

City of Lawrence

Building Code Board of Appeals Meeting

November, 10th, 2016 Development Services

MEMBERS PRESENT: Sean Reardon, Kevin Markley, Dennis Odgers, Michael Brunin

MEMBERS ABSENT: Micah Kimball

STAFF PRESENT: Development Services- Barry Walthall-Building Official
Lee Queen-Building Inspector
Janet Smalter- Plans Examiner

PUBLIC PRESENT: Bobbie Flory, Lawrence Home Builders Association

Meeting called to order 11:02am

The Board reviewed minutes from the February 2, 2016 meeting. **Motion to approve minutes from the February 2, 2016 meeting by Odgers, seconded by Markley. Motion passes 4-0.**

New Business: First item of business was to receive and review recommended hearing procedures for appeals.

Walthall advised that as we have not had an appeal in a few years that staff had updated procedures to match current city code regulations. Walthall stated that the recommended procedures had been reviewed by city attorneys and comply with the city code and regulations. Walthall reviewed the proposed procedures (see attached documents). **Markley motioned to approve the adoption of the procedures, second by Odgers. Motion passed 4-0.**

Next item of business was to conduct an informal hearing to hear the appeal at hand (see attached documents for project summary, reference codes and staff analysis).

Walthall summarized the staff report. Walthall stated that all parties involved in the planning, plan review, design and construction did not pick up on the violation of the accessibility until after a final certificate of occupancy was issued. Upon summarizing the staff report, Walthall offered expert opinions from two accessibility experts that agreed with staff's interpretation of the code (see attached documents). Markley then asked Walthall if the sidewalk ramps in question were on the original approved plans. Walthall stated the sidewalks were constructed as drawn. The plans noted have a statement to comply with accessibility requirements. Markley inquired if the sidewalk on the west side of the Sprouts parcel was code compliant. Jamie McCawley, the appellant, answered he had visited the site in the morning and can verify the sidewalk was compliant. Reardon questioned what the sidewalk in question served.

Board discussion determined the sidewalk served pedestrians from Free State High School, north of Sprouts. Odgers asked what the drive between the proposed ramps served. Walthall stated the drive served a loading dock for Sprouts. Odgers also asked if there was a bus stop on Champions Drive east of Sprouts. Walthall replied no.

Reardon then invited the appellant to introduce himself. Jamie McCawley stated he was a representative for the owner of Sprouts. McCawley stated that Walthall had been great to work with through the appeal process. McCawley stated at the time the appeal was filed the owners felt the spirit of the accessibility requirements had been met. Other access points exist and they did not want to encourage pedestrian traffic through the loading area. McCawley stated once the hearing was scheduled, additional information was available for their review. The owner wanted to explore the option of removing the sidewalk. McCawley said the store manager was excited about improving access from the east as they received traffic from this direction. McCawley determined after his conversation with the manager and reading the expert opinions, he sensed he had wasted time with the appeal and that was not his intention. McCawley said it was hard to make a spirited defense for the appeal. McCawley stated the rough cost estimates were approximately \$2,500.00 per ramp. McCawley said they would not contest installing the ramps any longer.

Reardon closed public comment and the board discussed the issue. Odgers stated that with the accessibility requirements they are not allowed to create exceptions. Reardon stated that since the big users of the sidewalk are high school students, it is clear the ramps are needed. He also said the estimated cost didn't seem to be a hardship on the owners. Markley said that he had not heard any information presented that would allow him to not make the site comply with the accessibility requirements. Brunin echoed what the other board members had stated. Brunin inquired if pavement striping would be required at the crosswalk. Walthall replied staff would review with the appellant to assure the area is designed and constructed properly, including striping requirements if needed.

Markley made a motion to reject the appeal and require the site to be compliant with accessibility standards. Second by Odgers. Motion passed 4-0.

Walthall informed McCawley a permit would not be required to add the ramps but the Development Services will coordinate with the owner to assure the ramps are designed and installed correctly.

In other business, Walthall informed the board the provisions of the International Building Code (IBC) for storm shelters in schools and emergency facilities were temporarily removed from the agenda for a separate board discussion. The provisions are in the process of being revised for a proposed amendment to the 2015 IBC. Staff has discussed amended revisions with the school district and private schools. Walthall would like to convene the board in December to consider the amendment. Walthall stated staff has contacted public officials associated with emergency management and public safety including the fire department, police department and the Douglas County

emergency management staff to discuss the provisions for storm shelters. Walthall stated storm shelters were the last issue under the 2015 code amendments.

The board welcomed new member Michael Brunin, Apex Engineers.

Walthall thanked Reardon and Odgers for their service on the board. Both are outgoing members of the BCBA.

No other business is discussed.

Odgers made a motion to adjourn, second by Reardon. Motion passed 4-0.

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