

MINUTES
CITY OF KNOXVILLE, TN
BUILDING BOARD OF ADJUSTMENTS AND APPEALS
MEETING: JANUARY 20, 2012 -- 9:00 A.M.
SMALL ASSEMBLY ROOM – CITY/COUNTY BUILDING, 400 MAIN STREET

ROLL CALL

Members present: Todd Duncan, Acting Chairman; John Gaddis; William Waters; Doyle Webb; and Alternate David Ilove.

Others in attendance: Charles Wilson, Plans Examiner; Sonny Partin, Fire Inspections; and Angela Rauber, Law Department.

APPROVAL OF MINUTES

Board member John Gaddis made the motion to APPROVE the November 18, 2011 minutes and Board member Doyle Webb seconded the motion. The Board voted 4-0 to **APPROVE** the November 18, 2011 meeting minutes as submitted. Board member William Waters came in after the minutes were approved.

CONSENT ITEMS

None.

NEW BUSINESS

9721 SHERRILL BOULEVARD

OWNER: Scripps Networks

Requested By: Mike Balles, Bick Group

BD01A12BU 2006 IBC, Section 1008.1.4 and 1008.1.5

Request:

Due to the nature of the equipment layout in the data center the landings are not practical. All steps will be striped with safety yellow paint for visual identification. Door will be labeled on both sides to notify occupants of the elevation change. An employee training program will be implemented to make them aware of this condition. Access to this space is limited to Data Center employees only and is not accessible to the general population within the facility.

Mike Balles, Bick Group, St. Louis, Missouri, said they were currently involved with Scripps Network in building the data center for them. Mr. Balles said they were asking for a variance on two steps that were in the data center. Mr. Balles said one step was an egress-only door out of the space. Mr. Balles said the other step was connecting a door to a partial high-density space (another portion of the data center). Mr. Balles said they had infilled an existing studio and brought up the floor level. Mr. Balles said they had a 5-1/2-inch differential that they were dealing with. Mr. Balles said after the migration of the equipment into the data center is completed, the data center would be a "Lights Out" space and would be accessed and limited to only five employees on site. Mr. Balles said they had highlighted the stair with yellow-safety paint and were labeling all of the doors.

Mr. Balles said there would be an employee-safety program put into place to make them aware of that step. Mr. Balles said going with the full 44-inch platform (required by code) would impede travel through the data center and this was the reason they were requesting the variance.

Charles Wilson, Plans Examiner, said after looking over the drawings, the Building Department had no problem with this request. Mr. Wilson said it did not have to be handicap-accessible because it was for employees only. Mr. Wilson said they had no problems with the request if the steps were painted like the photo and the doors were labeled.

Sonny Partin, Fire Inspections, said he went out on site and met with Adam Chmiel, Messer Construction. Mr. Partin said the situation they have, he did not see any better situation that they could come up with. Mr. Partin said if they were to extend it out, it would get out into the aisle way. Mr. Partin said he thought that would be a tripping hazard. Mr. Partin said if they were to go either way, he thought it would be a tripping hazard in the corridors of either the data center or the corridor. Mr. Partin said he did recommend they put some extra yellow tape on there to define the step in the data room. Mr. Partin said the data room had a minimum 11-inch step and a maximum 5-1/2-inch rise. Mr. Partin said the step was outlined in yellow and looked pretty good but the floor was all blue. Mr. Partin said he believed the step should have some more striping on it. Mr. Balles said he did not see a problem with that at all. Mr. Partin asked if there were intentions to putting a sign on the door. Mr. Balles said the signs would be on both sides of the door. Mr. Partin said if these things were being done, he thought that was the best they could do in this situation that they have in an existing building renovation.

Board member John Gaddis made a motion to APPROVE the request with the stipulation that the additional taping that Mr. Partin had requested be installed. Board member William Waters seconded the motion. The Board voted 5-0 to APPROVE the request with the stipulation that additional taping be installed.

OTHER BUSINESS

Sonny Partin, Fire Inspections, said he would like to bring up something since they had two meetings that had gone real quick. Mr. Partin said on situations like this one where he and Charles Wilson, Plans Examiner, felt like everything had been done, there was not a whole lot to do, and it was questionable to whether it should even go to the Board. Mr. Partin said he wondered if it was worth bringing the Board members out for something that he and Mr. Wilson knew was not going to be able to be resolved. Mr. Partin asked Angela Rauber, Law Department, if there was something else they could do or was this the process they had to go through. Ms. Rauber said this was the process they had to go through because it was the only way to actually adjust the requirement and get it legally and correctly. Ms. Rauber said it does require an in-person meeting. Ms. Rauber said there was some discussion going on across the country about being able to conduct it electronic meetings but we were not there yet. Ms. Rauber said as of now they have to meet. Ms. Rauber thanked the Board members because she knew it seemed like a hassle to come out for one item that was non-controversial but that was the only way to do it legally and effectively. Mr. Todd Duncan, Acting Board Chairman, said he would rather come out for a non-controversial than a controversial item. Board member Doyle Webb asked if this was a requirement of the county code. Ms. Rauber said it was a requirement of the city code and the state law. Ms. Rauber said the state law requires public meeting that is an in-person meeting. Ms. Rauber said somebody be at the meeting to oppose

it. Ms. Rauber said also somebody could understand a meeting is going to be conducted and expect the Board to be present to do their job of reviewing it and voting on it and then it was not true and then decide to challenge it. Ms. Rauber said you never know what is going to cause an unexpected opposition from someone and they may have that legitimate point to bring before the Board. Ms. Rauber said they at least deserve the opportunity to be heard even if it is not a valid point or something the Board considers not to be a valid point. Ms. Rauber said that was what this process was about to make sure everyone had a right to appear and have their viewpoints openly discussed.

Board member John Gaddis asked what qualified for consent items. Ms. Rauber said we have not done consent items in the past. Ms. Rauber said consent items would still require the Board to be present and we would advertise it as a consent item. Ms. Rauber said this had not been done on any of the Boards that she was aware of in the City of Knoxville. Ms. Rauber said it was her understanding when Metropolitan Planning Commission does it, they still have the public meeting and they never have only one item on their agenda. Ms. Rauber said if someone opposes the consent item, it would be taken off of the consent agenda and discussed. Ms. Rauber said they still have the opportunity to take it off of the agenda and basically the Board would still have to show up. Ms. Rauber said if the Board members did not show up or had less than a quorum even on a consent item, it would be moved to the next meeting.

Todd Duncan, Acting Board Chairman, said he thought they all understood when they came on the Board that there would be days like this. Mr. Duncan said he personally did not mind coming down and down that. Mr. Duncan said he appreciated what Mr. Partin was trying to do and it would be nice but again it was just part of the morning. Mr. Partin said he wanted to refresh his memory on if they had any options. Board member Doyle Webb said with the staff reviewing the items that made the items go faster for the Board.

ADJOURNMENT

The meeting was adjourned at 9:15 a.m.

Minutes were taken and typed by Deborah Brooks, Board Secretary.