

Division Opinion

Inquiry Number: 2015-01

Subject: Residential Fire Sprinklers – Existing Buildings

Code: 2012 IRC, R202 and R313.2, Exception #2

Approved By: Scott McLellan, State Building Official

Question:

If a building permit is issued for a house that is less than 4,500 square feet*, can the house under construction be considered an “existing building” as defined in R202 for the purposes of R313.2, Exception #2?

Answer:

No. The intent of R202 is to clarify when the current building code applies to certain buildings. In other words, except for maintenance, current code provisions do not apply to existing buildings constructed under a previous code nor do future code provisions apply to those buildings for which a building permit has already been issued.

For the purposes of R313.2, Exception #2, a building must “exist” to be considered an existing building. This means that an addition to a completed house approved for occupancy does not generate the requirement for a residential fire sprinkler system, even if the existing house with the new addition is 4,500 square feet or larger in area.

The correct way to evaluate changes during construction is [Minnesota Rule 1300.0130, Subp. 6.B.](#) where it states: *“Work that does not comply with approved construction documents must not proceed until the applicant submits changes that are approved by the building official.”* This is also referred in Subp. 9.C. where it says: *“...any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.”* If it is decided during construction to add floor area to the house, revised construction documents must be submitted to the building official for review. An automatic residential fire sprinkler system would be required if it is determined that the total square feet is 4,500 square feet* and larger.

*As defined in R313.2, Exception #1