

MINUTES
BUILDING BOARD OF APPEALS MEETING
May 18, 2022

Call to Order and Roll Call

The meeting was called to order at 7:07 p.m. by Building Board of Appeals (BBA) Chairperson Thomas Bredfeldt.

Roll was called. In addition to Chairperson Tom Bredfeldt, BBA Members Brian Beck, Christopher Clark, Matthew Rooney, Thomas Tuscher, Robert Stahr and Barrington Pope were present. Also in attendance were Village Board Trustee Liaison Kelly Kalinich, Building & Zoning Official Steve Witt, and Recording Secretary Barbara Dutton-Thomas.

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 April 20, 2022 meeting were approved by roll call vote, with all BBA members voting “Yes,” aside from Member Stahr, who abstained.

Old Business

Building & Zoning Official Witt distributed a chart (see attached) outlining updates on progress made to input items gleaned from the Building Community Listening Session hosted last year by the BBA. Staff has made good progress in developing a survey to elicit customer feedback, he reported, adding that invitations to participate in it will be provided to session participants and permit applicants. Member Tuscher asked if the survey responses will be directed to an impartial person to compile. Mr. Witt replied that, while he doesn't know if this has been pinned down, he explained that a spreadsheet of information would be created for review, scoring and measuring performance activities. He said that the responses will be run through the Communications Department. A motion to accept the report as presented was made by Member Tuscher; seconded by Member Clark, the motion carried unanimously by roll call vote.

New Business

In introducing the Municipal Code, Official Steve Witt referenced Section Title 3-Hotels, and explained that the Hotel Ordinance adopted in 2010 requires inspections of the property itself (e.g., common areas) along with every space in the hotel, particularly every dwelling unit – a time-consuming process. He related that past annual inspections have yielded very few infractions at the two remaining hotels in the Village – The Crowne Plaza and The Inn at Water's Edge – and given complaints from hotel management that the inspections are intrusive, and that they cause hotel staff extra work, modifying the hotel ordinance has been requested. Hence, explained Mr. Witt, it makes sense to reduce the number of inspections performed on an annual basis. The thought, he elaborated, is to inspect 5 percent of the rooms at the Crowne Plaza and a minimum of two at the other establishment; if numerous violations are found, the percentage could be increased. A random sampling of different rooms would be inspected the following year. The common and areas and the site would, he added, continue to be inspected annually.

Title 4-Building Regulations, he noted, is an “administrative exercise” as the changes were limited to the edition of the codes to be adopted and the deletion of the Life Safety Code.

Relative to Title 4 Chapter 7, the Stormwater and Floodplain Ordinance, Mr. Witt said, modifying the definition of “substantial improvement” of a property has been suggested. Instead of looking at all of the improvements made over the life of the building in a floodplain or floodway, he said, the suggestion is to go back only 10 years. The concept surrounding renovation/upgrade limitations, he explained, is that groups like FEMA want these structures to go away, as they interfere with water volume/flow. Board Member Stahr asked if the provision would also apply to repairs (i.e., in the case of flood damage). Mr. Witt replied that this is correct, and said there is a desire to see the building taken down instead of patched up. The condensed timeframe, he asserted, actually works to the benefit of the homeowner.

Revisiting the International Fire Code, Mr. Witt said that the words “non-wood burning” have been added to regulations governing “Stationary Fire features,” and said that “wood burning” would be subject to regulations governing “Stationary fire pits.”

Jumping to the International Residential Code, Mr. Witt named Item #2, in which he explained that being added is a requirement that water pressure calculations for fire sprinkler systems be part of the initial technical submission. Mr. Witt stated that the option to submit the technical submission and the shop drawings simultaneously, is also available, provided that the package is signed by a professional engineer.

Item #33, said Mr. Witt, has been adjusted to verify that dimensional sawn lumber within the existing areas of a house is not required to be protected by drywall when the hard costs of a renovation exceeds \$15k. Item #45, he said is changed to allow sandbagging of security fence posts at a construction site in cases where work is across a driveway entry or in a street or for utility trenching in a public right-of way. Item #47, he said, clarifies the size of a fire extinguisher to be provided on construction sites.

Items #95-96, he continued, reflect changes embellishing the requirements for radon systems: A radon system is not required in a “raw space” in basements if the radon level is not equal to or greater than 4.0, but requires one if the level exceeds 4.0. Chief Clark noted that the test only applies to an existing basement; Mr. Witt confirmed this, explaining that the proposed language concerns buildouts. Member Stahr asked if crawl spaces are addressed in municipal requirements for radon systems, to which Mr. Witt replied that the Village doesn’t have any requirements governing these. Mr. Witt declared that the Village encourages radon testing.

Substantial discussion ensued over the threshold for requiring fire sprinkler systems be installed in building additions, in response to a concern previously brought up by local building contractor Pete Ladesic, who cited inflation in construction materials costs as a reason to raise the current threshold. Mr. Witt recognized industry reports of hikes in construction costs, and noted that code language was written to encourage larger additions to be sprinklered. He reviewed scenarios demonstrating the use of an interactive formula developed to determine when requirements would kick in, though related that the current approach hasn’t resulted in many projects requiring systems. He stressed that raising the threshold would result in fewer projects being sprinklered (though emphasized that the Village doesn’t want to punish an owner of small homes).

Expressing that he doesn’t like requirements for sprinkling additions, Member Rooney asked Member Clark how many fires have been saved by a sprinkler system. Replying that it’s hard to look at the fires you don’t have, but noting that sprinklers have been effective, Chief Clark asserted that the purpose of

requiring sprinklers in new construction is to shift the cost of fire protection to the owners of large buildings, and noted that house size has increased over recent years. Mr. Rooney said he's not arguing about new construction, to which the Chief explained that going after small additions isn't the goal.

Mr. Clark said the objective is to discourage massive additions and remodels to buildings that probably should have been torn down. He also acknowledged the difficulty in quantifying distinctions in different types of additions/restorations. Mr. Witt brought up the life safety aspect of sprinklers, recalling that "flash over" in single-family homes occurs quickly these days because of materials and equipment used in houses. How an equation might be devised to determine when a sprinkling system is required was debated, with the Chairperson requesting that Mr. Witt gather more data for deliberating a multiplier and considering a proposal at the next meeting.

A motion to accept the Village Code Titles 3 and 4 as modified amendments was made by Member Rooney. The motion was seconded by Member Beck, and passed unanimously by roll call vote.

A motion to approve the modifications to the Residential Code was made by Member Rooney, second by Member Stahr, the motion carried unanimously by roll call vote.

Trustee Report

Trustee Kalinich declared that the Community Listening Session updates are expected to get follow-up attention at the Board level. She also related that the Board recently held a workshop to discuss the update of the Comprehensive Plan, an effort that began one-two boards ago. As such, she explained, assumptions are being examined, with the process expected to be completed by summer's end. She said, too, that all of the BBA-approved code revisions will go before the Village Board for formal adoption, and called the endeavor to update the codes a "fantastic accomplishment." She remarked that Mr. Witt, in particular, has worked diligently on the effort.

Chairperson's Report

Chairperson Bredfeldt said he would like to be involved in the Code revision review conducted by the Village Board.

Staff Report

Building & Zoning Official Witt reported that Staff is looking at making minor tweaks to the building permit fee and deposit schedule. He reported, too, that Apex project management was aiming to get a TCO [Temporary Certificate of Occupancy] the previous Friday for the second floor, but due to some outstanding life safety issues granting the occupancy has been postponed. He added that they are trying to go for Temporary Occupancies for Floors 3-5 come June 1. Mr. Witt said the streetscape project is continuing – amid two construction projects on Main – at 411 N. and the 413-415 building – that have commenced. He thanked the BBA for their discussion of the topics presented, and for their dedication to the community.

Adjournment

Chairperson Bredfeldt adjourned the meeting at 8:44 p.m., following a unanimous roll call vote on a motion made by Board Member Clark and seconded by Member Beck.

Respectfully submitted,

Barbara Dutton-Thomas

Recording Secretary