

City of Columbia, Missouri

*701 E. Broadway
Columbia, Missouri*



Meeting Minutes

Monday, May 22, 2017

4:30 PM

Regular Meeting

City Hall Conference Room 1A

701 E Broadway

Columbia MO 65201

Building Construction Codes Commission

I. CALL TO ORDER

BCCC Members signed attendance sheet. Those in attendance were Dave Weber, Josh Lehmen, Matt Young, Austin Tipton, Brian Connell, Jay Creasy, Doug Muzzy and John Page. Also in attendance were Nina Hennkens, John Simon, Cindy Mustard and Jerry Daugherty.

Present: 8 - Brian Connell, Jay Creasy, Douglas Muzzy, David Weber, Matthew Young, John Page, Josh Lehmen and Austin Tipton

Excused: 2 - Robert Jackson and Fred Malicoat

Absent: 11 - Kas Carlson, Christopher Howe, Todd Noordsy, Christopher Roberts, Stuart Scroggs, Richard Shanker, Lyman Moberg, John Pile, Robert Grove, Andrew Wallace and John Neyens

III. APPROVAL OF AGENDA

CHAIRMAN CONNELL: I call the meeting of the Commission to order. Before we start into the agenda, I would respectfully request that one of our members make a motion to amend the agenda to mercifully allow our applicants the opportunity to be heard before we go into old business.

MR. WEBER: I'd make that motion to do that.

CHAIRMAN CONNELL: Okay. We have a motion.

MR. PAGE: Second.

CHAIRMAN CONNELL: We have a second.

MR. PAGE: Second.

CHAIRMAN CONNELL: All in favor.

(Unanimous vote for approval.)

CHAIRMAN CONNELL: All opposed?

Amended

IV. APPROVAL OF MINUTES of April 24, 2017 meeting

Attachments:

[Draft April 24, 2017 granicus minutes -to be approved at 5-22-17 meeting](#)

Amended

VII. OLD BUSINESS

Attachments: [IPMC section 702.4.1 discussion](#)

CHAIRMAN CONNELL: We have some attachments from the International Plumbing -- or IBMC maintenance code. I'm sorry. Section 702.4.1. Discussion?

John, are you ready to lead that charge?

MR. SIMON: I'm sorry? Which one?

CHAIRMAN CONNELL: The -- under old business, we have an attachment for the property maintenance code.

MR. SIMON: Mr. Shanker brought that up and it was tabled, and I have no further --

CHAIRMAN CONNELL: Okay.

MR. SIMON: -- I have nothing else to speak about.

MR. WEBER: I don't remember what the discussion was.

MR. SIMON: It was about egress windows in the -- in a basement sleeping area, not requiring an emergency escape, rescue. And why the date of 1993 or -- was applicable and why can't all basement sleeping units without emergency escape and egress be okay to enter it?

MR. PAGE: I'm not sure what he was asking. I asked him -- I said, "Are you suggesting we change the two -- the 1993 date or do away with it or something?" And he never really answered me. I don't know what he's after, so -- I don't -- I'm not sure we're even talking about it.

CHAIRMAN CONNELL: I don't know if it's appropriate to extend -- table it again until Mr. Shanker is here.

MR. CREASY: I'd say table it again. That's fine.

CHAIRMAN CONNELL: Motion to table?

MR. PAGE: Motion to table.

MR. WEBER: Second.

CHAIRMAN CONNELL: All in favor.

(Unanimous vote for approval.)

Tabled

VIII. NEW BUSINESS

BCCC Case 17-003, 512 Rollins St, Kappa Kappa Gamma Sorority, LaGrange Place Lot & Pt. Lots 6, 7&8

Attachments: [Case 17-003-512 Rollins-Kappa Kappa Gamma](#)

We have a Notice of Appeal for the decision of a code official in regard to the following described property in the City of Columbia, County of Boone, State of Missouri, legally described as LaGrange Place, Lot 5, and part of lot 6, 7, and 8, known as 512 Rollins Street, otherwise known as Kappa Kappa Gamma Sorority. The applicants require a variance or ruling with respect to the above-described property.

On the 2nd day of May, said code official disapproved in quotes from the furthest sleeping rooms on both second and third floors. It appears the common path of egress traveled exceeds 75 feet. Refer to the International Building Code Section 1006.3.2(2). See attached letter of denial. The reason he/she gave such action or such action was that Exception 1, Exception -- or, I'm sorry, Exception 1, Section 1006.2.1 which states: R-2 and R-3 occupancies. One means of egress is permitted within and from individual dwelling units, with a maximum occupant load of 20 when a dwelling unit is equipped throughout with an automatic sprinkler system -- I think this means in compliance with Section 903.3.1.1 and 903.3.1.2 -- and the common path of egress traveled does not exceed 125 feet does not apply.

Everybody got that?

Which does not comply with Section Table 1006.3.2(2) of the 2015 International Building Code as adopted by the City of Columbia, Missouri, which provides or requires that the maximum common path of egress travel distance for stories with one exit or access to one exit for Group R-2 is 75 feet. A copy of the notice of said official is hereto attached.

The basis for this appeal as permitted by the International Building Code, as adopted by City of Columbia is -- and the applicant has checked the true intent of the code or the rules legally adopted thereafter are incorrectly interpreted. They have also checked undue hardship is created by strict compliance with the letter of the code; it has no significant effect on the health, safety, and welfare of the public or any individual.

Applicant is requesting a variance or ruling or both in the way of carrying out the strict letter of the code because, one, the spirit of the code is satisfied by Exception 1, Section 1006.2.1.2; the floor plans -- two, the floor plans were designed in accordance with the 2012 IBC codes before the 2015 codes were adopted, and were and are fully compliant with the 2012 IBC; and three, many previous editions of the codes allow 125

feet of egress travel; and four, a potential hardship of \$121,520 in lost revenue per year if the appeal is not passed. Applicant is proposing the common path of egress travel, which is approximately 99 feet of actual distance from the most remote point of sleeping rooms to and along halls 207-307 be approved.

If there are no questions about that recital, we'll ask the applicants to come forward and be sworn in, and you can state your case.

(Applicant sworn.)

MR. SCROGGS: Greetings. I'm Stuart Scroggs. First, I'd -- before I get into the case, I'd like to introduce two folks here that came to attend: Cindy Muster is on the Kappa renovation committee; and Jerry Dougherty, running our construction, is the contractor for the project.

Before we get into the details, Kappa Kappa Gamma is the really beautiful sorority. It's on the southwest corner of Rollins and Richmond. It's right opposite Phi Kappa Beta and Phi Beta Phi sorority across the street on the north side of Rollins. The old house was built back in the twenties, and there was an addition to the existing house that was finished back in the late 1960s.

Real quick overview of the project, what it consists of: We're adding a new west addition. That's going to consist of nine sleeping rooms -- nine on the second floor, nine on the third floor. And those are going to be over a covered drive with parking spaces below.

We're adding a new stair tower on the east side of the building for life safety, and in the process we're going to be eliminating two existing fire escapes. We're going to completely renovate the existing kitchen on the interior of the old part of the building; provide new after-hours serving space; and a new -- we're going to totally renovate the new house director's apartment.

Total capacity of the house after we're done with the project will increase only by ten, and that's because we're pretty much eliminating an overcrowded condition throughout the existing house, which they have any number of three- and four-person rooms. And so after the project is finished, we're going to have maybe -- except for just a very few old rooms -- sleeping rooms are going to be two-person rooms after we're done with the project.

So let's talk a little bit about the case. As I mentioned, the west addition, which is what this case is about, has a second floor and a third floor. And the four most remote rooms on the very south end of the addition exceed what -- the 2015 code limitation, which is for a maximum travel distance of 75 feet common path of egress travel. And we

exceed that, by my calculation, by 24 feet.

So in the plan review, I responded and cited Exception 1 of Section 1006.2.1, and it says in Group R-2, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20, where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903 -- I won't recite those -- and the common path of egress travel does not exceed 125 feet. So we have nine rooms per floor in the west addition, two members in each sleeping room. The actual occupant load is 18.

And so we are under the maximum occupant load as per this exception, which the maximum it lists as 20. The building is fully sprinklered. In fact, I think they were one of the first Greek houses on campus to be sprinkled. And the actual common path of egress travel as it's designed is 99 feet, and that's less than 125 feet distance, which this exception speaks to. And I want to talk to previous editions of the code as well.

So I feel like the exception applies. The City did not agree with that. But I feel like it complies with the spirit of the code. And I think primarily maybe Nina is going to talk to this a little bit later, but one of the things that the City mentioned is that this exception specifically talks about dwelling units. Well, there is a difference between dwelling units and sleeping units. And let me -- Brian probably knows this by heart; maybe some of you others do not, so as I understand it, by definition, a sleeping room provides a room or space not only for sleeping. It may include permanent provisions for living, eating, and one of these two: Kitchen facilities or sanitation. So that's a sleeping room.

A sleeping room has all of those things except kitchen facilities or sanitation, whereas a dwelling unit includes all of those things. So we just have a sleeping room, and that's why I feel the spirit of the code in this instance as it applies, a sleeping unit is essentially the same as a dwelling unit. So, really, the only difference is that a sleeping unit doesn't contain either a kitchen or a bathroom.

And I guess as an aside, if we had put a kitchen into the plans for this, nobody can really tell me that that's any safer as far as life safety because that's where most fires start, when you have a kitchen. That's just as an aside.

But, again, I think the spirit of the code complies with this edition. But let's go back to when we started this project -- when I started. I started work on this project back in the fall of 2015, and preliminary plans were completed and all done and finished in the spring of 2016. When the project was being designed, I was using the 2012 IBC, which allows a common path of egress travel at 125 feet. It clearly says that. So the design,

as I was preparing it, was completely code-compliant and legal. I'll say it again: It was completely code-compliant and legal.

If my timing had just been better by maybe eight or so months, maybe nine, whatever it was, we wouldn't be here, because it was code-compliant and legal. I did a little bit of research, and as far as the 125 path of -- common path of egress travel, here's kind of a chronology: The 2012 edition of the IBC, it clearly allows a common path of travel at a maximum distance of 125 feet if the building is sprinkled. In IBC 2009, ditto, exactly the same: Common path of travel a maximum distance of 125 feet if the building is sprinkled. IBC 2006, exactly the same, ditto. So for at least three code cycles, nine years of the code, prior to it changing back in the summer, a maximum distance of 125 feet was exactly what the code stated.

The common path of egress travel, it's actually -- in doing a little bit of research, it's actually jumped around a little bit because, the best I could tell -- I even went back as far as BOCA (ph) -- I'm not even sure that BOCA clearly spoke to use group R-2. It does talk about use group B and use group I-3, but not for R-2. Anyway, that's neither here nor there.

So am I responsible for not catching the 75-foot common path of egress travel? Yes. I'll own up to that. I am. I went back and I was part of many meetings with Brian and John here as we reviewed the 2015 code, and I even went back to our meeting minutes, and along about August we discussed changes in Chapter 7. And in the following week, on August 18th, we discussed chapters in -- changes in Chapter 11. I couldn't find anything that we actually talked about Chapter 10. I'm sure that we reviewed it, and I'm not saying that we didn't, but it wasn't reflected in the meeting minutes.

And all of you probably -- I know all of you had this book. This was the book of significant changes to the 2015 International Building Code. And I went back and looked, and for the record, the common path of egress travel distance, which did change in the 2015 code, is not listed in the significant changes. I'm not saying we didn't review it in our code meetings. I just don't remember, but at any rate, I designed the building the way it was according to 2012.

Would a simple solution just be to take out one of the rooms on top of each other

and put in a flight of stairs? It would appear that would be the simple solution, but actually not, because we went to the Board of Adjustment last summer, and we were granted a parking waiver for a minimum of 40 spaces to be provided, which we've done. But if we knock out one of the rooms on top of each other and land the stair at grade directly below, we would take out, by my estimation, probably six or eight spaces, and then we wouldn't be able to meet the parking waiver for the Board of Adjustment. So it's just not that quite simple to do a simple fix, you know, to make this up.

Is there a cost hardship? Yes, I think I prepared that letter, and it's a pretty significant change when you look at the number of members that potentially would be lost if we have to lop off these rooms at the end of the hall. The figure was -- what's the figure, Brian? I wasn't -- 120 --

MR. CONNELL: The cite is -- let me see here.

MR. PAGE: One twenty-one something, wasn't it?

MR. CONNELL: \$121,520.

MR. SCROGGS: They gave me the -- I think the cost per member was something like \$7,500. And when you figure up the number of rooms times numbers per member, that was the cost that we came up to.

Oh, let me get my little laser measurer. I've got a laser measurer. And I did this earlier. So let me just point out the actual distance of 24 feet, which we are over the 75 feet by. I'm going to do this over your heads. So I did this earlier. It should be about right on here. This is -- well, I was three inches off. This is 24 feet from here to that back wall, basically where the fire station is. That's the distance that we're exceeding the 75 feet by.

So let me just recap. That's essentially the case. Again, I believe Exception Number 1 to Section 1006.2.1 applies, because I believe a sleeping unit is essentially equal to a dwelling unit, and actually less of a fire hazard as far as life safety goes. The building is sprinkled. The exception allows a common path of travel at 125 feet. We are below that. I believe the exception complies with the spirit of the code. That's why I'm here. The code that I designed the floor plan to initially was the 2012 code, and that allows for 125 feet of common path of travel. The last nine years prior to the codes changing back last summer all allowed 125 feet maximum common path of travel distance.

And as I stated a second ago, we can't just simply take out a couple of rooms, put in a flight of stairs due to the problems with meeting the parking variance from the Board of Adjustment. The financial hardship is significant. It's \$121,000 per year. That's

pretty significant. I pointed out the real distance. That's basically from me to that back wall. That's how far we're talking about.

So before I open it up for any questions you might have, I'd like -- I would like to ask one of you to make a motion something like this: Exception Number 1, as per Section 1006.2.1, meets the spirit of the code, and that the last three code cycles, nearly ten years, allowed a common path of egress travel of 125 feet for use group R-2, and that the common path of egress travel as shown on the plan is satisfactory.

That would be a model motion I would like -- I would hope that one of you would make. So I'm asking you to use your judgment and your experience and reason to vote yes on this appeal. And should any of you be uncomfortable or decide you can't support the appeal, just realize that the three previous editions of the code all allowed this. It was the standard.

And -- well, that's all I've got to say. That's really the case. That's what I have to present to you. Before I open it up into questions, Spring Walton-Jenkins has come in since we've started. She's also a member of the renovation committee. Spring or Cindy or Jerry, if you have any thoughts or comments or anything you'd like to add, now would be the time.

MS. WALTON-JENKINS: I don't.

MS. MUSTER: I don't.

MR. DOUGHERTY: I don't.

MR. SCROGGS: Any questions any of you have?

CHAIRMAN CONNELL: Mr. Page?

MR. PAGE: I've got a question, but do we need to hear the staff report first, or do they need to be sworn in?

CHAIRMAN CONNELL: Do you wish to hear from Staff?

MR. PAGE: I think we should. Do they have to be sworn in, too?

CHAIRMAN CONNELL: They do.

MR. PAGE: Okay.

(Sworn.)

CHAIRMAN CONNELL: John, do you have questions?

MR. PAGE: I was going to ask a question, but I want them, if they've got comments to make, I'd just as soon them go ahead and make their comments first.

MR. SIMON: So what I've done here -- I didn't go back a lot of code cycles, but I did go back to the 2012. The actual applicable table is 1006.3.2(2). The reason for that is the previous tables are not applicable as you can see in the footnote at the bottom of

this, it comes back to the idea of the difference between dwelling units and sleeping units. We have two stories of sleeping units here.

MR. WEBER: So the dwelling units and sleeping units just so -- and I know this is probably a big deal, because I'm not an architect. So why would the sleeping units be more restrictive than the dwelling units?

MR. SIMON: Okay. I think I'll start back one more page then with the section that Mr. Scroggs --

MR. WEBER: Is that supposed to be a hinge?

MR. SIMON: Yeah, it is one of the hinging points. So 1006.2.1, which is the section cited in the application, is egress from spaces -- groups, areas, or spaces within a story. And in particular the exception he's speaking of, Number 1, is for Group 2 -- R-2 and R-3. R-2 would be an ordinance, sororities, so on and so forth. We always interpret a fraternity or sorority to be more of a commercial building with a bunch of sleeping units in it and a commercial type of kitchen. Anyway, as you can see, the language is within and from an individual dwelling unit, with a maximum occupant load of 20. So that is not applicable to this project. This is not an individual dwelling unit with a maximum occupant load. It's much like --

MR. SCROGGS: It says plural, though.

MR. SIMON: Within and from individual dwelling units with a maximum occupant load of 20. So I do not believe that this is applicable to the situation we are speaking of. This is the table that that section is associated with. When you go further into the code, it starts speaking about stories with one exit, back here. So typically an apartment building -- this table here would be applicable to. The difference between a dwelling unit and sleeping units is typically a dwelling unit has people staying there long-term; there's not a lot of turnover sort of thing. And even as such, this table here is limited to four dwelling units.

So whether you call them sleeping units or dwelling units, you've got to limit it to four. But Table B tells you the table we really should be looking at is Table 1006.3.2(2) on the next page. And this is the correct table that we should be using. And R-2 occupancy is a maximum occupant load of ten. Travel distance of 75 feet. We are over both of those numbers. And, furthermore, this did not change from the 2012 code. It's the exact same table in a different section. This is the 2012 code here. Same two -- same two tables.

It doesn't even show that you could have occupants on the second and third story with only one exit; only the first story or basement, with a maximum of ten

occupant loads and a travel distance of 75 feet. So although we're talking about a very -- what appears to be a short distance, they draw the line somewhere. Let's move the stairwell 24 feet, and then it would be in compliance. But the exit access, travel distance on this chart has not changed.

MR. SCROGGS: Would you let me know when I can rebut?

MR. SIMON: I'm done.

MR. SCROGGS: Okay. Well, here's the -- I can pass this around, but this is -- this is out of the 2012 International Building Code, Section 1014.3, common path of egress travel -

MR. SIMON: This is maximum exit access travel distance.

MR. SCROGGS: And I'm referring to this section, 1014.3, common path of egress travel, and it says Use Group R-2 with sprinkler system, 125 feet, assuming that the building is sprinkled. And that's -- and that was the provision that's been in effect for three code cycles. I can pass this around if anybody wants to look at it.

MR. WEBER: Can I ask a question?

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: So why are we looking at two different tables? I'm sorry to ask this simple question. Why are we looking at one table and you looking at another table?

MR. SCROGGS: Because --

MR. WEBER: I think I heard, but I don't understand. So --

MR. SCROGGS: Well, he can reply, but the initial plan review comment was that the common path of egress travel exceeded 75 feet -- appeared to.

MR. WEBER: Right.

MR. SCROGGS: And it does, actually.

MR. WEBER: But why are they looking at the 70 -- the table that shows the 75 foot and you're looking at a table that shows 125 --

MR. SCROGGS: Well, I went to the exception that I just -- I just stated.

MR. WEBER: But that's the dwelling unit --

MR. SCROGGS: They are -- pardon me?

MR. WEBER: The dwelling unit is the exception? Is that the one?

MR. SCROGGS: That's 10 -- the one that I'm -- cited back in response on the comments, it said, "In use group R-2, one means of egress is permitted within and from individual dwelling units" -- that's plural --

MR. WEBER: The dwelling unit.

MR. SCROGGS: -- with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903 -- that's the sprinkler system stuff -- and a common path of egress travel does not exceed 125 feet.

MR. WEBER: So this -- going down -- back down, just so I can -- because I'm -- like I said, I'm not an architect. I'm just trying to read the code here. But this table is used for R-2 occupancies and sleeping units where R-2 occupancies consist of dwelling units that use the table that you're referring to, but this is -- so -- and the issue, then, becomes the table is -- whether it's a dwelling unit or sleeping unit. So if it's a sleeping unit, it's a smaller number and if it's a dwelling unit it's a bigger number. And then it has the -- is that basically in a nutshell what's going on?

MR. SCROGGS: I think the distinction between a dwelling unit and a sleeping unit went back to this exception that I'm citing, because they said, "Well, this refers specifically to dwelling units," and I'm saying the spirit of the code is a sleeping room -- sleeping space -- spirit of the code should be considered, one would think.

CHAIRMAN CONNELL: John.

MR. SIMON: May I ask another question? So can you show me where the common path changed to 75 foot in the '15? Did it change? Because this says 125.

MR. SCROGGS: Oh, this is straight out of the 2012 --

MR. SIMON: so we don't -- I'm sorry. I'm doing a little investigation.

MR. SCROGGS: I'm not debating the 2015 code change. There's no debate about that.

MR. PAGE: Okay. While John's researching, I'm going to ask you a question. Again, a dwelling unit means it has a kitchen or some way to cook in it?

MR. SCROGGS: It has --

MS. HENNKENS: And a bathroom.

MR. SCROGGS: -- sleeping space, eating, living, a kitchen and a bathroom.

MR. PAGE: And a sleeping --

MR. SCROGGS: And a sleeping space --

MR. PAGE: -- is just a bed?

COURT REPORTER: Okay. One at a time.

MR. PAGE: Right?

MR. SCROGGS: A sleeping space has a sleeping -- a room or space for sleeping, eating, living, and only one of the following two: A kitchen and/or a bathroom. A dwelling unit has all of those things. A sleeping unit, only one of those last two.

MR. PAGE: And a dwelling unit is allowed to have more length than a sleeping unit. Correct? In other words, we wouldn't even be here if this was considered a dwelling unit? Is that -- am I reading that right? Is that --

MR. WEBER: The dwelling unit is the one that has the bigger number.

MR. PAGE: Yes.

MR. WEBER: The sleeping unit has the smaller number.

MR. PAGE: The sleeping unit -- okay. So -- but what I'm saying is if this -- if this was a dwelling unit, how much -- how much length would you be able to have?

MR. SCROGGS: Well, the exception that I cited in -- throwing aside the sleeping unit definition question or not, this exception says, "One means of egress is permitted within and from individual dwelling units" -- plural -- "with a maximum occupant load of 20, where the dwelling unit is equipped with an automatic sprinkler system, and the common path of egress travel does not exceed 125 feet." That's what it says.

MR. PAGE: So if it were a dwelling unit, you would be fine -- if it were considered a dwelling unit?

MR. SCROGGS: That's the way I read it.

MR. TIPTON: Now, is this separate from the kitchen and the restroom facility and everything with the whole structure, or --

MR. SCROGGS: I'm not sure I understand your question.

MR. TIPTON: I mean, why are these rooms being considered as a different definition? Aren't they a part of the entire structure that has cooking and --

MR. SCROGGS: No. We have a completely separate kitchen on the first floor. Really, this sorority house, or no other, has individual kitchen facilities.

MR. TIPTON: Okay.

MR. SCROGGS: I'm simply saying this was the exception that I refer to in the claim review response.

MR. TIPTON: Okay.

MR. SCROGGS: And it specifically calls out dwelling units. I'm saying I believe the spirit of the code, the distinction between a sleeping unit and a dwelling unit, there is a distinction. I'm saying it's very, very close.

MR. PAGE: You know, to me, logic would think that if you had a kitchen -- if you had a dwelling that had a kitchen, that that wouldn't be as safe as a sleeping unit, and you want to be able to get out quicker. But maybe I'm thinking wrong, but --

MR. SCROGGS: Well, I mean, that -- I already mentioned that I think a sleeping unit, which doesn't contain a kitchen, had we had one -- we wouldn't have had one -- is a

little more hazardous life safety wise, because that's where most fires start.

MR. PAGE: Right.

MR. SCROGGS: There's a little bit of an intellectual discussion.

MR. SIMON: Which is very true. So considering you had a kitchen in all these units and they were dwelling units, Table 1006.3 is going to limit you to four dwelling units. How many rooms do we have on that end?

MR. TIPTON: 18.

MR. SCROGGS: Well, I think when you look at most --

MR. SIMON: One, two, three, four, five, six, seven.

MR. SCROGGS: I think when you look at this -- this is a sorority project, but I don't think this has been applied to all the other fraternity and sorority projects that we've had in town that four dwelling units -- I can't say for sure, but it would be hard for me to believe that this particular section of the code has been applied and enforced.

MR. SIMON: You're absolutely correct because we did it as sleeping units. We've always enforced it as sleeping units, which is what --

MR. SCROGGS: I'm simply saying, for this project, I really, materially don't see that much of a difference between a sleeping unit and a dwelling unit.

MR. SIMON: And I'm simply saying that if you want to consider it a dwelling unit, then you're limited to four.

CHAIRMAN CONNELL: Mr. Muzzy?

MR. MUZZY: Yeah, I'm a little bit confused on the occupancy load as well, because -- how many rooms are there?

MR. SCROGGS: We have nine per floor, and definitely two members per room. So the actual occupant load per floor of this west edition is 18.

MR. MUZZY: And is that how we look at occupancy load, is by the addition, not the entire building? Can I ask a question from Staff.

MS. HENNKENS: Well, in his case, on that west side, that's what the one stair -- that's why there's --

MR. MUZZY: That's --

MS. HENNKENS: -- that's how they're supposed to be getting out --

MR. MUZZY: That's what the stair services?

MS. HENNKENS: Right.

MR. MUZZY: Okay. And that load is -- I mean, help -- what's that number again? So it's below --

MR. SCROGGS: It's 18.

MR. MUZZY: Okay.

MS. HEKKENS: 18 and --

MR. SCROGGS: Nine rooms times two.

MS. HENNKENS: And that table -- I think if John would scroll up -- 10 occupants is the maximum.

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: I want to go back to the intellectual discussion because I would think that the whole issue about a dwelling unit and a sleeping unit is whether one is transitory in nature. So, for example -- here's the problem that I'm having with this, and maybe there's an answer in the code.

Okay. I get it. If it's people living there all the time, they have the lay of the land, it doesn't have to do with kitchens as much as -- they know, because they live there all the time, they have an orientation that's theirs. If you go to a hotel, you don't have a lay of the land, and that's why -- I get that, because if you're -- if you're there for a short period of time, you don't have a familiarity with it like you would somewhere you're living for a long period of time. So therefore sleeping would be -- have to have a shorter distance, because it's -- you don't have that familiarity with the -- I get that.

But this is -- that's why this bothers me, because these people are there for a long time. And so I don't see that as like a hotel room. And so unless there's something in the code that says -- that speaks to fraternities and sororities that have a year-long stay -- it's not like you're staying at a hotel. So that's where I'm confused. And -- well, and I see -- and I think it -- the argument is semantic because it even says sleeping rooms on the plans. Clearly, by definition of the code, they're a sleeping room. But are these people not familiar with that unit after being there for a semester or years or whatever?

That's what confuses me about -- because the intent of the code isn't that it has a kitchen or all that. It's more people aren't familiar and need a shorter exit distance, right? Or am I not seeing it correct?

MR. SCROGGS: Could I -- I should've made two copies so I can pass it to both sides. This is the 2012 code. And if you could just give that a look, I'd appreciate it.

MR. PAGE: But, John, am I reading you right? What you're saying in the code there's a trade-off? If you have a dwelling unit, you get a lot of travel path, but you get less rooms?

MR. SIMON: Because of exactly what Mr. Weber --

MR. PAGE: Yeah.

MR. SIMON: -- was speaking to.

MR. PAGE: So there's kind of a trade-off?

MR. SIMON: But, furthermore, you have a space that has more than ten occupants -- you're limited to ten occupants if you're only going to have the one exit within that travel distance.

MR. SCROGGS: Well, we're kind of melding two things into one. Yeah, it says specifically dwelling units, and -- what was it? -- an occupant load of ten. This is a sorority. We're talking about sleeping units and not dwelling units. And I think we're maybe talking too much about dwelling units, because they're almost the same thing. I mean, I've already pointed out the distinction between the two.

CHAIRMAN CONNELL: Ms. Hennkens, do you have something?

MS. HENNKENS: I'm still going to belabor the point on the dwelling and sleeping units, so bear with me. But the way I take it is more of a density versus a familiarity. In other words, the dwelling units, that's like a standalone apartment. You've got your kitchen, your bathrooms, your bedroom -- bedrooms, whatever size of dwelling it is. So there's a maximum of four, say, apartments or dwelling units that has -- you're allowed one way out.

Okay. So those other spaces, you know, by the nature of those spaces, it takes more space, so then you're allowed 125 feet. Well, when you come to sleeping rooms, it's more of a density. You can -- you know, they might be 12 feet wide by however many in a row. Well, then, now you have the potential to have a lot higher occupant load, therefore you need to get off of your exit quicker.

CHAIRMAN CONNELL: Any other questions right now? I would like to ask a clarification with Ms. Hennkens and Mr. Simon. We're citing tables that talk about spaces with one exit. What we really have here, in my opinion, is we have a floor with two exits. We just have a portion of that floor that is -- that has a common path of travel to one exit. I think it's worth making that distinction. And I would ask if you agree or disagree with that assessment. We really do have two exits off this floor, it's just that we have a wing that has a common path to one exit. Is that --

MR. SIMON: I believe that's reasonable.

MR. SCROGGS: I would agree with that because the common path of egress travel, the first existing stair, the one that's closest, exceeds the 75 feet.

CHAIRMAN CONNELL: So I'm sitting here wondering -- I'll put it in the form of a question. Are we asking the right question or seeking the right basis for an appeal by

citing dwelling units and 125 feet, citing tables that refer to stories with one exit, spaces with one exit?

MR. SCROGGS: Well, in addition to the exception that I've, you know, made the appeal to, I want you to consider the previous editions of the code. That section that I'm passing around, which was -- that was the code for three previous editions, and that was the standard that I actually prepared the plans by. If I'd just been here eight or nine months earlier -- I wish I'd had -- we wouldn't be talking about this stuff.

CHAIRMAN CONNELL: So I have a question for Staff. Do you agree with that statement, that if this had been presented while under the 2012 code, would this be a controversy?

MR. SIMON: I don't know. I would have to look -- I would have to dig a little deeper into that. What I do know is that the common path of egress travel is still 125 feet in this table, as long as you're limited to ten occupants. Why the code feels like ten occupants is okay and 18 isn't I can't speak to. But it's clear that they're limiting it to ten occupants to have that sort of -- only one -- you can essentially only have one exit for that space within that 125 feet.

CHAIRMAN CONNELL: Mr. Weber?

MR. WEBER: Just for fun, what if we went down that -- what if we think it down the line more, because now that you're saying that, well, this clearly says spaces with one exit and there's multiple exits per floor. What does the code say if you go down that road and say, this doesn't really apply because it's only for exit, but if it's multiple exits, what is the -- what is the egress travel path allowable for --

CHAIRMAN CONNELL: Without having a code book in front of me, I'm going to suggest that it would be the 75 feet.

MR. SCROGGS: It's clearly 75 feet. And I'm saying the code changed last year in this -- this is what you looked at was the 2012 edition of the code. And it clearly says the common path of egress travel. It's black and white.

MR. WEBER: Not for one exit, but for --

MR. SCROGGS: It has -- yeah, it has --

MR. WEBER: Yeah.

MR. SCROGGS: That went -- that goes back to the exception that I cited.

MR. WEBER: Oh, okay.

MR. SCROGGS: This goes back to all the previous editions of the code --

MR. WEBER: So --

MR. SCROGGS: -- and the code that I designed it under.

MR. WEBER: So because the code changed, that's why you're saying, well, there's -- the code changed, and there's this exception. We're arguing about the exception, but the reality is --

MR. SCROGGS: That is correct. But I want you to look at this -- the two together.

CHAIRMAN CONNELL: I have a question for the applicant. What type of sprinkler system is the building equipped with? Is it FDA-13 or is it 13-R?

MR. SCROGGS: I'm not sure I can answer that. I think it's 13, but I'm not 100 percent sure on that, Brian.

MR. WEBER: One is Apex.

COURT REPORTER: I'm sorry?

MR. WEBER: I'm sorry. One is - well --

CHAIRMAN CONNELL: The primary distinction is in 13-R, which stands for residential, I think you're allowed to not have a sprinkler closets, toilets. 13 you have sprinkler heads everywhere, essentially.

MR. WEBER: So it doesn't have to have it, but -- they both have to have dedicated lines and --

CHAIRMAN CONNELL: Yes. Yeah, they're just --

MR. WEBER: They both have to have a dedicated line and all that.

CHAIRMAN CONNELL: 13 is a little less intense. And the code clearly allows either under in this structure. I was just curious --

MR. SCROGGS: Spring is saying that it's 13-R.

CHAIRMAN CONNELL: We believe it's 13-R, which, again, is compliant with the code. It just might make a little difference if there was a full 13 system.

MR. PAGE: For clarification, 13-R means closets and bathrooms do not have to be sprinkled?

CHAIRMAN CONNELL: I believe that's correct.

MR. PAGE: And that's it? Everything else still has to be sprinkled?

MR. SIMON: And the attic.

MR. PAGE: And the attic does not. Okay.

CHAIRMAN CONNELL: Mr. Scroggs, what is the type of construction?

MR. SCROGGS: Typetronic construction.

CHAIRMAN CONNELL: Okay. Which is wood frame, unprotected?

MR. SCROGGS: Wood frame. Correct.

CHAIRMAN CONNELL: Unprotected? Okay.

MR. SCROGGS: The existing -- the 1920 part of the building is almost entirely wood frame construction. The new addition -- both additions on both the east and the west side are totally non-combustible cold-formed studs, structural steel. No framing in the new construction at all.

CHAIRMAN CONNELL: Okay. But there's no separation or anything like that that -- no fire separation between non-combustible construction and combustible?

MR. SCROGGS: No.

CHAIRMAN CONNELL: Okay. But the building is fully sprinkled?

MR. SCROGGS: Yes.

CHAIRMAN CONNELL: Mr. Muzzy.

MR. MUZZY: When they dropped from 125 feet to 75, that's a pretty significant percentage decrease. And you said that that was not in the significant changes. Did you guys discuss -- do you remember talking about that at all? I mean, that's a huge percentage drop.

MR. WEBER: That was a long time ago.

MR. SCROGGS: It's very possible --

MR. WEBER: Right.

MR. SCROGGS: -- we did. I'm not saying we didn't.

MR. MUZZY: But it wouldn't necessarily come up just because of -- it's not outlined in the significant changes?

MR. SCROGGS: I'll tell you this: I wish we'd discussed it more.

MR. MUZZY: I'm just kind of -- what I'm kind of wondering is -- I mean, that's a drastic reduction. I mean, it's not just ten feet or -- but I'm trying to understand why they would make that big of change.

MS. HENNKENS: I recall when I was going through your responses to my comments, the tables -- kind of the three tables that we've been looking at are the same, just the numbers of the section reference has changed. Now, we're trying to find the same section in the 2015 code and we can't seem to find it.

MR. SCROGGS: Well, see, that's why -- I think that's what happened between 2012 and 2015.

MS. HENNKENS: We adopted the 2015 code in October last year.

CHAIRMAN CONNELL: Mr. Simon.

MR. SIMON: I would just like to add one thing and that is, the idea of having - behind having two exits from a story is that if you have an event between you and one

exit, chances are you can go to the other exit. Although this one has two exits on that story, if there's a fire between you and that first exit, you can't get to the second exit, either. That's why -- I mean, it's almost as if you had a big space that's been added for that with one exit. You have to traverse by it to get to the second exit.

MR. SCROGGS: But the building is fully sprinkled.

JOHN SIMON: That's true.

CHAIRMAN CONNELL: So a quick summary. This is a question to the applicant. Again, for my understanding, the current code says the maximum common path of egress is 75 feet.

MR. SCROGGS: That's correct. Not to be any more.

CHAIRMAN CONNELL: And we are what distance?

MR. SCROGGS: 99 feet; 24 feet over that 75 feet. And that was the distance that I pointed from basically where I'm sitting to that wall at the fire pole station.

CHAIRMAN CONNELL: Mr. Weber.

MR. WEBER: Not to get into details, but why is there a difference between 99 and 105? I saw it in the letter. Is that just semantics or --

MS. HENNEKENS: It's probably the difference between -

MR. WEBER: It's not that precise, is it? I mean --

MR. SCROGGS: Well, okay. I understand when they look at it because there's no furniture, there's nothing in a room. But I can tell you that there have study desks in that corner. So I took my measurement directly in front of that study desk. If -- you know, I understand what they start from.

MR. WEBER: Right.

MR. SCROGGS: But the 105 feet, that would include as if you were standing on the study desk. That would literally be the most remote point in the room. I didn't do that. I --

MR. WEBER: So about 25 feet?

MR. SCROGGS: -- immediately in front of the desk. That's how I measured it. I measured it on a realistic --

MR. WEBER: So it's about 25 feet-ish? So that's reasonable. Because, yeah, I mean -- yeah, you could go a foot back or farther from the chair or the corner of the desk, and that's probably all reasonable. I'm just wondering --

CHAIRMAN CONNELL: Any other questions for the applicant? I don't see other hands. What is -- what's the nature of the activity in these large open rooms called commons, that you're crossing to get to this exit?

MR. SCROGGS: They can have -- there will be, you know, a couple of sofas or some chairs in there for them to, in essence, socialize and/or, you know, use that kind of open space for study, basically. And that space -- I don't know what the actual distance is. Pardon me. But the commons, the distance to the closest stair, it's quite close; it's 20 or -- 20-plus or minus feet. We're really talking about these four remote-most -- most remotely placed rooms on the second and third floor of the west addition. We're really only talking about those -- those four floors on each -- second and third floor.

CHAIRMAN CONNELL: Well, I -- again, question for applicant. I appreciate your laser demonstration, and you showed us where 24, 25 feet is. Would that approximate the distance across the commons?

MR. SCROGGS: Yeah, it's about that size, maybe even smaller.

CHAIRMAN CONNELL: Mr. Muzzy?

MR. MUZZY: I want to get just one last clarification from Staff. Is the -- what Stuart is saying, do you feel that's correct, that if this was in the last code cycle with the graphic that he sent around that it would be -- you would approve it?

MR. SIMON: I am personally uncertain if the maximum of ten occupants was in the last code cycle. The travel distance didn't change. It's 125 feet. The common path of egress travel, with a maximum travel of 75 feet using the other chart is the same as it has always been. Again, I would go back to Nina's point. This is about how many occupants we fit in there and how many people have to escape with only having, really, one exit.

MR. SCROGGS: Well, let me try to say it one more time. This is verbatim from the code. And this chart that we're talking about is a space with one exit, which we probably really shouldn't only accept because I referred to the exception -- to Exception Number 1 which goes back to spaces with one exit. We really have two exits in this building.

CHAIRMAN CONNELL: Yes, sir.

MR. SIMON: Actually, this is a space with one exit, because that's the only exit access from this space to get to that corridor. There's only one exit access for this whole space, and that's into that corridor.

MR. SCROGGS: The common path of travel to right in front of the stair before it diverges, you can go into that stair, the one closest, or you can go to the one down the hall.

MR. SIMON: But if there's an event in this space, you can't get to that. That's why we want a second exit.

MR. SCROGGS: Well, I understand that, but that's a "what if?" And, again, the building is sprinkled.

MR. SIMON: Okay. I rest.

CHAIRMAN CONNELL: Any other questions or comments, or does anyone care to make a motion? It's awfully quiet in there.

MR. WEBER: I'm relying on the architect.

CHAIRMAN CONNELL: For the sake of furthering this procedure, I'm going to make a motion to grant the appeal.

MR. CREASY: I'll second it.

CHAIRMAN CONNELL: Seconded by Mr. Creasy. Discussion?

MR. WEBER: I would normally say that -- I think we would all agree, we typically don't like to do things that violate the code on a building that's not even built yet. But I really don't understand why the code always -- if it, in fact, always did say one number and it knocked it down 50 feet. I don't understand why they would do that. And I'm just presuming -- not that I even want to get in your head, Brian, but I think that's probably why you would jump on that.

CHAIRMAN CONNELL: Well, I'm happy to clarify my motion. I think because the building is sprinkled, and I think because the -- once you get to the -- I'll call it the entrance to this commons area, I realize that it may be furnished in an irregular fashion, but I'm going to assume, unless I hear different testimony, that it's fairly open, that you can see your way across there, and that we have non-combustible structure in this new wing, which although it's not separated from -- is that correct?

MR. SCROGGS: Uh-huh.

CHAIRMAN CONNELL: It's not separated physically by fire separation, from the existing, but that there are factors that -- there's -- that I believe are in favor of the request.

MR. WEBER: So it's not really that the code changed for the less, it's just the practicality of it?

CHARIMAN CONNELL: Yeah. My -- again, I hesitant to bias anybody's opinion, but my approach to this is the applicant is really asking for an extension of the length of the common path of egress to an exit.

MR. SCROGGS: Am I allowed to speak or not?

CHAIRMAN CONNELL: I believe so. But are you finished?

MR. WEBER: For now.

MR. SCROGGS: Thank you.

CHAIRMAN CONNELL: Mr. Scroggs.

MR. SCROGGS: You -- I can understand where you're -- how the codes changed --

MR. WEBER: What I'm saying is I would prefer -- if, in fact, it was a mistake -- you just said it was a mistake, I wish you'd grant me travel. The argument about the dwelling and sleeping and the exception --

MR. SCROGGS: No.

MR. WEBER: -- I made a mistake.

MR. SCROGGS: I think the main distinction in the '12 code to the '15 is that this table clearly black and white is not in the 2015 code. It was dropped. This is the standard I designed to.

MR. WEBER: Right.

MR. SCROGGS: And then 2012, 2009, 2006. And this table, it was dropped in the 2015 code.

CHAIRMAN CONNELL: Any other discussion? We'll take a vote. All in favor of granting the appeal raise your right hand. One, two, three, four, five, six, seven.

(Unanimous vote for approval.)

CHAIRMAN CONNELL: All opposed. Thank you. Okay. It carries. Thank you. Thank you again.

MR. WEBER: Could I go back to what we just did? You know, that -- that's part of the -- one of the things that irritates me about these is if he would've just said, this thing has been going for four years and I designed it for the old code and the code changed and I didn't know it, that's why I'm here; you know, instead, all this stuff that's basically an excuse made up after the fact wears me down. You know what I'm saying? It would've saved everyone a lot of time. It is frankly not being forthright -- and everybody makes mistakes, because the code is really thick. And that just -- I'm sorry, but I just had to say that, because it's just -- it's like totally after-the-fact made up, you know. And it's sprinkled and it's not a big open -- you know, let's face it. I mean, the numbers are made up. We have to draw a line somewhere, but it would've been a lot smoother, streamlined discussion. Of course, it doesn't make the case as well, because it's too clear-cut. But that's the problem with a really thick code, I guess. It's just -- I know you don't see it that way, I'm sure, but --

CHAIRMAN CONNELL: No. I have my own thoughts. So I'm going to share some of them right now in response to your comment. I think it's important for all of us to understand that the building code is the result of the compilation and the synthesis of actuarial data. And actuarial data is somebody is keeping track of how people die in

buildings. And they keep track of how tall the building was, what it was built out of, how it was occupied, what was happening at the time of the event, and et cetera. There's all sorts of information that goes into that. And the people who populate the committees that basically publish all sections of the code --

MR. WEBER: Are committee compromised.

CHAIRMAN CONNELL: -- are looking at this data and trying to react to it. And I think that's why -- you know, I've been at this since '95 and I've watched trends in the code in terms of restrictions go public. Now, and it's -- the one that I cite most often -- and I don't want to take everybody's time -- but the furniture store fire in South Carolina, right outside Charleston. The moment after that happened, if you had a piece of upholstered furniture in the middle of an empty room, then -- of any size, you had to have a sprinkler in the building because of that event.

And so, you know, I can -- I can't even imagine why that -- the distance was reduced from 125 to 75 feet, but I'm sure it had to do with actuarial data. And it may very well be that in 2018 we'll see it increase to 100 feet or something. I'm not trying to make a prediction, but --

MR. WEBER: Your point is it's probably really not that big of a deal?

CHAIRMAN CONNELL: Well, I mean, it will be a big deal if there's ever an event, you know. And, again, actuarial data is what it is. It's unemotional. It's raw information that says too many people died in some previous period of time because the travel distance was 125 feet. So that's -- I mean, that's the reason for it. We have to accept that. We have to sit here and try to make decisions I think with that understanding.

So -- and, again, my opinion, when I'm hearing this testimony today, was trying to be filtered through the stuff about dwelling units and sleeping units. The distinction is important. Don't get me wrong. The point is, we look at the context of this application and -- for example, I will tell you that had the 125 feet continued down narrow corridors, I wouldn't have voted for it, for example. But because it crossed a big, open room, that gives you an opportunity to see where you're going, even if you're crawling on the floor, that -- that's a bit of -- that's a factor that made it possible for me to vote for it. Mr. Simon?

MR. SIMON: So just for my two cents. So whatever happens if they're having a big party in that room --

CHAIRMAN CONNELL: Well, I guess --

MR. SIMON: -- which is probably the night that the fire starts? Because you've got one exit from that space. I think -- this is just my opinion. I think I'm allowed to state

my opinion.

CHAIRMAN CONNELL: Yes, you certainly are.

MR. SIMON: I think this board needs to think long and hard about life safety issues on new projects when the stairs could've been easily met, and exit access could've been -- easily met the travel distance. And I can't verify -- I can't verify the code change. I didn't read the application that way. I was looking at dwelling units, sleeping units, charts.

CHAIRMAN CONNELL: Sure.

MR. SIMON: I wish I would've researched.

MR. WEBER: It really is a big deal. It's a totally different thing to me with a building that's not built and one that's existing. And --

MR. SCROGGS: Are we still rehashing?

MR. WEBER: It was my fault. It was -- the method of the presentation was confusing, it was convoluted, and it really could've been -- and it probably wouldn't have been as good of an argument or presentation if it would've been, "Hey, this has been going on four years and the code changed and I didn't catch it." But instead it took us 45 minutes to cut through all the dwelling and sleeping and all of that.

You've got the thing, so it doesn't really matter. But, to me, when it's a building that's not built, the -- well, it's totally different whether somebody can see in an open room that may not be full of stuff than if it's an existing structure, because it's existing, ain't it? That is a hardship. This thing isn't even built yet. It's just designed.

MR. SCROGGS: But, Dave, I did design it in the code that was in effect --

MR. WEBER: Right.

MR. SCROGGS: -- and it was compliant. And yes, it's my fault that I didn't catch the change from '12 to '15. I own up to that.

CHAIRMAN CONNELL: And I do want to reply to John's comment, which is very valid. And I only mean this in the spirit of constructive discussion. And there are times where we have to stop and think, you know, is the code a "what if?" situation, because, quite frankly, the offices of Allstate Construction were never designed for an office party. And, you know, if Allstate -- or Allstate Construction wanted to invite all of their friends for Christmas or some sort of ribbon cutting or something there would be four or five or six hundred people in there. And, you know, it's not sprinklered. It's designed to do business. It's well within the allowable area. I'm just saying we can "what if?" any situation. I understand that. So --

MR. SIMON: Although we're much more apt to have a big party in a sorority or

fraternity than an Allstate engineering. Maybe that's not -- maybe I'm wrong about that. I shouldn't speak to that.

MR. SCROGGS: The different cycles and editions of the code, it's not static. And I bet this particular provision is going to -- is going to change probably again. I'd almost bet on it.

MR. SIMON: We did discuss that in your absence.

MR. TIPTON: I'm just an alternate, but in case of a major event, Numbers 11 through 18, they're going to have to hustle to get out of there. But I've got a feeling everybody would be doing that anyway. We can flog this horse until he's skinned. It doesn't make any difference.

Approved a Motion

Business License Master Trade requirement discussion

(This item was not discussed during the meeting)

XII. NEXT MEETING DATE June 26, 2017

XIII. ADJOURNMENT

CHAIRMAN CONNELL: Is that it?

MR. WEBER: That's it.

CHAIRMAN CONNELL: Yes.

MR. WEBER: One more thing. I make a motion to adjourn.

MR. MUZZY: I second that.

MR. WEBER: You took the words right out of my mouth.

CHAIRMAN CONNELL: Do we have a second?

MR. MUZZY: Second.

CHAIRMAN CONNELL: Thank you.

(WHEREIN, the meeting was concluded.)

Approved a Motion

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