

MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION BOARD  
OF ADJUSTMENTS AND APPEALS HELD ON APRIL 20, 2004 IN  
THE BUILDING CODES CONFERENCE ROOM

MEMBERS PRESENT: Andrew Corriveau, Chairman; Don Dean, Herbert Brown, John Tuckwiller and John Catoe and John Garber were present. Phil Leroy was absent.

STAFF PRESENT: Arthur L. Cummings, Edward Nelson, and Marjorie Arnold were present.

**1. DANIEL OGDEN (KRA, INC.) – SEA TURTLE ENTERTAINMENT-SEEKING A VARIANCE TO USE AN ALTERNATE METHOD OF CONSTRUCTION PER SECTION 104.11 OF THE INTERNATIONAL CODE:**

requesting a variance for Sea Turtle Cinemas.

Arthur Cummings stated that at the last meeting it was determined that Code Consultants would furnish us with some names of similar projects to what is being proposed for the town of Bluffton in order to check out the criteria used to allow these buildings to be built using the open mall concept. He said Amy Murdock gave him the name of four projects in different parts of the country: Short Pump Town Center, Henrico, Va; Streets at South Point, Durham, NC; Stoney Point Fashion Park, Richmond, Va; and International Plaza, Tampa, Florida. Mr. Cummings made several calls to the different locations and got a response from the Streets at South Point, Durham, NC and spoke with Mr. James Spragg, the Chief Building Inspector and he was having trouble remembering what had happened as the project was done under the 1994 code. He said he thought he had some documents and would try to forward them to show some of the things that happened which allowed the project to be built. He never gave any specifics on the project.

Mr. Cummings stated that he also contacted John Barrios and asked him about the project that was done in 1997 and basically this was an existing enclosed mall and a parking structure was added and above the parking structure from the second level of the mall was a food court. He said from that level the food court was extended.

Mr. Cummings stated that the Short Pump Town Center was a large project with acres of open space completely around this building but got no specific information about the project.

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He said that everyone he talked with couldn't remember the details about the specifics on the projects.

Amy Murdock stated that they were unable give Arthur any kind of approval letters or documents from the files because of client information. She said she was going to hand out previous projects but would need to get them back because she can't let them keep other projects.

Andrew Corriveau stated that he didn't think that she could pass out anything that could not officially put in our records.

Amy Murdock asked if she could she could show the Board the handouts and explain each one of these open air centers.

Andrew Corriveau stated that she could explain them as long as she was willing to let it be entered into our records.

The center in North Carolina was in the 1994 NC code and opened in 2001. She said it was under the 1994 code because North Carolina didn't go to the 2000 IBC until 2001. She said Short Pump Town Center in Richmond, Va. opened in September 13, 2003. The International Plaza, John Barrios, when he stated that this was an existing mall, it was a new mall and the extension was on top of a garage that was a food court that was a total of four buildings next to the mall. She said that center opened in 2001.

Amy Murdock stated that she had talked with Mr. Cummings and he had requested that she reevaluate the variance and take out the mall classification. She said she created a chart indicating what the code was requiring and what they were providing. A copy of the chart was given to all Board members and included as part of the permanent record.

Andrew Corriveau asked what they would not be doing if going from Type 2A to Type 2B.

Amy Murdock stated that they would not be fireproofing the steel members of the building, so the columns won't have fireproofing, the floor beams that support the floor will not be fire rated, the roof will not be fire rated. She said they are asking for a variance from one hour fire rated construction.

Amy Murdock provided sketches of the following projects and they were entered into the permanent record: Short Pump Town Center, The Streets at Southpoint, Stony Point Fashion Park, and International Plaza.

John Garber stated that if the Board agreed to the variance he would not want to send his fireman into the building.

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A letter written by Phil Leroy, who could not attend giving his observations regarding this project was read by Andrew Corriveau and entered into the permanent record.

Andrew Corriveau made a motion not to grant the variance for an alternate method of construction as the construction needs to be 2A construction. John Tuckwiller seconded the motion. FOR: Andrew Corriveau, John Catoe, John Garber, Herbert Brown, Don Dean, and John Tuckwiller. The motion was passed.

2. **MINUTES:** The minutes of the March 11, 2004 meeting were approved as presented.

There being no further business the meeting adjourned.

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Andrew Corriveau, Chairman