



CITY OF BILLINGS

BUILDING & SAFETY DIVISION

2825 3rd Avenue North, 4th floor
Billings, Montana 59101
Office (406) 657-8270
Fax (406) 657-8252

BOARD OF APPEALS AGENDA APRIL 11, 2019 @ 3PM

1st Floor Conference Room
2825 3rd Ave N, Billings, MT 59101

- I. Call to Order – Brian Anderson, Building Official and Board Secretary
- II. Roll Call
- III. Election of Officers
 - a. Chairperson elected by majority vote of Board members
 - b. Vice-Chairperson elected by majority vote of Board members
- IV. Adoption of Bylaws
- V. Hearing
 - a. Request for Appeal of a building code interpretation for a project located at 810 Wicks, Billings, MT 59105
 - b. Comment by Appellant
 - c. Comment by Staff
 - d. Public Comment
 - e. Board discussion and vote
- VI. Public Comment for items not on the agenda
- VII. Adjourn



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Date _____

Case # _____

BOARD OF APPEALS

Appeal for an Interpretation of the Building Code

For construction located at 810 Wicks Lane

of a Type _____ building to be used for _____

Name of owner Kevin Button Phone # 406 925-2228

Address of owner PO Box 1381 Dillon MT 59725

(Attach plot plans, application for permit and other data)

In accordance with the provisions of the International Codes (IBC 2012 Section 113) adopted by the City of Billings, Montana, (Sec. 6-205) I hereby appeal to the Board of Appeals for an interpretation of Section ARM 24.301.146 which provides that;

Please see attached

in order that I might construct the above named structure as proposed and shown on the attachments.

A handwritten signature in black ink that appears to read "KB".

OWNERS SIGNATURE

Fee: _____

Meeting Date _____

Billings Board of Appeals

ARM 24.301.146

(33) Notwithstanding any other provisions within the International Building Code, the following adult group residential facilities, licensed by the Department of Public Health and Human Services will be classified and treated as follows:

(a) Category A assisted living facilities with 9 to 19 residents, as referenced in [50-5-226](#), MCA, will be classified as an R-4 occupancy for building permit and construction standard purposes. Automatic fire sprinkler systems are not required.

(b) Category B assisted living facilities with 9 to 19 residents, as referenced in [50-5-226](#), MCA, will be classified as an R-4 occupancy for building permit and construction standards purposes. In addition, a Category B assisted living facility shall have an automatic fire sprinkler system and provide an accessible sleeping room or space for each Category B resident.

(c) An assisted living facility with 20 or more residents, in any combination of Category A or Category B, will be classified as an R-2 occupancy for building permit and construction standards and shall meet accessibility standards as provided in Subsection 1103 of the International Building Code. Automatic fire sprinkler systems are required. A fire wall cannot be used to isolate and reduce occupant loads in order to avoid an R-2 classification.

Throughout the entire review and construction process the city of Billings has rated the assisted living common area located at 810 Wicks Lane as assembly space rather than residential (R-2). My appeal is to clarify if an assisted living within the state of Montana with 20 or more residents in any combination of category A or B residents, shall the residents rooms only be classified as R-2 and the common areas be rated as A-1 and A-2 space to create a mixed use occupancy within the community residential facility.

Friday, Wyeth <FridayW@ci.billings.mt.us>
Thu 12/20/2018 11:05 AM
'Kevin'; Anderson, Brian; Iverson, Jessica; Fenton, Travis

■

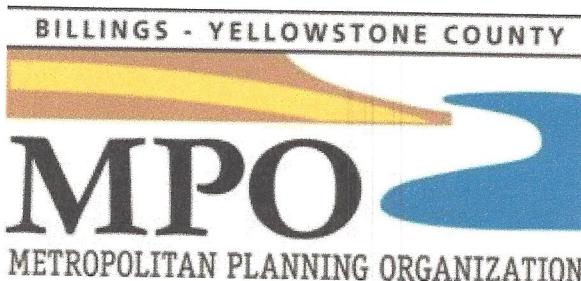
Kevin,

In follow up to our phone conversation earlier this week, I am getting back to you about your question of the extent of the R-2 classification of your building project.

Your project is classified as a “mixed occupancy” project as stated under Section 310.4 Residential Group R-2. The building is mixed occupancy because the non-residential areas you have do not meet any of the exceptions for accessory occupancies found in section 303.1.2 or 508.2, therefore, they must be classified based on the use of the area per chapter 3.

Thank you.

Wyeth Friday, AICP
Director, Planning and Community Services Department
City of Billings and Yellowstone County
2825 3rd Avenue North, 4th Floor
Billings, MT 59101
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March 18, 2019

RE: Response to Appeal for Interpretation

The City of Billings Building Division is receipt of an “Appeal for an Interpretation of the Building Code” submitted by Kevin Button, owner of a new assisted living facility at 810 Wicks Lane, Billings, MT 59105.

Mr. Button has requested an interpretation of Administrative Rule of Montana (ARM) 24.301.146 (33)(c): ‘An assisted living facility with 20 or more residents, in any combination of Category A or Category B, will be classified as an R-2 occupancy for building permit and construction standards and shall meet accessibility standards as provided in Subsection 1103 of the International Building code...’

The City of Billings enforces the Montana State Building code, which is based on the 2012 International Building Code with amendments listed in the ARMs. The 2012 International Building Code classifies assisted living facilities as “Institutional Group I-1.” (IBC 2012, Section 308.3):

“This occupancy shall include buildings, structures or portions thereof for more than 16 persons who reside on a 24 hour basis in a supervised environment and receive custodial care. The persons receiving care are capable of self preservation. This group shall include, but not be limited to, the following: ...Assisted living facilities...”

The 2012 IBC defines ‘R-2’ occupancies as:

“Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature...”

Our interpretation of ARM 24.301.146 (33)(c) is that it modifies the occupancy classification for an assisted living facility from an ‘I-1’ to ‘R-2’ in relation to the ‘R’, Residential areas, i.e., sleeping or dwelling units. It does not modify the occupancies of other areas of the building, where we are required to classify each room based on its primary use. The dining area is an assembly occupancy and it is too large of an area to qualify as an accessory use area per the code. Therefore, we have assigned occupancy classifications for the different areas of the building based on the use of that room or area, which results in this building being mixed occupancy.

Brian Anderson
BUILDING OFFICIAL

City of Billings Building Department
2825 3rd Avenue North - 4th Floor
Billings, MT 59101
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