COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal[1]

Docket No. 08-579

Appellant(s): Andrea Taylor vz. Appellee(s): City/Town of Shrewsbury
Patricia A. Sheehan

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 her a variance from 780 CMR 3603.14.1, for 34 Boylston Circle, Shrewsbury, 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 June 5, 2008 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*. Others were present as well as indicated on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 3603.14.1, based on the testimony, which indicated that the lower railing height on the 1st to 2nd floor staircase, although not compliant with the current code, does not appear to jeopardize the safety of the current occupants of the building. The motion noted that the railing height as constructed meets the requirements of the previous edition of the code and that the fire detection systems of the building were upgraded when the construction was done. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 3603.14.1, is hereby granted and so ordered[2] on this date: June 5, 2008.

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[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.