

BUILDING BOARD OF APPEALS
MINUTES
SEPTEMBER 8, 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. Board member James McGinley was not present. Also present were Trustee Liaison Phil Hartweg (substituting for Trustee Carl Henninger), Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Lustrup moved, seconded by Board Member Raffensparger, to approve the minutes of the August 2, 2010 Building Board of Appeals meeting. Approval of the minutes was unanimous.

On the agenda was a continuation of the adoption of the 2009 ICC International Fire Code with amendments. Mr. Kvapil reviewed the tentative BBA meeting schedule.

2009 ICC INTERNATIONAL FIRE CODE. CONTINUED 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 stated that the changes discussed and recommended for approval at the August 2, 2010 BBA meeting as well as some additional changes have been included in the revisions forwarded to the BBA members for this meeting. Mr. Kvapil reviewed the proposed additional new changes as follows:

Delete Section F-101.1 regarding Title in its entirety. Mr. Kvapil explained that this Village Code provision is provided in the appropriate IFC Section 101.1 and was inadvertently omitted at the prior meeting. The BBA members were in agreement with this recommendation.

Amend Section 102.5 to add the following: "3. Fire protection systems and equipment provisions: All such provisions shall apply where specifically prescribed in this code for one and two family dwellings and townhouses." Mr. Kvapil explained that this amendment is proposed to be added because certain fire protection systems and equipment provisions should also apply to single-family residential buildings. The BBA members were in agreement with this recommendation.

Amend Section 103.1 as follows: "SECTION 103 FIRE DEPARTMENT 103.1 General. The Fire Department is established within the jurisdiction under the direction of the fire code official. The function of the Fire Department shall be the implementation, administration and enforcement of the provisions of this code in accordance with Chapter 1 Fire Department, in Title 5 Fire Regulations, in the Glen Ellyn Village Code." Mr.

Kvapil explained that this section has been revised to be consistent with and referenced within the Village Code. The BBA members were in agreement with this recommendation.

Delete Section F-108.1 regarding Title in its entirety. Mr. Kvapil explained that this Village Code provision is provided in the appropriate IFC Section 104.12 and was inadvertently omitted at the prior meeting. The BBA members were in agreement with this recommendation.

Mr. Kvapil explained that at the previous BBA meeting, Section 108 Board of Appeals was recommended to be deleted, however, the Section is proposed to remain with revisions to certain sections. For reference purposes, delete Section 108.1 Board of Appeals in its entirety and substitute the following: "108.1 Board of appeals established. The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code." Also amend Section 108.3 to read as follows: "The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosion, hazardous conditions or fire protection." Mr. Kvapil explained that this section is proposed to be modified to allow one board of appeals member to be a staff member per Village Code. Mr. Kvapil added that leaving this section in as revised does not present any conflicts with the Village Code. The BBA members were in agreement with these recommendations.

Mr. Kvapil explained that at the previous BBA meeting, Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces was recommended to be deleted because that information was covered under the Village Code. After further review, however, Mr. Kvapil believes that the following sections in the Fire Code regarding open burning, etc., should be retained because they are appropriate: Delete Section 307.1 in its entirety because it is covered in the Village Code and substitute the following: "307.1 General. The regulations on open burning and fires are established in Chapter 7 Air Pollution, in Title 7 Health and sanitation, in the Glen Ellyn Village Code." Delete Section 307.2 Permit Required in its entirety because it is covered in the Village Code. Delete Section 307.3 Extinguishment authority in its entirety because it is covered in the Village Code. Delete Section 307.4 in its entirety and substitute the following: "307.4 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 10 feet (3048 mm) of a structure or combustible material." Mr. Kvapil suggested that portable outdoor fireplaces are very common and should be addressed in the fire code as they are not addressed anywhere else in the codes. He explained that the fire code states that fireplaces should be 15 feet from any structure or combustible material and makes an exception to exclude single-family residences. Mr. Kvapil's recommendation is to place a restriction on the fireplaces that they shall be used in accordance with the manufacturer's instructions and shall not be operated within 10 feet of a structure or combustible material, including single-family residences and townhouses. Mr. Kvapil responded to Chairman Ryan that there have been some issues regarding outdoor fireplaces mostly related to barbecues located on the back decks of apartment buildings. Ken Kloss, 350 Ridgewood, Glen

Ellyn, Illinois expressed concern regarding air pollution caused by residents' open burning which he believes is currently increasing. Mr. Kvapil responded that air quality regulations apply only to commercial properties in Glen Ellyn, however, a general nuisance provision could apply in single-family zoning districts. Mr. Kvapil added that any resident can file a complaint with the Illinois Environmental Protection Agency regarding air pollution. Mr. Kvapil confirmed for Chairman Ryan that the Fire Code does not address pollution from smoke. Mr. Kvapil also clarified for Chairman Ryan that the Village Code prohibits bonfires. Amend Section 307.5 to read as follows: 307.5 Attendance. The use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization." The BBA members were in agreement with these recommendations.

Amend Section 308.1.4 as follows: "308.1.4 Open-flame cooking devices. Charcoal burners, LP-gas grills and other open-flame cooking devices shall not be operated on combustible balconies or decks or within 5 feet of combustible construction. Exceptions:

1. Where buildings, balconies and decks are protected by an automatic sprinkler system.
2. LP gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds (nominal 1 pound (0.454 kg) LP-gas capacity).

Mr. Kvapil explained that this type of regulation is appropriate. The required 10-foot separation is proposed to be reduced to 5 feet, however, the separation will also apply to single-family residences and townhomes. Chairman Ryan and Mr. Kvapil clarified for Chief Raffensparger the sizes of certain LP gas cooking devices. The BBA members were in agreement with this recommendation.

Section 905.3.1 is proposed to be reformatted with the information remaining as previously agreed upon by the BBA members.

Delete Building Code sections 4-1-6(B)23, 4-1-6(B)24 and 4-1-10(D)4(c) in their entirety. Mr. Kvapil explained that this deletion amendment was inadvertently omitted at the previous BBA meeting.

Add new Section 907.7.5.2 to read as follows: "907.7.5.2 Village of Glen Ellyn municipal fire panel. All fire alarm systems in buildings serving occupancy Group A or Group E shall be directly connected to the Village of Glen Ellyn municipal fire panel." Mr. Kvapil explained that at the previous BBA meeting, he had suggested excluding Group A occupancies if the occupancy load was 99 people or less. He stated that the BBA members did not agree with his suggestion and now is suggesting excluding Group A occupancies if the occupancy load is 50 people or less. Mr. Kvapil pointed out a discrepancy in that a small Group A restaurant occupancy that is required to be connected to the municipal fire panel while a Group M store occupancy with 200 people would not be required to be connected to the municipal fire panel. Chief Raffensparger commented that both groups could be required to connect to the municipal fire panel. Mr. Kvapil stated he chose the number 50 by referring to a section of the 2009 Building Code which

recognizes that a small group of 50 or less is a Group B and does not constitute an assembly group. Mr. Kvapil suggested that small restaurants can connect to a central station instead of the municipal fire panel. Chief Raffensparger asked what the disadvantage is to hooking up to the municipal fire panel, and Mr. Kvapil stated that the disadvantage is capacity. Chief Raffensparger stated that wireless fire alarms are anticipated to be used in the future and there would be no limit in that case. The BBA members recommended that the amendment remain as previously approved.

Section 4603.4 and Section 4603.4.7 regarding sprinkler systems have been combined into new Section 4603.4.3 Additions to existing buildings. Although the formatting is changed, the information remains as previously agreed upon by the BBA members. Mr. Kvapil stated that these requirements are being explained in a manner that eliminates the classification system. Mr. Kvapil responded to Chairman Ryan that the reason Section 4-1-10(D)3 is not yet deleted because it still applies to some building code provisions in existence.

Section 4603.4.4 and Section 4603.4.8 regarding alterations to existing buildings have been combined with new formatting into Section 4603.4.4.

Section 4603.4.5 and Section 4603.4.9 regarding remodeling to existing buildings have been combined with new formatting into Section 4603.4.5.

Delete Village Code Sections 4-1-10(D)1(b), 4-1-10(D)2(d)(2) and 4-1-10(D)4(a) in their entirety. Mr. Kvapil explained that the first provision was recommended to be deleted at the previous meeting, however, two more code provisions have been located that require key boxes and those provisions have been added to this amendment.

Chairman Ryan asked Mr. Kvapil why he was no longer deleting Section 104.6.3 regarding Fire Records in its entirety as proposed at the previous meeting. Mr. Kvapil responded that the section on fire records in the Village Code doesn't conflict with the section on fire records in the Fire Code. Chief Raffensparger stated that the Fire Company keeps records nationally as required.

Mr. Kvapil responded to Chairman Ryan that he did not research information regarding assessed valuations for residential properties and hard costs for commercial properties. Mr. Kvapil stated that \$200,000 is the trigger at which point a fire sprinkler system must be installed in a building, however, he did not believe that figure was fair because \$200,000 is a significantly different amount for houses than for commercial properties. Chairman Ryan commented that the \$200,000 figure was determined 7-8 years ago and costs have escalated since that time. Chief Raffensparger recalled someone suggesting using a percentage of the assessed value, and Mr. Lustrup felt that using a percentage of the existing value is a viable long-term solution. Mr. Kvapil stated that Milton Township can provide the last assessed valuation, excluding the value of the land, of any structure in Glen Ellyn and suggested 25% as a reasonable sprinkler system trigger amount. Chairman Ryan commented that if one is spending \$500,000 on improvements in an older home that is not sprinklered, sprinklers should be required, and he recommended

50% of the assessed valuation of the improvements or over \$300,000 as the sprinkler system trigger amount. Mr. Kvapil clarified for Chairman Ryan that replacing rooftop units, roof replacements, boilers, heating systems, electrical systems, etc., are considered remodeling/alterations. Mr. Lustrup felt that the fair market value of the house is a more accurate figure than the assessed valuation of the improvements as the assessor assesses the house at one-third of the market value. Mr. Kvapil stated that the assessed value could be multiplied by 3 for the sprinkler system trigger amount. Chairman Ryan suggested using 50 percent or \$300,000 for residential and 25 percent or \$500,000 for commercial. Mr. Kvapil did not agree with the \$500,000 amount as many commercial expenses are huge and would trigger installing sprinklers. Chairman Ryan and Mr. Kvapil agreed on a figure of \$1,000,000. Mr. Kvapil confirmed for Mr. Lustrup that recommendations can be made to amend these figures at a future date. Chief Raffensparger responded to Mr. Bredfeldt that adding a residential sprinkler system costs approximately \$6,000-\$8,000. Mr. Kvapil responded to Chief Raffensparger that additions that are more than 150 percent of the area of the existing building trigger the requirement for sprinklers in both the addition and main portion of the building. All BBA members agreed with sprinkler system triggers amounts as 50 percent or \$300,000 for residential and 25 percent or \$1,000,000 for commercial.

Motion

Board Member Bredfeldt moved, seconded by Board Member Lustrup to recommend approval of the 2009 ICC International Fire Code with amendments as discussed at the BBA meetings. The motion carried unanimously with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes.

Trustee Report

Trustee Hartweg stated that the Village Board has adopted the first two codes reviewed by the Building Board of Appeal and that the Village Board may question how the proposed Fire Code compares with surrounding communities. Trustee Hartweg also reviewed other projects currently underway in the Village and stated that the increased sales tax has helped the Village's financial situation. He also reviewed the status of the COD/Village situation and the Hill Avenue bridge.

There being no further business before the BBA, the meeting was adjourned at 9:15 p.m.

Submitted by:

Barbara Utterback
Recording Secretary

Reviewed by:

Joe Kvapil
Building and Zoning Official