

MEETING MINUTES
PLUMBING CODE BOARD OF APPEALS
9/19/13
Building Services Conference Room

MEMBERS PRESENT: Tom Day
Mike Hessenius
Brian Rogers

ALSO PRESENT: Loren Schmitz, Owner of Spring House Restaurant
Kevin Ciabatti – Building Services Manager
Duncan McCallum, Plans Examination Coordinator
Jennifer Canaday – Recording Secretary

The meeting was called to order at 1:00 pm with Chairman Tom Day presiding.

1. First order of business was to elect new officers for the board. This item was tabled by mutual agreement until a further meeting, when more Board members may be present.
2. Minutes from the previous meeting were reviewed. It was asked if the required documentation pertaining to the last appeal was received, and that was confirmed. Mike made a motion to accept the minutes as reviewed, Brian seconded the motion; it was passed unanimously.
3. Appeal #1-2013 3980 Center Point Rd NE, Cedar Rapids, IA – Spring House Restaurant

Mr. Loren Schmitz was present to request that the board waive the current fixture requirements for his restaurant in light of new requirements by the Dept. of Justice that the restaurant provide restroom accessibility. Mr. Schmitz has been conferring with Kevin Ciabatti, and together they have proposed several restroom plans to the Dept. of Justice which have been denied. A final response is required from Mr. Schmitz to the district attorney by 9/30/13. Failure to comply will require that the restaurant be closed.

Mr. Schmitz stated that by meeting the DOJ's requirements to reduce fixtures and create an accessible restroom, he violates the City requirements. The DOJ recommended that the men's restroom be converted to a unisex accessible restroom, and the women's restroom would remain as is. This violates the City code requirements for a restaurant to have separate men's and women's facilities; it also violates the requirement for fixture parity and the number of fixtures for a restaurant with occupancy of 115.

By meeting the City requirements, Mr. Schmitz is not able to meet the DOJ's requirement. The final recommendation for remodeling the restrooms by the DOJ included moving the water closets and sink in the women's restroom. This is estimated to cost \$38,000 to implement. Kevin Ciabatti stated that that recommendation was technically infeasible, as it involved removing a load-bearing wall.

The Board discussed the Code fixture requirements for the Spring House Restaurants' occupancy of 115. They discussed who has ultimate jurisdiction in this matter, the City or the Dept. of Justice. It is implied by the DOJ that the DOJ has ultimate authority in this matter.

Based on 2012 UPC sections 101.6, 101.8 and 101.11.2, Mike Hessenius proposed that the City allow the Spring House Restaurant to reduce fixture counts in both restrooms by one fixture in order to make both restrooms accessible while retaining separate male and female restrooms. Brian Rogers seconded the motion, and the motion passed unanimously.

4. Mike moved to adjourn the meeting, and Brian seconded. The meeting adjourned at 2:55 pm.

Respectfully submitted,
Jennifer Canaday
Recording Secretary

Section 101.6 Repairs and Alterations. In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, deviations from the provisions of this code are permitted, provided such deviations are found to be necessary and are first approved the Authority Having Jurisdiction.

Section 101.8 Existing Construction. No provision of this code shall be deemed to require a change in a portion of a plumbing or drainage system or other work regulated by this code in or on an existing building or lot where such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except where such plumbing or drainage system or other work regulated by this code is determined by the Authority Having Jurisdiction to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

101.11.2 Existing Installation. Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use, maintenance, or repair continued where the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system.