

Legislation Text

File #: ID# 18-008, **Version:** 1

Agenda Date: January 17, 2018

Subject:

Appeal of a Building Official Decision regarding the number of accessible bathrooms in a business use structure.

Presented By: Bill Tracy, Chief Building Official; and Kirk Money, Building Inspector

APPEAL SUMMARY:

Location: 5650 S. Windermere

Appellant: Miranda Cullen

Case Description:

The Appellant is appealing the Chief Building Official's (CBO) interpretation regarding the number of required accessible bathrooms.

BACKGROUND:

The applicant submitted a building permit application for an "interior only" remodel on August 21, 2017.

The permit was issued on August 24th, 2017 for a Commercial Remodel, Office/Professional with Tenant finish of 4,250 sq. ft. The permit number is B17-0717.

STAFF ANALYSIS:

Ms. Cullen's Letter of Appeal outlines her request to modify the required number of handicap accessible restrooms. The plans submitted and reviewed for compliance by the City of Littleton indicated two (2) handicap accessible bathrooms.

The outlined code path below is how the Building and Inspections Department determined that two (2) accessible bathrooms are required for Ms. Cullen's property.

- 1) The 2012 I.B.C. **Table 1004.1.2 Maximum Floor Area Allowances per Occupant** indicates that for *Business areas the occupant load is 1 per 100 gross sq. ft.* Therefore, a Business area with 4,250 sq. ft. has a maximum occupant load of 43. Please see attachment.
- 2) The 2012 I.B.C. Chapter 29 **Plumbing Systems (P) Table 2902.1 Minimum Number Of Required Plumbing Fixtures**, indicates that for a *Business classification 1 per 25 for the first 50* of the occupant

load. It is determined we have an occupant load of 43; therefore 2 water closets are required. Please see attachment.

- 3) The 2012 I.B.C. Chapter 29 **Plumbing Systems Section 2902.2 Separate facilities**, states “*Where plumbing fixtures are required, separate facilities shall be provided for each sex.*”

Exceptions:

- 1) *Separate facilities shall not be required for dwelling units and sleeping rooms.*
- 2) *Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.*
- 3) *Separate facilities shall not be required in mercantile occupancies in which the occupant load is 100 or less.*

The result for this property being: none of the exceptions apply so (1) male and (1) female facility is required.

- 4) The 2012 I.B.C. Chapter 34 **Existing Structures Section 3411.6 Alterations**, reads as follows: “*A facility that is altered shall comply with the applicable provisions in Chapter 11 of this code.*” Chapter 11 is dedicated to Accessibility.

The 2012 I.B.C. Chapter 11 **Accessibility Section 1109.2 Toilet and bathing facilities**, reads as follows: “*Each toilet room and bathing room shall be accessible.*”

While there are two bathroom facilities within the building, only one currently meets the code requirements as a handicap accessible bathroom. The second bathroom does not meet the code as an accessible bathroom due to the following reasons:

1. Not all the required grab bars are installed.
2. There is no prescriptive method for commercial restrooms that allow a side approach sink.
3. The mirror height and soap dispenser does not meet ANSI/Code accessibility requirements.
4. Decorative items were placed in the restroom resulting in the required 5'-0" turn radius being reduced / encroached upon.

All of the above four items would need to be remedied to meet the code in order for this bathroom to be a compliant accessible bathroom.

BOARD CONSIDERATION:

The Building Board of Appeals shall hear testimony regarding this request to modify the required number of handicap accessible restrooms and make a recommendation based on findings of fact to approve or deny the appeal. Upon making a motion, the board shall authorize the staff to prepare a written statement of findings, to be signed by the Chair.

PROPOSED MOTION:

MOTION TO AFFIRM THE CHIEF BUILDING OFFICIAL'S DECISION:

I move to affirm the Chief Building Official's decision and require two (2) handicap accessible bathrooms at 5650 S. Windermere.

MOTION TO OVERTURN THE CHIEF BUILDING OFFICIAL'S DECISION:

I move to overturn the Chief Building Official's decision and allow the appellant to modify the required number of handicap accessible restrooms.

Attachments:

1. Letter of Appeal
2. 5650 S Windermere Approved Building Permit Sheets
3. Referenced I.B.C. Sections