

BUILDING BOARD OF APPEALS
MINUTES
JUNE 7, 2010

The meeting was called to order by Chairman James Ryan at 7:30 p.m. Board members Thomas Bredfeldt, John Lustrup, and Scott Raffensparger were present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil, Plan Reviewer Paula Moritz and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Board Member Lustrup, to approve the minutes of the May 3, 2010 Building Board of Appeals meeting. The motion carried unanimously by voice vote.

Mr. Kvapil reviewed changes to the BBA schedule which included moving the Monday, July 5 meeting to Thursday, July 8, 2010 and moving the Monday, September 6 meeting to Tuesday, September 7, 2010.

2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE, SECTION 11, ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

Building and Zoning Official Joe Kvapil reviewed the changes to the proposed amendments to the 2009 ICC International Property Maintenance Code as discussed at the prior public meeting on May 3, 2010:

Add to new Village Code Section 4-1-11 Adoption of the International Property Maintenance Code, (B) 1. 102.7, "Exception: All reference to the International Existing Building Code shall be deleted." The reason for adding this exception is because the Existing Building Code is not being adopted because the provisions in the Existing Building Code are adequately addressed in other codes being adopted.

Delete Section 103.5 Fees. Mr. Kvapil explained that the activities and services performed under the International Property Maintenance Code are generally enforcement related. Fees are difficult to determine under those circumstances but can be recaptured through building permit costs or court fines.

Regarding adding new Section 104.3.1 Search Warrant, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on this subject.

Section 106.4 Violation Penalties was deleted in its entirety and new wording was substituted. Mr. Kvapil added to this section, "Each day that a violation continues after

due notice has been served shall be deemed a separate offense.” Mr. Kvapil explained that the additional language is standard wording that should be included in this section.

Amended Section 109.5 Cost of Emergency Repairs and Temporary Safeguards was moved to another location regarding costs.

Regarding deleting Section 111.7 Court Review, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on this subject.

Section 112.4 Failure to Comply was amended, and Mr. Kvapil added to this section, “Each day that a violation continues after due notice has been served shall be deemed a separate offense.” Mr. Kvapil explained that the additional language is standard wording that should be included in this section.

Section 202 Code Official was amended to add the following to the definition “...under the direction and approval of the Director of Planning & Development or the Village Manager.” Mr. Kvapil explained that this amendment was made to include additional oversight of the Code Official’s actions following a BBA discussion regarding the Code Official’s autonomy.

Section 302.2 Grading and Drainage was amended to insert additional language that is more specific (in quotation marks) as follows: All premises shall be graded “and suitable vegetation or ground cover shall be established” and maintained to prevent the erosion of soil “by water or wind action” and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Removed Section 302.10 Dead Vegetation because Mr. Kvapil felt that this section should be included in the Tree Preservation Ordinance rather than the maintenance code. This topic will be deferred to the Environmental Commission who will soon undertake a review of the Tree Preservation Ordinance.

Section 302.11 Corner Lot Landscaping was renumbered to Section 302.10 Corner Lot Landscaping.

Section 302.12 Composting was renumbered to 302.11, and a change was made to limit the compost area or container to .5% of the lot area. Mr. Bredfelt commented that residents should be encouraged to mulch. After some discussion, the BBA decided that a height limit of 4 feet for the compost area should be to this section.

Section 302.13 Outdoor Storage was amended as follows (words in quotes replace existing words): The following items are allowed to be stored outdoors when located in the rear yard and set back a minimum of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment and construction equipment and materials required for “a current construction project.”

Section 302.14 Holiday Decorations was amended to add a time limit for display of not more than 60 days. This change was made to be consistent with the Sign Code.

Section 304.7 Roofs and Drainage was amended to add the words in quotes to this section: Roof water, ground water or water within “sump pits,” pools, spas or other containers...

Chairman Ryan suggested deleting Section 305 Interior Structure in its entirety. He had a concern with government entering peoples' homes and referenced peeling paint which is a violation of the IPMC. Trustee Henninger brought up safety issues related to hoarders, and Mr. Kvapil responded that the Village addresses outsides of homes only. Mr. Lustrup suggested retaining Section 305.1 General only instead of the entire section, and the BBA members agreed with this recommendation.

Regarding deleting Section 404.5 Overcrowding and Section 404.6 Efficiency Unit, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on these sections.

Mr. Kvapil responded to Chairman Ryan that he also forwarded to the Village Attorney a request for his comments regarding a potential dilemma if the Village adopts the code but is unable to enforce the code due to a lack of staff. Mr. Kvapil advised the BBA members that he will forward the Village Attorney's responses to them as soon as those responses are received.

2009 NFPA 101 LIFE SAFETY CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 NFPA LIFE SAFETY CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 5 FIRE REGULATIONS, CHAPTER 2 FIRE PREVENTION CODE, SECTION 1 ADOPTION OF THE LIFE SAFETY CODE.

Building and Zoning Official Joe Kvapil reviewed proposed changes to the 2009 NFPA 101 Life Safety Code.

Add new Section 5-2-2: “5-2-2 Adoption of the NFPA 101 Life Safety Code, 2009.
(A) The 2009 NFPA 101 Life Safety Code is adopted by reference as the standards and regulations for governing conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof that are deleted, modified or amended in this chapter. At least one copy of the 2009 NFPA 101 Life Safety Code shall be maintained on file in the office of the Village Clerk for inspection and copying as a public record.” This language is standard and consistent with prior adoption ordinances.

(B) The provisions of the 2009 NFPA 101 Life Safety Code are hereby deleted, modified and amended as follows:

Amend Section 2.2 by adding the language in quotes:

2.2 NFPA Publications. National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. "NFPA 101, Life Safety Code, 2000 Edition, as amended by the State of Illinois in the Administrative Code, Title 41, Chapter 1, Part 100, Section 100.7(b)." These are the referenced publications. The State of Illinois adopted the 2000 edition of the Life Safety Code with amendments, and the Village is obligated to also adopt those amendments as part of the 2009 code.

Chairman Ryan asked if amendments adopted by the State of Illinois can be included in the codes adopted by the Village without review by the BBA. Mr. Kvapil will check with the Village Attorney for his opinion on this matter.

Delete Chapter 24 One and Two Family Dwellings in its entirety because several other codes adequately regulate these structures. The State of Illinois has amended the 2000 Life Safety Code to allow municipalities the option of deleting this chapter.

Mr. Kvapil added that it is important for the Village to adopt the 2009 NFPA 101 Life Safety Code because that code will aid the Fire Department in completing annual fire prevention inspections in commercial and multi-family buildings. Chief Raffensparger added that the Life Safety Code covers much more area than fire issues. Mr. Kvapil responded to Mr. Bredfeldt that smoke detectors, extinguishers, etc., are covered in several codes adopted by the Village.

Staff Report

Mr. Kvapil stated that the next BBA meeting will be held on Thursday, July 8, 2010.

Trustee Report

Trustee Henninger stated that the Village Board is currently working on forming a permanent downtown organization. He also reviewed some items recently before the Village Board and the locations of some areas of road construction improvement scheduled for this summer.

There being no further business before the Building Board of Appeals, the meeting was adjourned at 8:50 p.m.

Submitted by
Barbara Utterback

Reviewed by
Joe Kvapil, Building & Zoning Official