

STATE OF MINNESOTA

STATE BUILDING CODE BOARD OF APPEALS

In the Matter of the Appeal of
SR Mechanical,

FINAL DECISION
Dated: May 21, 2019

Appeal No. 19-02

This matter came on for hearing before the State Building Code Board of Appeals (“Board”) on April 23, 2019. The record closed at the conclusion of the hearing.

David Rouse appeared for applicant and appellant SR Mechanical. John Nordstrom, Emanuelson-Podas, also appeared. Kenneth Staloch, Building Official for the City of Minneapolis (“Building Official”), appeared on behalf of respondent City of Minneapolis. Ardy Goudarzi, Plan Examiner II (“Plan Examiner”), appeared for the City of Minneapolis. Daniel Callahan, Supervisor, Plan Review (“Plan Supervisor”), also appeared for the City of Minneapolis.

The issue in this appeal is whether the Building Official correctly interpreted the 2015 Minnesota Mechanical and Fuel Gas Code (“MMFGC”) by determining that makeup air for SR Mechanical’s planned apartment units were governed by section 501.4.1 as opposed to section 504.5 of the MMFGC.

MMFGC section 501 is titled “General.” MMFGC section 501.4.1 and table 501.4.1 address requirements for makeup air in “new dwelling units.”¹ Column 1 of the Table provides requirements for when no combustion appliances are present. Column 1 of table 501.4.1 states that clothes dryers shall presumptively be afforded 135 cfm of makeup air. Section 504 is entitled “Clothes Dryer Exhaust.” Section 504 is applicable to both residential and commercial buildings. Section 504.5 requires makeup air for clothes dryer installations that exhaust more than 200 cfm.

Minnesota Rule 1300.0040 discusses the scope of the MMFGC and building codes in Minnesota generally. Subpart 2 states that “If different provisions of the code specify different materials, methods of construction, or other requirements, the most restrictive provision governs. If there is a conflict between a general requirement and a specific requirement, the specific requirement applies. The Board discussed that section 501.4.1 and table 501.4.1 requiring makeup air for a clothes dryer in a new dwelling unit is both more specific and more restrictive than section 504.5. Table 501.4.1 is more specific than section 504.5 because it applies only to clothes dryers

¹ The Board determined that section 501.4.1 of the MMFGC has a typo in that it refers to IMC table 501.4.1 and IMC section 501.4.2, which do not exist. Section 501.4.1 of the MMFGC should refer to MMFGC table 501.4.1 and MMFGC section 501.4.2.

in new dwelling units while 504.5 applies to clothes dryers generally. Table 501.4.1 is more restrictive than section 504.5 because it requires 135 cfm of makeup air for a clothes dryer while section 504.5 only requires makeup air for other clothes dryers that exhaust over 200 cfm.

The Board discussed that, similarly, section 501.4.1 and table 501.4.1 apply to range hoods that exhaust 400 or less cfm in new dwelling units because section 501.4.1 and table 501.4.1 are more specific and restrictive than section 505.2.

The Board further discussed that “dwelling units” were specifically added into the 2015 code.

MMFGC section 2 defines numerous terms, including “appliance” and “equipment.” “Appliance” is defined as “A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.” “Equipment” is defined as “All piping, ducts, vents, control devices, and other components of systems other than appliances which are permanently installed and integrated to provide control of environmental conditions for buildings.” SR Mechanical contended that the fan in an exhaust hood was “equipment” as opposed to an “appliance” and that it did not qualify as an “exhaust appliance” for the purposes of table 501.4.1. The Board rejected that contention, noting that an range hood falls within the definition of “appliance” and therefore a range hood fan would be relevant to table 501.4.1.

Pursuant to the Board’s authority under Minn. R. 1300.0230, and based upon the entire record, including all documents, testimony, arguments submitted to the Board, the Board moved to affirm the decision of the building official of Minneapolis because section 501.4.1 and Table 501.4.1 of the MMFGC are specific requirements that apply to new multi-family dwelling units. The vote was unanimous in favor of the motion, and the motion carried.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139.



SCOTT McKOWN, Chair
State Building Code Appeals Board