

BUILDING BOARD OF APPEALS
MINUTES
JANUARY 3, 2011

The meeting was called to order by Chairman James Ryan at 7:31 p.m. Board members Thomas Bredfeldt, John Lustrup, James McGinley and Scott Raffensparger were present. Board member Michaelene Burke Hoeh was excused. Also present were Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chief Raffensparger moved, seconded by Mr. Lustrup, to approve the minutes of the November 1, 2010 BBA meeting. The motion carried by voice vote.

Building and Zoning Official Joe Kvapil distributed a draft ethics ordinance that is proposed to be adopted by the Village Board. Mr. Kvapil stated that the Village Board is requesting input regarding this ordinance by January 31, 2011, and he requested that interested BBA members respond by that date.

Mr. Kvapil also distributed a draft ordinance proposing changes to the BBA membership to allow a staff building inspector to be a member of the BBA. Mr. Kvapil explained that the proposed ordinance would restrict the staff member from participating in appeals from administrative decisions of the Building and Zoning Official. Chairman Ryan expressed a concern that two BBA members not being allowed to vote (the building inspector and the fire chief) could create the perception that the number of votes required to pass a motion is unfair based on the number of members present, the number of members allowed to vote and the number of votes required. Chairman Ryan suggested modifying the requirement to be the majority of the five voting members. Mr. Bredfeldt pointed out that the code indicates that the act of the majority of the members present at a meeting at which a quorum is present shall be the act of the members. Mr. Kvapil stated that Section 2-7-3 regarding membership could be modified to address Chairman Ryan's concern by changing "The presence of a majority of Board members then in office shall be necessary to constitute a quorum" to add language that reads "The presence of a majority of Board members then in office **authorized to vote** shall be necessary to constitute a quorum." The BBA members were in agreement with that recommendation. Mr. Kvapil stated that he will research and clarify the basis for a majority. Chairman Ryan's opinion was that a vote should be able to pass with 3 ayes.

2009 ICC INTERNATIONAL BUILDING CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL BUILDING CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4 BUILDING REGULATIONS, CHAPTER 1 BUILDING CODE.

Building and Zoning Official Joe Kvapil distributed and reviewed changes from the draft amendments to the 2009 ICC International Building Code reviewed at the Building Board of Appeals meeting on December 6, 2010.

Village Code Section 4-1-4(A)1a Basic Permit Fee Factor Table was amended to include the wording “for new buildings, additions and structures” which had been previously inadvertently omitted. The BBA was in favor of this recommendation. Two minor changes that do not affect content were recommended in Sections 4-1-5 (A) and (B) regarding enforcement. The BBA was in favor of these recommendations. Paragraph 4 is proposed to be added to Village Code Section 4-1-5(C) regarding deposits forfeited when a building permit expires. This proposed paragraph states that when a building permit expires and the work has not been completed or a final inspection has not been done, deposits held by the Village will be forfeited and can be used to complete the work and/or repair damages to public property and any unused balance or unclaimed deposits shall be remitted to the State of Illinois as required by law. Mr. Kvapil stated that this information is currently not included in the code and will clarify the refund process. The BBA was in favor of this recommendation.

Village Code Section 4-1-5(F) is recommended to be deleted and replaced with new language. Mr. Kvapil proposed changing the title of the section to “Stormwater Management” instead of “floodplain controls.” Language is proposed to be added that references the Zoning Code for requirements regarding special management areas. Language is proposed to be added that references the DuPage County Countywide Stormwater and Flood Plain Ordinance as amended and adopted by the Village of Glen Ellyn. Language is proposed to be added to require a drainage plan for a development disturbing between 300 square feet and 1,500 square feet of ground cover when a stormwater permit is not required. This requirement will help to regulate potential stormwater problems. Chairman Ryan thought that the BBA had agreed to remove “wetland buffers” from the list of areas that require a development to adhere to flood regulations because they are within 30 feet of that area. Mr. Kvapil responded that he believes the Zoning Code states that the 30-foot setback applies to wetland buffers and that the definition of wetland buffer can be found in the DuPage County Stormwater Ordinance. Mr. Kvapil also responded to Chairman Ryan that a wetland buffer includes the types of vegetation growing in the area and the characteristics of the soil. Mr. Kvapil stated he will verify the 30-foot wetland buffer setback requirement and added that the Village consulting engineer reviewed this proposed section and did not comment on any inaccuracies. Mr. Bredfelt stated that he would prefer a clarification of the definition of wetland buffer before including it in the proposed section. Mr. Kvapil commented that terminology from the DuPage County Stormwater Ordinance and the Village Code are not always compatible, and he believes that terminology from the DuPage County Stormwater Ordinance should take precedence over the Zoning Code. Mr. Kvapil responded to Chairman Ryan that the Village issues its own stormwater permits through the Village consulting engineer.

Village Code Section 4-1-5(H) is proposed to be amended to add titles to two items and to add language that clarifies that height certifications are not required for accessory structures. The BBA was in favor of these recommendations. Language changes to Section 105.2 are proposed for consistency and clarification purposes. The BBA was in favor of these changes.

For clarification purposes, a minor change is proposed to Section 105.3, Item 6. The BBA was in favor of this recommendation. New Section 109.4 regarding work

commencing before permit issuance is proposed to be added. This section has been removed from the inspections section of the Village Code where it was inappropriately located, and the removed section is referenced in the comments section of the new section. Mr. Kvapil added that several other sections that have been replaced are proposed to be referenced in the new sections. The BBA was in favor of these changes.

Section 406.1.4, Item 1, regarding common wall separation is proposed to be changed per discussion at the last BBA meeting. Chief Raffensparger inquired if covering a garage in fire-rated gypsum board, as proposed, is more expensive than sprinklering and asked if sprinklering could be traded for the gypsum board approach. Chairman Ryan felt that this section should not be included in this code as it pertains to residential rather than commercial projects. Mr. Kvapil responded that because this section is included in the code, he believes there must be some instances for which the code does not require a 2-hour fire-rated separation, however, Chairman Ryan commented that the code might be referring to single-family residences. Mr. Lustrup felt that this section may be referring to wood frame structures which would apply in this case. Mr. Kvapil stated that he will research this matter, and Chairman Ryan suggested including 1- or 2-hour rating options in the recommendation.

Minor typographical corrections are proposed to be made in Sections 3403.6(1), 3403.7(1) and 4-1-110(D)1. The BBA was in favor of correcting these errors. Village Code Section 4-4-8 regarding fee penalty is proposed to be deleted because it has been placed in Section 109.4. The BBA was in favor of this recommendation.

Staff Report

Mr. Kvapil stated that the next code to be reviewed is the International Residential Code. At Mr. Bredfeldt's request, Mr. Kvapil reviewed the status of the requirement for fire sprinklers in remodel projects. Mr. Kvapil also briefly explained some terminology and format changes to the Building Code.

There being no further business before the BBA, the meeting was adjourned at 8:48 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official