



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Board of Building Regulations and Standards

One Ashburton Place, Room 1301

Boston, Massachusetts 02108-1618

Phone (617) 727-7532 Fax (617) 227-1754

TTY (617) 727-0019

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 9, 2009

Name of Appellant: James Alex, MD.

Service Address: 158 Boston Post Road
Weston, MA. 02493

In reference to: 158 Boston Post Road
Weston, MA. 02493

Docket Number: 09-770

Property Address: 158 Boston Post Road
Weston, MA. 02493

Date of Hearing: 08-06-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-770

Appellant(s): James Alex, MD

vs.

Appellee(s): Town of Weston
Robert Morra

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, the Appellant requested that the Board grant a variance to 6th edition 780 CMR 1016.4, 1016.5, and 1016.6, for the property at 158 Boston Post Road, Weston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. James Alex, Keith Gross, Architect, and Robert Morra appeared at this hearing.

Discussion

Based on the testimony and exhibits that were presented, a motion was made to grant the Appellant's request for a variance to the 6th edition 780 CMR 1016.4, 1016.5, and 1016.6. The motion was made to grant the variance, since the building official is not opposed to it and because of the unique hardship on the appellant to replace the ramp system. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance to the 6th edition 780 CMR 1016.4, 1016.5, and 1016.6 is hereby granted as described in the discussion above and so ordered² on this date: August 6, 2009.



Jacob Nunnemacher



Douglas Semple



Alexander MacLeod

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 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.