MEMBERS PRESENT: Bart Caldwell, Chairperson
Chuck Gassman
Randy Tinker
Blake O’Brien
Chad Layland
Martie Mendenhall
Cheryl Peterson
Jon Thyberg
Candy Morgan

MEMBERS ABSENT: Mel Shivvers
Dave Kriens, Vice Chairperson
Matthew Keller

STAFF PRESENT: Cody Christensen, Permit and Development Administrator
Ann DiDonato, Assistant City Attorney II
Jonathan Lund, Fire Marshal
Patrick Phelan, Fire Protection Engineer

GUESTS: Ron Baker, RMD Construction
Bill Barrat, RMD Construction
Jason Klinker, SGW Architects
Morgan Bullen (by phone), University Avenue Storage

Meeting was called to order by Chairperson Bart Caldwell at 3:30 p.m. Meeting was held at the Des Moines Municipal Service Center located at 1551 East Martin Luther King Jr. Parkway.

Item 1: Introductions
Board members, staff, and the public introduced themselves.

Item 2: Old Business

a. Minutes June 13, 2019 Building and Fire Code Board of Appeals
Chuck Gassman made a motion to approve the June 13, 2019 minutes. Randy Tinker seconded motion. Motion passed unanimously.

Item 3: Staff Report.
Cody Christensen updated the board on several positions that had recently been filled in the Permit and Development Center (PDC) and the number of building permits issued in fiscal year 2019.
EnerGov software implementation is underway and staff expect the system to be available for testing in early 2020. Go live is expected in August 2020.

Plan and Zoning Commission has recommended City Council adopt a new zoning code. Council is expected to hold hearings on the new zoning code by the end of the year.

**Item 4: New Business**

a) **1901 E University Avenue Door Encroachment Appeal**

Jason Klinker with SGW Architects described the configuration of the self-storage facility. Corridors on the 2nd floor of the facility are five feet wide and the doors that swing into these corridors are four feet wide. 2015 International Building Code (IBC) section 1005.7.1 requires doors along the corridors in any position to leave at least 22 inches of corridor unobstructed. Four-foot-wide doors obstruct all but 12 inches of the corridors when open 90 degrees. Door encroachment was called out by Candace Biddle during plan review, but the doors were provided with hinges allowing them to swing open 180 degrees, and the design was approved.

Jason read portions of the 2015 International Building Code Commentary and claimed the low occupant load of the storage facility made it similar to residential occupancies that are exempt from this code requirement. The building’s occupant load is expected to be two to three people per hour.

Jason showed a diagram of the revised 2nd floor layout with corridors labeled as primary and secondary. The proposed design involves reducing door widths along primary corridors to three feet and maintaining four-foot-wide doors along secondary corridors. No doors have closers, so they are able to remain open 180 degrees. Fire sprinklers have been installed in the storage facility portion of the building and will be provided throughout the remainder of the building when the neighboring tenant moves out.

Jason indicated the doors are pre-manufactured, so reducing their size will require all doors to be discarded and new doors purchased. Morgan Bullen claimed the facility was constructed as approved and said changing the design would result in severe economic harm to the owner.

**Board questions for Jason:**

- How many storage units are on the 2nd floor? 254.
- Were doors in place at time of inspection? Yes.
- Will doors on opposite side of corridors hit each other? Yes, but odds of two doors being open at the same time are very low.
- What is the current status of the project? Temporary Certificate of Occupancy has been issued for the 1st floor.
- Has this configuration been used elsewhere? Yes.

Cody Christensen explained the code requirements described by Jason were accurate, that the code requires 22 inches of unobstructed corridor width, and that the proposed
door configuration leaves 12 inches of unobstructed corridor width. Door encroachment was one of several items identified during the plan review process, and the extent of the door encroachment requirements likely slipped through without being adequately corrected. The door encroachment deficiency was identified during inspection as well as headroom deficiencies that resulted in the 2nd floor corridors being reconfigured. Cody explained the door encroachment issue could be resolved by reducing the width of the doors by ten inches or by increasing the width of the corridors by ten inches.

Terry Berk explained that IBC section 1005.7.1 sets maximum allowed encroachment for doors when fully open and at any point of door swing. The code section requires doors in this facility to have 180-degree hinges because of their size and configuration. The code section also requires the doors to maintain 22 inches of unobstructed corridor width at any point of door swing.

Jonathan Lund explained the door encroachment is a safety concern because the doors obstruct the view of exit signs, obstruct egress width, and create a very disorienting environment when open 90 degrees due to the corridor arrangement and the low ceiling height.

**Board questions for staff:**

- Would sliding doors be allowed? Yes.
- Was the job shut down when the door encroachment was identified? No. Door encroachment issues were brought to contractor's attention.
- Did the City approve the design with the 180-degree hinges? The plan review document indicates the doors were approved with 180-degree hinges. The issue of door encroachment at any point of the door swing may have been overlooked.

**Board discussion:**

It appears the City made an error, but the board does not have authority to rule in favor of the appellant because of an error.

The configuration does not appear to meet the code requirement and the board must determine if the proposal meets the intent of the code, not whether an error was made.

When doors are open 90 degrees, they increase hazard and risk. If doors were designed to be held fully closed or fully open, this risk would be reduced.

A motion was made by Randy Tinker to approve the proposed design with four-foot-wide doors in corridors identified as secondary and three-foot-wide doors in corridors identified as primary based on how the low occupant load of the facility is similar to the low occupant load of residential occupancies allowed by the exception and described in the code commentary. The motion was seconded by Candy Morgan.

The motion failed with Chuck Gassman, Martie Mendenhall, Candy Morgan and Randy Tinker voting in favor and Bart Caldwell, Chad Layland, Blake Obrien, Cheryl Petersen, and Jon Thyberg voting in opposition.
A motion was made by Candy Morgan to continue the hearing to permit further discussion and additional information to be provided. The motion received no second. Candy Morgan left the meeting at 4:45 pm.

A motion was made by Jon Thyberg to deny the proposed design. The motion was seconded by Cheryl Peterson.

The motion passed with Chuck Gassman, Bart Caldwell, Chad Layland, Blake Obrien, Cheryl Petersen, and Jon Thyberg voting in favor and Martie Mendenhall and Randy Tinker against.

b) Code Adoption

Cody Christensen summarized the outcome of the Central Iowa Code Consortium (CICC) code adoption recommendations and identified the recommendations were available on the CICC web page. Staff will draft code adoption language for the board to review and hold a hearing at the October meeting. Staff plan to present the board’s code adoption recommendation to City Council at a work session in December and have it ready for a City Council hearing in January 2020.

Item 5: Adjourn

A motion to adjourn was made by Martie Mendenhall and seconded by Jon Thyberg. The motion passed with unanimous approval and the meeting adjourned at 5:00 p.m.

Minutes prepared and submitted by: Cody Christensen, Permit and Development Administrator.