

Building Appeal Board
Wednesday, June 10, 2020
Virtual WebEx Meeting

MEMBERS PRESENT: Nancy Kastelic, presiding; Shawn Krizaj, Bill Scalzo and John Hinzmann

MEMBERS ABSENT: Don O'Connor, John Miller, Rick Wallin

STAFF PRESENT: Wendy Rannenberg, Sandy McComb, and Ellen Kreidler

1. ROLL CALL
2. Approval of the minutes of the August 14, 2019 meeting. This item was approved unanimously.
3. NEW BUSINESS

An appeal of the Fire Marshal's determination that building owner, OCH Bookstore, LLC must remove the deadbolt lock installed at the top of the stairs leading from the first floor (Michigan Street level to the second floor (Superior Street level) on property located at 206 E. Superior St. Present on behalf of applicant: Matt Thibodeau, Tygen Fryberger, Greg Strom, Aaron Dean
MOTION Appeal Denied:

- a) On December 6, 2019, the Duluth Fire Marshal, Sandy McComb sent a correction notice to OCH Bookstore, LLC that stipulated the owner must provide the minimum number of means of egress doors or exit doors in accordance with MSFC 1104.23.
- b) Minnesota Fire Code Section 102.4 requires that any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the Minnesota State Building Code (MSBC) shall comply with the MSBC.
- c) The door at the top of the stairs is required to be unlocked and accessible to occupants in the first floor in order to maintain compliance with MSBC Section 1305.1015 because, without the useable door, the common path of egress for the first floor exceeds 100 feet, triggering the requirement for a second exit.
- d) The door at the top of the stairs is required to be unlocked and accessible to occupants in the first floor in order to maintain access to required plumbing fixtures in compliance with MSBC Section 2902.
- e) Reinspections were conducted on/about February 7, 2020 and February 20, 2020. At the time of inspection, the exit door at the top of the stairs had a keyed deadbolt installed.
- f) An appeal was filed on March 6, 2020 by Aaron Dean of Moss & Barnett on behalf of OCH Bookstores, LLC.
- g) At their June 10, 2020 hearing, the Building Appeal Board heard testimony from all persons who came to speak on behalf of the appellant and received video evidence submitted by the appellant. The record closed on June 10, 2020 after due deliberation by the Building Appeal Board.
- h) The Building Appeal Board determined that the Fire Marshal had correctly applied the fire code.

Annual election of officers

- a) Nancy Kastelic elected president
- b) Bill Scalzo elected vice-president

Meeting adjourned 4:15 pm