

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-290 & 05-291

Vernon Woodworth,)
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, Appellant asks the Board to grant a variance from 780 CMR 705.3 (Openings), 780 CMR 1010.2 (Minimum number), 780 CMR 503.1 (General Height and Area Limitations), and 780 CMR 713.1 (General Exception) of the Massachusetts State Building Code ("MSBC") for 117 Heath Street and 127 Heath Street, Boston. 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 September 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Exhibits²

The following Exhibits were entered into evidence:

- Exhibit 1: Five photos of structural members of 127 Heath Street.
- Exhibit 2: Two photos of exterior elevations of 117 Heath Street.

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.

² The Board takes administrative notice of its own records. 801 CMR 1.01(10)(h)(administrative notice); M.G.L. 30A, §11(5).

Exhibit 3: Site plan for Eblana Brewery Condominiums at 117 and 127 Heath Street.

Findings of fact

1. The subject properties are located at 117 and 127 Heath Street, Boston, MA.
2. The Appellant is appealing a denial letter from the City of Boston Inspectional Services Department ("ISD") pertaining to a building permit application for the subject properties.
3. The following violations were cited as the reason for the denial; 780 CMR 705.3 (Openings), 780 CMR 1010.2 (Minimum number), 780 CMR 503.1 (General Height and Area Limitations), and 780 CMR 713.1 (General Exception).
4. The subject property located at 117 Heath Street ("Building 117") contains openings along the zero lot line of the property.
5. The subject property located at 127 Heath Street ("Building 127") does not contain openings at the zero lot line of the property.
6. The ground floor dwelling units of the subject properties have a single means of egress directly to grade.
7. Buildings 117 and 127 are Use Group R-2, Type 3B construction therefore the height requirement for said buildings are 60 feet. Building 127 is 68 feet high and Building 117 is 40 feet high.
8. The structural members of the subject properties consist of wood framing, heavy timber, columns and beams, cast iron columns and beams and steel columns and beams which require a half-hour fire resistance rating for the dwelling unit separation. The Appellant seeks the Boards approval to allow the unprotected cast iron structural and steel structural members supporting the heavy timber floor to remain unprotected.

Discussion

780 CMR 503.1

A motion was made to grant the Appellant's request for a variance from 780 CMR 503.1 with the proviso that a full NFPA 13 sprinkler system is installed throughout Building 127. Motion carried 3-0. Variance GRANTED for Building 127.

780 CMR 705.3

A motion was made to grant the Appellants request for a variance from 780 CMR 705.3 to allow the existing openings to remain in Building 117 at the North East elevations provided that the total amount of the openings do not exceed fifteen (15) percent of each elevation for that wall. The Board will not address the request for a

variance for Building 127 because there are no openings at the zero lot line for this building. Motion carried 3-0. Variance GRANTED for Building 117.

780 CMR 1010.2

A motion was made to grant the Appellants request for a variance from 780 CMR 1010.2 based on the fact that the five apartments at issue are at grade level and the occupants will be exiting at grade. The difference between exiting directly at grade and exiting from an apartment into a second floor hallway with two exits that lead to grade is minimal. Occupants exiting at grade will have no restrictions on the direction in which they may choose to travel upon exiting the buildings.

The Appellant must install a full NFPA 13 sprinkler system throughout Buildings 117 and 127. Smoke detectors must also be installed in any room that is designated as a bedroom on the floor plan(s) that are submitted to the building department for a building permit. Motion carried 3-0. Variance GRANTED for the Buildings 117 and 127.

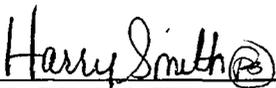
780 CMR 713.1

A motion was made to grant the Appellants request for a variance from 780 CMR 713.1 to allow the unprotected steel and heavy timber to remain exposed provided that the rest of Buildings 117 and 127 meet the fire resistance rating for dwelling unit separation and a full NFPA 13 sprinkler system is installed throughout Building 117 and 127. Motion carried 3-0. Variance GRANTED for the subject properties located at 117 and 127 Heath Street.

Conclusion

Based upon the foregoing, the Appellant's request for variance from 780 CMR 705.3, 780 CMR 1010.2, 780 CMR 503.1, and 780 CMR 713.1 has been **GRANTED**.

SO ORDERED.



HARRY SMITH

Jacob Nunnemacher
JACOB NUNNEMACHER

Brian Gale
BRIAN GALE

DATED: November 17, 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 the date of this decision.*