

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD  
DOCKET NO.: 10-842

Ali Fakharzadeh,	)
Appellant,	)
	)
v.	)
	)
Town of Arlington,	)
Appellees	)
	)

**MEMORANDUM OF DECISION AND ORDER ON APPELLANT’S  
REQUEST FOR FURTHER REVIEW**

**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 from 7<sup>th</sup> Edition 780 CMR 1208.2, for the property at 61 Massachusetts Avenue, Arlington, 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 February 16, 2010 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Ali Fakharzadeh appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

**DISCUSSION**

The issue before the Board is whether a variance should be granted from 780 CMR 1208.2, for the 7’3” ceiling height in the 500 sq. ft renovated space on the first floor.

The appellant testified as background information that the building was purchased in 2001 primarily as a business venture and that the building belonged to a dentist. It consists of

two floors, each approximately 3,000 sq. ft. each. The appellant believes that the house is listed as both residential and business zoned. The first floor was rented for several years and was later redesigned with new windows to give more natural light.

The Board in their discussions was concerned that if this variance was to be approved then there must be exit signs that must be lit as well as have backup emergency lighting. The Board ( Sandy) made a motion to **grant** the variance of Section 1208.2 for the 7'3" ceiling height in the approximate 500 sq. ft. renovation space on the first floor. This variance is subject to complying with the following: 1) There must be two means of egress on the entire floor. 2) Exit signs must be above the pocket door leading into the stacked kitchen, as well as at the door leading to this new ventilated renovated space. 3) There must also be a second means of egress about the door as well. This second means of egress will have no locks on it. People should be free to get out from the inside. 4) They must also have levered handles as well. There was a second on the motion and the Board vote was taken, which was unanimous.

**ORDER**

For the forgoing reasons, the Appellant's request for a variance from 780 CMR 1208.2, without prejudice, is hereby **GRANTED**, by a vote of 3-0.

**SO ORDERED.**

\_\_\_\_\_  
**WILLIAM MIDDLEMISS**

\_\_\_\_\_  
**DOUGLAS SEMPLE**

  
\_\_\_\_\_  
**SANDY MACLEOD**

DATED: July 8, 2010

*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 receipt of this decision.*