



Legislation Details (With Text)

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**File created:** 12/12/2018      **In control:** Building Review Board

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**Title:** Consider the requested variances to the 2012 International Building Code: a) Table 705.8 to permit existing windows that do not conform with fire separation distances to be allowed to remain and b) Section 706.1 to waive the fire wall requirements and allow the existing party wall to remain. - BRB Case #96.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BRB#96 Application

Date	Ver.	Action By	Action	Result
12/19/2018	1	Building Review Board	approved as amended	Pass

**BUILDING REVIEW BOARD AGENDA ITEM**

**ACTION REQUESTED:**

Consider the requested variances to the 2012 International Building Code: a) Table 705.8 to permit existing windows that do not conform with fire separation distances to be allowed to remain and b) Section 706.1 to waive the fire wall requirements and allow the existing party wall to remain. - BRB Case #96.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Peter Zibble, Operations Manager

**BOARD/COMMISSION REVIEW:**

The BRB will consider this request at their December 19, 2018 meeting.

**BACKGROUND:**

The applicant, Naperville Elderly Homes Inc., is planning to construct new, low-income senior apartments at 310 Martin Avenue. The 68 new dwellings units will be in a new 5-story building located behind (south of), and connected to, the existing building. The new building will be an R-2 addition of type 2A construction. For financing purposes, the existing property must be subdivided such that the new building and a portion of the existing building will be located on a separate lot of record. The new lot line will be located along the center of existing party walls within the building and along external walls.

Functionally, the facility will be treated as a single building with shared amenities for the residents. For the purposes of plan review and permitting, the facility will be treated as two separate buildings with 0' setbacks from the interior side property line. A variance to allow for the reduced setback was

approved by City Council in June 2017 as Ordinance 17-077.

**DISCUSSION:**

The applicant has requested a variance to allow existing windows to remain without modification (unprotected) adjacent to new property lines. Per 2012 IBC Table 705.8 when the exterior wall is between 0' - 3' of the lot line, no openings are permitted. The applicant is requesting a variance to this requirement. The applicant has stated that the existing window openings are required for the interior functions of the building (apartments, lounge, activity rooms, common spaces). The applicant has provided a narrative describing the location of the existing windows with distances to the new lot line and the degree of non-conformance with Table 705.8 of the 2012 IBC.

The applicant has also requested a variance to the requirement of a party wall at the new property line. Per building code 2012 IBC 706.1.1, when two separate structures are built up to the property line, the designer has the option of using two separate exterior walls with zero fire separation distance, or a party wall. The applicant is seeking relief from section 706.1.1 to allow for the structure to function as a single building with openings across the property line; they are proposing the openings in the wall at the property lines to be 90 minute rated doors with magnetic hold opens tied into the fire alarm system.

Building plans have not yet been submitted to the city for review. Additional meetings with the applicant and their designer are anticipated prior to submittal to help address additional staff concerns. Issues such as the separation of building services, fire wall continuity, structural stability and means of egress will need to be addressed. There is the potential for future variance requests as the design plans are developed.

To move this project forward, staff supports the requested variances with the understanding that additional coordination with the applicant will be necessary to resolve future design issues.

In accordance with Section 2-4-3 (Building Review Board: Powers and Duties) of the Naperville Municipal Code, the BRB shall receive, investigate, hold hearings on, make findings of fact, and process, any application for a ruling on, or variation from, the fire/life safety regulations of the City. The BRB's recommendation with respect to BRB Case #96 will be forwarded to the City Council for a final determination.