

**FINDINGS, CONCLUSIONS AND ORDER REGARDING APPLICATION FOR  
REVIEW IN CASE NUMBER V-1-06  
MONEY TREE**

THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, having reviewed the record of proceedings in the above-captioned matter, and being fully advised in the premises, hereby enters the following Findings of Fact, Conclusions and Order.

**FINDINGS OF FACT**

The facts applicable to this case are not in dispute, and can be briefly summarized as follows.

Money Tree operates a check cashing establishment located at 580 East 120<sup>th</sup> Avenue, in the City of Northglenn. All parties agree that this is a Group B occupancy under the International Plumbing Code (the "IPC") as adopted in the City of Northglenn. As to such occupancies, Section 403.6 of the IPC requires that "customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization."

Based on this language the City's Building Official required that Money Tree install public toilet facilities. Money Tree appealed that decision to the Board of Adjustment (the "BOA"), arguing that this requirement should be modified pursuant to Section 105.1 of the IPC. The BOA ruled in favor of Money Tree and this appeal followed.

**CONCLUSIONS**

1. Section 403.6 of the IPC requires that "customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization."
2. Section 105.1 of the IPC provides that "Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, providing the code official shall first find that special individual reason makes the strict letter of the code impractical and the modification is in conformity with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements."
3. The City Council concludes that special safety and security concerns, unique to the Money Tree operation, make a modification of the requirement of Section 403.6 appropriate and that the decision of the BOA is supported by competent evidence in the record.

ORDER

Based on the above findings and conclusion, the decision of the BOA in this case is AFFIRMED.

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KATHLEEN M. NOVAK  
Mayor