

Building Code Appeals Board
Minutes
May 13, 2013

ORLEANS TOWN CLERK

K. Deery, ASST
13 NOV 7 8:28AM

Present: Andrew Miao, Tim Brady, and Peter Coneen
Absent: Dorofei Klimshuk

Chairman Andrew Miao called the meeting to order at 2:00 p.m. The meeting was duly noticed. The Chairman noted that there was a quorum of members present. Also in attendance were the Assistant Building Commissioner Thomas Evers and Board secretary Sandy Stewart. The Board considered one application:

Jim O'Brien appealed the Assistant Building Commissioner's decision with regard to emergency egress and the applicability of Massachusetts Building Code 8th Edition, under the adopted 2009 International Existing Building Code (IEBC), Sections R310.1, and the 2009 International Building Code (IBC). The property is located at 37 Cedar Land Road, Orleans Map #37, Parcel #86

After the preliminaries, the Applicant summarized his case.

In addition to the application, the Board reviewed untitled floor plans and photos. The Board met at the property for a scheduled site visit prior to the meeting. Documents reviewed are maintained in the original application case file in the Building Department at Town Hall.

Mr. Miao then asked for a motion regarding this appeal. Mr. Brady made a motion, on the appeal of Jim O'Brien, to deem the current configuration of six (6) 18x49 inch windows sufficient means of emergency egress from bedroom #3 at 37 Cedar Land Road. This decision was conditioned so that any changes in door or window configuration to bedroom #3 require compliance with Massachusetts Building Code 8th Edition, Section R310.1.2.

The motion was seconded by Mr. Coneen. A vote was taken for the Motion, which carried unanimously: Brady, Coneen, and Miao - yay. See attached Decision.

Mr. Brady made a motion to adjourn the meeting. The motion was seconded by Mr. Coneen and the meeting adjourned at 2:33 p.m.



Sandy Stewart
Recording Secretary

**TOWN OF ORLEANS
BUILDING CODE APPEALS BOARD
19 SCHOOL ROAD
ORLEANS, MA 02653**

APPEAL 2013-02

APPLICATION OF:	BUILDING CODE APPEALS BOARD
JAMES P. & BARBARA W. O'BRIEN	BOOK 22145, PAGE 228
NO. 37 CEDAR LAND ROAD	MAP #37, PARCEL #86
ORLEANS, MA	TOWN OF ORLEANS, MA

DECISION

THE HEARING:

On May 13, 2013, Appeal No. 2013-02 came on for hearing before the Orleans Building Code Appeals Board wherein Jim O'Brien appealed the Assistant Building Commissioner's decision with regard to emergency egress and the applicability of Massachusetts Building Code 8th Edition, under the adopted 2009 International Existing Building Code (IEBC), Sections R310.1, and the 2009 International Building Code (IBC). The property is located at 37 Cedar Land Road, Orleans Map #37, Parcel #86. The hearing was duly advertised and scheduled.

Mr. Andrew Miao, Chairman of the Orleans Building Code Appeals Board, chaired the hearing. Also in attendance were Mr. Timothy Brady and Mr. Peter Coneen, regular Board members; Assistant Building Commissioner Mr. Thomas Evers; and Ms. Sandy Stewart, Board Secretary. Board member Mr. Dorofei Klimshuk was absent.

The Chairman verified compliance with Open Meeting laws and announced that a quorum was met and that all members present would vote on the application.

Mr. Jim O'Brien presented the details of his application. No person appeared, either in favor of, or in opposition to, the application. The Chairman announced that no letters were received by the Town with regard to this application. The Chairman then closed the hearing for the taking of further testimony.

Based upon the application, a site visit by the Board, untitled sketch plan, and photos, the Board adopted the following

FINDINGS OF FACT:

1. The subject property, known as 37 Cedar Land Road, is shown as Parcel #86 on Orleans Map #37.
2. The applicant is appealing the Building Commissioner's decision that the means of egress for bedroom #3 do not comply with the minimum 20x24 inch requirements for an emergency means of egress (Section R310.1.2).
3. The application for variance for bedroom #3 involves a reclassification of a room from sitting to bedroom in a single family home with no change of use of the entire home.
4. There is no new construction in this room. No window or door changes from what exists.

5. The applicant represents that the current configuration of six (6) casement and two (2) picture windows, one double hung window to an adjacent room, and two interior doorways all in a room approximately 180 square feet in size provides ample emergency egress.
6. The bedroom in question, bedroom #3, is located on the ground level.
7. The deviation from Code presents no substantial risk to life safety.

DECISION:

Based on the findings, on motion by Mr. Brady and seconded by Mr. Coneen, the Board granted a variance from Massachusetts Building Code 8th Edition, Section R310.1.2, to allow the current configuration of six (6) 18x49 inch windows as sufficient means of emergency egress from bedroom #3 at 37 Cedar Land Road.

This decision is conditioned so that any future changes in door or window configuration in bedroom #3 requires compliance with Massachusetts Building Code 8th Edition, Section R310.1.2.

VOTING IN FAVOR:

Mr. Andrew Miao
Mr. Timothy Brady
Mr. Peter Coneen

Dated: May 13, 2013

15/
Andrew Miao, Chairman

15/
Timothy Brady

15/
Peter Coneen