



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

April 21, 2021

Thomas Czyzyk, RA
Rueger Riley, Inc.
105 Loganberry Trail
Fletcher, NC 28732

**RE: NCBC Ch 11 Accessible Dwelling Units and Accessible Routes
2018 NCBC Sections 1107.6.2.2 and 1104**

Mr. Czyzyk:

This letter is in response to your request for formal interpretation dated April 19, 2021 that was received in NCDOI by email on that same date. Your request for formal interpretation states:

- 1) Per 2018 NC Building Code, section 1107.6.2.2, Group R-2 occupancies are required to have Type-B units "where there are four or more dwelling units". Since, there are only 3 units in our design we should not be required to provide Type A or type B units. Is this correct?
- 2) If correct, and per Section 1104, we should not be required to provide an accessible route to the apartments outside of the vehicular way. Is this correct?
- 3) For the gallery at ground level, we provided (1) accessible door entrance directly from accessible parking space at the rear of the building. Is this acceptable as the accessible route from parking?

Remarks:

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code (NCBC) unless noted otherwise.

"If correct" in Question #2 above is assumed to mean; "If the statement in question #1 is correct".

This interpretation assumes the parking garage is for the Gallery space and not the dwellings.

Attachments:

- Attachment A: As a matter of record, the request for formal interpretation is provided.

Code Analysis:

Section 310.4 indicates that if more than 2 dwelling units are located in a building then the occupancy classification of those dwelling units is Group R-2 which means Section 1107.6.2 will apply. The proposed building contains 3 dwelling units which qualifies them as Group R-2.

Section 1107.6.2.2.1 indicates that there must be more than 15 dwelling units in a building to require Type A dwelling units. The proposed building contains less than 15 dwelling units; so, no Type A units are required.

Section 1107.6.2.2.2 indicates that there must be 4 or more dwelling units in a building to require Type B dwelling units. The proposed building contains less than 4 dwelling units; so, no Type B units are required.

Section 1104.3 requires all spaces to be connected with an accessible route. Exception #1 exempts stories that are exempted by 1104.4. The 1st floor is accessible; so, all spaces on that floor are required to be on an accessible route. 1104.3 does not require the parking to connect to all accessible entrances on the first floor.

Section 1104.4, Exception #2 allows floors that are not required to be accessible from having an accessible route. The floors above the 1st floor are not required to be on an accessible route.

Section 1106.1 requires accessible parking spaces be provided per Table 1106.1. Four parking spaces would require 1 handicap accessible space. Section 1106.5 will require that parking space to be van accessible.

Section 1106.6 requires accessible parking to be connect to the closest accessible building entrance. It does not require the parking to connect to "all" accessible building entrances. Because Section 1104.5 requires the accessible route to coincide with general circulation paths, the building entrance adjacent to the parking must be accessible to any and all occupants of the automobiles parked in the garage area in order to qualify as the required accessible entrance.

Conclusions:

Answer #1:

The NC Codes do not require the proposed dwelling units to be Type A or Type B units.

Answer #2:

The code does not require an accessible route to the proposed dwelling units.

Answer #3:

Yes. The NC Codes do not require the proposed vehicle parking to be connected to any building entrance other than the building entrance closest to the parking. There is also no code that prevents the accessible access aisle from being in the normal pedestrian path of travel for other vehicle parking spaces or in the path of egress from a building.

Please call if you have comments or questions.

Sincerely,



Carl Martin, RA
Deputy Commissioner
Division Chief of Engineering

cc: File
Robbie Davis, Chairman – BCC
Danny Priest, Vice-Chairman – BCC

ATTACHMENT A



Architecture + DESIGN

April 19, 2021

North Carolina Department of Insurance
c/o Chief Code Consultant
325 N. Salisbury Street
Raleigh, NC 27603

Re: Formal Interpretation of the Code

To the Chief Code Consultant:

We would like to request in writing a formal interpretation of the code for the project at 57 Roberts St., Asheville, NC 28801.

Our request has (3) parts:

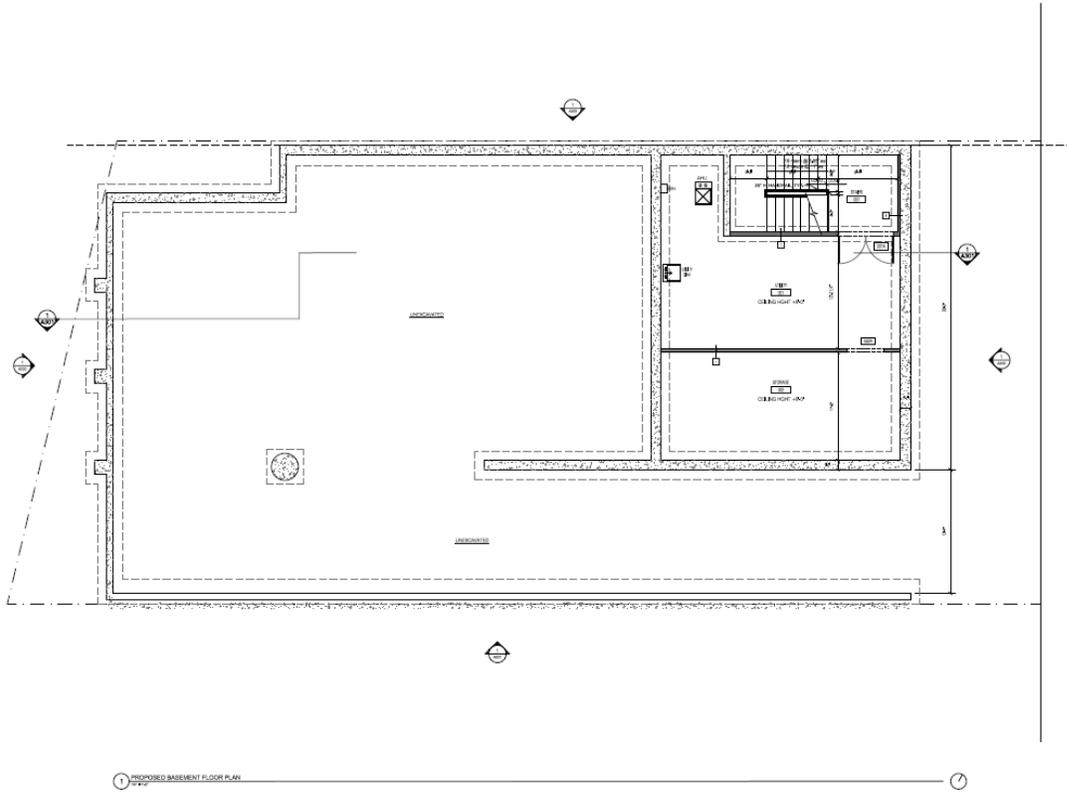
1. Per 2018 NC Building Code, section 1107.6.2.2, Group R-2 occupancies are required to have Type-B units "where there are four or more dwelling units". Since, there are only 3 units in our design we should not be required to provide Type A or Type B units. Is this correct?
2. If correct, and per Section 1104, we should not be required to provide an accessible route to the apartments outside of the vehicular way. Is this correct?
3. For the gallery at ground level, we provided (1) accessible door entrance directly from accessible parking space at the rear of the building. Is this acceptable as the accessible route from parking?

Sincerely,

A handwritten signature in black ink that reads "TJ/CZ" with a stylized flourish extending to the right.

Thomas J. Czyzyk
828.407.0437

ATTACHMENT B



RUEGERriley inc.

Architecture + DESIGN
 105 LOGANSBERRY ROAD
 RICHMOND, NC 28702
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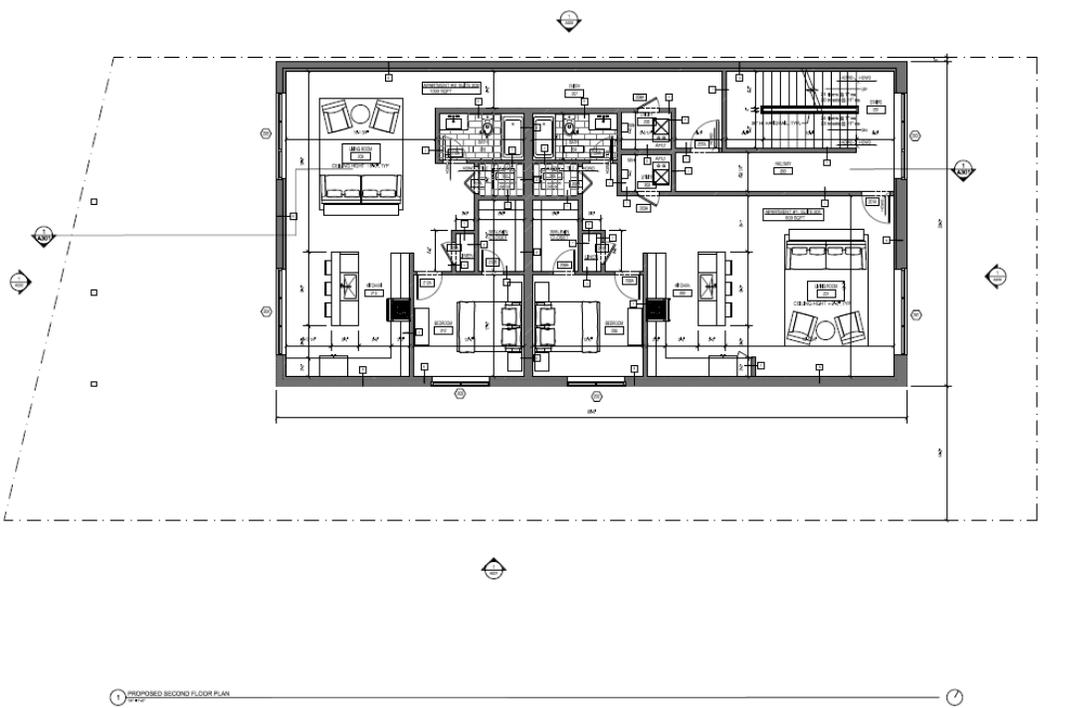
Engelhardt/Tom
 Mix-Use Building
 Residence & Gallery
 57 Roberts St.
 Asheville, NC 28801

Issue Date: 06.11.20
 Schematic Design: 06.11.20
 Design Development: 10.23.20
 RAO Design Review: 12.24.21



Proposed
 Basement
 Floor Plan

A100



RUEGERriley inc.

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Engelhardt/Tom
 Mix-Use Building
 Residence & Gallery
 57 Roberts St.
 Asheville, NC 28801

Issue Date: 06.11.20
 Schematic Design: 06.11.20
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Proposed
 Second Floor
 Plan

A102

