



City of Olivette Public Services
 Department of Planning & Community Development
 1200 North Price Road
 Olivette, MO 63132
 (314) 993-0252

Carlos Trejo, AICP
 Director

PETITION TO APPEAL TO THE BOARD OF BUILDING APPEALS

Any property owner or holder of a permit issued subject to this code shall have the right to appeal to the Board of Building Appeals a decision of the code official in connection with such permit or from any notice issued in connection with this enforcement of this code. Appeals shall be based solely upon and shall state a claim either that:

- (i) the true intent of this code or the rules or regulations adopted pursuant to this code have been incorrectly interpreted, or
- (ii) the provisions of this code do not apply, or
- (iii) an equivalent form of construction can be used.

Any appeal under this section shall be in writing, shall contain a statement of the grounds for the appeal and shall be filed in the office of the code official within twenty (20) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken. A petition fee of \$150 is due at the time of application.

Address of property: 5 Highgate Rd, Olivette, MO 63132-4308

PETITIONER INFORMATION:

Name: Quinn and Amanda Yancey

Organization: _____

Address: 5 Highgate Rd City: Saint Louis State: MO Zip Code: 63132-4308

Phone: (314) 993-7123 E-Mail: amanda@yanceymail.com

PROPERTY OWNER INFORMATION:

(If the Petitioner is the property owner, check here and proceed to Appeal Request)

Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone: (_____) _____ E-Mail: _____

APPEAL REQUEST IS FOR:

- 2006 International Building Code, Third Printing Sections: 2015 International Building Code
Appendix I Patio Covers
- 2006 International Residential Code for One- and Two Family Dwellings, Second Printing Sections: _____
- 2006 International Property Maintenance Code, Third Printing Sections: _____

Which form of the three appeal forms noted above is being pursued:

- the true intent of this code or the rules or regulations adopted pursuant to this code have been incorrectly interpreted, or
- the provisions of this code do not apply, or
- an equivalent form of construction can be used.

DEC 14 2016

On a separate sheet, provide a written response identifying the Code section being appealed and the reason the Code section is being appealed.

SIGNATURE OF LEGAL OWNER OF PROPERTY:

SIGNATURE OF PETITIONER: _____
(if not the legal owner)

Yancey, Quinn and Amanda
5 Highgate Rd, Olivette, MO 63132-4308
314-993-7123 / amanda@yanceymail.com

In September of 2015, we filed a building permit with the City of Olivette to make repairs to our screened porch. We asked Director Trejo what was required and we followed his instructions for submitting drawings and the other required information. When asked what we should do next, we were told we would be contacted. The porch structure per the drawings was soon completed.

Director Trejo has repeatedly stated that our issue is not an issue of an 'Accessory Structure' but upon reading the requirements of what an 'Accessory Structure' is, our porch clearly fills the definition. It is also less than 250 sq ft and Olivette ordinance 2582 Section 500.020 Part H 107.3.4.1.1 Design and Construction Documents: read "All design for ... repair ... shall be prepared by registered design professionals ... Exceptions: The Supervision, seal and signature of a professional architect or engineer shall not be required for the following ... #4 Accessory structures not exceeding two hundred fifty (250) square feet in area" This is the reason sealed drawings were not required with our original building permit.

14 months later we are now being told by Director Trejo that we must have design professional sealed drawings. Director Trejo retrieved a 2014 picture of our home from Google maps to prove his point that we have made 'significant' changes to the porch that were not part of our originally submitted plans. **We do not agree.** The porch does have differences from 2014 but the current structure of the porch is *exactly* what was submitted in September 2015.

He also cites that we have added a door, horizontal boards, and mesh screening. This is partially true. We rehung the door that was hung on the porch in 1951 and we installed horizontal boards where they were in 1951. We added another row of horizontal boards just down from the ceiling to help reinforce the screens as we had to take the original screens down because of too much sagging. These horizontal boards only make the porch more supportive.

Per the 2015 International Business Code Appendix I Patio Covers (printed on the next page), the horizontal boards and screen door are permitted as specifically stated in Section I103.1 Enclosure Walls "to be of any configuration". Also, the Olivette Design Commission Section 425.030 Exemptions to Requirement of Review and Approval specifically lists screen porches as an exemption. Consequently, we are permitted to put screen boards and a screen door up any way we want.

The last question is, but does the City of Olivette require a building permit for putting screens on your porch? The City of Olivette has no ordinances or verbiage on their website explaining their position on the need of a permit with sealed drawings for the installation of screening on a porch. And, during the January 21, 2016 Design Commission meeting, Director Trejo is recorded saying, "Residents don't need a permit for lattice to go up on a carport." In the absence of a more thorough description, putting screens on a porch is no different than adding lattice to a carport, one just keeps the flies out better.

In conclusion, we respectfully ask that you approve our appeal to not have to fulfill the costly and wasteful new requirement placed on us requiring that we submit sealed plans of our porch. This was not a requirement when we submitted our building permit plans in September 2015 and it still should not

be a requirement 14 months later in November of 2016 since there is no code to justify this new requirement, only the misunderstanding of Director Trejo as to what has been done to the porch since the original building permit application.



APPENDIX I PATIO COVERS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note: Code change proposals to this appendix will be considered by the IBC – Structural Code Development Committee during the 2016 (Group B) Code Development Cycle. See explanation on page iv.

SECTION I101 GENERAL

I101.1 General.

Patio covers shall be permitted to be detached from or attached to *dwelling units*. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

SECTION I102 DEFINITION

I102.1 General.

The following term shall, for the purposes of this appendix, have the meaning shown herein. Refer to Chapter 2 of this code for general definitions.

PATIO COVER. A structure with open or glazed walls that is used for recreational, outdoor living purposes associated with a *dwelling unit*.

SECTION I103 EXTERIOR WALLS AND OPENINGS

I103.1 Enclosure walls.

Enclosure walls shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65 percent of the area below a minimum of 6 feet 8 inches (2032 mm) of each wall, measured from the floor. Openings shall be permitted to be enclosed with insect screening, approved translucent or transparent plastic not more than 0.125 inch (3.2 mm) in thickness, glass conforming to the provisions of Chapter 24 or any combination of the foregoing.

I103.2 Light, ventilation and emergency egress.

Exterior openings of the *dwelling unit* required for light and ventilation shall be permitted to open into a patio structure. However, the patio structure shall be unenclosed if such openings are serving as emergency egress or rescue openings from sleeping rooms. Where such exterior openings serve as an exit from the dwelling unit, the patio structure, unless unenclosed, shall be provided with exits conforming to the provision of Chapter 10.