

BUILDING BOARD OF APPEALS
MINUTES
OCTOBER 4, 2010

The meeting was called to order by Chairman James Ryan at 7:33 p.m. Board members Thomas Bredfeldt, Michaelene Burke Hoeh, John Lustrup and Scott Raffensparger were present. Board member James McGinley was not present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

New Board Member Michaelene Burke Hoeh was introduced.

Board Member Lustrup moved, seconded by Board Member Raffensparger, to approve the minutes of the September 8, 2010 Building Board of Appeals meeting. The motion carried with four “yes” votes as follows: Board Members Lustrup, Raffensparger, Bredfeldt and Chairman Ryan voted yes.

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.

FIRE SPRINKLERS

Building and Zoning Official Joe Kvapil explained that the 2009 ICC International Fire Code with amendments was forwarded to the Village Board on September 20, 2010 for a vote, however, members of the Village Board had concerns regarding equity and fairness with respect to sizes of homes as related to triggers for the installation of fire sprinklers. Mr. Kvapil stated that the recommendation forwarded by the BBA was that fire sprinklers would be required in one and two-family dwellings and townhouses if the hard cost of all remodeling work exceeds \$300,000 or 50% of the market value of the dwelling. Mr. Kvapil commented that a good time to install fire sprinklers is when a significant amount of remodeling work is under way and that water service would probably be required to be upgraded during a remodel/addition as if you’re adding sprinklers so costs are similar. Mr. Kvapil showed excerpts from a video of the Village Board meeting where Trustees expressed their opinions on the fire sprinkler issue. Trustee Henninger stated that the concern of the Village Board members was that requiring fire sprinklers for remodeling projects in modest homes would encourage teardowns. Mr. Kvapil stated that U. S. Fire Administration/FEMA indicates that adding fire sprinklers in a new house costs approximately \$1.50 per square foot, and he added that this estimate probably does not include site work which he estimated at an additional \$5,000. Mr. Kvapil also read from a USFA/FEMA list the advantages of installing fire sprinklers. The BBA members reviewed criteria from surrounding communities regarding fire sprinkler requirements. They also reviewed required improvements to existing buildings regarding fire code

amendments for the Village as compared to the ICC Building Code. Mr. Kvapil commented that the Village is more restrictive than the ICC Building Code and that the ICC requires the Building Official to make judgment calls regarding areas of work and would be difficult to administer. Chairman Ryan recalled that a decision was made during the initial fire sprinkler discussions to install fire sprinklers in smaller homes as well as larger homes even though people can exit smaller homes quicker and installing fire sprinklers can be a financial burden to homeowners. Chairman Ryan believes the recommendation proposed by the BBA is consistent with past recommendations and added that fire sprinklers are a positive addition to a home.

Options discussed regarding when to require fire sprinklers in existing homes included using only 50% of the market value figure which would penalize smaller homes, using the \$300,000 figure only which would penalize larger homes or using a percentage of the cost of adding the sprinklers, determining if the total cost of the sprinklers reaches a certain percentage of the remodel cost and not requiring sprinklers in houses with less than a certain number of square feet. Chairman Ryan stated that a disadvantage of tying into the market value is that sprinklers will have to be put into smaller houses when not required in larger houses and the perception is that that this will drive people not to invest in smaller homes and incentivize teardowns. Chairman Ryan did not feel that significant issues would be caused by requiring fire sprinklers for a large remodel of a smaller home and did not feel that teardowns would be incentivized because a homeowner will figure out if it makes sense to spend a significant amount of money to remodel whether or not fire sprinklers are required and if the house is torn down, fire sprinklers will be required. Chairman Ryan did not feel inequities were caused by varying costs of large remodels as related to installing fire sprinklers. Chairman Ryan felt that remodeling that affects 50% of the market value should trigger the installation of fire sprinklers. Mr. Lustrup stated that building a new house is more expensive than remodeling an existing house. Mr. Kvapil stated that the BBA recommendation included the dollar figure and percentage in an effort to be fair and that increasing the dollar amount over the years for inflation purposes would be effective in the long term. Mr. Kvapil responded to Mr. Bredfeldt that the market value does not include the value of the land which concerned Trustee Henninger because the threshold at which the fire sprinkler requirements would trigger would be an even lower dollar amount which negatively impacts smaller homes. Mr. Kvapil also reminded the Board Members that hard costs do not include appliances or finishes. Mr. Kvapil commented that if the Board's intent is to preserve the existing building stock of smaller homes, the fixed dollar amount of \$300,000 should be used and any percentage should be eliminated. Chairman Ryan stated that if the trigger is left at \$300,000, the more economical houses will never be sprinklered during a remodeling project. Mr. Kvapil stated that a \$200,000 trigger for fire sprinklers worked well for residential buildings previously and that increasing that amount to \$300,000 is not a significant change. Mr. Kvapil also stated that the fire sprinkler trigger was \$200,000 for commercial and the increase to \$1,000,000 is recommended because the value of remodeling commercial buildings can be very high.

Mr. Kvapil stated that the 2009 ICC Building Code requires fire sprinklers in all new construction single-family homes and townhomes effective in 2011 and that the ICC

codes on existing houses are limited and left to the discretion of municipalities. Mr. Kvapil stated that universally new construction must comply with codes, however, whether or not to bring an entire single family residence into compliance during construction related to a remodel, alteration or addition can be difficult to determine.

Mr. Kvapil suggested eliminating the percentage figure and when the 2012 code is reviewed, reevaluate whether or not to reinstate it. Chairman Ryan commented that retaining the \$300,000 figure requires larger homes to sprinkler at a reasonable number. Ms. Burke Hoeh stated that if the intent is to have everyone have fire sprinklers, leave the percentage amount in.

Three of the four Board members present were in favor of leaving the recommendation as forwarded to the VB which was that fire sprinklers would be required in one and two-family dwellings and townhouses if the hard cost of all remodeling work exceeds \$300,000 or 50% of the market value of the dwelling. Mr. Bredfeldt was in favor of leaving the dollar figure at \$300,000 but removing the percentage. After some discussion, Mr. Bredfeldt agreed with the other Board Members to keep the percentage rate along with the fixed dollar amount but increase it to 60%.

Motions

Two motions were made regarding this item. After the first motion failed to carry, a compromise was reached by the Board Members and a second motion was made.

Motion 1

Chairman Ryan moved, seconded by Chief Raffensparger, to resubmit the recommendation to the Village Board as originally proposed which is that in one and two-family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the existing building and any addition if the hard cost of all remodeling work exceeds \$300,000 or 50% of the market value of the dwelling. The motion did not carry with three (3) "yes" votes and one (1) "no" vote as follows: Chairman Ryan and Board Members Lustrup and Raffensparger voted yes; Board Member Bredfeldt voted no. Board Member Burke Hoeh abstained.

Motion 2

Board Member Bredfeldt moved, seconded by Chairman Ryan, to recommend that the Village Board approve the following: In one and two-family dwellings and townhouses, an approved automatic sprinkler system shall be provided throughout the existing building and any addition if the hard cost of all remodeling work exceeds \$300,000 or 60% of the market value of the dwelling. The motion carried with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes. Board Member Burke Hoeh abstained.

Another concern expressed by a Trustee was that insurance rates increase with the installation of fire sprinklers in a home. Mr. Kvapil stated that responses received from

two insurance companies indicate that a discount is given to homeowners who have an automatic sprinkler system installed in their homes. Chief Raffensparger responded to Mr. Bredfeldt that there have been very few instances of fire sprinkler malfunctions in town.

OPEN-FLAME COOKING DEVICES

Section 308.1.4 was also recommended to be re-written by the Village Board as the existing language implies that cooking grills are not allowed on decks. Mr. Kvapil read the wording: "Charcoal burners, LP-gas grills, and other open-flame cooking devices shall not be operated within 5 feet of combustible construction" which indicates that the bottoms of grills must be a minimum of 5 feet from the deck surface. Mr. Kvapil then distributed information regarding a BBQ grill mat that is used underneath grills for fire protection purposes and stated that some type of non-combustible material such as tile could also be placed underneath grills for fire protection. Chairman Ryan suggested wording that the devices shall not be operated within 5 feet of combustible walls and ceilings, and Mr. Kvapil suggested adding eaves or language referring to overhead construction and vertical walls. Another suggestion was to use the terms "horizontally" or "above" in the proposed language. With regard to enforcement of this regulation, Mr. Kvapil responded to Mr. Bredfeldt that inspectors look for safety code violations such as this when performing building inspections.

Motion

Board Member Bredfeldt moved, seconded by Board Member Lustrup, to recommend that the Village Board approve the first paragraph of Section 308.1.4 to read as follows: "308.1.4 Open-flame cooking devices. Charcoal burners, LP-gas grills, and other open-flame cooking devices shall not be operated within 5 feet of combustible walls and overhead construction material." The motion carried unanimously with four (4) "yes" votes as follows: Board Members Bredfeldt, Lustrup, Raffensparger and Chairman Ryan voted yes.

Staff Report

Mr. Kvapil stated that the International Building Code is next to be reviewed by the BBA.

Trustee Report

Trustee Henninger stated that some construction projects are still in process in the Village. He also stated that the Village Board will soon begin working on the budget. Trustee Henninger announced that Finance Director Jon Batek has resigned from the Village. Trustee Henninger stated that the Village Board passed the Hill Avenue Bridge agreement and stated the Village is currently in negotiations with the College of DuPage. At Chairman Ryan's request, Trustee Henninger reviewed the Village's financial situation.

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