

BUILDING BOARD OF APPEALS  
MINUTES  
DECEMBER 6, 2010

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

Building and Zoning Official Joe Kvapil reviewed the status of the proposed amendment to the Fire Code regarding fire sprinklers in remodel projects and distributed a memorandum dated November 29, 2010 that he wrote to Village Manager Steve Jones on this topic. Mr. Kvapil also distributed and reviewed a memorandum dated November 16, 2010 that Planning and Development Director Staci Hulseberg and he wrote to Village Manager Steve Jones regarding staff membership on the Building Board of Appeals.

2009 ICC INTERNATIONAL BUILDING CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC 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 distributed an index showing the existing and proposed formats for Title 4 Building Regulations, Chapter 1, Building Code. Mr. Kvapil continued his review of amendments to the 2009 ICC International Building Code from the BBA meeting on November 1, 2010. Mr. Kvapil reviewed amendments at this meeting that had either been changed from the previous meeting or had not yet been discussed.

An amendment to Village Code Section 4-1-3 was proposed to add the definition of Development to be consistent with other codes. The BBA agreed with this recommendation. Two amendments to Village Code Section 4-1-3 were proposed to add the definitions of Residential and Commercial for which no definitions previously existed. The BBA agreed with these recommendations. Village Code Section 4-1-3 is proposed to be amended to delete the definition of Change of Use, Change of Use Class I, and Change of Use Class II because the correct term is Change of Occupancy and is addressed in 2009 IBC Code Section 3408. Mr. Kvapil stated that deleting Change of Use will also simplify the change of occupancy process by eliminating a complicated hazardous index table and classifications, and Mr. Kvapil explained how a change of use would be addressed in the code. Mr. Kvapil stated that a building must be brought up to code if the use is changed. He also stated that after the building is brought up to code, additional upgrades such as sewer/water/sidewalks, etc., are required if a certain amount of money is spent and/or if a certain percentage of the exterior walls and the roof are altered. Mr. Kvapil indicated for Chairman Ryan where it states in the code what

upgrades are to be made to change of use Class I and Class II. Chairman Ryan commented that requiring a property to be brought up to code as if it were built new could be problematic for re-use of buildings in the downtown. Mr. Kvapil clarified for Ms. Burke Hoeh that the area that would need to be brought up to code is the new use area only and that the cost of a remodel would trigger the extent of the upgrades. Chairman Ryan and Ms. Burke Hoeh were not in favor of a \$10,000 remodel project, for example, triggering extensive upgrades, especially if the hazard was lessened. Mr. Kvapil responded that there would probably not be any building code requirements if the cost of a remodel project was \$10,000 and was less hazardous. Mr. Kvapil also responded to Chairman Ryan that a space where the remodel cost was \$10,000 and the use was less hazardous than the previous use would require sprinklers. Chairman Ryan was not comfortable with IBC Section 3408.1 that states the Building Official has the authority to allow a use in a building without requiring conformance to all code requirements, and Ms. Burke Hoeh questioned the removal of the hazardous index table. Chairman Ryan suggested continuing the discussion of this item at the next meeting to allow time for both Mr. Kvapil and he to take another look at this amendment. The BBA agreed with Chairman Ryan's suggestion.

Mr. Kvapil stated corrections have been made to some of the figures in the Basic Permit Fee Factor Table Village in Village Code Section 4-1-4(A). Village Code Section 4-1-4(A)11(d) is proposed to be amended to accommodate format changes. The BBA agreed with this recommendation. Village Code Section 4-1-4(A)11(e) is proposed to be amended to delete the word "demolition" as special conditions can occur with types of projects other than demolition. This section is also proposed to be amended to accommodate format changes. The BBA agreed with these recommendations. Village Code Section 4-1-5(A) regarding required building permits is recommended to be deleted and revised to more extensively identify the types of projects that require building permits. Mr. Kvapil verified for Chairman Ryan that "repair" has been added to this amendment because it is used in the building code and that the type of repairs exempt from building permits are listed in Section 105.2. The BBA agreed with this recommendation. Chairman Ryan responded to Mr. Bredfeldt that requirements for permits for furnaces, hot water heaters, etc., are included in the Property Maintenance Code. Mr. Kvapil verified for Mr. Bredfeldt that IBC Section 105.2, Work Exempt from a Permit, will be deleted. Mr. Kvapil responded to Chairman Ryan that 100 square feet is an arbitrary figure regarding permits for pavement work where smaller projects such as concrete areas for air conditioning units, barbecues, etc., do not require permits and larger projects such as driveways, sport courts, etc., require permits. Chairman Ryan felt that the 100-square foot limitation that does not require a building permit should be increased. Mr. Kvapil responded that this item could be reviewed to assure compliance with the zoning code for setbacks and impervious surface percentage requirements and added that stormwater runoff is a huge problem in the Village. Mr. Ryan then agreed with Mr. Kvapil's statements. When Chairman Ryan questioned the need for permits for sump pumps and other similar mechanical items, Mr. Kvapil offered to create a provision for mechanical equipment similar to the provision for electrical equipment. Chairman Ryan accepted Mr. Kvapil's offer. When Chairman Ryan requested the creation of a similar provision for plumbing equipment as well, Mr. Kvapil stated that he believes all

plumbing work should be done by a licensed plumber or the homeowner and was concerned that substandard work could be done by unqualified individuals if a permit and subsequent inspections were not required. Mr. Kvapil was supportive of maintaining permits for furnaces and hot water heaters but did not feel strongly that permits should be required for replacing such items as sump pumps, ejector pumps, washers and dryers. Mr. Bredfeldt agreed that permits should be required for furnaces and electrical work and also commented that new high-efficiency equipment may require different/more high tech connection equipment. The BBA agreed with these recommendations. Mr. Kvapil clarified for Chairman Ryan that emergency repairs can be performed prior to acquiring a building permit if Village offices are closed. Mr. Lustrup and Mr. Bredfeldt suggested adding sump pumps to Village Code Section 4-1-6(B)5 Building (f). The BBA was in favor of this recommendation.

Village Code Section 4-1-5(C)1, 2 and 3 are recommended to be deleted, and all provisions in the code regarding deposits/refunds have been moved to this section. At the request of Chairman Ryan, Mr. Kvapil explained the permit fee and refund process. The BBA agreed with this recommendation. Village Code Section 4-1-5(I) regarding penalty is recommended to be added, and same Section 4-1-5(A) is recommended to be deleted. Village Code Section 4-1-6(B) is recommended to be amended to change the year of the provisions to 2009 rather than 2003 and "the Village of" has been added preceding "Glen Ellyn." Sections 105.3, Items 6 and 7, are recommended to be amended to require the proper signatures and addresses on building permits in the event citations must be served. The BBA agreed with this recommendation. New Section 105.8 regarding the definition of site development permit for commercial projects is recommended to be added. Mr. Kvapil distributed Section 109.4, Work Commencing Before Permit Issuance, from the new building code and recommended amending this section to reflect the current penalty fee which is two times the normal fee and relocating it from the inspection section of the code. The BBA agreed with this recommendation. Mr. Kvapil stated that Section 113.3 regarding BBA qualifications is currently on hold awaiting legal review.

Section 406.1.4, Item 1, was recommended to amend the amount of separation between a private garage and commercial dwelling unit and its attic area to 5/8 inch from 1/2 inch. Chairman Ryan felt that this section should be included in the residential code rather than the commercial code because he did not believe it applies to the commercial code. Mr. Kvapil agreed to check to see if this situation would ever exist in new construction in the commercial code and, if not, this section will be deleted. Section 406.1.4, Item 4, was recommended to be incorporated from the 2003 IBC to the 2009 IBC. Mr. Lustrup suggested changing the gypsum board to 5/8 inch rather than 1/2 inch throughout all garages attached to a residential dwelling and all detached garages within 20 feet of any residential dwelling unit. Chairman Ryan also suggested adding this section to both the residential and commercial codes, and Mr. Lustrup suggested 5/8-inch board for commercial and 1/2-inch board for residential. After additional discussion, Mr. Kvapil recommended combining both Section 406.1.4, Item 1, and Section 406.1.4, Item 4, in the commercial section of the code and requiring any attached garage or garage less than 20 feet from a dwelling unit to be a completely enclosed interior with 5/8-inch type x gypsum board. The BBA agreed with these recommendations.

Section 1204.1 regarding temperature control is recommended to be deleted and the current Village requirements have been moved to this more compatible location. The BBA agreed with this recommendation. Section 1612.3 is recommended to be amended to change the names of two documents to be more specific. The BBA agreed with this recommendation. New Section 3403.5 is proposed to be added with language included that clarifies when fire protection improvements must be made. New Section 3403.6 is proposed to be added with language included that clarifies what building improvements have to be added to an existing building when an addition increases the floor area by more than 75%. Chairman Ryan pointed out that Item 1 of this section should be changed to read "section 3403.5" instead of "section 3403.6." New Section 3403.7 is proposed to be added with language included that clarifies what building improvements have to be added to an existing building when an addition increases the floor area by more than 150%. Mr. Kvapil pointed out that Item 1 of this section should be changed to read "section 3403.6" instead of "section 3403.7." New Section 3404.7 regarding alterations and remodeling work is proposed to be added with language included indicating at what point fire protection improvements must be made. New Section 3404.8 regarding alterations and remodeling work is proposed to be added with language included that clarifies what improvements have to be added to an existing building and on an existing site when more than 50% of the existing exterior wall and roof surface is structurally changed or when the hard cost of all interior remodeling work exceeds \$100,000. New Section 3404.9 regarding alterations and remodeling work is proposed to be added with language included that clarifies what improvements have to be added to an existing building and on an existing site when over 75% of the existing exterior wall and roof surface area is structurally changed. New Section 3404.10 regarding alterations and remodeling work is proposed to be added with language included that clarifies what improvements have to be added to an existing building and on an existing site when the hard cost of all exterior remodeling work exceeds \$1,000,000 or 25% of the market value of the building or structure. The BBA agreed with these recommendations.

Village Code Sections 4-1-9, A and B, regarding heating requirements are proposed to be deleted as this information has been added in an appropriate section of the building code.

Village Code Section 4-1-10 regarding demolitions has been reformatted per size of structure and includes general information that pertains to all demolitions.

Mr. Kvapil stated he will make revisions as requested and prepare a proposal regarding a change of use for the next meeting. Mr. Kvapil stated the residential code will be reviewed next.

There being no further business before the BBA, the meeting was adjourned at 9:30 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Reviewed by:

Joe Kvapil  
Building and Zoning Official