

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-287

Patrick Kriksceonaitis,)
Appellant,)
)
v.)
)
Town of Manchester and Paul)
Orlando,)
Appellees)
)

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 Section 1021.2 of the Massachusetts State building code ("MSBC"). 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 August 22, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing Patrick Kriksceonaitis ("Appellant") was Robert Rives, Esq. Present and representing the Town of Manchester was Paul Orlando, the Inspector of Buildings.

Exhibits¹

The following Exhibit was entered into evidence:

Exhibit 1: Eight photographs of the viewing stand

Findings of fact

1. The subject property is the Essex County Club located in Manchester, Massachusetts. A viewing stand was constructed for the grass tennis courts at the subject property.

¹ The Board takes administrative notice of its own records. 801 CMR 1.01(10)(h)(administrative notice); M.G.L. 30A, §11(5).

2. The stand has a railing which is 42 inches high and a horizontal shelf that is 36 inches high and 6 inches wide. The shelf has a six inch setback from the railing.
3. The railing obstructs the view of spectators.
4. The Appellant would like to lower the railing to 36 inches.
5. Paul Orlando, the Inspector of Buildings from Town of Manchester building department did not oppose the Variance being granted.

Discussion

A motion was made by Mr. Gale to **GRANT** the variance from section 1021.2 for the railing height on the viewing stand to be reduced from 42 inches to 36 inches.

Motion was seconded by Mr. MacLeod.

Conclusion

The Appellant's request for a variance is **GRANTED** from the railing height requirement, 780 CMR 1021.2, of the MSBC.

Motion carried 3-0.

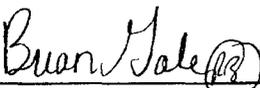
SO ORDERED,



HARRY SMITH



ALEXANDER MACLEOD



BRIAN GALE

DATED: November 8, 2006

**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.*