

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-368

Jerald Baden,	)
Appellant,	)
	)
v.	)
	)
City of Cambridge and Michael	)
Grover,	)
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, the Appellant asks the Board to grant a variance from 780 CMR Table 705 of the Massachusetts State Building Code (“MSBC”) for residential dwelling located at 57 Howard Street, Cambridge, 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 February 20, 2007 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. There was no representative present from the City of Cambridge Building and Fire Departments.

**Discussion**

A motion was made to grant the Appellant’s request for a variance from 780 CMR Table 705 of the MSBC because the newly constructed residential dwelling is fully sprinklered, the new dwelling has fewer window openings than the previous structure,

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<sup>1</sup> 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.

there is a driveway between the new dwelling and the adjacent property and the adjacent neighbor submitted a letter in support of the approval of this variance.


Motion carried 3-0.

**Conclusion**

The Appellant's request for a variance from 780 CMR Table 705 is hereby  
**GRANTED.**

**SO ORDERED.**

  
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**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**KEITH HOYLE**

DATED: March 14, 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.*