

Minutes of the State Appeals Board
Appeal #10-01
Monday, July 12, 2010

Called to Order:

Appeals Board Members included Gary Hagedorn, Building Official for the City of Blaine; Thomas Gray, Building Official for the City of Victoria; Kathi Osmonson, Building Official for the City of Moundsview; Dave Scherbel, Building Official for the City of Arden Hills; Donald Olson, Building Official for the City of Andover; Ex-officio member Scott McLellan, Construction Codes and Licensing Division (CCLD). Other CCLD staff included Doug Nord.

Chairman Gary Hagedorn called the meeting to order at 8:45 AM. He explained that the applicant was appealing the interpretation of the 2006 International Residential Code (IRC), section 308.4, hazardous locations, by Doug Whitney the Building Official of the City of Coon Rapids. Gary asked for introductions of board members and those in attendance.

Those present in the audience were Doug Whitney, Building Official for the City of Coon Rapids and appeals applicant Todd Trabant, Division Manager, Champion Window Company of Minneapolis, LLC.

Introduction of the Appeal:

Gary Hagedorn asked Todd Trabant to explain his application to the board.

Todd Trabant explained that the project is in the City of Coon Rapids where his company replaced a window in a bathroom wall where the edge of the window was 16.5 inches away and outside of a tub/shower area enclosure. Todd read IRC section R308.4 (5) which states; "Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Glazing in any part of a building wall enclosing these compartments where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface." This window is outside of those walls enclosing the tub/shower and Todd feels it is not addressed by the code. The Building Official for the City of Coon Rapids has made an interpretation and put out a diagram requiring safety glazing of windows that are less than 5 feet in front of a tub or shower and at right angles to a tub or shower and less than 3 feet. Todd doesn't believe this should be enforced in this manner. Todd asked if there were any questions. There were none.

Gary Hagedorn asked Doug Whitney to go over his interpretation of the code in regards to this situation.

Doug Whitney explained that Minnesota Rule Chapter 1300 addresses minimum requirements for the code and that the building official may render interpretations of the

code and adopt policies to clarify its application. This is why they have produced a drawing of his interpretation of the code. "Enclosure" is not very clear in the code and because of that, he has made an interpretation in which some items come out of the IRC commentary. He addresses those areas outside of a tub/shower as he feels they may be hazardous. One may catch their toe on the edge of a tub while exiting the tub and these areas may be slip hazards he said. Their department is consistent in their enforcement and Coon Rapids is a leader in certain areas of the code such as tall wall enforcement and handouts. The building code allows the building official to interpret the code and he feels this is an appropriate interpretation in regards to the walking surface. Doug Whitney asked if there were any questions. There were none.

Discussion:

Gary Hagedorn asked for comments.

Todd Trabant said if the code intended to address a 3 foot and a 5 foot area outside of a tub/shower it would have been specified in the code.

Tom Gray asked Doug Whitney if his opinion was based on items 5 and 6 in R308.4.

Doug Whitney states if the shower door is within 24 inches of the window it would be required to be tempered, but he wasn't sure if it is within that 24 inches.

Todd Trabant states the shower door is more than 24 inches away from the window. If it wasn't he would agree it needs to be tempered glazing.

Don Olson asked Doug Whitney where he found the 36 inch requirement in the code.

Doug Whitney states it was chose as the reach area by him in regards to floor slippage.

Kathi Osmonson asked if the handout showing the 3 and 5 foot area was given with permits when this requirement is applied.

Doug Whitney said it should be.

Board Discussion:

Gary Hagedorn closed the open discussion and opened discussion among the board members.

Dave Scherbel said one concern he had was if the shower door were to be less than 24 inches from the window. As to the requirement of the 36 inches required by the building official, he feels even though it may be a good idea, it is not required by the code.

Gary Hagedorn agreed with Dave Scherbel and believes the code addresses walls enclosing the tub/shower but not outside of it. The code would have specified that if that was the intent.

Donald Olson said he would agree with Gary Hagedorn.

Kathi Osmonson states the idea is good but it's not in the code today.

Gary Hagedorn asked if there were anymore board discussion. There was not.

Dave Sherbel motioned in favor of Todd Trabant (Champion Windows), that the requirement for safety glazing the bathroom window does not apply.

Kathi Osmonson seconded the motion.

Gary Hagedorn asked for those in favor. All were in favor and the motion carried.

Gary Hagedorn thanked Todd Trabant (Champion Windows) for bringing this issue forward and let Doug Whitney know the idea has merit for subject of a code change in the future.

The meeting adjourned at 9:10 AM.

Respectfully submitted

Doug Nord