

APPEALS

BOARD OF FIRE AND BUILDING CODE APPEALS

DATE:	TUESDAY- JULY 14, 2015	
TIME:	9:00 A.M.	
PLACE:	800 2nd Ave. So. Metro Howard. Conference Center	
<u>TERM</u> <u>EXPIRES</u>	<u>BOARD MEMBERS</u>	
3/1/2018	John Olert, Chairman	
3/1/2017	Rich McCoy, Vice Chairman	
3/1/2017	Eddie Hutton	
3/1/2016	Bill Wamsley	
3/1/2016	Rodney Wilson	
3/1/2019	Randy Clark	
3/1/2017	Bill Steffenhagen	
3/1/2018	Katherine Gathings	
3/1/2018	John Finch	
ALSO PRESENT		
I.		
II.		
III.		

<p>2015B-21</p>	<p>Danny Osman, appellant for the property located at 7741 Highway 70 S, being further identified as being map / parcel 12700030100, appeals the decision of the Director of Codes and Building Safety as it applies to the renovation of existing building for use and occupancy as assembly. Appellant appealed the IBC 1015.1 requires two means of egress where the occupant load exceeds 50 people or where the common path of egress travel exceeds 75 feet -</p>
<p>2015B-31</p>	<p>Kenny Ellsworth, appellant for the property located at 2110 Elliston Pl, being further identified as being map / parcel 09215012700, appeals the decision of the Director of Codes and Building Safety as it applies to the new R-2 apartment development, 2110 Elliston. Appellant appealed the IBC 1013.5 mechanical equipment. guards shall be provided where appliances, equipment, fans, roof hatch openings or other components that require service are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below.</p>
	<p>DEFERRED til July 14, 2015</p>
<p>2015B-40</p>	<p>Appellant appealed the mixed occupancy with 26 r-2 residential units and 2 mercantile/business/restaurant spaces with type 5a construction and full NFPA 13 in the mercantile areas and above. NFPA 13r will be installed in all other residential units. The 2006 IBC</p>

currently does not have a specific section concerning live/work spaces. The following is the 2012 IBC live/work section. Section 419 live/work units 419.1 general. A live/work unit shall comply with sections 419.1 through 419.9. Exception: dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit are permitted to be classified as dwelling units with accessory occupancies in accordance with section 508.2. 419.1. 1. Limitations. The following shall apply to all live/work areas: 1. the live/work unit is permitted to be not greater than 3,000 square feet (279 m²) in area; 2. The nonresidential area is permitted to be not more than 50 percent of the area of each live/work unit; 3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and 4. Not more than five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time. 419.2 occupancies. Live/work units shall be classified as group r-2 occupancy. Separation requirements found in sections 420 and 508 shall not apply within the live/work unit where the live/work unit is in compliance with section 419. Nonresidential uses which would otherwise be classified as either a group h or s occupancy shall not be permitted in a live/work unit. Exception: storage shall be permitted in the live/work unit provided the aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities 419.3 means of egress. Except as modified by this section, the means of egress components for a live/work unit shall be designed in

accordance with chapter 10 for the function served.

419.3.1 Egress capacity. The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with table 1004.1.1.

419.3.2 spiral stairways. Spiral stairways that conform to the requirements of section 1009.12 shall be permitted.

419.4 vertical openings. Floor openings between floor levels of a live/work unit are permitted without enclosure. [f]

419.5 fire protection. The live/work unit shall be provided with a monitored fire alarm system where required by section 907.2.9 and an automatic sprinkler system in accordance with section 903.2.8.

419.6 structural. Floor loading for the areas within a live/work unit shall be designed to conform to table 1607.1 based on the function within the space.

419.7 accessibility. Accessibility shall be designed in accordance with chapter 11 for the function served.

419.8 ventilation. The applicable ventilation requirements of the international mechanical code shall apply to each area within the live/work unit for the function within that space.

419.9 plumbing facilities. the nonresidential area of the live/work unit shall be provided with minimum plumbing facilities as specified by chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the live/work unit is required to be accessible by section 1103.2.13, the plumbing fixtures specified by chapter 29 shall be accessible..

<p>2015B-41</p>	<p>Chuck Gannaway, appellant for the property located at 340 Seven Springs Way, being further identified as being map / parcel 16000028700, appeals the decision of the Director of Codes and Building Safety as it applies to the construction of business facility without areas of refuge. Appellant appealed the IBC 1007.3 exempts accessible stair ways from areas of refuge in a sprinkled building.</p>
<p>2015B-42</p>	<p>Manuel Zeitlin, appellant for the property located at 115 Woodmont Blvd, being further identified as being map / parcel 11603001500, appeals the decision of the Director of Codes and Building Safety as it applies to the new I-2 assisted living Alzheimer’s unit, known as Abes Garden, under construction per 201415845. Appellant appealed the IBC 1024.6 exit discharge, access to a public way. The exit discharge shall provide a direct and unobstructed access to a public way. One exit discharge is along a driveway with slope greater than 1:20 without compliant stairs or ramps.</p>
<p>2015B-43</p>	<p>Jason Gibson, appellant for the property located at 1238 Martin St, being further identified as being map / parcel 10507011300, appeals the decision of the Director of Codes and Building Safety as it applies to the construction of 56,000 s.f. residential / mixed-use facility. Appellant appealed the 1. 2012 IBC section 419 includes code language for live / work units. 2. 2012 IBC section 1007.3 exceptions 2 and 3 exempt areas of</p>

	refuge from buildings equipped throughout with an automatic sprinkler system.
2015B-44	Steve Johnson , appellant for the property located at 0 Stone Brook Dr , being further identified as being map / parcel 17100015900 , appeals the decision of the Fire Marshal as it applies to the to construct five story apartment building above parking garage. Appellant appealed the 2006 IFC - section d103.2 limits the slope on a fire apparatus access road to 12%.
2015B-45	Davis Architects , appellant for the property located at 501 5th Ave S , being further identified as being map / parcel 09310023300 , appeals the decision of the Director of Codes and Building Safety as it applies to the for a proposed new residential development: " Olmsted SoBro ". Appellant appealed the 1.) 2006 thru 2012 IBC table 705.4 requires a 3-hr fire wall when separating r-2 occupancies, and a 2-hr fire wall when separating s-2 occupancies. Local metro amendment requires 4-hr fire walls regardless of occupancy type being separated. 2.) 2006 IBC table 715.4 requires fire door and fire shutter assemblies to have a fire protection rating consistent with the fire rating of the wall in which they are installed.

<p>2015B-46</p>	<p>Danny Ficarra/Richard Heidenreich, appellant for the property located at 1300 4th Ave N , being further identified as being map / parcel 08209019300, appeals the decision of the Director of Codes and Building Safety as it applies to the master permit to construct a three and four story multi-family residential apartment building and parking garage for " PDG - GERMANTOWN ". Appellant appealed the 1) 2006 IBC - section 706.4 require fire walls to have a fire resistance rating of not less than four (4) hours as per local amendment. ; 2) 2006 IBC - section 1007.3 require that in order for exit stairways to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches minimum between handrails and shall incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with section 1007.6 or a horizontal exit. ; 3) 2006 IBC - section 1026.1 require every sleeping room on the first, second, third and fourth story or within basements of group r occupancies shall have at least one operable window or exterior door approved for emergency egress or rescue. Such opening shall open directly into a public street, public alley, yard or court as per local amendment..</p>
<p>2015B-47</p>	<p>Danny Ficarra/Richard Heidenreich, appellant for the property located at 1305 3rd Ave N, being further identified as being map / parcel 08209019800, appeals the decision of the Director of Codes and Building Safety as it applies to the Master permit to construct a three, four and five story multi-family residential</p>

	<p>building for " PDG - GERMANTOWN ". Appellant appealed the 1) 2006 IBC - section 706.4 require fire walls to have a fire resistance rating of not less than four (4) hours as per local amendment. ; 2) 2006 IBC - section 1007.3 require that in order for exit stairways to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches minimum between handrails and shall incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with section 1007.6 or a horizontal exit. ; 3) 2006 IBC - section 1026.1 require every sleeping room on the first, second, third and fourth story or within basements of group r occupancies shall have at least one operable window or exterior door approved for emergency egress or rescue. Such opening shall open directly into a public street, public alley, yard or court as per local amendment.</p>
<p>2015B-48</p>	<p>Simon Barrow, appellant for the property located at 5652 Granny White Pike , being further identified as being map / parcel 15900026400, appeals the decision of the Director of Codes and Building Safety as it applies to the construction of 40000 s.f. two story addition to existing church. Appellant appealed the IBC 1104.5 states 'accessible routes shall coincide with or be located in the same area as a general circulation path. Where the circulation path is interior, the accessible route shall also be interior. IBC 1106.6 states "accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance.....where buildings have multiple accessible</p>

	entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.".
2015B-49	Bud Spiewak/Mark Bednarz , appellant for the property located at 501 Church St , being further identified as being map / parcel 09306108200 , appeals the decision of the Director of Codes and Building Safety as it applies to the to construct 45 story mixed use building consisting of apartments, condominiums and parking for" 505 Building " under Master Permit Application T201511196.. Appellant appealed the 2006 IBC and 2006 IFC - section 1017.4 prohibit the use of corridors to serve as supply, return, exhaust, relief or ventilation air ducts.
2015B-50	Thomas Sean Hinton , appellant for the property located at 514 5th Ave S , being further identified as being map / parcel 09310034700 , appeals the decision of the Director of Codes and Building Safety as it applies to the appealing unisex requirements and minimum head height requirement at exit corridor/mezzanine . Appellant appealed the general info: restaurant with bar a-2, 3b construction type, non sprinkled single story 2300 sf with 2 exits part of strip center with 2 other tenants approximate 6000 total sf.1). IBC 1208.2 minimum ceiling heights. Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet

	<p>rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm). 2). IBC 505.1 general. 505.1 general. A mezzanine or mezzanines in compliance with section 505 shall be considered a portion of the story below. Such mezzanines shall not contribute to either the building area or number of stories as regulated by section 503.1. The area of the mezzanine shall be included in determining the fire area defined in section 702. The clear height above and below the mezzanine floor construction shall not be less than 7 feet (2134 mm). 3). amendments to 2006 IBC table 2902.2 occupancies with one bathroom for both sexes minimum allowable square footage for restaurants with gross square footage of 1000sf.</p>
<p>2015B-51</p>	<p>Benjamin Williams, appellant for the property located at 4723 Mccool Ct, being further identified as being map / parcel 04800016100, appeals the decision of the Fire Marshal as it applies to the new single family residence under construction per permit 201332577. Appellant appealed the 2006 IFC appendix B. B105.1 fire flow requirement for single-family residences. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet shall be 1,000 gallons per minute.</p>

<p>2015B-52</p>	<p>Terry Barnes, appellant for the property located at 200 Commerce St, being further identified as being map / parcel 09306203000, appeals the decision of the Director of Codes and Building Safety as it applies to the Appeal ramp slope requirements. Appellant appealed the broken egg restaurant a-2 3500 sf un sprinkled IBC ramps section 1010.2 slope. Ramps used as part of a means of egress shall have a running slope not steeper than one unit vertical in 12 units' horizontal (8-percent slope). The slope of other pedestrian ramps shall not be steeper than one unit vertical in eight units horizontal (12.5-percent slope).</p>
<p>2015B-53</p>	<p>Andrew M. Stone, appellant for the property located at 7838 River Road Pike, being further identified as being map / parcel 07700002700, appeals the decision of the Fire Marshal as it applies to the Proposed construction of single-family home. Appellant appealed the 1) IFC appendix d103.2 grade. Fire apparatus access roads shall not exceed 10 percent in grade. Exception: grades steeper than 10 percent as approved by the fire chief. 2) IFC appendix d103.4 dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with table d103.4.</p>
<p>2015B-54</p>	<p>David Hunter, appellant for the property located at 941 W Eastland Ave, being further identified as being map / parcel 08208031900, appeals the decision of the</p>

	<p>Director of Codes and Building Safety as it applies to the proposed A-2 restaurant with basement and 2 dining levels of 2200 SF total, to be known as Maple & Eggs Restaurant. Appellant appealed the IBC 903.2.1.2 group a-2. An automatic sprinkler system shall be provided for group a-2 occupancies where one of the following conditions exists: 1. the fire area exceeds 5,000 square feet; 2. the fire area has an occupant load of 100 or more; or 3. the fire area is on a floor other than the level of exit discharge</p>
<p>2015B-55</p>	<p>Powell Studio, appellant for the property located at 1200 Villa Pl 100-112, being further identified as being map / parcel 10501023300, appeals the decision of the Director of Codes and Building Safety as it applies to the Proposed change of use to an A-2 restaurant and bar to be known as Old Glory in 2068 SF in existing 5-B Sprinkled construction per CACR 201518321. Appellant appealed the IBC 1108.2.8 dining areas. In dining areas, the total floor area allotted for seating and tables shall be accessible. Exception 1. In buildings or facilities not required to provide an accessible route between levels, an accessible route to a mezzanine seating area is not required, provided that the mezzanine contains less than 25 percent of the total area and the same services are provided in the accessible area</p>

<p>2015B-57</p>	<p>Lindsey Vanzin, appellant for the property located at 116 Harrington Ave, being further identified as being map / parcel 05104008800, appeals the decision of the Fire Marshal as it applies to the renovations to existing single family home for use as a Residential Board and Care, per 201509257..Appellant appealed the NFPA 101 section 33.2.2.3.1, residential board and care secondary means of egress. In addition to the primary route, each sleeping room shall have a second means of escape ... (3) outside window or door operable from the inside without the use of tools, keys, or special effort, that provides a clear opening of not less than 5.7 square feet, with the width not less than 20 inches, the height not less than 24 inches.....</p>
<p>2015B-58</p>	<p>Adrienne Ciuba, appellant for the property located at 222 2nd Ave S, being further identified as being map / parcel 09306409600, appeals the decision of the Director of Codes and Building Safety as it applies to the proposed 24 Story above grade structure with ~25,000 SF floorplate with 1 level of below grade parking, retail, 9 levels of above grade parking and 14 stories of business occupancy.. Appellant appealed the 1) IBC 1007.3 exit stairways. In order to be considered part of an accessible means of egress, an exit stairway shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with section 1007.6 or a horizontal exit. 2) IBC 1007.4 elevators. In order to be considered part of an accessible means of egress, an elevator ... shall be accessed from either an area of</p>

	refuge complying with section 1007.6 or a horizontal exit.
2015B-59	<p>David Powell, appellant for the property located at 1101 Mcgavock St, being further identified as being map / parcel 09309023300, appeals the decision of the Fire Marshal as it applies to the proposed expansion of existing A-2 Restaurant, Kayne Prime, into adjacent space on ground level of existing 4-story mixed use structure of 1-B construction.. Appellant appealed the IFC 903.2.1 group a. an automatic sprinkler system shall be provided throughout buildings and portions thereof used as group a occupancies as provided in this section. For group a-1, a-2, a-3, and a-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the group a-1, a-2, a-3 or a-4 occupancy is located, and in all floors between the group a occupancy and the level of exit discharge. For group a-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in section 903.2.1.5. IFC 903.2.1.2 group a-2. an automatic sprinkler system shall be provided for group a-2 occupancies where one of the following conditions exists: 1.The fire area exceeds 5,000 square feet (465 m2); 2. The fire area has an occupant load of 100 or more; or 3. The fire area is located on a floor other than the level of exit discharge..</p>

V.

VI.

Minutes Approved: _____

Chairman

Date: _____

The meeting will be held at the “**DEVELOPMENT SERVICES CONFERENCE CENTER**” in the Metro Office Building at 800 2nd Ave. So.