

STATE BUILDING CODE INTERPRETATION NO. I-27-00

April 14, 2000

The following is offered in response to your letter in which you seek a formal interpretation of Section 507.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code. You describe a scenario in which Use Group F, Type 2C, fully sprinklered existing buildings originally built as unlimited area one-story buildings with mezzanines in them are being sub-divided into smaller tenant spaces such that the mezzanines are no longer code compliant.

Question: Can the mezzanines be allowed to remain in place, unused, if they are locked and accessible only to the building owner for possible repair and/or maintenance and posted with "Do not enter" or "Not an exit" signage?

Answer: The alteration of the space you describe is subject to the provisions of Section 3404.0, which states in part that an alteration to any structure shall not result in an increase in hazard to the occupants. The reason that mezzanines are treated specially by the code and are not considered a story above grade is their limited size and relative openness to the space below, alerting the occupants of the mezzanine to any danger below. The alteration proposed will eliminate the openness and greatly change the ratio of size of mezzanine to the size of the space below, making the mezzanines no longer code-compliant. Since section 507.1 only allows unlimited area buildings to be one-story, the mezzanines cannot be converted to a second story.

The code does not make provision for spaces that exist within a building but are not accessible to or usable by the occupants, in this case the tenants. Section 106.2 allows the State Building Inspector to grant variations or exemptions from the requirements of the code where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted and the intent of the law is observed. In the case you submit, the intent of the code will be met if the mezzanines are secured against entry and use of any kind. It would be appropriate to submit a request for modification on a building by building basis, detailing the safeguards to be employed in each situation that will satisfy that the intent of the code is met.