clancy, the Appellee, agreed to this approach.

Decision:

A motion was made, seconded and unanimously voted for in favor to allow a variance to 780 CMR Section 1014.6 and 1014.9 as described and requested by the Appellant in Attachment B of the appeal application, attached hereto.

The following members voted in the above manner



Harry Smith, Chairman



Alexander MacLeod



Keith Hoyle

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: March 10, 2008


Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.