

**DRAFT MINUTES
BUILDING BOARD OF APPEALS MEETING
January 19, 2022**

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m. by Building Board of Appeals (BBA) Chairperson Thomas Bredfeldt.

Roll was called. Present: Chairperson Tom Bredfeldt, BBA Members Brian Beck, Christopher Clark, Robert Stahr and Barrington Pope. Absent: BBA Members Matthew Rooney and Thomas Tuscher.

Public Comment Non-Agenda Items

There was no public comment pertaining to non-agenda items.

Approval of Minutes

Following a motion by BBA Member Beck, seconded by Member Clark, draft minutes of the December 15, 2021 meeting were approved as submitted, by voice vote, with Robert Stahr abstaining because he did not attend the December 15th meeting.

Old Business

Village Building and Zoning Official Steve Witt said that, due to Staffing issues, he had no update on the Community Listening Session, but intends to have comments gathered to share at the next BBA meeting.

New Business

Mr. Witt provided the following resubmittal of proposed changes to the International Property Maintenance Code (IPMC) that were brought to the Board at the December 15th meeting:

- Regarding whether an “administrative warrant” or “search warrant” should be sought in seeking to enter a building to verify conditions, the Village Attorney Greg Matthews didn’t believe an administrative judge could issue a warrant that would allow entry to a structure, hence “search warrant” is the term needed.
- Regarding language referencing landscaping/fences blocking views from/to driveways, the recommendation is to remove the provision from the IPMC, as the concern is better addressed by the Zoning Code.
- Regarding the section on pool and spa enclosures, it is recommended that language about barrier requirements be adopted from the International Swimming Pool and Spa Code book into the International Residential Code and the International Building Code (in lieu of adopting the entire Pool and Spa book).
- Regarding the requirements for rubbish and garbage control on properties, Mr. Witt said he didn’t believe it appropriate for address by the Property Maintenance Code, so the IPMC section should stand as it is shown in the proposed amendments, and wider considerations will be part of the Municipal Code review.
- Provisions governing fire alarm and detection systems are recommended to be removed from the IPMC, with requirements addressing these systems (in the C5 District and perhaps others) to be amended into the Fire Code at a later meeting.

- It has been determined that requiring annexed buildings to go through the process of upgrading or installing fire alarm systems and fire suppression systems where none exist may be an impediment for people wanting to annex into the Village, so it is recommended that requirement be dropped at this time.
- Fire alarm and detection systems relying on a subscription service will not be allowed; this applies strictly to the local alarm, not the building itself.

Official Witt stated that all of the other amendments are in the same order as submitted before (for review at the December 15th meeting).

Mr. Stahr wondered about the distinction between enforcement of the main building of a multi-family complex and individual units (specifically with regard to overcrowding) within, and the Village's mode of enforcing the Maintenance Code. Mr. Witt explained that the Village conducts annual inspections of multi-family residential buildings, looking at the premises, the exterior, all common areas, and all fire safety aspects. Individual dwelling units aren't inspected, he said, unless a complaint/query is received. Mr. Stahr supposed smoke detectors in individual residential units can't be inspected, to which Mr. Witt replied that this is "generally true" (an exception being entry gained if an incident occurs). He explained that Code compliance is examined during renovations, but that there's no ongoing maintenance review.

Noting language in the IPMC that indicates the most restrictive provision of either that Code or the Life Safety Code shall apply, Chairman Bredfeldt asked for confirmation that the Village was no longer going to use the latter. Mr. Witt replied that this is correct and said the language referenced will be struck. The Chairman presumed that guidance on fence height around swimming pools is covered in the new Building Code for barriers around such. Mr. Witt responded that this is correct. Mr. Bredfeldt asked if a reference to that Code could be inserted. Mr. Witt said that direction to applicable codes are included, though are referenced generically.

Life Safety Code

The 2009 version of the Life Safety Code is currently in effect in the Village, said Mr. Witt, who explained that at the time adoption the stance of the Fire Marshall's Office was that there was no code as strict, but a provision allowed municipalities to adopt one equal in life safety to NFPA 101, though the OSFM stressed that the International Fire Code was not such a code. He went on to reference a December letter from the Fire Marshall's Office saying that home-rule communities can opt for fire prevention standards of their own choosing; in Glen Ellyn's case, said Mr. Witt, it's the 2018 International Fire Code – or to follow a 2015 version of a OSFM life safety code. He indicated that the Village doesn't follow the latter, as the Life Safety Code governs State-owned buildings and State-licensed facilities. Public schools, he said, are reviewed by the Village under local codes, so it has a limited number of buildings the Life Safety Code affects (though the Village still inspects them). He concluded by saying that in the interest of avoiding a conflict between the two Codes, Staff recommends adopting the 2018 International Fire Code, and deleting the Life Safety Code from the codes adopted by the Village. Mr. Witt cautioned that adopting Codes in a piecemeal fashion carries a risk associated with adopting changes before examining all books; hence, he prefers to look at everything as a group. He outlined a timeline for review, saying June 1st would be a "nice date" for making code adoptions effective. Mr. Witt noted that the 2009 Life Safety Code is still in effect (though, aside from use in developing requirements for multi-family sprinklers, it hasn't been used in enforcement activity in the Village in the six years he's been there).

Chairman Bredfeldt asked if the Building Board of Appeals would have an opportunity to look at the 2018 International Fire Code; Mr. Witt affirmed it would. Board Member Pope asked if there are any hotel/institutional projects under development in the Village. Mr. Witt replied that currently there is not. Mr. Pope asked whether the NFPA is pretty specific about institutional occupancies – particularly assisted-living – with regard to fire separations. Mr. Witt replied that pieces of the Life Safety Code could be repeated in the Fire Code, and is making a note to look at this, but said he wants to avoid adopting Code aspects that will not be used on a regular basis. He said the Apex and Goldfish pool installations are regulated by the Health Department.

International Mechanical Code & International Fuel Gas Code

Mr. Witt explained that amendments proposed for the International Mechanical Code (IMC) and the International Fuel Gas Code (IFGC) are by and large administrative (e.g., cleaning up formatting errors), and other than these that Staff has no recommended amendments. He related there are a couple material changes from the 2009 version of the IMC to the 2018 version: one for increasing ventilation in beauty/nail salons, the other concerning exhaust protocols in enclosed parking garages. Other than these, he said, changes are not substantial, and Staff recommends adopting new provisions in the fashion in which they are written. He added the IMC had an update concerning commercial kitchen hood standards.

Member Stahr asked whether an IMC reference to building materials governs existing projects. Official Witt responded by summing up the Village’s history of enforcement on existing buildings as, “If you’re not touching it, you leave it.” Hence, he continued, upgrades are only required upon changing a building, though said that Staff could insert language to better explain this. Chairman Bredfeldt asked whether, if the Village adopts the Mechanical Code, UL 2043 would be included in it. Mr. Witt replied that it is part of the adoption, saying the question at hand is whether it would be enforced retroactively. He added that if the Board wants to go that direction (retroactive application to existing buildings), he will entertain it, otherwise, enforcement will be handled as is currently. In response to Chairman Bredfeldt asking for clarification in IFGC language concerning taking return air from a garage, Mr. Witt explained that while a chart referenced illustrates a progression in versions (from 2012), the 2018 Code prohibits outdoor return air from outdoor heating/cooling systems to be taken from seven locations. Though it doesn’t specifically mention garages, Mr. Witt elaborated, language listing conditions prohibiting return air indicates to him that it isn’t to be taken from within a garage. As the disposition of pest control language specific to bedbugs was not included on the evening’s agenda, he said the topic will be on the next meeting agenda.

A motion by BBA Member Clark, seconded by Member Stahr, to delete the NFPA 101 Life Safety Code (v. 2009) from the Village Code carried unanimously by roll call vote. A motion made by Member Clark, seconded by Member Pope, to adopt as may be amended the 2018 versions of the International Mechanical Code and International Fuel Gas Code passed unanimously by roll call vote.

Trustee’s Report

Trustee Kalinich reported that the Village Board has endorsed re-establishing the Architectural Review Commission (ARC), to provide input into proposed projects coming before the Plan Commission. Properties considered will be commercial and multi-family homes, and anything in the Historic District, with the exception of residential (which is under exploration), she explained. The ARC, she continued, shall be comprised of three architects, a landscape architect, and one member of each of the Plan Commission, the Historic Commission and the Environmental Commission. The re-established ARC is expected to get rolling in a few months, she said, relating that the body is to initially meet monthly.

Chairman's Report

Chairman Bredfeldt expressed appreciation for having received the meeting packet the week before this evening's meeting.

Staff Report

Mr. Witt said that he had nothing additional, other than confirming that consideration of the Property Maintenance Code would be on the Feb. 16th meeting agenda.

Audience member Ray Whalen, 177 Sunset Ave. Glen Ellyn, asked how proposed Code language concerning outdoor storage would affect building materials, contending that building materials don't always all fit in a rear yard. Mr. Witt said the provision really hasn't changed from what is already in effect (and which precludes front and side-yard storage), but said he is open to hearing concerns, and offered to look at the provision and see if there might be a solution for typical construction projects, recognizing distinctions between short- and long-term durations.

Mr. Stahr asked about opaque fabric used at jobsites. Mr. Witt deems this type of a barrier a way to control dust/debris and restrict driversby from gaping at commercial sites, and sees it as a way to constrain curious children. Mr. Stahr asked if construction equipment includes workmen's personal vehicles. Mr. Witt replied, "No," saying it refers to bobcats, h-Hi-lifts, wheelbarrows, as examples.

Adjournment

Chairperson Bredfeldt adjourned the meeting at 8:18 p.m., following a voice vote on a motion that was made by Member Clark and seconded by Member Beck.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary