

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-346

|                                  |   |
|----------------------------------|---|
| Reverend Robert Casey,           | ) |
| Appellant,                       | ) |
|                                  | ) |
| v.                               | ) |
|                                  | ) |
| City of Boston and William Good, | ) |
| 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, the Appellant asks the Board to grant a variance from 780 CMR 903.3 and 780 CMR 917.8 of the Massachusetts State Building Code (“MSBC”) for the Gate of Heaven Church located at 615 East Fourth Street, Boston, 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 January 4, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. There was no representative present from the City of Boston Inspectional Services Department. There was no representative present from the City of Boston Fire Department.

**Discussion**

A motion was made to grant the Appellants request for a variance from 780 CMR 903.3 and 780 CMR 917.8 of the MSBC because it would be impractical to mount the audio/visual fire alarm devices at the required heights when the existing interior wall is

<sup>1</sup> 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.

made out of terra cotta block, which presents a hardship for the Appellant. Due to the architectural nature of the church it would not be feasible to remove the terra cotta block. The installation of this fire alarm system is also a substantial improvement to this building. Motion carried 2-0. Stanley Shuman was not present for the hearing.

**Conclusion**

The Appellant's request for variance from 780 CMR 903.3 and 780 CMR 917.8 of the MSBC is hereby **GRANTED**.

**SO ORDERED.**

  
\_\_\_\_\_  
**HARRY SMITH**

  
\_\_\_\_\_  
**TIMOTHEE RODRIQUE**

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.*