

ANN ARBOR BUILDING BOARD OF APPEALS (for FIRE)

STAFF REPORT

Meeting Date: May 20th, 2021.

Type of Request: APPEAL

Building Board of Appeals Request BBA21-002 (SP21-006) at 660 Earhart Road, ANN ARBOR, MI 48105.

Parcel Identification Number: 09-09-25-200-111

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Concordia Jr. College

4090 Geddes Rd.

Ann Arbor, MI. 48105.

Petitioner Name and Address:

Toll Brothers, Inc.

26200 Town Center Dr. Suite 200

Novi, MI. 48375.

BACKGROUND

The property at 660 Earhart Road is a proposed site to be used for a 56 single family dwelling unit development. 660 Earhart Road is currently in the City Planning review process under SP21-006. It was cited during the first fire review of the site plan, that the second fire access road did not meeting the minimum requirement of Section D107.2 of the 2015 International Fire Code for remoteness. It was under Section D107.1 of the 2015 International Fire Code that a second fire access road was required due to the number of dwellings in the proposed development.

2015 IFC Section D107 One- or two-family residential developments

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

D107.2 Remoteness.

When two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

The applicant requests relief from this code requirement.

Standards for Approval: (2015 International Fire Code Section 108.2)

1. The intent of this code or the rules legally adopted hereunder have been incorrectly interpreted.
2. The provisions of this code do not fully apply; or
3. An equivalent method of protection or safety is proposed.

The board shall not have authority to waive requirements of this code.

STAFF RECOMMENDATION

Staff recommends this application be denied as it does not meet the minimum required fire safety codes required for approval, the code has not been misinterpreted, the provisions of this code do fully apply and the proposed reduction in required distance in the site plan between the two fire access roads is a clear violation of fire and life safety codes adopted by the City of Ann Arbor and enforced by the Fire Marshal.

While the applicant cites modifications can be granted to fire code and the City Municipal Code of Ordinance by the fire code official/Fire Marshal, both are with the understanding that such modification does not lessen health, life and fire safety requirements and is still in compliance with the intent and purpose of the code. All modifications or deviation from fire code is solely up to the discretion of the Fire Marshal or Fire AHJ. The Fire Marshal applies fire code as a minimum requirement and any exception from it must be written in fire code as a listed exception for the specific code. This ensures that safety is still being met with the intent of the code as written by the code writer. Fire and emergency response and access is a life safety issue.

There is a listed exception in fire code for which the petitioner is seeking relief from, and it was offered to the petitioner to eliminate the need for a second fire access road under **2015 International Fire Code Section D107.1 Exception #1** which states:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

The development site does not have enough public road frontage to be fire code compliant for a second access road. To grant relief from this code for this alone is not a reason to deviate from the adopted fire code and compromise life safety. An equivalent method of protection or safety has not been proposed by the petitioner, but a listed exception to the code cited, which is the equivalent method of protection or safety, has been offered by the City of Ann Arbor Fire Marshal to the petitioner.

New construction must be held to the legally adopted fire codes to ensure a minimum life safety requirement has been met. The proposed site plan does not meet these adopted standards of approval. The code has not been misinterpreted, the provisions of the code do fully apply, and the reduced distance between the two access roads is not equal to nor will it provide the proper protection or safety proposed in fire code.

PROPOSED MOTION

APPEAL GRANTED

That in Case BBA21-002, (SP21-006) the appeal of the Fire Marshal's decision that the development at 660 Earhart Road is GRANTED relief from Section D107.2 of the 2015 International Fire Code, and the Building Board of Appeals REVERSES the Fire Marshal's decision for the reason(s) that [state reason in motion]:

- ☐ (1) The true intent of the 2015 International Fire Code and Section D107.2 governing the development at 660 Earhart Road have been incorrectly interpreted by the Fire Marshal;
- ☐ (2) The provisions of 2015 International Fire Code Section D107.2 does not apply to the development at 660 Earhart Road;
- ☐ (3) The applicant has proposed an equal or better method of protection or safety.

Stipulations – If Applicable:

[Chairman to check box(es) following vote]

OR

APPEAL DENIED

That in Case BBA21-002 (SP21-006) the appeal of the Fire Marshal's decision that the development at 660 Earhart Road is DENIED and the Building Board of Appeals AFFIRMS the Fire Marshal's decision for the reason(s) that [state reason in motion]:

- ☐ (1) The true intent of the 2015 International Fire Code and Section D107.2 governing the development at 660 Earhart Road have been correctly interpreted by the Fire Marshal;
- ☐ (2) The provisions of 2015 International Fire Code Section D107.2 does apply to the development at 660 Earhart Road;
- ☐ (3) The applicant has not proposed an equal or better method of protection or safety.

Stipulations – if Applicable:

[Chairman to check applicable box(es) following vote]

Yeas:

Nays:

Absent for this vote:

Date.

Paul Darling, Chairperson - Building Board of Appeals.



City of Ann Arbor Fire Department

Fire Prevention Division

111 North Fifth Avenue
Ann Arbor, Michigan 48104
www.a2gov.org/fire

Phone: 734.794.6979

Fax: 734.761-3592

FILE NUMBER: SP21-006 Fire Review #1

PROJECT NAME: 660 Earhart Road

PROJECT TYPE: New single-family residential development.

REVIEWED BY: Michael Reddmann, Fire Marshal

DATE: March 17, 2021

Details: 56 Single family dwelling units.

Site Access: Storage area for construction materials shall not interfere with fire/emergency site access.

Addressing: Consideration should be given to the address and entrance coordination to avoid confusion. Address shall be clearly visible when approaching the building.

Hydrant coverage: Hydrants shall be in service during construction.

Hydrants providing protection coverage for the building shall be in service and approved by both Planning and Fire Department before Fire Department will support permit issuance for new construction phase and before combustible material are placed on the job site.

New hydrants are not over 500' spacing – **compliant.**

Hydrant access: All units are within the required 350' radius – **complaint.**

Fire Access Roads: Confirm a fire access of 20' wide in front of unit #1 and unit # 56 for proper fire ground operations. This area has an island in the middle of the road and may affect fire apparatus set up for unit # 1 and unit #56.

2015 IFC 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, *exclusive of shoulders.*

Fire Access Roads: The development exceeds 30 dwelling units requiring two separate and approved fire apparatus access roads.
2015 IFC D107.1

The two fire apparatus access roads do not meet the distance apart required in. **2015 IFC D107.2 Remoteness**
Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or the area to be served, measured in a straight line between accesses.

Listed exception: There is a listed exception to **D107.1** that can be granted to avoid the need for a second fire access road.

2015 IFC D107. Exception #1

Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwellings units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

Note: There are no listed exceptions to D107.2 for remoteness of the two fire access roads in IFC Fire Code.

SECTION D106**MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D107**ONE- OR TWO-FAMILY
RESIDENTIAL DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

**SECTION D108
REFERENCED STANDARDS**

ASTM	F 2200—13	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—15	International Fire Code	D101.1, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013	D103.5

tems, shall not be rendered inoperative or inaccessible, except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

[A] 107.6 Overcrowding. Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, upon finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108 BOARD OF APPEALS

[A] 108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

[A] 108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

[A] 108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.

SECTION 109 VIOLATIONS

[A] 109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 109.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the *owner* or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[A] 109.3 Notice of violation. Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing

the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

[A] 109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the owner's authorized agent, or occupant.

[A] 109.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

[A] 109.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

[A] 109.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *fire code official*.

[A] 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 109.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 110 UNSAFE BUILDINGS

[A] 110.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in

SECTION 104

GENERAL AUTHORITY AND RESPONSIBILITIES

[A] 104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *fire code official* is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

[A] 104.3.1 Warrant. Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

[A] 104.4 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.5 Notices and orders. The *fire code official* is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

[A] 104.6 Official records. The *fire code official* shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals. A record of approvals shall be maintained by the *fire code official* and shall be available

for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

[A] 104.7 Approved materials and equipment. Materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

[A] 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.8 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. The *fire code official* is autho-




City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES

301 E. Huron St. | P.O. Box 8647
 | Ann Arbor, Michigan 48107-8647

p. 734.794.6263 | f. 734.994.8460 | building@a2gov.org

Facility/Development Information				
Facility/Development Name 660 Earhart Road (aka Concord Pines)		County Washtenaw		
Facility/Development Street Address 660 Earhart Road		City Ann Arbor	Zip 48105	
Site Plan Number SP21-006				
Development Data				
Single Family Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing Use Vacant	No. Of Units 56	Parcel Zoning R1B	Parcel Size 34 Acres	Minimum Lot Size 10,000 SF
Petitioner				
Name (Company or Individual) Toll Brothers, Inc.		Contact Name Alex Martin		
Street Address 26200 Town Center Dr, Suite 200	City Novi	State MI	Zip 48375	
Phone 248-305-4000	Fax		Email amartin@tollbrothers.com	
Property Owner				
Name (Company or Individual) Concordia University		Contact Name Ryan Peterson		
Street Address 4090 Geddes Rd.	City Ann Arbor	State MI	Zip 48105	
Phone 734-995-7300	Fax		Email ryan.peterson@cuaa.edu	
Summary Of Appeal				
CODE SECTION(s) International Fire Code 2015, Appendix D, Section D107.2 Remoteness (See attachment)		Provide copies of the following as appropriate: Statement of Facts and Reasoning See summary attachment <input type="checkbox"/>		
DESIRED RELIEF (State Briefly) See summary attachment				
BASIS OF APPEAL (State Briefly) See summary attachment		Supporting Material See summary attachment <input type="checkbox"/>		

Petitioner (all correspondence will be sent to this address)			
Name (company or individual) Toll Brothers, Inc.		Applicant Name Alex Martin	
Street Address 26200 Town Center Dr, Suite 200	City Novi	State MI	Zip 48375
Phone 248-305-4000	Fax	Email amartin@tollbrothers.com	
Application Fee (applicant is responsible for paying fee)			
Residential \$250.00 <input type="checkbox"/>		Commercial \$500.00 <input checked="" type="checkbox"/>	
<p>Note : <i>Reasons for Appeal (Per IFC, Section 108) include:</i></p> <ol style="list-style-type: none"> <i>1. The true intent of the code or the rules legally adopted hereunder have been incorrectly interpreted.</i> <i>2. The provisions of the code do not fully apply.</i> <i>3. An equivalent method of protection of safety is proposed.</i> 			
DocuSigned by: 		05-04-2021	
Petitioner Signature		Date	



1. Code Section:

- a. International Fire Code (IFC) 2015 Appendix D, Section D107.2 Remoteness

D107.2 Remoteness.

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

2. Statement of Facts and Reasoning

- a. Single family developments that exceed 30 units require two separate fire access roads at a distance apart as described in IFC D107.2.
- b. Two fire roads are provided on the plan.
- c. The IFC and City Fire Prevention Codes allow for modification to the Code when there are practical difficulties in carrying out the strict letter of the Code, provided the spirit of the Code be observed.
- d. The property configuration makes meeting the strict letter of the remoteness Code in this case impossible, but two entrances are provided which meets the spirit of the Code.

3. Desired Relief

- a. Allow for separate entrances to be 206 feet apart rather than 710 feet as required by D107.2 (Exhibit A).
- or -
- b. Allow for a boulevard entrance up to the first on-site intersection which provides two separated 20' wide access drives as required by code (Exhibit B).

4. Basis of Appeal

- a. City Fire Prevention Code allows for the Fire Marshal to modify any provision of the Code when there are practical difficulties as defined in Chapter 111, Section 9:105 of the City Code of Ordinances (Exhibit C-1).
- b. IFC 2015 allows for the Fire Marshal to modify any provision of the code where there are practical difficulties involved as defined in IFC 2015, Chapter 1, Part 2, Section 104.8 (Exhibit C-2)
- c. Public road frontage is 651 feet which is less than the required 710 feet (half the diagonal distance of the area to be served) so providing the required spacing is not possible (Exhibit D-1).
- d. The current code required distance is an arbitrary amount, and in this case, the additional distance does not improve the means of access. For example, there are no other subdivision, or City road intersections between the entrance and 710 feet north of the entrance to provide an alternate route to the project (Exhibit D-2).
- e. We have met with neighbors of the property and it was their preference/suggestion that a boulevard entrance be requested as a potential relief to allow for a greater, undisturbed buffer along the north property line of the site.

5. Supporting Material

- a. Exhibit A – Overall Site Plan, Fire Access Road Layout and Dimensions
- b. Exhibit B – Overall Site Plan with Boulevard Option
- c. Exhibit C – Relevant Code Sections
- d. Exhibit D – Basis of Appeal Site Plan

EXHIBIT A - OVERALL SITE PLAN

205 ft
(Distance between
access points)

1,420 ft (Diagonal Distance to be served)



Exhibit A





Exhibit B



Exhibit C – Relevant Code Sections

C-1: City of Ann Arbor Fire Prevention Code, Chapter 111, Section 9:105

9:105. - Modifications.



The Chief of the Fire Department and/or the Fire Marshal shall have the power to modify any of the provisions of this Code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department and/or the Fire Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

(Ord. No. 17-09, § 4, 6-19-17)

C-2: IFC 2015, Chapter 1, Part 2, Section 104.8 Modifications

[A] 104.8 Modifications.

Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements.

The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.



Exhibit D

