

BUILDING BOARD OF APPEALS
MINUTES
FEBRUARY 7, 2011

The meeting was called to order by Acting Chairman James Bredfeldt at 7:36 p.m. Board Members Michaelene Burke Hoeh, Scott Raffensparger and Mike Morange were present. Chairman James Ryan and Board Members John Lustrup and James McGinley were excused. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Acting Chairman Bredfeldt, to approve the minutes of the December 6, 2010 BBA meeting. The motion carried with four (4) "yes" votes as follows: Board Members Raffensparger, Burke Hoeh, Morange and Acting Chairman Bredfeldt voted yes.

Board Member Raffensparger moved, seconded by Board Member Morange, to approve the minutes of the January 3, 2011 BBA meeting. The motion carried with four (4) "yes" votes as follows: Board Members Raffensparger, Morange, Burke Hoeh and Acting Chairman Bredfeldt voted yes.

Building and Zoning Official Joe Kvapil reviewed a proposed text amendment regarding changes to the Building Board of Appeals membership requirements.

Building and Zoning Official Joe Kvapil reviewed a fire sprinkler text amendment to the 2009 ICC International Fire Code that was recently approved by the Village Board. Mr. Kvapil stated that the changes pertained to fire sprinkler requirements for remodeling projects and the definition of "hard cost."

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 Exhibit A to the 2009 ICC International Building Code that included proposed amendments discussed at the previous BBA meeting and some new changes.

In Village Code Section 4-1-3, "change of use" is proposed to be "change of occupancy," which is the correct term. Also, the criteria that establishes the demolition classes is proposed to be changed to reflect the square footage rather than the type of class. The BBA was in favor of these recommendations. Village Code Section 4-1-5(C)4 regarding deposit released is proposed to be revised so that deposit money can be refunded to a homeowner if a contractor does not complete the work. Mr. Kvapil stated that the Village Attorney believes it would be acceptable for the Village to give deposit money to homeowners so they can finish the work themselves if the homeowners agree to sign a release to hold the Village harmless and defend the Village from a lawsuit. Board Member Raffensparger commented that the Village would incur legal fees if a lawsuit

resulted from a refund to a homeowner. Mr. Kvpil responded to Trustee Henninger that if work is not completed on a property owned by a contractor, the Village would have the option to hire a contractor to complete the work with the deposit money or a portion of the money can be used toward the project. The BBA was in favor of this recommendation. Section 105.5 regarding expiration of permits is proposed to be amended to include the period of time that a permit is valid (540 days/18 months). The BBA was in favor of this recommendation.

Mr. Bredfeldt inquired about whether or not to include the term “wetland buffers” in Section 4-1-5(F) regarding proximity to special flood hazard areas as discussed at a previous BBA meeting. Mr. Kvpil stated that the Zoning Code currently includes “wetland buffers,” and he displayed a sketch he prepared that illustrated various stormwater terms. Regarding Village Code Section 4-1-5(G) Construction Hours, Board Member Morange asked if idling trucks and/or deliveries should be included in the construction hours, and Mr. Kvpil suggested adding wording regarding construction traffic. Chief Raffensparger suggested adding in parentheses “including evacuation and delivery of construction materials.” Mr. Kvpil stated he will expand construction hours to add other disturbing noises. Mr. Kvpil stated that the prior code amendment is proposed to be incorporated into Section 406.1.4 Item 1, regarding fire separation between parking garages and dwellings. The BBA was in favor of this recommendation.

Motion

Chief Raffensparger moved, seconded by Board Member Morange, to recommend that the Village Board approve the adoption of the 2009 ICC International Building Code with amendments as recommended by the Building Board of Appeals. The motion carried with four “yes” and zero (0) “no” votes as follows: Board Members Raffensparger, Morange, Bredfeldt and Burke Hoeh voted yes.

2009 ICC INTERNATIONAL RESIDENTIAL CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL RESIDENTIAL 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 Kvpil distributed Exhibit A and reviewed proposed amendments to the 2009 ICC International Residential Code. Village Code Section 4-1-2(D) is proposed to be amended to reflect the proposed adopted code edition. The BBA was in favor of this recommendation. Village Code Section 4-1-3 is proposed to be amended to delete the definitions of classes of additions, alterations and remodeling indicating scope of work performed. The deleted classes will be replaced by percentage of work performed. The BBA was in favor of this recommendation.

Village Code Section 4-1-8(A) is proposed to be deleted with standard language substituted that reflects adoption of the new code. The BBA was in favor of this recommendation.

Village Code Section 4-1-8(B) is proposed to be amended to reflect changes made to the 2009 ICC International Residential Code.

Section R101.1 Title is proposed to be amended to insert standard language into the code by the municipality. The BBA was in favor of this recommendation.

New Section R102.4.1 Plumbing is recommended to be added to reflect that wherever reference is made to the International Plumbing Code, the Plumbing Code, Department of Public Health, State of Illinois will be substituted. The International Plumbing Code will not be adopted, and Sections 4-1-8(B)4 and 4-1-5(G)) will be replaced. The BBA was in favor of this recommendation. New Section R102.4.2 Building is proposed that states where the Residential Code does not address a specific application, material or method of construction, the International Building Code shall apply. This section replaces Section 4-1-8(B)3 and is identical to the existing code amendment. The BBA was in favor of this recommendation. New Section R102.4.2 Building and Property Improvements is proposed be relocated to a more appropriate section of the code and is also proposed to have Class II language deleted and replaced with proposed percentage language for scope of projects Board Member Burke Hoeh commented that the phrase “at the sole discretion of” which, in this case, references the Public Works Director, could mean “at the whim of.” Trustee Henninger responded that much input is received from others prior to the Public Works Director making final decisions. At Board Member Morange’s suggestion, Mr. Kvapil stated he will relocate information regarding underground electrical systems from the Zoning Code to Section R102.7.2 Building and Property Improvements. The BBA was in favor of these recommendations. New Section 102.7.3 Building and Property Improvements is proposed to be relocated to a more appropriate section of the code and is also proposed to have Class III language deleted and replaced with proposed percentage language for scope of projects. Mr. Kvapil stated that an exception based on a newly passed amendment to the Fire Code regarding the requirement of a sprinkler system for remodeling projects is also proposed to be included.

Section R105.2 Work Exempt from Permit had been deleted from the 2003 IBC but is proposed to be included in the 2009 IBC as amended to provide more specific requirements regarding awnings and low-voltage equipment. Mr. Kvapil responded to Board Member Burke Hoeh that fire pits do not require permits but are subject to zoning regulations and that sport courts require permits if the impervious surface exceeds 100 square feet. The BBA was in favor of this recommendation. Section 105.3 Item 6 is proposed to be amended to require additional applicant/owner signatures on building permits for code enforcement purposes. Mr. Kvapil agreed with Board Member Burke Hoeh’s recommendation to add the requirement of signatures, if applicable, for partner of a partnership and manager/member of an LLC, and the BBA was in favor of these recommendations. Section 105.3 Item 7 is proposed to be amended to require that additional name and address information is provided for all persons with a beneficial interest in the property for code enforcement purposes. Board Member Burke Hoeh recommended that the Village Attorney review this amendment. Section R105.3.1.1 regarding flood hazard areas was deleted in the 2003 IRC and is again proposed to be deleted in its entirety. Flood hazard information is covered in the Zoning Code and the DuPage County Stormwater Ordinance. Section R105.5 regarding expiration (of permits) is proposed to be amended to include the number of days that a permit is valid after it has

been issued. Mr. Kvapil added that he is in the process of reviewing for errors or omissions the 2006/2009 amendments adopted by several other municipalities. Mr. Kvapil also felt that the time limit for smaller projects should be reduced, and Trustee Henninger was interested in finding a solution to resolve the issue of “perpetual” construction projects. Section R105.7 Placement of Permit is proposed to be amended to require the display of a permit in a prominent location for code enforcement and neighbor notification purposes. The BBA was in agreement with this recommendation.

Section R108.6 Work Commencing Before Permit Issuance is proposed to be relocated as is to the proper code section. The BBA was in favor of this recommendation.

Section R110.3 Certificate Issued is proposed to replace Section 4-1-6(B)13 as is. The BBA was in favor of this recommendation.

Section R112.1 General is proposed to be amended to delete some language regarding the Building Board of Appeals as information regarding the Building Board of Appeals is established in the Glen Ellyn Village Code. The BBA was in favor of this recommendation. Sections R112.2.1 and R112.2.2 regarding determination of substantial improvement in areas prone to flooding and criteria for issuance of a variance for areas prone to flooding are proposed to be amended in their entirety because these regulations are specified in the Zoning Code. The BBA was in favor of this recommendation. Board Member Burke Hoeh recommended striking Section R112.3 Qualifications (of the BBA) because that information is included in the Building Board of Appeals chapter in the Glen Ellyn Village Code. The BBA was in agreement with this recommendation.

Section R113.4 is proposed to be amended to reference the appropriate penalty code section. The BBA was in favor of this recommendation.

Section R301.2 Table R301.2(1) Climatic and Geographic Design Criteria is proposed to be amended to add general design and engineering criteria. The BBA was in favor of this recommendation. Section R302.2 Fire-Resistant Construction Townhouse is proposed to be amended as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Section R303.2 Fire-Resistant Construction is proposed to be amended to delete the exception in its entirety as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Two items in Table R302.6 Dwelling/Garage Separation are proposed to be amended as per the 2003 IRC amendment. The BBA was in favor of this recommendation. Section

R403.1.3.3 Foundations for Accessory Structures is proposed to be revised per the 2003 IBC amendment. The BBA was in favor of this recommendation.

Section R404.1 is proposed to be revised to prohibit masonry foundations for new construction and allow concrete foundations only. The BBA was in favor of this recommendation. Sections R404.1.1, R404.1.1.1, R404.2, and R404.2.1 through R404.2.6 are proposed to be deleted in their entirety because masonry foundations, wood

foundation walls and wood foundations are not permitted for new construction; only concrete foundations are permitted. The BBA was in favor of this recommendation.

New Section R502.1.8 Light-Weight Floor Framing is proposed to be added as per the 2003 IRC amendment. The BBA was in favor of this recommendation.

Chapters 25, 26, 27, 28, 29, 30, 31 and 32 regarding plumbing requirements of the ICC are proposed to be deleted in their entirety because they may contradict the State of Illinois Plumbing Code which the Village follows.

Village Code Section 4-1-8(B) is proposed to be amended to delete Residential Code Amendments 4-1-8(B)2 through 4-1-8(B)19 in their entirety because they have been incorporated into the 2009 IRC or are no longer applicable. The BBA was in favor of this recommendation.

Trustee Report

Trustee Henninger reported on the status of three top-level vacancies currently in the Village. He also stated that the budget is currently in process and that Village finances continue to be a challenge. Trustee Henninger also reported on the status of the proposed ethics ordinance.

Staff Report

Mr. Kvapil stated that the International Building Code will be forwarded to the Village Board for their review.

There being no further business before the BBA, the meeting was adjourned at 9:56 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official