

BUILDING CODE QUESTIONS:

Questions have arisen regarding the following building code requirements, where clarification of existing requirements would be helpful for an understanding of what is/is not permitted under the existing ordinances. Also, questions have arisen with respect to specific properties as to compliance with code requirements.

Response from K. Friese + Associates in **Blue**

A. Code questions:

1. Setbacks as applied to upper levels and cantilevered properties-

- a. Is the setback requirement applied only to the foundation or does it apply as well to an upper level (above foundation) wall or structure, or cantilevered structure above the foundation?

The City's Zoning Code defines the term "setback" as follows:

Setback means the minimum horizontal distance between a lot line and the closest wall or face of a building or foundation or projection thereof, excluding uncovered steps or unenclosed balconies or porches, or cantilevered roof cornices, eaves, or facias, located on the lot.

The City's reviewers interpret this to apply to roof features only. Not roof structures that are designed for habitation, such as balconies or rooftop terraces.

- b. Who does the inspection and when is setback compliance inspected, both for the foundation and any upper level cantilevered portions of a building - only when the foundation is poured and/or at any time later in the building process?

Typically, ATS will conduct a "form-board" inspection prior to pouring of the foundation, to ensure the foundation will be poured in the proper location, observing the proper setbacks.

Subsequently, ATS will inspect the rest of the building envelope to ensure the structure was constructed according to plans.

2. Residential height limitations -

- a. Ord 107-71 seems to allow a height of any wall up to 35 feet, as it applies to any "portion of a building or structure". The Ord. 101-2 definition seems to allow any wall of a height up to 10 above 35 feet limit in Ord. 107-71 when the lot has a slope and the natural grade at the wall being measured is less than 10 feet below the highest natural grade. Do these requirements conflict and how are they applied?

Correct, Ord 107-71 establishes a maximum permissible height of 35 feet for "any portion of a building or structure." It does not however provide a basis for

establishing the elevation from which the 35 feet maximum will be based.

It is the definition of the term “Building Height” in the City’s code, which establishes the elevation from which the 35 feet limit is based.

This definition can be found Sec. 101-2 (Building Code) Sec. and 107-3 (Zoning Code). These definitions are identical in language.

The City’s reviewers do not interpret Sections 101-2 or 107-3 to conflict with Section 107-71.

Conversely, the City’s reviewers interpret sections 101-2 and 107-3 to supplement Section 107-71; as supported in the logic stated above.

- b. When is height setback compliance inspected, and are reference datum independently verified before a permit is issued?

Ord. 101-2 definition of residential building height: *Building height, residential.* The vertical distance above a reference datum measured to the highest point of the building. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

1. The elevation of the highest adjoining original native ground surface within a five-foot horizontal distance of the exterior wall of the building when such original native ground surface is not more than ten feet above the lowest grade; or
2. An elevation of ten feet higher than the lowest grade when the original native ground surface described in subsection 1 of this definition is more than ten feet above lowest grade.

Ord. 107-71: Maximum permissible height.

No portion of any building or structure (except a chimney, attic vent, lightning rod, or any equipment required by the city building code) may exceed 35 feet in height. Except as may be required by applicable codes, no chimney, attic vent, lightning rod or required equipment may extend more than three feet above the highest point of the following: the coping of a flat roof, the deck line of a mansard roof, or the gable of a pitched or hipped roof.

As stated above, setbacks are verified in two ways: 1) at the time of plan review; and 2) immediately prior to the pour of the foundation. Setback compliance can be viewed as a “horizontal” compliance verification.

Conversely, height verification can be viewed as “vertical” verification. Similar to the setback verification, the City’s reviewers verify height compliance during the plan review process. The date is not verified at this time however. The City’s reviewers rely on the survey which is conducted and sealed by a licensed land surveyor and the engineered civil plan which must be prepared by a licensed

professional engineer.

Further, the City does not currently have a process for verifying building height at an interim point in the construction process or after construction; as it does with verifying setback compliance.

If desired, the City could implement an interim or post-construction height verification in the following ways:

1. Require a licensed surveyor to provide verification of the elevation of both the datum and the top of the form board at the time of the setback verification; and/or
- 2) require a licensed surveyor to provide verification of the plate height of each floor plate at the time framing inspections; and/or
- 3) require a licensed surveyor to provide verification of the highest point of the roof structure at the time of framing; and/or
- 3) require the builder or architecture to provide as-built elevations certified by a licensed surveyor and/or architect.