



CITY OF COLUMBIA

Columbia, Missouri

APPEAL APPLICATION TO THE BUILDING CONSTRUCTION CODES COMMISSION

Notice of appeal from the Decision of Code Official in regard to the following described property in the City of Columbia, County of Boone, State of Missouri:

Temp 6853 18 JAN 5 AM 9:10 18-001

Legally described as (per www.showmeboone.com/assessor): COLUMBIA O TS 49.95' LOT 156 & S 49.95' OF E 34' LOT 155
and known as (number and street) 29 South Tenth Street (Harpo's Bar & Grill)

Applicant(s) request a variance or ruling with respect to the above described property.

On the 6th day of December 2017, said code official disapproved the construction of a proposed metal trellis structure designed to be temporarily clad with a fabric enclosure for a maximum of six months

per calendar year on the rooftop bar area of the existing building.

The reason he gave for such action was that both the Building & Site Development and Fire Department believe the addition of this membrane structure, whether temporary or permanent, creates a "fire area" by definition in the 2015 International Building Code and the 2015 International Fire Code

which does not comply with Section 903.2.1.2 Group A-2 of the International Building Code and International Fire Code as adopted by the City of Columbia, Missouri, which provides or requires that:
an automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists: 1. the fire area exceeds 5,000 sf; 2. the fire area has an occupant load of 100 or more; and 3. the fire area is located on a floor other than a level of exit discharge serving such occupancies.

A copy of the notice of said official is hereto attached.

The basis for this appeal, as permitted by the International Building Code as adopted by the City of Columbia, is:
(check **all boxes that apply**)

- ☒ The true intent of the Code or the rules legally adopted thereunder have been incorrectly interpreted.
- ☐ The provisions of the Code do not fully apply.
- ☐ An equally good or better form of construction can be used.
- ☐ Undue hardship* is created by strict compliance with the letter of the Code but has no significant effect on the health, safety and welfare of the public or any individual (*attach a cost estimate for hardship encountered)

Applicant is requesting a variance or ruling, or both, in the way of carrying out the strict letter of the Code because:
the construction of the proposed structure, whether temporary or permanent, does not alter the existing classification of occupancy, nor does it alter or increase the intensity of occupancy, nor does it alter or diminish the existing means of egress from the rooftop bar area.

Applicant is proposing: that the City allow the Owner to construct the proposed structure on the rooftop bar area with no requirement to install an automatic sprinkler system throughout the building, thus allowing the Owner to continue to occupy the building in the exact same manner as first approved by the City Protective Inspection Department and City Fire Department in 2011.

Name (Print) Chuck Naylor, Owner Agent (Print) Brian D. Connell, Architect

Name of Business requesting variance Harpo's Cherry Street LLC (Harpo's Bar & Grill)

Address 29 South Tenth Street

Phone _____

12/22/2017

[Signature]
Applicant Signature

Date

Deliver Application with required \$120.00 check to:

Building Construction Codes Commission
Building and Site Development
701 East Broadway, 3rd Floor
Columbia, Missouri 65201

Cc: Brad Fraizer <Brad.Fraizer@como.gov>; Creech, Shane <Shane.Creech@como.gov>
Subject: Re: Harpo's Skyy Bar Temporary Structure Permit

Good morning Brian,

Yesterday we received the following interpretation/policy from the Planning Department;

To address the issue if the design requirements of the M-DT district apply to this type of use please see my analysis of the Code and the proposed solution moving forward.

Section 29-4.2(d)(2)(ii) requires any new structure built within the M-DT meet the Facade Composition requirements of the regulated street frontage. The installation of the proposed trellis (i.e. super-structure of the membrane) is deemed a "structure" by BSD and as such would trigger compliance requirements.

The real issue is not whether the trellis (i.e. super-structure) should be compliant with the facade composition standards or not, since it will likely be an appealing addition to the rooftop when it is not covered, but what happens to the building facade when the trellis is covered by its membrane for its allotted 180 days in a given 12 month period. The impact that such an enclosed structure would have upon the street frontage to which it abuts is what, I believe, the facade composition requirements were attempting to address. The M-DT standards do not call out "temporary" or "permanent" rooftop structures as being permitted or not. Regardless, anything enclosing a rooftop for 180 days has the potential to negatively impact the intent of the M-DT standards and the quality of the downtown street frontage.

Given the potential impact that an enclosed rooftop structure, regardless of its duration (temporary or permanent), may have on the street frontages within the M-DT district it is recommended that the following standards for facade composition compliance be applied when a permit for a rooftop structure that would be enclosed is sought. The proposed standards, I believe, address the issue of a short-term use that would be considered "accessory" to the principle use of the property and would be defensible if challenged.

The provisions of Section 29-4.2(d)(2)(ii) shall apply to rooftop structures, intended to be enclosed, upon existing buildings within the M-DT zoning district when:

1. The area under the roof of the membrane exceeds 51% of the "useable" rooftop square footage of the structure upon which it is being placed. "Useable" rooftop square footage shall be defined as that square footage within which patrons have access to partake in rooftop activities and shall be the same square footage as that used to calculate fire area.
2. The area under the roof of the membrane exceeds the floor area of principle use to which it is associated (i.e. it is no longer considered an

3. The membrane covering the support structure (regardless if such structure is temporary or permanent) is intended to remain for a period greater than 180 days in any given 12 month period.

My understanding is that this will be policy until actually codified. From this interpretation it appears you simply need to demonstrate the area under the roof of the membrane does not exceed 51% of the useable rooftop square footage and that the membrane will not be in place greater than 180 days in any 12 month period.

Pertaining to Automatic Sprinkler System requirements: Both Building and Site Development and the Fire Department believe the addition of this membrane structure, whether temporary or permanent, creates a "Fire Area" by definition in the 2015 International building Code and the 2015 International Fire Code-

FIRE AREA. The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

It then follows with an A2 use group located on a floor other than the level of exit discharge tat a sprinkler system is required;

[F] 903.2.1.2 Group A-2.

An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m2);
2. The fire area has an occupant load of 100 or more; or
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

We would be happy to meet with you and your client to discuss this matter.

Sincerely,

John P. Simon

Building Regulations Supervisor

john.simon@como.gov

573-874-7259

On Wed, Nov 8, 2017 at 3:39 PM, Brian Connell <Brianconnell@connellarchitecture.com> wrote:

John,

My understanding of Larry's (Marathon's) proposal to replace the previous "tent" structure is the following:

1. erect a metal frame (steel or aluminum) structure the exact same size (length x width) as the previous tent structure. This metal structural frame would be permanently mounted on the roof deck, and would bear on existing building structure. Greg Linneman is engaged to conduct a structural analysis and publish a report verifying that the existing building structure will adequately support the proposed frame, or if not, what measures would be required to reinforce the existing building structure.
2. Install a demountable fabric roof and side walls that will be removed at strategic times of the year (just like the previous tent structure) to comply with the City's provisions for a temporary structure.
3. The proposed structure will not be conditioned, just like the previous tent structure.
4. The proposed structure will provide the exact same capacity and locations for egress as the previous tent structure.

The only deviation from the previous tent structure is that the metal frame that would be left standing year-round.

The proposed structure will not change the classification or intensity of occupancy on the roof area, and does not alter or diminish the existing means of egress.

Harpo's intends to utilize this structure exactly the same way as the previous "tent" structure, so the question for you and the Fire Department is – will the City regard this proposed structure in the same way as the previous tent structure?

We are prepared to submit detailed drawings and structural calculations, would just like to know if there is any reason why this proposed structure would not be approved. Thus my request for a brief meeting to discuss.

Thanks!

Brian

From: John Simon [mailto:john.simon@como.gov]
Sent: Wednesday, November 08, 2017 2:09 PM
To: Brian Connell <Brianconnell@connellarchitecture.com>
Subject: Re: Harpo's Skyy Bar Temporary Structure Permit

I'm uncertain what you mean--It needs to meet all of the requirements of the IFC 3103.8.4 which states it "shall be regulated as a permanent membrane structure in accordance with Section 3102 of the IBC". That is why we had to have structural calculations, design, and non-combustible membrane, etc.

Because Harpo's used their tent for less than 6 mo of the year/the space was not conditioned a sprinkler system was not required. I am uncertain how the Fire Department will view your new proposal..

John P. Simon

Building Regulations Supervisor

john.simon@como.gov

573-874-7259

On Wed, Nov 8, 2017 at 12:30 PM, Brian Connell <Brianconnell@connellarchitecture.com> wrote:

John,

I need some guidance from you on how to proceed with a request Larry Schuster of Marathon Building Environments to replace the temporary "tent" structure on the roof of Harpo's. I know you are busy with meetings this week, let me know when you have a few minutes to discuss.

Thanks!

Brian

<image001.jpg>