

Agenda
Board of Appeals
City Commission Chambers
City Hall
Tuesday, September 25th, 2012, 8 a.m.

Approval of Minutes of Last Meeting

New Business

- 1. Appeal 2-2012.** David Dandar is currently remodeling the 3rd story of the historic Boyce Greeley Building which is located at 231 S. Phillips Avenue to accommodate new apartment/condo dwelling units. The north elevation of the building is located on an adjoining property line and has windows which are allowed to be maintained due to the historic significance of the existing structure. Mr. Dandar has requested the penetration of the north elevation to accommodate dryer vent openings and fireplace flues, but the building code and the existing building code do not allow any new openings on a wall located on an adjoining property line. Mr. Dandar has submitted an "Encroachment Easement" that would be mutually signed by his corporation and the adjoining property owner to grant the openings. The document specifies that the adjoining property owner, the grantor of the easement, will not interfere with the permitted use of the easement area in the future. Because this is outside of the scope of the building code, the Board is requested to review the easement to allow the openings in the north elevation of the Boyce Greeley building.
- 2. Appeal 3-2012.** Jamie Scherer and Wade Behm of Lloyd Companies are requesting to install and restore windows on the south elevation of the Tri State Creamery Building which is located at 524 N. Main Avenue. The south elevation of the Tri State Creamery building is located on the property line and previously abutted the Youth Enrichment Services building which has been razed to accommodate the new construction of the Uptown Lofts, a four story multi use apartment building. The original window openings were sealed from the interior of the Tri State Creamery Building when the Youth Enrichment Services building was built. The building code and the existing building code do not allow new openings in an exterior wall located on a property line. Lloyd Companies have submitted a "Restrictive Covenant Agreement", which is intended to be signed the two corporations that own the respective properties, which eliminates the future construction of any structure within the north ten feet of the Uptown Loft property to accommodate the installation of the windows on the south elevation of the Tri State Building. Because a restrictive covenant or easement is outside of the scope of the building code, again, the Board is requested to review the easement to allow the opening on the south elevation of the Tri State Creamery building.
- 3. Appeal No. 4-2012.** Jeff McKay representing TMI Hospitality and Steve Goldade of Lightowler Johnson Associates has recently submitted plans for the Marriot Fairfield Inn and Suites, an 82 unit hotel to be located at 4035 N. Bobhalla Drive, adjacent to the Sanford Pentagon complex. The 4 story structure will be a V-A construction, a

wood framed one hour type of construction and will be protected throughout with an NFPA 13 automatic fire extinguishing system. At issue is whether the exterior bearing walls are required to be fire rated with regard to an exterior fire exposure. Table 601-Fire-Resistance Rating Requirements for Building Elements clearly indicates that an exterior bearing wall is required to be of a one hour fire resistive construction. Staff interprets that said fire resistivity is applicable to both an interior and exterior fire exposure. Mr. Goldade, the architect of record, maintains that the footnotes of Table 601 references Table 602-Fire-Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance which additionally references Section 705.5-Fire Resistance Ratings for exterior walls which states that the fire resistance rating for an exterior wall located greater than 10 feet from an interior lot line is allowed to be fire rated from an interior fire exposure only. The utilization of exterior wood panel sheathing for structural purposes is requested in lieu of exterior gypsum sheathing.

Adjournment

Accessibility. Upon request, accommodations for this hearing will be provided for persons with disabilities. Please contact the Planning and Building Services Department office at 367-8670, 48 hours in advance.

For questions concerning this hearing, please call (605) 367-8670 for assistance.