

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1024

_____)
Jacinto P. Carrera)
Appellant)
)
v.)
)
City of Boston,)
Appellee)
_____)

BOARD’S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board (“Board”) on Appellant’s appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1. Appellant sought review of decisions by the City of Boston’s Inspectional Services Department (“ISD”) concerning 780 CMR 1001.2 (IEBC); 1008.1.1 (IBC); IBC Chapters 27 and 28; and 780 CMR 1208.2 (IBC), as applied to a building with three dwelling units located at 8 Parker Hill Avenue, Boston, MA.

Procedural History

On or about May 5, 2011, the ISD issued a Building Code Refusal citing the following: (1) violation of 2009 IEBC, MA-amended, Section 1001.2 by creating or extending a nonconformity because of proposed use of floor area in the basement for living area; (2) violation of 2009 IBC, MA-amended, Section 1008.1.1 because doors would be less than minimum size; (3) noncompliance with Chapters 27 and 28 of the 2009 IBC, MA-amended, due to lack of independent access to the mechanical and electrical systems as a result of the proposed basement extension; (4) noncompliance with 2009 IBC, Section 1208.2 due to low ceiling heights.

The Board convened a public hearing on August 4, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Conclusion

The Board considered a motion to: (1) overturn ISD’s decision with respect to Section 1001.2 of the 2009 IEBC as amended by Massachusetts; (2) have Appellant and ISD confirm that, pursuant to Section 1008.1.1 of the 2009 IBC as amended by Massachusetts, doorways conform to the Code; (3) approve Appellant’s decision to install a stairway to the basement area to provide access to electrical and mechanical systems in accordance with Chapters 27 and 28 of the 2009 IBC as amended by Massachusetts and on the condition that Appellant provides emergency lighting for the stairway; (4) grant a variance to Section 1208.2 of the 2009 IBC with respect to ceiling heights because of the hardship caused by pre-existing conditions of the building. All of these are contingent upon Appellant’s providing smoke and carbon monoxide detection in the first floor and basement areas in accordance with the 8th Edition of 780 CMR, and hardwired interconnected smoke detectors

in the common area of the building located in the stairway from the first to the third floors (“Motion”). The Motion was **approved** by a unanimous vote.



H. Jacob Nunnemacher

Brian Gale, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: November 8, 2011