

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-331

Caruso Amerigo,)
Appellant,)
)
v.)
)
City of Waltham and Brian Bower,)
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 3603.8.1 Exception C of the Massachusetts State Building Code ("MSBC") for 81 Woodlawn Avenue, Waltham, 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 December 7, 2006 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. Present and representing the City of Waltham Building Department was Senior Building Inspector, Brian Bower. There was no representative present from the City of Waltham Fire Department.

Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR 3603.8.1, Exception C for the minimum ceiling height of the basement located at 81 Woodlawn Avenue, Waltham, MA. Motion carried 3-0.

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.

Conclusion

The Appellant's request for variance from 780 CMR 3603.8.1, Exception C is hereby **GRANTED**.


SO ORDERED.



HARRY SMITH



JACOB NUNNEMACHER



STANLEY SHUMAN

DATED: January 18, 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.*