

BUILDING BOARD OF APPEALS  
MINUTES  
AUGUST 2, 2010

The meeting was called to order by Chairman James Ryan at 7:25 p.m. Board members Todd Hanssen, John Lustrup, and Scott Raffensparger were present. Also present were Trustee Liaison Peter Cooper (substituting for Trustee Carl Henninger), Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Board Member Lustrup, to approve the minutes of the June 7, 2010 Building Board of Appeals meeting. The motion carried unanimously by voice vote.

Mr. Kvapil distributed and reviewed a handout of responses from Village Attorney Stewart Diamond to questions from the BBA regarding the International Property Maintenance Code and the Life Safety Code. Attorney Diamond's responses are as follows:

Regarding selective code enforcement (International Property Code Maintenance), Mr. Kvapil stated that Attorney Diamond responded that the Village has the ability to disregard a complaint ("prosecutorial discretion") if appropriate.

Regarding code provisions that could be considered excessive or a hardship to certain homeowners (International Property Maintenance Code), Mr. Kvapil stated that Attorney Diamond has stated that the Village may use its own discretion in these types of issues.

Regarding Court review (International Property Maintenance Code), Mr. Kvapil stated that Mr. Diamond suggests deleting Section 111.7 in its entirety because it is unnecessary to provide unsolicited legal advice to the public. The BBA members agreed with this recommendation.

Regarding Right of entry (104.3)/Search warrant (International Property Maintenance Code), Mr. Kvapil stated that Attorney Diamond has stated that building inspectors have gotten into trouble when they sought inspections without search warrants. Attorney Diamond added that it is a violation of the ordinance for an individual to impede free access to a structure when the Village has a search warrant. Attorney Diamond also was in favor of including a proposed new Section 104.3.1 regarding search warrants. The BBA members agreed to leave Section 104.3, Right of entry, in the code and add new Section 104.3.1, Search warrant, to the code.

Regarding Overcrowding (Section 404.5) and Efficiency unit (Section 404.6), Mr. Kvapil stated that Attorney Diamond believes a unique situation could arise where these sections would apply and, therefore, recommended keeping those sections in the code. The BBA members agreed to leave Sections 404.5 and 404.6 in the code.

Regarding perpetual adoption of State codes (Life Safety Code), Mr. Kvapil stated that Mr. Diamond felt that automatic adoption of code provisions is a highly questionable practice as codes should be reviewed prior to adoption. The BBA members decided not to automatically adopt codes without prior review.

MOTION 1

Board Member Raffensparger moved, seconded by Board Member Hanssen, to recommend that the Village Board approve the adoption of the 2009 ICC International Property Maintenance Code with amendments as recommended by the Building Board of Appeals to be incorporated as a text amendment into the Village Code, Title 4, Building Regulations, Chapter 1, Building Code, Section 12, Adoption of the International Property Maintenance Code (Exhibit A of the ordinance). The motion carried unanimously with four (4) “yes” votes as follows: Board Members Raffensparger, Hanssen, Lustrup and Chairman Ryan voted yes.

MOTION 2

Board Member Raffensparger moved, seconded by Board Member Hanssen, to recommend that the Village Board approve the adoption of the 2009 NFPA 101 Life Safety Code with amendments as recommended by the Building Board of Appeals to be incorporated as a text amendment into the Village Code, Title 5, Fire Regulations, Chapter 2, Fire Prevention Code, Section 2 Adoption of the Life Safety Code (Exhibit A of the ordinance). The motion carried unanimously with four (4) “yes” votes as follows: Board Members Raffensparger, Hanssen, Lustrup and Chairman Ryan voted yes.

**2009 ICC INTERNATIONAL FIRE CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 INTERNATIONAL FIRE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 5 FIRE REGULATIONS, CHAPTER 2 FIRE PREVENTION CODE, SECTION 1.**

Building and Zoning Official Joe Kvapil explained that several Fire Code provisions were entered into the Building Code for unknown reasons in the past, however, the appropriate location for these provisions is in the Fire Code. Therefore, many of the proposed amendments include removing certain provisions from the Building Code and inserting them into the Fire Code.

Mr. Kvapil reviewed the proposed amendments as follows:

Amend Village Code Title 5 Chapter 2 heading to read Chapter 2 Fire Code – 5-2-1 Adoption of the ICC International Fire Code, 2009. Mr. Kvapil explained that the scope of this title and chapter extend beyond fire prevention, therefore, the word “Prevention” was removed from the title. Reference to adopting the BOCA National Fire Prevention Code 1993 was also removed. The BBA members agreed with this recommendation.

Amend Village Code Section 5-2-1(A) as follows: The reference to the BOCA code is replaced with the ICC International Fire Code, 2009, and the reference to Building Officials and Code Administrators International, Inc. is replaced with International Code Council, Inc. (ICC). The sentence “No less than three (3) copies of the BOCA National Fire Prevention Code, 1993 shall be maintained on file in the office of the village clerk for inspection as a public record” will be replaced by the sentence “At least one copy of the ICC International Fire Code, 2009 shall be

maintained on file in the office of the village clerk for inspection and copying as a public record.” Mr. Kvapil explained that this excerpt from the Preface is consistent with prior adoption ordinances language. The BBA members agreed with this recommendation.

Amend Village Code Section 5-2-1(B) to replace “BOCA national fire prevention code, 1993” with “ICC International Fire Code, 2009.” The BBA members agreed with this recommendation.

Amend Section 101.1 to change “Fire prevention code of Glen Ellyn...” to “Fire Code of the Village of Glen Ellyn...” This change clarifies the distinction between the code and the Life Safety Code used by the Fire Company to conduct annual fire prevention inspections. The BBA members agreed with this recommendation.

Add “Section 104.12 Fire prevention inspections.” Mr. Kvapil stated that this section will also remain in the Village Code. He explained that this section makes a distinction between annual fire inspections required for existing buildings and fire inspections associated with construction projects. The BBA members agreed with this recommendation.

Delete Section 104.6.3 Fire Records in its entirety. Mr. Kvapil suggested deleting this section as this information is located elsewhere in the code. Mr. Kvapil stated he will research the location of this information and present it to the BBA at the next meeting. The BBA members agreed with Mr. Kvapil’s suggestion.

Delete wording of Section 104.10 Fire Investigations in its entirety and insert the current code provision (BOCA F-109.1) following “Section 104.10 Fire Investigations.” The BBA members agreed with this recommendation.

Delete Section 108 Board of Appeals in its entirety. Mr. Kvapil explained that the Building Board of Appeals is established in Title 2 Chapter 7 of the Village Code.

Amend Section 102.7 Referenced codes and standards to add the following: “Exception: Wherever reference to the International Plumbing Code is made, substitute the Plumbing Code, Department of Public Health, State of Illinois.” Mr. Kvapil explained that the Village is required to adopt and enforce the provisions of the State of Illinois Plumbing Code rather than the plumbing code published by the ICC. The BBA members agreed with this recommendation.

Amend Section 103.1 in its entirety and substitute the following: “103.1 General. Where referenced in this code, the department of fire prevention shall be the Planning and Development Department of the Village of Glen Ellyn and the fire code official shall be the Building and Zoning Official of the Village of Glen Ellyn or the Fire Chief of the Glen Ellyn Volunteer Fire Company.” Mr. Kvapil explained that references are corrected to reflect Village municipal organization names. The BBA members agreed with this recommendation.

Delete Section 109.3 in its entirety and substitute the following: “109.3 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Village Code of Glen Ellyn, Illinois, then the more stringent shall apply. Each day

that a violation continues after due notice has been served shall be deemed a separate offense.” Mr. Kvapil explained that dollar amounts for fines were inserted and that the language and fine amounts are consistent with the language throughout the Village Code. He stated that the final sentence of this section is being added. The BBA members agreed with this recommendation.

Amend Section 111.4 Failure to comply. Mr. Kvapil explained that dollar amounts for fines were inserted and that the language and fine amounts are consistent with the language throughout the Village Code. He stated that the final sentence of this section is being added: “Each day that a violation continues after due notice has been served shall be deemed a separate offense.” The BBA members agreed with this recommendation.

Amend Section 202 General Definitions as follows:

--Amend definition of Fire Code Official to identify responsible officials and add additional oversight of Fire Code Official’s actions. The BBA members agreed with this recommendation.

--Add definition: “Hard Cost. The cost of all demolition, site improvements, building construction, restoration, alteration and remodeling work excluding the cost of interior floor, wall and ceiling finishes, cabinetwork, trim, merchandise fixtures and service or process equipment.” Mr. Kvapil explained that this definition should be added because some types of fire alarm equipment and systems are required to be installed based on the cost of remodeling. The BBA members agreed with this recommendation.

Delete Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces in its entirety. Mr. Kvapil explained that this issue is extensively addressed in Title 7 Chapter 7 of the Village Code. BBA member Hanssen suggested referencing Title 7 Chapter 7 of the Village Code in the Fire Code, and the other BBA members agreed with that suggestion.

Amend Section 311.5 Placards and delete Sections 311.5.1, 311.5.2, 311.5.3, 311.5.4 and 311.5.5 related to Placards. Chief Raffensparger stated that the Placard section is a fire industry standard. He stated that this section allows fire companies to place placards on buildings and that fire teams are trained to read the placards. Trustee Cooper commented that this section refers to temporarily unoccupied buildings as well as vacant or abandoned buildings. The BBA members agreed to leave these sections in the code.

Amend Section 903 - Automatic Sprinkler Systems – “903.2 Where required. Approved automatic sprinkler systems in new buildings and structures in use Group A, B, E, M, R, F, H, I and S and in one and two-family dwellings and townhouses shall be provided throughout the building or structure and in the locations described in Sections 903.2.11 and 903.2.12.” Mr. Kvapil explained that the IFC requires fire sprinklers under certain conditions for different occupancy groups, however, Village code requires automatic fire sprinkler systems in all new buildings, including new single-family homes. Mr. Kvapil explained that Use Group U (utility/miscellaneous) is exempt from the sprinkler requirement because sprinklering is not practical (garages, sheds, tanks, towers). Mr. Kvapil also stated that unusual structures (such as an open pavilion) can be exempted through classification in Use Group U. The BBA members agreed with this recommendation.

Delete Building Code Sections 4-1-10(D)5 and 4-1-6(B)21 in their entirety. Mr. Kvapil explained that these sections regarding fire sprinklers in new buildings are being added to the Fire Code. The BBA members agreed with this recommendation.

Add new Section 903.4.2.1 – “903.4.2.1 Alarms in dwelling units. In one and two-family dwellings and townhouses, a six-inch water flow bell shall be installed on the interior return air plenum of the forced air furnace, or other approved location, to serve every living space, and a 10-inch water flow bell or horn-strobe notification device shall be installed on the exterior front of the building in an approved location visible from the street.” Mr. Kvapil explained that this section is proposed to be added because the Fire Code has no provisions for alarms in single-family buildings. Therefore, Building Code Sections 4-1-10(D)5(a) and 4-1-10(D)5(B) will be placed into appropriate sections of the Fire Code and deleted from the Building Code. The BBA members agreed with this recommendation.

Amend Section 905 Standpipe systems – “905.3.1 Height. Class III standpipe systems shall be installed throughout buildings in Group A, B, E, M, R, F, H, I and S more than two stories in height where the floor level of the highest story is located more than 30 feet (9144 mm) or two stories above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) or two stories below the highest level of fire department vehicle access.” Mr. Kvapil explained that this amendment places Building Code Sections 4-1-6(B)23 and 4-1-10(D)4(c) into appropriate sections of the Fire and those sections will be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 905.3.8 Standpipe systems – “905.3.8 Building distance. Class 1 automatic wet standpipes shall be provided in all buildings in Group A, B, E, M, R, F, H, I and S where any portion of the floor area is more than 200 feet (61 m) of travel distance from the nearest point of fire department vehicle access.” Mr. Kvapil explained that this section is proposed to be added because the Fire Code has no provisions for building distance for new construction. Therefore, Building Code Sections 4-1-6(B)24 and 4-1-10(D)4(c) will be placed into appropriate sections of the Fire Code and deleted from the Building Code. The BBA members agreed with this recommendation.

Amend Section 907.2.7 regarding fire alarm systems to add: “Exceptions: 2. Manual fire alarm boxes are not required at the public entrance where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.” Mr. Kvapil explained that there is a section in the Building Code that allows manual fire alarm boxes to be omitted at the public entrances for Group M occupancies. This amendment places Building Code Sections 4-1-10(D)1(c)(1)C and 4-1-10(D)2(d)(1)C into appropriate sections of the Fire and those sections will be removed from the Building Code. The BBA members agreed with this recommendation.

Amend Section 907.5.3 regarding fire alarm systems: “905.5.3 Automatic smoke detection. Where an automatic smoke detection system is required, it shall utilize smoke detectors unless ambient conditions prohibit such an installation. In spaces where smoke detectors cannot be utilized due to ambient conditions and in common corridors and rooms exceeding 100 square

feet, approved automatic heat detectors shall be required.” Mr. Kvapil explained that there is a section in the Building Code that requires heat detectors in common corridors and rooms exceeding 100 square feet that the intent of that provision is to avoid false alarms. This amendment places Building Code Sections 4-1-10(D)1(c)(1)B and 4-1-10(D)2(d)(1)B into appropriate sections of the Fire Code and those sections will be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 907.7.5.2 regarding fire alarm systems: “907.7.5.2 Village of Glen Ellyn municipal fire panel. All fire alarm systems in buildings serving occupancy Group A and Group E shall be directly connected to the Village of Glen Ellyn municipal fire panel.” Mr. Kvapil explained that Group A is assembly and Group E is educational (schools) which is a large number of people at risk and the fire company wants to know immediately if there is an alarm at those locations. Chief Raffensparger stated that this method is definitely preferred over an alternative third party monitoring service that can sometimes be unreliable. Some discussion ensued regarding the possibility of including an occupancy load in this section, however, the BBA members did not feel it was necessary. Mr. Kvapil added that some restaurants in town (assembly uses) have been allowed to connect directly to a central station without going through the Village fire panel and that this provision could be included in the code. The BBA members agreed that this was an acceptable practice. Chief Raffensparger commented that the Fire Department feels that eliminating a third party is desirable and there is no cost difference between the two methods. Chief Raffensparger also stated that some places are now using radio fire alarms and that perhaps the Village could have equipment to receive those alarms which could then be directly transmitted to DuComm. This amendment places Building Code Sections 4-1-10(D)1(c)(1)A and 4-1-10(D)2(d)(1)A into appropriate sections of the Fire Code and those sections will be removed from the Building Code. The BBA members agreed with this recommendation.

Amend Section 4603.4 Sprinkler systems: “4603.4 Sprinkler systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 4603.4.1 through 4603.4.9.” Mr. Kvapil explained that proposed new Section 4603.4 (see below) will be referenced in this section. This amendment places Building Code Section 4-1-10(D)5 into the appropriate section of the Fire Code and that section will be removed from the Building Code. The BBA members agreed with this recommendation.

Mr. Kvapil explained that he recommends adding seven (7) additional locations where fire sprinklers are required in existing buildings to the two (2) locations currently in the IFC as follows:

Add new Section 4603.4.3: “4603.4.4 Additions to existing buildings and structures in Group A, B, E, M, R, F, H, I and S. 1. An approved automatic sprinkler system shall be provided throughout the addition if the gross floor area of the addition exceeds 2,500 square feet or if the gross floor area of the addition exceeds 75% of the gross floor area of the existing building. 2. An approved automatic sprinkler system shall be provided throughout the addition and throughout the existing building if the combined gross floor area of the addition and the existing building exceeds 5,000 square feet or if the gross floor area of the addition exceeds 150% of the gross floor area of the existing building.”

Mr. Kvapil explained that these sections of the Building Code, 4-1-10(D)1(a) and 4-1-10-(D)2(d)(4)A, are proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. Mr. Kvapil responded to Chairman Ryan that adding the percentages relates to the various addition classifications of construction. The BBA members agreed with this recommendation.

Add new Section 4603.4.4: “4603.4.4 Alterations to existing buildings and structures in Group A, B, E, M, R, F, H, I and S. An approved automatic sprinkler system shall be provided throughout the existing building if the structurally altered existing exterior wall and roof gross square foot area exceeds 50% of the total existing exterior wall and roof gross square foot area.” Mr. Kvapil explained that if more than 50% of the exterior of a building is altered, the code requires that a sprinkler system must be installed. Mr. Kvapil defined an alteration to a wall for Board Member Lustrup. This section of the Building Code is proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 4603.4.5: “4603.4.5 Remodeling of existing buildings and structures in Group A, B, E, M, R, F, H, I and S. An approved automatic sprinkler system shall be provided throughout the remodeled interior area if the hard cost of all interior remodeling work exceeds \$200,000.” This section of the Building Code is proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 4603.4.7: “4603.4.7 Additions to existing one and two-family dwellings and townhouses. An approved automatic sprinkler system shall be provided throughout the addition and throughout the existing dwelling if the gross floor area of the addition exceeds 150% of the gross floor area of the existing dwelling.” This section of the Building Code is proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 4603.4.8: “4603.4.8 Alterations to existing one and two-family dwellings and townhouses. An approved automatic sprinkler system shall be provided throughout the dwelling if the structurally altered existing exterior wall and roof gross square foot area exceeds 75% of the total existing exterior wall and roof gross square foot area. This section of the Building Code is proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Add new Section 4603.4.9: “4603.4.9 Remodeling of existing one and two-family dwellings and townhouses. An approved automatic sprinkler system shall be provided throughout the dwelling if the hard cost of all interior remodeling work exceeds \$200,000.” This section of the Building Code is proposed to be placed into the appropriate section of the IFC and removed from the Building Code. Chairman Ryan suggested increasing the dollars amounts of the hard costs since the cost of construction has increased since the code change is 2003. During a discussion regarding costs of construction submitted by the owner/contractor, Mr. Kvapil stated that the assessor’s office could be used to determine the cost of construction. Mr. Lustrup suggested using the existing price of the home to determine the cost of proposed construction, and Mr. Kvapil suggested perhaps using a percentage of the assessed value. The BBA members felt that

a percentage of the assessed value was a fair way to determine the construction costs. Chief Raffensparger stated he would like to see the costs of construction for commercial properties lowered for sprinkler requirements. Mr. Kvapil responded to Trustee Cooper that in the last five (5) years, approximately six (6) house remodels were submitted that required sprinklers. Mr. Kvapil responded to Chairman Ryan that he will provide information regarding assessed valuations for residential and hard costs for commercial at the next BBA meeting.

Delete Section 4603.5 in its entirety and substitute the following: “4603.5. Standpipes. Standpipes shall be provided in all existing buildings and structures in Group A, B, E, M, R, F, H, I and S installed in accordance with Section 905 where any one of the following conditions exists: 1. The existing building is enlarged to exceed two stories or where any portion of the floor area exceeds two hundred feet (200’) from the nearest fire department access. 2. The existing building is enlarged and the gross floor area of the addition exceeds 150% of the gross floor area of the existing building or structure. 3. The existing building is altered and the structurally altered exterior wall and roof gross area exceeds 75% of the existing total exterior wall and roof gross area. 4. The existing building is remodeled and the hard cost of the remodeled interior area exceeds \$200,000.” Building Code Sections 4-1-10(D)4(c) and 4-1-10(D)3 are proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Amend Section 4603.6: “4603.6 Fire alarm systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 4603.6.1 through 4603.6.8 and provide occupant notification in accordance with Section 907.6 unless other requirements are provided by other sections of this code.” Mr. Kvapil explained that this amendment lists another section, 4603.6.8, that is proposed to be added to the code. The BBA members agreed with this recommendation.

Add new section as follows: “4603.6.8 Group A, B, E, M, R, F, H, I and S. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided throughout an existing building and addition under any one of the following conditions: 1. The existing building is enlarged or the gross floor area is increased and the hard cost of the construction work exceeds \$15,000. 2. The existing building is altered and the hard cost of the construction work to structurally alter the exterior wall and roof exceeds \$15,000. 3. The existing building is remodeled and the hard cost of the interior construction work exceeds \$15,000.” Building Code Sections 4-1-10(D)1(c)(1) and 4-1-10(D)2(d)1 are proposed to be placed into the appropriate section of the IFC and will also be removed from the Building Code. The BBA members agreed with this recommendation.

Delete Village Code Section 4-1-10(D)1(b) in its entirety. Mr. Kvapil explained that this code requirement is included in IFC Section 506, Key Boxes. The BBA members agreed with this recommendation.

Mr. Kvapil stated he will make revisions per the above for the next BBA meeting. He responded to Chairman Ryan that the next code to be reviewed is the International Building Code (Commercial). Chief Raffensparger complimented Mr. Kvapil on his efforts regarding the code amendments.

Trustee Report

Trustee Cooper reviewed the status of the Hill Avenue Bridge project and issues with the College of DuPage. Trustee Cooper stated that Village revenues remain down. He also stated that some of the Village's capital improvement projects have been delayed by the strike this summer. Trustee Cooper also stated that the results of a survey regarding leaf removal has resulted in retaining the existing system.

Staff Report

Mr. Kvapil confirmed that the next BBA meeting is scheduled for September 7, 2010.

There being no further business before the BBA, the meeting was adjourned at 9:40 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Reviewed by:

Joe Kvapil  
Building and Zoning Official