

From: Frank Benesh [frank_benesh@roadrunner.com]
Sent: Wednesday, November 16, 2011 12:57 PM
To: frank_benesh@alum.mit.edu; lisamacallister@gmail.com; jraubrey@yahoo.com; bwalker@gsmr.org; 'Dave Mason'; bfunicella@mac.com; 'Martha Benesh'
Cc: 'Diane Falcey'; 'Martha Tobin'; 'Andy Chalmers'; 'Ella Cressy'
Subject: FW: Dickie trip to the ZBA for variance from JZO 2.2.3

Please note attached email from Andy Chalmers in reference to tonights meeting.

From: Andy [<mailto:andy@chalmersbuildingservices.com>]
Sent: Tuesday, November 15, 2011 8:58 PM
To: Frank Benesh
Cc: Diane Falcey; Ella Cressy
Subject: Dickie trip to the ZBA for variance from JZO 2.2.3

To the Chair of the Jackson Zoning Board of Adjustment, Frank Benesh,

It is my understanding that Mr. Dickie is on the docket for the ZBA meeting, 11/16/11. I was planning on attending the meeting, but, the Conway ZBA has a meeting, at the same time, that is dealing with some significant flood plain issues and they have *requested* my presence.

The proposed change(s) that, I believe, Mr. Dickie is planning for the roofline of this structure clearly is increasing the volume of the building. As this has been considered an existing structure there have been several compromises made as allowed by the Building Code; these are chiefly affecting the remaining structure i.e. the foundation, first floor system and the remaining first floor walls. As an existing building Mr. Dickie and his contractor have not been required to bring this items into compliance with the State Building Code.

If the Board were to consider this a new building an argument could be made that the old ceiling height of the second floor was not Code Compliant. Current State Building Code (IRC 2009) requires a minimum ceiling height of 7' (see IRC 305.1). Exceptions are given allowing rooms with sloped ceilings to have a minimum of 50% of the floor area to be at least 7' tall. Bathroom ceilings are allowed to be 6'-8". When calculating the requirements for a habitable space on the second floor (area required to have a minimum ceiling height) one must consider the minimum floor areas required for habitable spaces. The State Building Code requires habitable spaces to be a minimum of 70 SF (see IRC R304.2). By my calculations using the 50% rule a minimum of 35 SF of the second floor would be required to have 7' ceilings... **IF** this is considered a new structure by the ZBA. The other item that the Board may be addressing the the proposed increase of the rear deck. The applicant wishes to increase the size (width) of the deck. Some of this expansion would allow for a second means of egress from the the building...while this is NOT a requirement of the State Building, Fire or Life Safety Codes it is not without merit.

I apologize for not being able to attend your meeting. If you have any questions or concerns I would be happy to address them at anytime tomorrow, my cell number is 960-0909.

Yours,

Andy Chalmers
Building Inspector