

Building Code Appeals Board

Minutes

June 9, 2014

'14 JUN 27 2:07PM

Present: Andrew Miao, Dorofei Klimshuk, Tim Brady, and Peter Coneen
Absent: None

Chairman Andrew Miao called the meeting to order at 4:00 p.m. The meeting was duly noticed. The Chair noted that there was a quorum of members present. Also in attendance was Building Commissioner Brian Harrison, Assistant Building Commissioner Thomas Evers, and Board secretary Sandy Stewart. The Board considered one application:

Daniel and Andrea Schmieg applied for a variance to the Massachusetts Building Code 8th Edition Section R322.3, under the adopted 2009 International Building Code (IEBC) and the 2009 International Building Code (IBC), to demolish and replace an existing boat house in the same location. Section R322.3.2 requires that new construction in a high hazard flood zone have a first floor elevation set at the V Zone flood elevation plus two feet. The boat house is historically water dependent, and compliance with the building code will render the building unsuitable for its intended use. The property is located at 13 Kingsbury Lane, Orleans Map #71, Parcel #1.

Variance granted. See attached Decision. Documents reviewed by the Board include the application of Daniel and Andrea Schmieg filed with the Building Department on May 14, 2014; a site plan entitled "Proposed Boathouse Replacement, Bank Stabilization, and Plant Management" prepared by Ryder & Wilcox, Job No. 9658, dated 9/11/2013, revised 1/15/2014, 1/28/2014, and 2/11/2014; building plans prepared by Ryder & Wilcox, "Proposed Boat House Re-Build", dated 5/12/14 (3 pages); Town of Orleans Conservation Commission Order of Conditions dated 3/3/14; and photographs submitted by the appellant. The Board conducted a site visit by the Board on Friday, June 6, 2014. Documents reviewed are maintained with the original case file in the Building Department.

On motion by Mr. Klimshuk and seconded by Mr. Tim Brady, the Board voted unanimously to approve minutes of the October 4, 2013 meeting.

Mr. Klimshuk announced that he will not be seeking reappointment to the Board when his term expires on June 30, 2014. The Board reluctantly accepted the news and bade Mr. Klimshuk well.

Mr. Coneen made a motion to adjourn the meeting. The motion was seconded by Mr. Klimshuk and the meeting adjourned at 4:25 p.m.

Sandy Stewart
Recording Secretary

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

APPEAL 2014-01

APPLICATION OF:
DANIEL AND ANDREA SCHMIEG
NO. 13 KINGSBURY LANE
ORLEANS, MA

BUILDING CODE APPEALS BOARD
BOOK 23431, PAGE 4
MAP # 71, PARCEL #1
TOWN OF ORLEANS, MA

DECISION

THE HEARING:

On June 9, 2014, Appeal No. 2014-01 came on for hearing before the Orleans Building Code Appeals Board wherein Daniel and Andrea Schmieg applied for a variance to the Massachusetts Building Code 8th Edition Section R322.3, under the adopted 2009 International Building Code (IEBC) and the 2009 International Building Code (IBC), to demolish and replace an existing boat house in the same location. Section R322.3.2 requires that new construction in a high hazard flood zone have the lowest horizontal structural member set at the V Zone flood elevation plus two feet. The boat house is historically water dependent, and compliance with the building code will render the building unsuitable for its intended use. The property is located at 13 Kingsbury Lane, Orleans Map #71, Parcel #1. 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. Peter Coneen, Mr. Timothy Brady, and Mr. Dorofei Klimshuk, regular Board members; Mr. Brian Harrison, Building Commissioner; Mr. Tom Evers, Assistant Building Commissioner; and Ms. Sandy Stewart, Board Secretary. The Chairman announced that a quorum was met and all members present would vote on the appeal.

Mr. David Lyttle, principal of Ryder & Wilcox, Inc. presented the details of the appeal. No one appeared, either in favor of or in opposition to, the appeal. The Chairman announced that no letters were received by the Town with regard to this matter. The Chairman then closed the hearing for the taking of further testimony.

Based upon the application, including the appeal filed with the Building Department on May 14, 2014; a site plan entitled "Proposed Boathouse replacement, Bank Stabilization, and Plant Management" prepared by Ryder & Wilcox, Job No. 9658, dated 9/11/2013, revised 1/15/2014, 1/28/2014, and 2/11/2014; building plans prepared by Ryder & Wilcox, "Proposed Boat House Re-Build", dated 5/12/14, 3 pages; Town of Orleans Conservation Commission Order of Conditions dated 3/3/14; photographs submitted by the appellant; and a site visit by the Board on Friday, June 6, 2014; the Board adopted the following FINDINGS OF FACT:

1. The subject property, known as 13 Kingsbury Lane, is shown as Parcel #1 on Orleans Map 71.
2. The proposed boat house will replace an existing boat house in the same location and is essentially an identical building to what currently exists.

Orleans Building Code Appeals Board
Case 2014-01, 13 Kingsbury Lane

3. The proposed boat house is to be set at Elevation 10, three feet higher than the existing boat house to allow for increased flow into and out of the bay due to a recent new natural inlet to Pleasant Bay.
4. A boat house is an intentionally water dependent structure which is common throughout New England.
5. The proposed boat house is an accessory structure which will not be occupied as habitable space and will have no plumbing.
6. The appellant accepts full responsibility for the cost to replace the building if a catastrophic flood occurs, and for any other cost resulting from damage or cleanup as a result of building destruction.
7. The proposed boat house will be more conforming to Building Code (8th Edition) and more storm resistant than what presently exists.
8. Literal enforcement of the Building Code would preclude replacement of an aged water dependent structure historically common in coastal areas.

Based on the FINDINGS OF FACT, on motion by Mr. Brady and seconded by Mr. Klimshuk, the Board grants a variance to the Massachusetts Building Code 8th Edition, Section R322.3, to demolish and replace an existing water-dependent boat house at 13 Kingsbury Lane, in conformity with plans cited above and submitted with this appeal.

VOTING IN FAVOR:

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

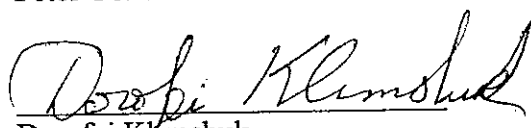
Date: June-9, 2014




Andrew Miao, Chairman



Peter Coneen



Dorofei Klimshuk



Timothy Brady