

BUILDING BOARD OF APPEALS
MINUTES
APRIL 4, 2011

The meeting was called to order by Chairman James Ryan at 7:33 p.m. Board Members Thomas Bredfeldt (who arrived at 8:35 p.m.), Michaelene Burke Hoeh, John Lustrup, Scott Raffensparger (who arrived at 7:40 p.m.) and Mike Morange were present. Board Member James McGinley was excused. Also present were Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

A vote to approve the minutes of the February 7, 2011 Building Board of Appeals meeting was tabled because there were not enough members present to vote that had been at the February 7, 2011 meeting.

Building and Zoning Official Joe Kvapil reviewed a memorandum from Interim Village Manager Terry Burghard regarding Board and Commission membership and Building Board of Appeals quorum changes. The BBA members felt that because five members instead of seven members vote on appeals, the majority should be three members.

Mr. Kvapil reviewed a February 2011 summary update of the Stormwater Ordinance by the DuPage County Stormwater Committee.

Mr. Kvapil referred the BBA to a memorandum regarding a motion approved by the Historic Preservation Commission in January of 2011 to recommend a local amendment to the 2009 ICC International Residential Code. The proposed amendment would help ensure that the Village is able to maintain its historic character. Mr. Kvapil stated that he removed the phrase “eligible for designation as” historic because he felt that a home should be clearly designated as a landmark to avoid confusion. Chairman Ryan felt that the proposed language seemed to suggest that a homeowner could be forced into having their home designated as a landmark, and he recommended not including the HPC’s amended language in the IRC. The BBA members agreed with Chairman Ryan’s recommendation.

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.

Village Code Section 3-32-6(A) regarding Tax Imposed and Village Code Section 3-32-6(B) regarding Definitions - Demolition Contractor are proposed to be amended to

eliminate project class terms and instead provide specifications. Village Code Section 4-1-3 is proposed to be amended to expand the definition of Hard Cost for clarification purposes. Mr. Kvapil also suggested adding “appliances” to the definition and Ms. Burke Hoeh suggested adding awnings to the definition, and the BBA agreed with these recommendations. Village Code Section 4-1-3 was amended to reflect the role of the Historic Preservation Commission. Chairman Ryan asked if the Historical Sites Commissions established a list of historic homes that require the Village Trustees to say yes to it, and Mr. Kvapil was uncertain about that process. Chairman Ryan stated there are so few landmark cases because the property owner should decide if he/she wants to apply for the landmark case. Chairman Ryan stated that if a home is labeled as a historic sites structure, the homeowner is being saddled with several responsibilities that limits their use of the property. Mr. Kvapil stated that he will check to see if a homeowner can opt out of landmark status.

In Village Code Section 4-1-4(A)3(a), Class II demolitions has been amended by Mr. Kvapil to read “Demolition of a building or structure...”. In Village Code Section 4-1-4(A)3(b), Class III demolitions has been amended by Mr. Kvapil to read “Demolition of a building or structure...”. In Village Code Section 4-1-4(A)3(c), Class IV demolitions has been amended by Mr. Kvapil to read “Demolition of a building or structure...”. Mr. Kvapil stated that he will research large demolition fees. In Village Code Section 4-1-4(A)13, Taxes; Mr. Kvapil added “demolition applies to any project when...” (class II alteration or greater and any class III demolition or greater was removed).

Mr. Kvapil recommended deleting Village Code Section 4-1-5(A) in its entirety and substituted the following last phrase “...and no change to the permitted work may be completed until revised submittal documents are approved by the building official, unless the work is exempt from a permit as specified in this code.” Village Code Section 4-1-5(B) adds that no building permit shall be issued until certain conditions are added. “Related to the property” shall be added to paragraph 3 after “All outstanding debts to the Village...”. Number 4 will be forwarded to the Village Attorney for his legal opinion regarding permit fees and taxes. Mr. Kvapil stated that Number 5 will be required for permit applicants to submit a sworn statement from each contractor and supplier listing their hard cost for their improvements; however, Chairman Ryan stated that each project should have one sworn statement from each independent contractor. Mr. Kvapil will reword this section. Paragraph 4 regarding Deposit Release to Village was added to Village Code Section 4-1-5(C) per Stewart Diamond. Also language was added to Paragraph 5, Deposit Award to Owner, that the owner will be awarded an amount of the released deposit up to the approved cost upon the owner’s scheduled completion of the work. Ms. Burke Hoeh suggested including on the receipt a statement that the deficits may be forfeited, and Mr. Kvapil agreed. A statement was added to Village Code Section 4-1-5(D), Permit Suspension or Revocation, that, 2. A building permit may be suspended or revoked if any one of the conditions required in Section 4-1-5(B) is not in compliance. Village Code Section 4-1-5(E) is proposed to be deleted in its entirety and the \$15,000 threshold which was difficult to verify is eliminated with the need for professional certification based upon the structural and life safety risk assessment by the building official. The BBA was in favor of this recommendation. Regarding Village Code

Section 4-1-5(G), Mr. Kvapil added a more detailed list regarding work-related activities on a site. Village Code Section 4-1-5(I) shall be revised to add a more progressive fee structure for the judge per the Village Prosecuting Attorney.

The name of Section 105.1.1 Site Development Permit has been changed. This is a phased approval permit typically issued for large commercial projects that has never before been identified in the code, however, a fee for this permit is in the fee schedule.

Section 105.2(1) has been changed to remove wording that a permit is not required to place decorative ornaments and accessories upon the ground.

Section 105.3, Item 6, has been revised to aid in code enforcement since a citation must be served to the specific person who committed a violation or owns the property.

Section R113.3 is deleted in its entirety because the structure, responsibilities and procedures of the Building Board of Appeals are established in Chapter 7, Building Board of Appeals, Title 2 Boards and Commissions, in the Glen Ellyn Village Code.

Section 406.1.4, Item 1, regarding an attached private garage, has been changed, and the BBA was comfortable with the amendment.

Amend Section 1408.4 Weather Resistance. EFIS shall...and include the installation of a drainage medium layer incorporated into the system as specified by the manufacturer. Amend Section 1408.5, Installation. Installation of EFIS...provides additional protection that the system will be installed by appropriate personnel. Chairman Ryan recommended adding "or other manufacturer's certifications," and Mr. Kvapil agreed to add that language.

Amend Section 2901.1 Scope adopts the Illinois Department of Public Health Plumbing Code as currently adopted. Add new Section 2901.2 regarding structure protection. Add new Section 2901.3 regarding Piping protection. Add new Section 2901.4 regarding through wall protection. Sections 2902 and 2903 are deleted in their entirety.

New Section 3302.3 regarding Safety and Security Fencing is being added.

Regarding the Exception to Section 3403.6, "upon approval of the public works director" is being added in the paragraph.

Section 4-1-9, Reserved, will be entered into the Energy Conservation Code in the future.

Village Code Section 7-9-64 Applicability to New Construction Projects removed terminology for project class terms, and specifications are provided. Village Code

Section 7-10-9(D)3 and 4 have project class terms eliminated and specifications are provided. Village Code Section 7-10-20(C) states that a Class II is consistent with all other upgrades.

Village Code Section 8-1-20(A) removed Class I and II addition terminology and put it in as a specification.

Chairman Ryan reviewed that the outstanding issues are the historic issues, charging new homeowners for old homeowners' costs, and research from Mr. Kvapil about demolition fines/penalties being higher.

Mr. Ryan felt that 12 months should be the maximum allowed for a permit.

There being no further business before the BBA, the meeting was adjourned at 9:44 p.m.

Submitted by:
Barbara Utterback
Recording Secretary

Reviewed by:
Joe Kvapil
Building and Zoning Official