COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 05-421

Better Living Sunrooms,	)
	)
Appellant	)
	)
v.	)
	)
Town of Acton,	)
Appellee	)
	)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("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§3603.14.2 of the Sixth Edition of the Massachusetts State Building Code ("Code"). Appellant had requested final inspection and approval from the municipal building official for completing a glass-enclosed, three-season sunroom ("Request").

By letter dated April 11, 2007, Frank Ramsbottom, Building Inspector for the Town of Acton ("Appellee"), denied the Request, concluding that §3603.14.2 of the Code requires the installation of interior guard rails, 36 inches above the floor, around the perimeter of the sunroom. The letter stated, "Specifically, the walls of the sunroom are made up of sliding windows with a fixed panel at the bottom 18" in height and the deck on which the sunroom is built is 42" above the grade below, thus creating a potential falling hazard which needs to be protected."

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on May 22, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Patrick Stevens and James F. Ringer were present at the hearing on behalf of Appellant. Francis Ramsbottom, Building Inspector for the Town of Acton was present on behalf of the Town.

Discussion

The issue is whether 780 CMR §3603.14.2 of the Code requires the installation of interior guard rails around the perimeter of a glass-enclosed sunroom where the knee wall area of the enclosure consists of fixed safety glazing. Section 3603.14.2 states, in pertinent part:

> Porches, balconies, decks or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guardrails not less than 36 inches (914 mm) in height.

After hearing testimony and reviewing photographs of the glass-enclosed sunroom ("Project"), the Board concluded that guard rails are not required under §3603.14.2. The Board observed that the Project did not involve a porch, such as a screened-in porch, where a guard rail would be required for safety. Instead, the Project involved fixed safety glass panels and did not constitute a screened-in porch. Thus, additional interior guard rail protection is not necessary in this case. Accordingly, the Board concluded that a variance from the Code was not required for the Project.

The Board also observed that its conclusion about §3603.14.2 can be applied to the same types of sunroom installations with fixed safety glass knee walls.

Decision

The Chair entertained a motion that a variance from 780 CMR §3603.14.2 is not required and that the Board was rendering an interpretation of the Code ("Motion"). Following testimony, and based upon relevant information provided, Board members voted to allow the Motion, as described on the record. The Board voted as indicated below.

☐..... Granted ☐..... Denied **X..... Rendered Interpretation**☐

____.....Granted with conditions ☐..... Dismissed

The vote was:

X.....Unanimous .....☐ Majority

Gary Moccia — Robert Anderson - Chair — Keith Hoyle

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.

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

A true copy attest, dated: October 26, 2007

Patricia Barry, Clerk

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:

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