

BUILDING BOARD OF APPEALS
MINUTES
NOVEMBER 1, 2010

The meeting was called to order by Chairman James Ryan at 7:34 p.m. Board members Thomas Bredfeldt, Michaelene Burke Hoeh, John Lustrup and Scott Raffensparger were present. Board member James McGinley was excused. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Board Member Bredfeldt, to approve the minutes of the October 4, 2010 Building Board of Appeals meeting with one typographical error. The motion carried unanimously with five (5) "yes" votes as follows: Board Members Raffensparger, Bredfeldt, Burke Hoeh, Lustrup and Chairman Ryan voted yes.

2009 ICC INTERNATIONAL BUILDING CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 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 reviewed proposed amendments to the 2009 ICC International Building Code.

Amendments were proposed to Village Code (VC) Section 4-1-2(B) to adopt the provisions of the 2009 ICC International Building Code and to change the year 2003 wherever it currently exists in the code to 2009 to reflect the update. The BBA agreed with this recommendation. Amendments were proposed to VC Section 4-1-2(E)1 to include the year 2009 wherever the ICC International Code references the ICC Electrical Code to reflect the current and proposed adopted code editions, to insert the National Electric Code (NEC) wherever the ICC Electrical code is referenced, and to remove the currently adopted year with regard to the NEC so that the year does not have to be edited each time the NEC is updated. The BBA agreed with these recommendations. Amendments were proposed to VC Section 4-1-2(E)1 to include the year 2009 wherever the ICC International Code references the ICC Plumbing Code to reflect the current and proposed adopted code editions, to insert the Illinois Plumbing Code wherever the ICC Plumbing Code is referenced, and to remove the currently adopted year with regard to the Illinois Plumbing Code so that the year does not have to be edited each time the Illinois Plumbing Code is updated. The BBA agreed with these recommendations. An amendment is proposed to VC Section 4-1-4 to change the title from "Fee Schedule" to "Fee and Deposit Schedule" to more accurately reflect the content of this section. The BBA agreed with this recommendation. Language changes are also proposed to the definition of a basic permit fee in VC Section 4-1-4(A)1a for clarification purposes. Mr. Kvapil added that no other changes are proposed to those code requirements. Chairman

Ryan indicated some discrepancies in the fee chart, and Mr. Kvapil stated he will correct those figures.

Mr. Kvapil stated that Ordinance 5886 has been recently approved by the Village Board to simplify the live entertainment approval process, and an amendment to VC Section 4-1-4(A) is proposed to allow administrative approval of indoor live entertainment for a fee of \$150.00. The BBA agreed with this recommendation. A provision is proposed to amend VC Section 4-1-4(E)3 to add language to allow a property owner to receive a refund of a cash deposit submitted by a contractor when the contractor does not complete work. Mr. Kvapil stated that this provision has not been reviewed by the Village Attorney, and Chairman Ryan stated that there should not be a problem if it has been disclosed that deposits will be refunded to a property owner if a contractor does not complete the work. The BBA agreed with this recommendation. Mr. Kvapil clarified for Chairman Ryan the types of contractors that must register with the Village prior to performing their services.

Regarding VC Section 4-1-5, Enforcement, Mr. Kvapil stated that this section is actually general requirements to work in the Village rather than enforcement. Mr. Kvapil added that this section has been rewritten to edit some other sections, however, no additions or deletions are proposed. Mr. Kvapil reviewed some significant proposed changes: In VC Section 4-1-5(A), the scope of work that requires a building permit is proposed to be expanded. Chairman Ryan felt that the list was too expansive with too much involvement on the part of the Village, and Mr. Kvapil responded that he prefers the list to be more comprehensive rather than less comprehensive and that the changes are consistent with the ICC. Mr. Kvapil agreed with Trustee Henninger that building code requirements are often a judgment call. Ms. Burke Hoeh suggested adding language that protects the Village in the event of a problematic situation. Mr. Kvapil responded that he believes the law exempts the Village from liability regarding building permit requirements and that building codes generally do not contain legal language. Mr. Bredfelt questioned the difference between the definitions of ordinary repair and maintenance, and Mr. Kvapil responded there is no definition available for ordinary repair. The BBA agreed with this recommendation.

In VC Section 4-1-5(C) regarding deposits, Mr. Kvapil stated that the references to classes of additions/remodels were removed for simplification purposes. The BBA agreed with this recommendation. Regarding VC Section 4-1-5(C)1 regarding additional deposits, the section to be deleted should be changed to 4-1-10(A)3h instead of 4-1-10(A)3.

In VC Section 4-1-5(E) regarding professional certification, wording was changed to include engineering and delete alteration with respect to plans complying with laws and regulations. The BBA agreed with this recommendation. In VC Section 4-1-5(F), revisions are proposed to more accurately reflect restrictions that no developments can be located within 30 feet of special management areas. Language was also added that if a building permit has been issued for work in a special management area, the building permit shall be immediately suspended and the property owner shall be required to secure

the proper permits. Chairman Ryan commented that the current code does not include wetlands or riparian environments and felt that the wetland buffer would satisfy the 30-foot requirement. Mr. Kvapil stated he will check with our engineering consultant regarding this issue. Regarding VC Section 4-1-5(G), Construction Hours, Chairman Ryan expressed surprise that commercial construction cannot occur past the hour of 7:00 p.m. Mondays through Saturdays. He stated that a new store under construction could have a deadline that would require longer daily construction hours. Mr. Kvapil replied that exceptions have been made for commercial purposes and added that set hours are a tool for the Village to use to respond to complaints. Trustee Henninger added that the Village Board routinely waives reasonable requests. The BBA members agreed with this recommendation. Regarding VC Section 4-1-5(H), Inspections, Mr. Kvapil stated there is a list of required inspections in the code and that the inspections unique to the Village are the foundation location survey and the ridge and height certification. Mr. Kvapil stated he is in the process of gathering information from the Village building inspectors and would like to keep this amendment open until he receives all of their responses. Mr. Kvapil stated that the Village has extensive demolition requirements and that in VC Section 4-1-5(I), he proposes to re-format and sequence the information with some minor clarifications to text. Mr. Kvapil distributed Chapter 33 of the 2009 International Building Code, "Safeguards during Construction." Chairman Ryan requested clarification of the demolition requirements for 4,000+ square foot buildings. Mr. Kvapil responded that wording should be added stating that in addition to the requirements listed, all prior requirements should also be met. The BBA agreed with this recommendation. Trustee Henninger inquired about billing for water usage during demolition, and Mr. Kvapil responded that information is included in the fee section of the code. Mr. Bredfeldt suggested changing 4-1-5(I)3(I)m to 4-1-5(I)3(I)4. Chairman Ryan also suggested changing 4-1-5(I)3(I)n to 4-1-5(I)3(I)5. Mr. Kvapil agreed to make those changes as well as one other to the numbering system. Mr. Lustrup also pointed out a typographical error in the demolition preparation work section where 72 (hours) in parentheses should be changed to 48. The BBA agreed with these recommendations.

VC Section 4-1-6(A) is recommended to be deleted in its entirety with the following substituted: "(A) The 2009 ICC International Building Code is adopted by reference as the standards and regulations for governing the demolition, construction, enlargement, alteration, restoration or repair of buildings and structures and their appurtenances, as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof as are deleted, modified, or amended in this Chapter. At least one copy of the 2009 ICC International Building Code shall be maintained on file in the office of the Village Clerk for inspection and copying as a public record." Mr. Kvapil stated this excerpt is consistent with prior adoption ordinances language. The BBA agreed with this recommendation. VC Section 4-1-6(B) is recommended to be amended to change the ICC year from 2003 to 2009. The BBA agreed with this recommendation. IBC Section 101.4.3 regarding plumbing is recommended to be deleted and language added to substitute the Plumbing Code, Department of Public Health, State of Illinois, wherever reference to the International Plumbing Code is made. Chairman Ryan suggested adding "as currently adopted" with

reference to the Plumbing Code, and Mr. Kvapil agreed to include that phrase. The BBA agreed with this recommendation.

IBC Section 105.1.1 regarding annual permits is recommended to be deleted as this section is incorporated into the 2009 IBC. The BBA agreed with this recommendation. IBC Section 105.1.2 regarding annual permit information was recommended to be deleted as this section is incorporated into the 2009 IBC. The BBA agreed with this recommendation. IBC Section 105.2 regarding work exempt from permit is recommended to be deleted because it is not consistent with Village requirements and has been incorporated into the 2009 IBC. Ms. Burke Hoeh was uncomfortable with the code indicating that all work requires a permit when, in fact, the building department would make a determination upon inquiry. Ms. Burke Hoeh suggested including wording to that effect, and Mr. Kvapil stated a sentence could be added at the end of 4-1-5 General Requirements, paragraph (A), that would allow the Building and Zoning Official to make an exception. The BBA members agreed with that recommendation. Mr. Kvapil added that the code section on historic buildings gives the Building and Zoning Official the authority to accept safe alternatives to the code. IBC Section 105.7 is proposed to be amended to include language that building permits must be displayed in a prominent location on the site to aid in code enforcement and for public notice purposes. The BBA agreed with this recommendation. IBC Section 105.3, Items 6 and 7, are proposed to be amended to include the signatures and names and addresses of the owner/corporate officer/trustee on documents to aid in issuing citations for code enforcement purposes. Mr. Kvapil added that this amendment was recommended by the Village Prosecuting Attorney. The BBA agreed with this recommendation. IBC Section 111.2 regarding information listed on a certificate of occupancy was recommended to be deleted and replaced with a shorter list that contains only necessary information. The BBA agreed with this recommendation. IBC Section 113.1 is recommended to be amended to refer to the Village Code for general BBA information. The BBA agreed with this recommendation. IBC Section 113.3 is recommended to be amended to delete the wording that excludes employees of the jurisdiction as BBA members. Mr. Kvapil stated that excluding employees of the jurisdiction is in conflict with a requirement of the BBA code. Mr. Kvapil concurred with Chairman Ryan that a conflict of interest would occur if a staff member voted on an issue based on his recommendation. IBC Section 4-1-3 is recommended to be amended to add the definitions of Development, Basement, Residential and Commercial. The BBA agreed with this recommendation. IBC Section 406.1.4.1 is recommended to be amended to change the requirement of separation between the garage and the dwelling unit and its attic to a minimum of 5/8-inch type x gypsum board (instead of 1/2-inch). The BBA agreed with this recommendation. IBC Section 705.6 is recommended to be deleted as it was in the 2003 IBC. The following IBC Sections are recommended to be deleted in their entirety because the code provisions are an identical duplicate of the provisions in the Fire Code and/or would need to be amended: 902 – Definitions, 903 – Automatic Sprinkler Systems, 904 – Alternative Automatic Fire-Extinguishing Systems, 905 – Standpipe Systems, 906 – Portable Fire Extinguishers, 907 – Fire Alarm and Detector Systems, 908 – Emergency Alarm Systems, 910 – Smoke and Heat Vents, 911 – Fire Command Center, 912 – Fire Department Connections, 913 – Fire Pumps, 914 – Emergency Responder Safety

Features, 915 Emergency Responder Radio Coverage. The BBA agreed with these recommendations. IBC Table 1505.1 regarding fire resistant characteristics for roofs is a 2003 amendment that is proposed to be incorporated into the 2009 code. IBC Section 1808.6.5 regarding slab on grade foundation is a 2003 IBC amendment that has been slightly revised for clarification purposes. The BBA agreed with this recommendation. IBC Section 1809.5, Item 1, is proposed to be incorporated into the 2009 IBC. The BBA agreed with this recommendation. 2003 IBC Sections 1809.9 and 1809.12 are amendments proposed to be deleted and incorporated into the 2009 IBC. 2003 IBC Chapters 29 and 32 are amendments proposed to be deleted and incorporated into the 2009 IBC. IBC Section 3001.2 regarding elevator reference standards is proposed to be deleted and re-written to reference state regulations. Mr. Kvapil responded to Chairman Ryan that he will review VC Section 4-1-6(8)33 which is proposed to be deleted related to this amendment. After a discussion regarding signs, the BBA agreed to eliminate code sections regarding signage, etc., from the 2009 IBC. Mr. Bredfeldt suggested referencing the Sign Code, and Mr. Kvapil agreed with that recommendation. Chairman Ryan also suggested retaining Sections 3105 and 3106 and deleting Section 3107 based on sign installation, etc., located in the building code, and the BBA agreed with this recommendation. Village Code Sections 4-1-6(B)22 and 4-1-6(B)20 are recommended to be deleted in their entirety as they are included in the Fire Code. The BBA agreed with this recommendation. Village Code Section 4-1-6(B)25 is recommended to be deleted because the provisions of the 2009 ICC International Energy Code apply by State of Illinois adoption. The BBA agreed with this recommendation. Village Code Section 4-1-6(B)14 regarding Certificate of Final Inspection is recommended to be deleted because it is addressed in IBC Code Section 111. The BBA agreed with this recommendation. Village Code Sections 4-1-6(B)11, 4-1-6(B)10 and 4-1-6(B)9 are recommended to be deleted as they are unnecessary due to redundant referencing. Village Code Section 4-1-6(B)6 is proposed to be deleted because it deletes the duties and powers of the Building Official. Village Code Section 4-1-6(B)2 is proposed to be deleted because this amendment regarding 1- and 2-family homes is addressed in the International Residential Code.

Trustee Report

Trustee Henninger gave updates on development projects recently approved by the Village Board. He also provided status on the downtown plan process and reported on bonds that have recently been refinanced.

Staff Report

Mr. Kvapil stated that the Fire Code has been approved by the Village Board with a condition regarding the fire sprinkler requirement for remodel projects. Mr. Kvapil stated the Village Board has requested additional information and input regarding that topic from staff and the public. He also stated the next BBA meeting will be held on December 6, 2010.

Adjournment

Mr. Lustrup moved, seconded by Mr. Bredfeldt, to adjourn the meeting at 10:20 p.m.

Submitted by:

Barbara Utterback
Recording Secretary