

**Agenda
Board of Appeals
City Council Chambers
Tuesday, April 26th, 8 a.m.**

Approval of Minutes of Last Meeting

New Business

- 1. Appeal 2-2016 (BOA-BL-004431-2015).** Keith Thompson of Koch Hazard and Associates will represent the River Square (the old DM&E building) office remodel project located at 140 N. Phillips Avenue. The building code in effect in 1981 and the current building code does not allow openings in a wall located less than 3 feet to a property line. Board of Appeals 16-1981 which was heard during the design phase of the original building construction approved unprotected windows and door openings on the south elevation of the building which is located on the property line. A condition of the original appeal was the filing of a legal instrument with the Minnehaha Register of Deeds to accommodate either a no building clause on the adjacent property to allow the openings, or to close up the windows with a conforming fire resistive construction at any time that the property to the south is changed. No such document is on record with the County. In order to access the existing overhead doors which provides vehicular access and egress to the basement parking garage, a mutual access easement is in effect for the east 35 feet of the south elevation.



In addition to replacing the existing window openings, new mechanical and flood vent openings are proposed on a property line where openings are not permitted. Also the existing roof above the parking garage is proposed to be converted to a first story deck with the construction of new floor framing to

create open decks on the third and fourth stories with an option of an open deck on the second story also. Based on the south elevation of the new decks being located on the property line, a one hour fire resistive wall with no openings would be required to extend from the existing parking garage roof to the new deck roof above the fourth story. Mr. Thompson will seek approval to replace the existing window openings located on the south property line; to install new flood gate and mechanical openings where openings are not permitted; and to build the exterior decks to the south property line with no wall fire protection based on the existing access easement which is located on the adjacent property.

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.