



The Metropolitan Government of Nashville and Davidson County

Board of Fire and Building Code Appeals

Meeting Date:	Tuesday – August 8, 2023
Place:	Development Service Conference Center- Metro Office Building- 800 President Ronald Reagan Way
Time:	9:00 A.M.

FIRE AND BUILDING BOARD MEMBERS	MEMBER TERM EXPIRES	MEMBER ATTENDANCE	STAFF PRESENT
Andy Berry Ilke Hanloser Cal Nielson Marina Ntoupri - Chairman Tim Prow -Vice Chairman Devinder Sandhu Christopher Dunn Vacant Vacant	July 20, 2025 July 19, 2026 March 1, 2025 April 1, 2025 July 19, 2026 July 20, 2025 March 1, 2027	Present Present Present Absent Present Absent Present	Joe Almon Tessa Ortiz-Marsh John Tyler Sam Rider Shannon Roberts Theresa Hayes

AGENDA TOPICS

- I. **Call Meeting TO Order**
- II. **OPEN PUBLIC COMMENT PERIOD**
- III. **APPEAL CASES**
- IV. **OTHER BUSINESS**
- V. **APPROVAL OF LAST MONTH’S MINUTES**
- VI. **Adjournment**

I. CALL THE MEETING TO ORDER

II. OPEN PUBLIC COMMENT PERIOD – PERSONS WHO WISH TO COMMENT ON MATTERS THAT ARE GERMANE TO ITEMS ON THE AGENDA, MUST SIGN UP PRIOR TO THE BEGINNING OF THE MEETING. PLEASE SEE SECRETARY FOR SIGN UP SHEET.

Dr Tonya Dennis – re: 2427 Brick Church Pike #20230036249
Joy Andal- email sent dated 8/7/23- re: 2427 Brick Church Pike #20230036249

III. APPEAL CASES

Appeal Case No. 20230035696

Site Address: **1301 Herman Street
Nashville, TN 37203**

Represented by: Lauren Miller-Wilmoth
Jesse Wilmoth

Map/Parcel Number: 09204032200

Appellant: Lauren Miller-Wilmoth

Parcel Owner: 1301 Herman Street, LLC

Code Provision: 2018 IBC 1011.7 Stairway Construction. Stairways shall be built of materials consistent with the types permitted for the type of construction of the building, except that wood handrails shall be permitted for all types of construction.

2018 IBC 510.2 Horizontal Building Separation Allowance. A building shall be considered as separate and distinct buildings for the purpose of determining... type of construction where all of the following conditions are met: 1) The buildings are separated with a horizontal assembly having a fire resistance rating of not less than 3 hours. 2) The building below, including the horizontal assembly, is of Type 1A construction. 3) Shaft, stairway, ramp and escalator enclosures through the horizontal assembly shall have not less than 2 hour fire-resistance rating with opening protectives in accordance with Section 716

Applicant Appeals: 2021 IBC 510.2 adds a new Item #4: Interior exit stairways located within the Type 1A building are permitted to be of combustible materials where the following requirements are met: 4.1) The building above the Type 1A building is of Type 3, 4 or 5 construction. 4.2) The stairway located in the Type 1A building is enclosed by 3 hour fire-resistance rated construction with opening protectives in accordance with Section 716. The appellant seeks permission to comply with this section of the '21 IBC for this project.

This case was deferred from June 13, 2023, meeting.

This case was deferred from July 11, 2023 meeting, did not have a quorum.

Discussion:

Motion: Approve

Approved / Denied:

First: Dunn
Second: Nielson

**Approved
4-1
Berry-Recused**

Appeal Case No. 20230036249

Represented by: Blake Rutland

Site Address: **2427 Brick Church Pike
Nashville, TN 37207**

Map/Parcel Number: 07102013700

Appellant: John Root

Parcel Owner: Brick Church Pike Sitework, LLC

Code Provision: Per 2018 IBC 1107.6.1.1 Accessible Units: For an R-1 Occupancy, on a multiple-building site, where structures contain more than 50 dwelling units or sleeping units, the number of Accessible units shall be determined per structure. On a multiple-building site, where structures contain 50 or fewer dwelling units or sleeping units, all dwelling units and sleeping units on a site shall be considered to determine the total number of Accessible units. Accessible units shall be dispersed among the various classes of units.

Applicant Appeals: Requests variance on the required number of accessible units

This case was deferred from the June 13, 2023, meeting.

This case was deferred from the July 11, 2023, meeting did not have a quorum.

Discussion:

Motion: Deny

First: Berry
Second: Hanloser

Approved / Denied:
Denied
4-1
Dunn-Recused

WITHDRAWN

Appeal Case No. 20230036159

Represented by:

Site Address: **747 Douglas Avenue, #101
Nashville, TN 37207**

Map/Parcel Number: 07116015800

Appellant: Tim Brinn

Parcel Owner: Douglas Village, LLC

Code Provision: 1. 2018 IECC C503 Alterations C503.1 General. Alterations to any building or structure shall comply with the requirements of section C503 and the code for new construction. Exception: the following alterations need not comply with the requirements for new construction provided that the energy use of the building is not increased: 4. Construction where the existing roof, wall, or floor cavity is not exposed.

2. Inspector noted that the plans call for type 2 construction as non-combustible. It is assumed this is in reference to the low wall of the serving bar. IBC 602.2 Types I & II. Types I and II construction are those types of construction in which the building elements listed in Table 601 are of noncombustible materials, except as permitted in section 603 and elsewhere in this code. Section 603.1 Allowable materials. Combustible materials shall be permitted in buildings of Type I or II in the following applications and in accordance with Sections 603.1.1 through 603.1.3: 1 Fire- retardant-treated wood shall be permitted in: 1.1 Nonbearing partitions where the required fire-resistance rating is 2 hours or less. Per Table 601, nonbearing walls and partitions - Interior have a fire-resistance rating requirement of zero hours.

Applicant Appeals: The existing exterior walls and roof are not being altered in any way.

This case was deferred from the June 13, 2023, meeting.

This case was deferred from July 11, 2023, meeting, did not have a quorum.

Discussion:

Case has been withdrawn per request of applicant in email dated 7/20/23

Motion:

First:

Second:

Approved / Denied:

WITHDRAWN

Appeal Case No. 20230040981

Represented by: Ben McCreary

Site Address: **200 Hart Street
Nashville, TN 37210**

Map/Parcel Number: 10503027500

Appellant: Ben McCreary

Parcel Owner: Higgins, James & Piliponis, Richard D Etal

Code Provision: There are two items for this appeal - Item #1: Per IBC 1011.11 Handrails. Flights of stairways shall have handrails on each side and shall comply with IBC Section 1014 HANDRAILS; Item #2: Per IBC 1011.12.2 Roof access. Exception: In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch...not less than 16 square feet in area, minimum dimension of 2 feet

Applicant Appeals: Applicant comments - Item #1: they consider the stair to be a 'stepped aisle' and want to remove the handrail on one side; Item #2: they want to reduce the size of the roof hatch.

This case was deferred from the July 11, 2023, meeting -did not have a quorum.

Discussion:

**#1-Approved with stipulation-5-0-1st Berry-2nd- Hanloser
Must comply with 2018 IBC Code Sections 1029.11-1029.17
#2- Approved-4-1-1st Berry-2nd Hanloser- Nielson - Deny**

Motion:

First:
Second:

Approved / Denied:

APPROVED
SEE NOTES

WITHDRAWN

Appeal Case No. 20230043072

Represented by:

Site Address: **300 Rains Avenue
Nashville, TN 37203**

Map/Parcel Number: 10511030100

Appellant: Mara Caoile

Parcel Owner: Metro Gov't M Fair Grounds

Code Provision: Per 2018 IBC 703.2 Fire-Resistance Ratings: The fire-resistance rating of building elements, components, or assemblies shall be determined in accordance with the test procedures set forth in ASTM E119 or UL 263 or in accordance with Section 703.3 which allows for alternative methods to determine fire resistance.

Applicant Appeals: Appellant is proposing the use of an untested/unlisted assembly to achieve a 2-hour exterior bearing wall requirement for the project.

This case was deferred from the July 11, 2023, meeting – did not have a quorum

Discussion:

PER EMAIL DATED 8/1/23- FROM APPLICANT CASE HAS BEEN WITHDRAWN

Motion:

First:
Second:

Approved / Denied:

WITHDRAWN

Appeal Case No. 20230050114

Site Address: **140 3rd Avenue North
Nashville, TN 37201**

Represented by: Jacob White
Rachel Lawson

Map/Parcel Number: 09306203400

Appellant: Jacob White

Parcel Owner: Velocis Lincoln Commerce Spe, LLC

Code Provision: 2017 ANSI 117.1 Section 904 Sales and Service Counters and Windows requires accessibility compliance for either forward or parallel approach. Section 308.3.1 Unobstructed Side Reach establishes a 48 inch maximum side reach height limit.

Applicant Appeals: Non-compliance as constructed was cited by the Building Inspector. The Applicant seeks relief from this requirement.

Discussion:

Stipulation: Granted as requested consistent with letter from appellants council dated 8/7/23. (Letter states they will be adding a transaction shelf, Berry noted to coordinate height) Provided that the appellant continues to utilize the space for its current purpose.

Motion: Approved
w/stipulation

First: Dunn
Second: Berry

Approved / Denied:
**Approved w/
Stipulation
5-0**

Appeal Case No. 20230050376

Site Address: **140 10th Avenue North
Nashville, TN 37203**

Represented by: Craig Milde
Paul Villotti

Map/Parcel Number: 093054C00200CO

Appellant: Craig Milde

Parcel Owner: AEG SWVP NY 9A, LLC

Code Provision: Per IBC Table 601, for Type I-A construction, the roof construction and associated secondary members are to be rated 1-1/2 hours; footnote 'b' allows no rating for primary structural frame members, roof framing, and decking, where every part of the roof construction is 20 feet or more above any floor immediately below - plan reviewer & fire marshal indicate that footnote 'b' does not apply in this situation

Applicant Appeals: Applicant wants the required fire protection waived, based upon an analysis by a consultant.

Discussion:

Motion: Denied

First: Berry
Second: Hanloser

Approved / Denied:
**Denied
3-2
Dunn & Prow against**

IV. OTHER BUSINESS		
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V. Approval of Minutes: Changes: Approval By: Signature of Chairman _____	
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VI. MOTION FOR ADJOURNMENT:		
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