



## Legislation Details (With Text)

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**Title:** Consider the requested variance to the 2012 International Building Code Section 402.1.1 Open Space - BRB Case #97.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BRB#97 Application - Mall of India

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 variance to the 2012 International Building Code Section 402.1.1 Open Space - BRB Case #97.

**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 is seeking to modify the property at 776 S. Route 59 (formerly Walmart) into a covered mall. An anchor building of a mall is defined as an exterior perimeter building having direct access to a covered mall building, but having separate means of egress (2012 IBC 202). The mall has currently identified a grocery tenant (G-1) to serve as an anchor building; it has direct access to the covered mall along with an independent means of egress; this space is in compliance with the code. To the north of the grocery anchor, there is a tenant space YY that has no connection to the mall. In the IBC, malls are found under Chapter 4 - Special Detailed Requirements Based on Use and Occupancy. As part of the mall requirements, the mall building and attached anchor stores shall be surrounded on all sides by a permanent open space or not less than 60 feet. Due to this Tenant Space YY not opening to the mall and not qualifying as an anchor store, this open space is not able to be met at the location of Tenant Space YY.

#### **DISCUSSION:**

The applicant has requested a variance to 2012 IBC 402.1.1 - Open Space (required 60 feet of permanent open space around the mall). Tenant Space YY cannot be considered part of the mall

due to its inability to connect internally with the mall therefore not allowing for the required open space to be met around the mall at its location.

The applicant met with staff on 11/9/2018 to discuss the project. As indicated at the meeting, staff is supportive of such a variance request given the following conditions are met:

1. A fire barrier with a fire-resistance rating of 3 hours will be provided between Tenant YY and the anchor grocery tenant.
2. Fire protection may be considered as a single building (including Tenant YY and the mall) that would cover both the Mall and Tenant Space YY.
3. The required open space as defined in section 402.1.1 will be met to the exterior of Tenant Space YY.
4. The current exterior unconditioned area will not be allowed for storage in any manner. If converted to conditioned space, it would need to be incorporated into tenant YY and meet the above requirements.

If the BRB variance request is denied, tenant space YY must either be incorporated into the adjacent grocery tenant space (G-1), or be completely demolished (either option allowing for the required open space around the mall) prior to issuance of a building permit.

Staff supports the requested variance as noted above. 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.