



Agenda
Village of Arlington Heights
Building Code Review Board
Commissions Room
33 S. Arlington Heights Rd., AH IL 60005
January 21, 2020
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Approval of October 25, 2019 Minutes

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

- A. Variance request from Chapter 23, Article IV, IBC Section [F]903.2 and Chapter 27, Article I, IFC Section 903.2 of the Arlington Heights Municipal Code.
- B. Variance request from Chapter 23, Article IV, IBC Section 3408.1 and Chapter 27, Article I, IFC Section 102.3 of the Arlington Heights Municipal Code .

VII. OTHER BUSINESS

VIII. ADJOURNMENT

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**Building Code Review Board
1/21/2020**

Item: Approval of October 25, 2019 Minutes

Department: Building & Life Safety

Approval of October 25, 2019 Minutes

ATTACHMENTS:

Description

Mnutes of October 25, 2019

Type

Minutes

DRAFT

BUILDING CODE REVIEW BOARD

MINUTES OF A MEETING BEFORE THE VILLAGE OF ARLINGTON HEIGHTS BUILDING CODE REVIEW BOARD

October 25, 2019

MEMBERS PRESENT:

Rich Bondarowicz, Chairman
John Carrato
Scott Smith
Carl Baldassarra

ADMINISTRATION PRESENT:

Steven Touloumis, Director of Building & Life Safety
Mark Fink, Assistant Building Official
Don Lay, Fire Safety Supervisor
Pete Ahlman, Deputy Fire Chief
Mark Aleckson, Fire Department
Patty LeVee, Recording Secretary

Others: Tom Hutchinson
Melissa Cayer

SUBJECT:

Recommendations to update to the 2018 Building Codes

There being a quorum present, the meeting was called to order at 7:00pm.

APPROVAL OF MINUTES

MR. CARRATO MOTIONED TO APPROVE THE JUNE 19, 2019 MINUTES, SECONDED BY MR. SMITH, THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Chairman Bondarowicz stated this meeting was to discuss the Village Code related to the International Building Code, International Existing Building Code, the International Fire Code, the International Fuel Gas Code, the International Mechanical Code, the International Property Maintenance Code, the International Residential Code, the International Swimming Pool and Spa Code and the National Electrical Code. For each Code he will ask for comments, questions or clarifications from the Building Code Review Board, the Fire Department and the Public.

INTERNATIONAL BUILDING CODE (IBC)

Chairman Bondarowicz asked if anyone from this Board wanted any clarification on the Building & Life Safety staff recommendations related to the IBC. **Mr. Carrato** stated he did not.

Mr. Baldassarra, asked about the number of citizens who have come before them with issues involving the sprinkler threshold. He asked what was done to address this, and have the threshold numbers been changed? **Mr. Touloumis** stated, that would generally be covered in the International Existing Building Code (IEBC), but it all ties together. To summarize, they kept new construction thresholds consistent with what the existing code is, which is basically zero square foot. This is not talking about one and two family; that is separate. The language was changed within the IEBC and for some history of why we are adopting the IEBC, it is because that is the way the International Code Council (ICC) has structured the codes. We did not choose it so much as it was forced on us because there is no existing code language within the IBC anymore, they reference the IEBC. **Mr. Touloumis** said he was glad they did because it does provide a lot of clarity in certain situations in the Existing Building Code.

Mr. Touloumis stated they have written language basically to say, for example, if you have an addition, you are putting on a building. He gave an example of a case that came to the Board where a veterinarian place added an addition and needed a waiver from the Code for the requirement for sprinklers. The language is changed to say, you are adding an addition to an existing building; you do not have to sprinkle until such time as you come up to the standard code language threshold. An A2 is 12,000 square feet, and there are some different square footages depending on different use types, some factory uses are a little bit less. This way people trying to expand their businesses a little bit are not automatically hit with the sprinkler requirement.

Mr. Baldassarra asked, would a photo mat shop need to be sprinklered? **Mr. Touloumis** replied technically yes. **Mr. Baldassarra** asked about a 20 x 20 gas station, **Mr. Touloumis** said yes, if the standard code currently requires it.

Mr. Baldassarra asked what we can do to help people who come within the thresholds. **Mr. Touloumis** replied, on the additions to existing buildings, the threshold is the standard code language. When there is an addition, it is looked at like new construction and new construction rules are enforced on it. The language is changed to clarify that additions, for the sake of sprinkler requirements, are not going to be treated like new construction based off our amendments, they are new construction based off of the standard code.

Mr. Baldassarra clarified asking, the thresholds in the unamended version of the IBC? **Mr. Touloumis** stated, that is correct. **Mr. Baldassarra** asked when working in the IBC what numbers does that refer to. **Mr. Touloumis**, replied your numbers for IFC, or IBC, they are the same, it is called out in both codes, there is a bit of overlap between the IFC and IBC. Chapter 9 covers your requirements for when the building needs to be sprinkled and those numbers are A1 is 12,000 square feet, A2 is 5,000, and A3 is 12,000 and so forth. **Mr. Baldassarra** stated there is language in the IEBC that refers to those numbers somehow. **Mr. Touloumis** replied that it clarifies that we are not applying our amendments in the case of an addition. He is clarifying that language between what do we mean by new and what do we mean by addition. His opinion is that in our existing language an addition is new construction. In our new language, it is intended to say an addition is not new construction as relates to sprinklers.

Mr. Baldassarra questioned the indications of colors in the materials provided. **Mr. Touloumis** explained the green is new, and yellow is modifications to the existing. There are new recommendations, the existing code recommendations with boxes indicating whether we are keeping it, getting rid of it, the ones in red we are getting rid of. The new recommendations that did not relate to anything in the existing amendments are all in green to signify they are new. In the existing there is also yellow to indicate that it was kept but modified. It was grouped together in what should be the new municipal code language, put the colors in and also provided a copy without the color in order read through cleanly.

Chairman Bondarowicz asked for any other comments from the Board on the IBC, there were none. He next asked for any comments from the Public on the IBC, there were none related to the IBC. Lastly, he asked if anyone on the Fire Department had comments on the IBC, there were none.

Mr. Baldassarra asked Mr. Touloumis if this represents the consensus of the departments in the Village. **Mr. Touloumis** responded, this does not necessarily represent the consensus of the departments of the Village, this has been prepared by the Building & Life Safety Department, and in fact, Fire may propose an objection to some things. It will be recorded if there are any objections by either this Board and/or the Fire Department and presented to the Village Board, where they will ultimately make the final decision. **Mr. Touloumis** mentioned he was directed that consensus is not needed out of this meeting.

Mr. Baldassarra stated, in other words, we are not going to vote on something that they might object to. **Mr. Touloumis** said they will vote with any noted objections. **Mr. Lay** stated that they prepared their input together, he reviewed it with the Fire Department and the IFC and they came up with a consensus of what they wanted to see. There are a couple of objections, clarifications have to be made, but on the whole, this material represents what we are in agreement with. **Mr. Touloumis** added, that is correct, this was not done in isolation, they worked together. You may hear the Fire Department make some small recommendations of the language as we are going through it.

Chairman Bondarowicz called for a motion for the IBC. **Mr. Carrato** moved that they accept the recommended changes. Seconded by **Mr. Smith**, all were in favor.

INTERNATIONAL EXISTING BUILDING CODE (IEBC)

Mr. Baldassarra asked if there were any major changes to be highlighted. **Mr. Touloumis** stated the key point highlighted was that they are changing the threshold on the sprinklers for additions. That is probably the biggest change. The only other change with the IEBC is getting rid of some of the methodologies in the book because they are complicated and complex formulas. He referred to the Performance Method.

Mr. Baldassarra questioned the color coding and it was explained that this Code was never existing before, it is green not red because these are new recommendations. Greens are new recommended amendments, it does not relate to anything existing in our current Code.

Chairman Bondarowicz asked for clarification on the threshold. **Mr. Lay** pointed out Section 1001.2 of the IEBC where it states without the local amendments for the sprinkler. **Mr. Touloumis** stated the language there stays and he is basically saying this action shall be considered to reference Chapter 9 of the International Building Code without the amendments prescribed in Chapter 23, Article III of the Municipal Code. Basically this is saying we are not including the amendments that are in the IBC. With that being noted he thought we also need to reference the Fire Code as well, for clarity. **Mr. Lay** did not recall talking about amending that in the Fire Code as well, they talked about the Building Code, the threshold. **Mr. Touloumis** said he will clarify that the language is in and that there is not a gap.

Chairman Bondarowicz asked what the threshold would be for additions. **Mr. Touloumis** said it is what is in there, not what they amended. **Mr. Lay** said that in the International Fire Code (IFC), they deleted the thresholds and that is what they would probably have to amend. **Mr. Touloumis** said they would probably need to also reference Chapter 23, Article VI to reflect both the IFC change to correlate.

Chairman Bondarowicz asked if the Board had any further questions on the IEBC recommendations. **Mr. Baldassarra** stated that since we are not going to allow a Performance Method in Chapter 13, he can't imagine that people are going to come in here every day of the week using that. It is an option that should be allowed for the unusual large types of projects, the racetrack or something like that for example. Somebody, a sophisticated designer, might want to do that and we are saying you can't do that. That is what is used as the rationale for not traditional code compliance, the Prescriptive Method. You are saying you won't allow an alternative using that, but what recourse would be left to the person. **Mr. Touloumis** responded, the BCRB. **Mr. Baldassarra** said, you are saying the Building Department will not entertain it, but they can present it to the Board. **Mr. Carrato** said, yes, as a variance to the Code. **Mr. Touloumis** cited the last variance as an example, with Keith Ginnodo. He noted, as stated earlier, it would not be often someone would come in with this. His experience has been there is enough flexibility in the Prescriptive Method to allow people to get what they need.

Mr. Baldassarra said, that if you are saying the Building Department won't entertain it but the Board could, that is an alternative. **Mr. Touloumis** said the Board can always entertain anything, is all he is saying. **Mr. Baldassarra** also mentioned that the Village has the authority at any time on any matter, to hire an outside consultant, whether it is a structural issue, a fire safety issue, or electrical issue. **Mr. Touloumis** said there is always a method for people to waive the code.

Mr. Scott stated for someone reading the minutes, he would like it clear that when someone comes in and asks for a waiver, they need a proposed alternative that provides the same safety. **Mr. Touloumis** responded, that is clarified in the language for the existence of this commission

as well. **Mr. Baldassarra** clarified the term in the Building Code is alternative methods and materials.

Chairman Bondarowicz asked if there were any objections from the BCRB to staff recommendations to the IEBC. **Mr. Baldassarra** stated, with that clarification, no. **Mr. Smith** said he did not, subject to what he hears from the Fire Department. There were no further objections.

Chairman Bondarowicz asked if there were any objections from the Fire Department to staff recommendations to the IEBC. **Lt. Aleckson** stated they did not. The Chair asked the same from the public, there were no objections.

Mr. Carrato moved for approval of these recommended changes to the IEBC as written. Seconded by **Mr. Baldassarra**, all were in favor.

INTERNATIONAL FIRE CODE (IFC)

Chairman Bondarowicz began with the Fire Department, asking for any comments to staff recommendations.

Deputy Chief Ahlman stated he had some comments/clarifications. Under Section 202, General Definitions- there is a definition that is not listed and it needs to be, that being height of a high rise building. This is brought up in other sections of the code where they have amended it to 60 feet instead of 75 feet. **Mr. Lay** said the definition needs to be changed, it defines a high rise as 75 feet, and it needs to be changed from 75 to 60. **Mr. Touloumis** stated the intent was to include that, this is an editorial change.

Mr. Carrato asked what that means, what is the top of the building. **Mr. Baldassarra** said it is the highest occupied floor. **Deputy Chief Ahlman** said it is the highest occupied floor from the lowest point of Fire Department access. If you have a three story townhouse that, in the front is three stories, but in the back the driveways dip down to the garages that are actually below grade level, the measurement would be from that lowest level. That building then becomes a four story building on the opposite side.

Mr. Carrato said, then it is the ceiling of the highest occupied space. It was clarified, no it is the floor. **Chairman Bondarowicz** asked what the objective was of 75 feet. **Mr. Lay** said once you hit 75 feet, the high rise is a whole separate Chapter in the Building Code that puts more Fire Safety requirements in the building. Theoretically, once you get to a high rise you are doing your firefighting from inside the building because you cannot access the exterior floors. Because of that you have more stringent requirements for fire safety in a high rise than you would in a non-high rise building.

Mr. Baldassarra stated he is not objecting but we have the best suburban fire departments in the area, Class One, ISO rating, why we need to change the National Code, the consensus is at 75 feet, it works. We are making it more stringent and we have a great Fire Department. **Deputy**

Chief Ahlman explained, that Code has been at 60 feet for as long as he has been on the Fire Department, which is the last 29 years. Yes, we are a very good suburban department. We are not the City of Chicago, we are not the City of New York. We do not have the manpower that those departments have. City of Chicago staffs an engine with five people, we staff with three people. These additional codes, to us, is like adding manpower. It gives us a better safety factor to get into operation to do what we need to do.

Mr. Baldassarra stated that the buildings get sprinklered at building height of 55 feet anyway. **Deputy Chief Ahlman** stated that without question, the sprinklers are their best stop cap, but when there is a fire on the 8th floor, in order to get to that fire, it takes time and lots of manpower. Although the sprinklers may be holding it in check, there may be an issue that they are not and that time that is built in is so that they have the appropriate manpower to get up there and do what they need to do. **Mr. Baldassarra** stated, that is a really good answer.

Mr. Lay mentioned that with the systems we have in this town, there is an 80% compliance rate. There are 20% out there that he is trying to get up to the code.

Chairman Bondarowicz asked if we are aware of anything that may be coming down the line for 2020 that this could have an effect on, as far as building structures. **Mr. Touloumis** responded yes, there are some developments coming up. **Chairman Bondarowicz** noted that one of those developments are 14 floors. That would be over 75 feet, but there may be another building nearby. **Mr. Lay** stated that everything he has seen has all been under 60 and they have all been meeting that threshold. **Mr. Touloumis** noted there are going to be new buildings and would be required to be sprinklered anyway. He stated, with everything everyone just said, yes, there are generally more requirements for high rise. When you do build high rise, you also get some things that you do not have to do in other buildings because it is a high rise and it is already known you are going to have some of these other systems. You do get some allowances, for lack of a better word, with something being called a high rise. There are things that the IBC calls out for high rise, because it knows you are going to have sprinklers.

Chairman Bondarowicz asked if Fire was satisfied with the editorial change, **Deputy Chief Ahlman** said yes, the editorial change of 75 to 60.

Deputy Chief Ahlman stated there is a correction to add. Section 907.5.2.3.1 talks about the notification device on the outside of the building. It is noted as a “red” strobe, the Fire Department wants it to be a “white” strobe. This is what they have currently and what they are used to seeing. **Mr. Touloumis** said that the Building Department staff will make that change as part of the staff recommendation, it can be considered included.

Chairman Bondarowicz asked for comments from the Board – **Mr. Smith** had a comment on Chapter 2, 201.5, terms defined. It states – “Terms defined in the IFC or other ICC Codes and the Municipal Code. Where terms are defined in both the IFC or other ICC Codes and the Municipal Code, the meaning shall be interpreted as the context implies. That gives the Director of the Building & Life Safety Department the authorization to make the determination of such meaning

where conflicts may arise.” Mr. Smith has concern that this creates a subjective decision and things can change depending on who is making the decision.

Mr. Touloumis said that the previous concurrent language in the Code states that in all cases the Municipal Code definition shall apply. That is problematic because the Municipal Codes definition of anything, anywhere, might not be contextually appropriate for its application on the Building Code, and that itself causes a problem. That is why the language was changed to say we apply it as the context applies. What he is trying to prevent happening was that if somebody does not like a definition or something between two codes; that it is coming in front of the BCRB to make that final determination. That could be done, but in most cases, the Director can weigh out what we are talking about, what is the word or phrase or definition we are talking about, what is the context we are talking about, what is the intended purpose and meaning. We can always get support from ICC for that, or in this case, the Director could ask the Board unofficially for interpretation.

Mr. Carrato stated that the bottom line is the Director is not being allowed to make something up, he is choosing between one of two things. **Chairman Bondarowicz** mentioned the applicant would also have the right and the ability to petition. If someone is not happy with what the Director says, they can go to the BCRB. **Mr. Touloumis** stated that option always exists for anybody.

Mr. Baldassarra asked, as an example, if the Zoning Ordinance has a different definition of building height than that of the Building Department. **Mr. Touloumis** said as a lot of things with zoning does not match up well with what the Building Code says. The existing language, in his opinion, could be very problematic for someone who says your Ordinance says the Municipal Code definition overrides something and it would not be correct or applicable at all based on how this is written. That is the primary reason for changing, although probably not Mr. Smith’s biggest concern, so much as who gets to make the final decision. **Mr. Touloumis** believes it is better to have that than have strict language that says sorry, this always overrides because that override may be entirely wrong. He could drop out the Director language and it would say, as the context applies; but in the end, he is going to make that decision anyway. Whether the language is there or not, that is what would occur in practicality. He thought it should be clarified so someone does not say that the Director does not have that authority. **Mr. Smith** stated he thought it was better with having a single person as opposed to a committee of people who can pick and choose. **Mr. Touloumis** stated, again, if someone does not like the decision, they can always request a BCRB hearing.

Chairman Bondarowicz asked for any other comments from the Board on the IFC, there were none. He asked for comments from the Public and then Fire, there were none from either. **Mr. Baldassarra** questioned something added to Section 905.12, Existing Buildings. Elimination of the hoses, a letter from the building insurance carrier? **Mr. Lay** stated that is what they have always done and he is aware other municipalities do as well. He does not want to issue a permit allowing them to remove it without their insurance carrier’s knowledge. **Mr. Lay** said they have

never had a problem. **Mr. Baldassarra** said that is a business issue, not a fire safety issue for the public.

Mr. Touloumis said that is correct, it is a business issue. It is one of those things that slip through the cracks, all of the sudden the building owner does this, something happens in the building and the insurance company finds out they modified their fire sprinkler system and then says they are not going to pay. The intent of this is just good communication so somebody does not get caught off guard and end of up losing their insurance coverage. **Mr. Baldassarra** stated this is not a code violation if you follow the Village Ordinance, which the insurance companies monitor. **Mr. Touloumis** thought this is just good communication so no one is caught off guard, that their insurance company is not going to say we didn't do something and as Mr. Lay said, he has never had a problem with it before.

Mr. Carrato moved to approve the recommended language as amended by the Fire Department. Seconded by **Mr. Baldassarra**, all were in favor.

INTERNATIONAL FUEL AND GAS CODE (IFGC)

Chairman Bondarowicz asked for comments from the Board on staff recommendation to the IFGC. **Mr. Baldassarra** asked the Building Director if there was anything he would like to highlight that was changed. **Mr. Touloumis** stated basically they got rid of all of the amendments. **Mr. Baldassarra** asked, we have no amendments to the IFGC as published by the ICC. **Mr. Touloumis** responded, no, except for more administrative things, plumbing code reference and getting rid of administration and enforcement section. This all gets referenced back out of the IBC. The language varies and he did not want any differences in the language. There are no amendments.

Mr. Baldassarra asked if there was any changes in the materials of piping. **Mr. Touloumis** said, no, they did not change any of the materials.

Chairman Bondarowicz asked for any further comments or clarifications from the Board. There were none. Next he asked for any comments or clarifications of the staff recommendation from Fire, and then the Public, there were none.

Mr. Carrato moved for approval of the recommended changes to the IFGC, seconded by **Mr. Baldassarra**, all were in favor.

INTERNATIONAL MECHANICAL CODE (IMC)

Chairman Bondarowicz asked if the Board had any comments on staff recommendations to the IMC. **Mr. Baldassarra** asked, you are deleting previous amendments. **Mr. Touloumis** replied we are deleting current amendments and there are no amendments, except administrative. There were no further comments from the Board. **Chairman Bondarowicz** asked for comments or objections from the public, and next Fire, there were none from either.

Mr. Carrato moved that they approve the amendments as written, seconded by **Mr. Smith**, all were in favor.

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

Chairman Bondarowicz asked for any comments or clarifications from the Board. **Mr. Baldassarra** asked the Director to identify any major amendments that they would be left with. He inquired about the public ability to locate the amendments on line. It was confirmed that all of the amendments to the IPMC are in one place that can be found on the Village Website.

Mr. Touloumis stated that the biggest item being addressed is dealing with overcrowding within units. A lot of that language is being eliminated because it is impractical to enforce. There are complaints to the amount of people being in a house; but there is no way we can go and enforce this. There was discussion of complaints also tending to be of people not liking certain ethnicities. The goal is to eliminate something that is practically impossible to enforce, as well as eliminate the potential for somebody abusing the purpose of the code being there.

Mr. Baldassarra mentioned being involved in a situation where he was asked for an opinion on this as an expert code enforcement person, a third party. There was a battle between the Village and a development owner. It was not strictly an ethnic bias situation, it was that the buildings were going to hell, they were not maintained. It was not racial or ethnic, it was that there was no money. There were families living together and the place was going down the tubes and other neighbors were complaining.

Mr. Touloumis stated if people aren't keeping their houses clean, they are not doing certain other things, we can always apply those rules, not maintaining, vermin, garbage etc. This is something he did not want people abusing. Somebody did try to utilize it, the way it was written and the way it is written, leaves a lot of room for potential interpretation. He feels it is better of not having this as something to hang our hat on.

Mr. Smith stated he highlighted these three sections because he is concerned about this. It is part of the standard code and yes it can be abused but all sorts of things can be abused. He does not feel it is a position to remove something because there is potential for abuse. There are other avenues for the abuse to be dealt with and it is not here and he feels these could be important tools in a situation that would not be available should they be needed. He is concerned about removing these.

Mr. Baldassarra thought it was setting up the Village for a case where a property goes to hell because we took this out. Or we don't have a tool to combat a potential issue added **Chairman Bondarowicz**. **Mr. Carrato** stated, he thought he heard Mr. Touloumis say that there are tools. **Chairman Bondarowicz** stated, they are different tools. They are objective but they are not defined as the number of occupants per dwelling. **Mr. Smith** stated that just because the courts do not typically enforce these does not mean that we should remove that potential tool in event that it is needed. **Chairman Bondarowicz** said there actually could be one more legal perspective on this as a landlord with having a lease in place. A landlord very often in a residential lease might have something that states that the number of occupants allowed are based on or overwritten by whatever the Municipal Code is. If the Code doesn't mandate or dictate how many people can occupy, it can be argued 40 people can live in an apartment. **Mr. Scott** said

that to the extent something is being abused, that is for the courts to determine. There could be a situation where these could be useful tools for the Village and he would hate to not have it available. **Chairman Bondarowicz** mentioned on the flip side, has there been any incidence where we would want to get rid of it, or just leave it alone. **Mr. Smith** said he could see if we made a modification and it became a problem. But, here we are not changing anything, it is just standard code, and certainly the Village can't be accused against discriminating against anybody because it is there.

Mr. Touloumis stated that is one opinion, except that if it is in there and we do have it, then there will be expectations we enforce it and prove their occupancy. Prove they are sleeping there, prove they are not visiting. **Mr. Fink** said, that is the hardest part, trying to enforce it so you know how many occupants are really in the house. **Mr. Lay** stated he experienced in the past doing it by surveillance. In the community he was at, they had a very high rate of overcrowding. The Board at the time was very concerned and spent the resources to eradicate it. His job at the time was to determine who was living there and it took a lot of man hours to make that determination. **Mr. Touloumis** stated the objection is noted.

Chairman Bondarowicz called for comments from the Fire Department, there were none. Requesting comments from the Public, Mr. Hutchinson stated, in a single family home, if you are the property owner, and damaging your own house, he does not see how it would come to affect most of the people living around you, parking issues aside. If the rental could be addressed based on the rental contract, it is a multifamily home situation, they have an ability to write it in for maximum allowable occupants based on the size of the unit, correct. **Mr. Touloumis** replied, yes, if you own the building, you are talking specifically on the occupant load.

Chairman Bondarowicz said, if you are the lessor and you can put in your lease agreement stating how many occupants can be there. **Mr. Hutchinson** said yes, and even for a place where there is not an ability to rent, it is all owned in a multifamily situation. That is where he would be most concerned. Your property is below where there is an over occupied unit above, potentially causing damage with weight loads or whatever, those are the people we have to help. Single family home, he is not sure why we would be super concerned about that, they are only bringing down their own value. There were no further public comments.

Mr. Carrato moved to approved staff recommendation to the IPMC with the exception that we eliminate the deletions regarding occupancy, 404.4.1, 404.5 and 404.6. Seconded by **Mr. Baldassarra**, all were in favor.

INTERNATIONAL RESIDENTIAL CODE (IRC)

Mr. Touloumis reminded this was discussed at the previous meeting, June 19, 2019. It was noted there was discussion in regards to some of the issues with the sprinklers. For clarity the staff recommendation was still to keep out the sprinkler requirements. That is still stated in here, that change did not get made based on the last meeting. **Mr. Lay** asked him to state that again. **Mr. Touloumis** said that the last meeting it was discussed to keep the requirements in for sprinklers for one or two families and we did not make that change. We still maintain the amendment that

does not require sprinklers. **Mr. Carrato** said that the question was do we want to go to battle again, we went and lost to the Trustees last time it was presented.

Mr. Baldassarra believes every Village needs to make its own choice. This is in the National Consensus Code, it is a model code. But every Village should make its own choice based on its own risk tolerance. We have lowered the threshold to zero on commercial buildings and the record does not really support doing that. But, we apparently have a risk tolerance that says we do not want to have any of that happening in our community. However, the record shows the single family homes are much more risk prone for people losing their lives and for fire fighter injuries. That does not jive with him. Go back to the table that the IBC says for commercial buildings or go one step further for the safety of our future. It is academic how many houses we are going to affect. There was discussion on the high volume of new detached single family homes being at approximately 150 plus. **Mr. Baldassarra** said it would take a long time to roll out when the Village is even half single family home sprinklered but if you do not start, you will never get there either. There is an inconsistency with our philosophy that is reflected by that deletion.

Mr. Carrato asked, do you propose that we recommend an objection. **Mr. Baldassarra** asked for other discussion. **Mr. Lay** said he believes everyone supports sprinklers. **Mr. Smith** stated he thought they were leaving in the requirement to sprinkle. **Mr. Baldassarra** asked if there are other things they do not know about that are affecting this decision outside of this room. **Mr. Lay** thought it was tabled for more information at the last meeting. It was talked about and he thought they all expressed their support for it, but there was a lack of information for or a wanting for more information for the Board Members and that information was distributed in order for conversation this evening.

Chairman Bondarowicz called for some history on this, as he was not on the Board the last time. **Mr. Carrato** said the Board at the time was in favor of requiring sprinklers. They went to the Village Board to make their case and they said it was an economic hardship that was not necessary, it was believed to be of concern that it would drive people away from people wanting to build in our Village.

Mr. Baldassarra noted there was some very vocal opponents that looked like they had the package from the group of opponents that travels the country in opposition of the sprinklers.

Chairman Bondarowicz asked, for the record, the Fire Departments opinion was at the last time this was presented. **Deputy Chief Ahlman** stated he was not in charge at the time. **Mr. Carrato** recollected they were in favor. **Deputy Chief Ahlman** believed they were, stating it would surprise him, shock him, that a Fire Department would not support this life safety. **Mr. Baldassarra** mentioned Retired Deputy Chief Bernie Lyons was in support of this.

Chairman Bondarowicz asked about the Building Department at that time. **Mr. Carrato** said everyone was supportive, the Trustees shot it down. There are different Trustees now and some are the same. **Mr. Carrato** stated he would be in favor of giving it a go.

Chairman Bondarowicz said his understanding of what happened at the Trustee level was there was public input that came from architects, designers, builders, realtors etc. It was an economic hardship. **Mr. Baldassarra** stated we are not unique in this suburban area anymore. We are probably surrounded by Villages that do this today. We may have been ahead of our time last time; that was in 2009 or 2010 when adopted. Today, we are not unique, as mentioned by the Fire Department, the manpower, the resources, they are not what they used to be.

Chairman Bondarowicz clarified that everyone in this room is on the same page and in favor of sprinklers. He commented for public record, at the last discussion they talked about use of engineer floor joists. The engineer floor joist, after discussion about it and his additional research, it is a major risk. Specifically the engineered floor joist which are substantially used. For the record, his concern is exposed floor joist and there is nothing protecting them at this point in time. Speaking publicly about this, he feels that is an issue. **Mr. Baldassarra** added, the point is the floor construction does not last as long as it used to. **Chairman Bondarowicz** mentioned he talked to some firemen about this in the last couple of months. Firemen who have been in fires, been in this situation, been on these floors, one of them specifically said they were in one where the man went right thru the floor. **Mr. Lay** added, he was in another town where they had the same experience, it was an interior single family home, firemen made entry, made the attach and as soon as he hit the threshold he fell right into the basement. **Mr. Baldassarra** added that underwriter's laboratory's has a number of videos on the difference between residential environment today and 30 years ago. It is not only the engineered joist system, it is the furnishings too. Instead of 20 minutes to escape you have three minutes. It is very different today.

Chairman Bondarowicz noted the importance of the discussion. He would guess when it goes to the Village Board there will be phone calls, there was last time. With the requirement of the sprinkler, then we can have exposed engineered floor joists, it is a non-issue. **Mr. Baldassarra** mentioned that one community has said with their local amendment that without the sprinklers you need to have one hour ratings of the floor construction.

Chairman Bondarowicz asked for public comments. There was none pertaining to the requirement of sprinklers.

Mr. Carrato asked to quantify their objections of the Board, because they are probably going to vote to say they want to require sprinklers. **Mr. Touloumis** said, you are going to object to staff recommendations and that will get presented to the Trustees. **Mr. Carrato** asked for the specifics. **Deputy Chief Ahlman** replied, R313.2.

[Additional discussion was had regarding how the new codes are presented to the Village Board.]

Mr. Carrato stated to be clear, what goes to the Trustees is what this Board decides. You can let them know it is an objection to what you suggested, but the recommendation is going to be what this Board votes on. That exactly is how this works. **Mr. Baldassarra** said that is how it has worked in the past, the change is recommended from the Building Code Review Board. **Mr.**

Touloumis stated that is correct, which will be an objection to the language. **Mr. Carrato** said, no, what goes to the Trustees is what they vote on and then you can tell the Trustees that you disagree. We are not telling the Trustees we disagree with you. **Mr. Touloumis** said he will consult with legal on that.

Mr. Baldassarra asked Mr. Touloumis to share a rationale about the reason he is not in support of this; it would help them understand better what they do not understand now. **Mr. Touloumis** stated he did not think the Trustees will go for it. **Mr. Carrato** said that could very well be right but that is different from saying you don't think we should try. **Mr. Touloumis** said his personal opinion is, what do the Trustees want to do? Ultimately, they will make the decision anyway and he would like to get this done. **Mr. Carrato** said the bottom line is that this is not going to take any longer. If this Board agrees with the Fire Department and we believe it should be required, that is our professional opinion. That is what we want to tell the Village Board. You may be very right and they will just vote that down, but it is not going to slow the process.

Mr. Baldassarra said the Village Board deserves to hear what this Boards professional opinion is as a board of professionals. **Mr. Touloumis** agreed and said they will hear about any objections for or against, whatever the case may be. They will hear both sides. That is the point of doing this in this format.

Mr. Carrato stated he feels Mr. Touloumis does need to clarify with legal, because his understanding of the process and the way it has always worked is this Board is putting forth recommendations to the Trustees based on your development but they do not necessarily have to agree with you. **Mr. Touloumis** stated he will check with legal on this.

Chairman Bondarowicz asked for public comments on the IRC, there were no comments. Next was comments from Fire. **Deputy Chief Ahlman** said the Fire Department does have an objection to removing the one and two family fire sprinklers. They also are concerned again, as stated, about the open engineered floor joist not protected. That is an issue.

Mr. Carrato asked what happens, as it is now, if the Trustees refuse to require sprinklers. Are we protected or do we have anything that says that the joists have to be protected. **Chairman Bondarowicz** stated, this is why he brought it up. He just lived through this experience. A specific example, the Village of North Barrington does not require sprinklers. Several Villages do not. They have built seven homes in the last three years in towns that do not require it. However, they make you address this floor joist issue in the basement. He feels that is the biggest item, the engineered lumber. In the Village of North Barrington they either require that dry wall be installed with a one hour assembly or a fire suppression system was installed in the basement only.

Chairman Bondarowicz stated that if the Village Board says we are not going to require sprinklers, we still need to address the Code that states the joists need to be a one hour assembly or a suppression system for the basement. He feels this still needs to be addressed and personally does not think it would be a good idea to not address the engineered floor joists if we are going

to say we are not going to require sprinklers. We have to have that discussion as a minimum threshold. If the Village Board says no sprinklers, the Code is still saying we need to address the engineered floor joists.

Mr. Touloumis stated correct, which we have amended in R302.13, we had excluded the requirement. Asked what is being deleted, **Mr. Touloumis** said the section says you have to protect the bottom side of the joist and it was proposed to be deleted. **Mr. Baldassarra** said, so we are taking out both means of protection? **Mr. Touloumis** answered, yes.

Chairman Bondarowicz stated we are following what is currently in place. **Mr. Touloumis** said, no. The recommendation was to eliminate that. **Chairman Bondarowicz** said, the recommendation then is no sprinklers and no fire protection on engineered flooring?

Mr. Baldassarra said, we are eliminating R302.13. **Mr. Touloumis** said, yes. **Mr. Baldassarra** said we are taking out the passive protection and the sprinkler protection. **Mr. Touloumis** responded, yes. **Mr. Carrato** said we want to object to this and we want to object to taking out 313.2. **Chairman Bondarowicz** reminded this is still Fire Department comments. **Deputy Chief Ahlman** stated he does not want that deleted.

Mr. Baldassarra said if you left this in and did not require sprinklers, it becomes a choice of the builder or owner. **Deputy Chief Ahlman** said there would be some form of protection on the joist, whether it was passive through dry wall or a sprinkler system. **Mr. Touloumis** answered, right, you would not have to dry wall if you had a sprinkler system.

Mr. Baldassarra noted that it says floor assemblies located directly over a space protected by an automatic sprinkler system. It could be the basement only. **Mr. Smith** added, because your first floor would have a finished ceiling.

Mr. Carrato stated, if he is understanding correctly, our Board and the Fire Department would like to get rid of this deletion and require sprinklers for one and two family homes. **Mr. Baldassarra** said, if you keep the exception, it does not matter. **Chairman Bondarowicz** said, exactly, if you are requiring the sprinkler, then the engineer floor joist comment is less moved. [Numerous discussions at one time]

Mr. Baldassarra stated this depends on how it is presented. Is it presented as the Board recommendation or is it the staff recommendation and the Board is objecting. It is going to raise a flag.

Mr. Carrato stated he is about to make a motion that says they take exception to deleting 302.13 and they take exception to not requiring automatic sprinkler systems for one and two family homes. (Numerous discussions at once)

Mr. Carrato moved that they approve the recommended changes to the IRC amendments with the exception of 302.13 and 313.2. Seconded by **Mr. Smith**, all were in favor.

Chairman Bondarowicz mentioned that in many Villages the documentation for the sprinkler is not reviewed by Building, it is reviewed by the Fire Department. **Deputy Chief Ahlman** said that is correct, the Fire Department does not have that jurisdiction within the Village. They used to, they used to inspect and uphold the Code, that has been given to the Building Department.

INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC).

Chairman Bondarowicz asked for comments, clarifications or questions from the Board regarding staff recommendation. There were none. The same was proposed to the Public and then the Fire Department, there were none.

Mr. Carrato moved for approval of the recommended changes to the ISPSC. **Mr. Baldassarra** seconded, all were in favor.

NATIONAL ELECTRIC CODE (NEC).

Chairman Bondarowicz asked for questions, clarifications on the recommended changes to the NEC. **Mr. Smith** asked if an electrician was going to be assigned to the Board. **Mr. Touloumis** stated that Mr. Hutchinson, here as a member of the public, will be confirmed at a November Board meeting, he is not officially on the Board tonight. He was on the Electrical Commission and is the member that is in the process of being confirmed.

Mr. Baldassarra asked what the major changes to the NEC that are being recommended. **Mr. Touloumis** said there is nothing to note as a major change, he turned 58 pages into three pages by good formatting. There were some items dropped, for example, outside receptacle for Xmas lights. **Mr. Fink** said there were some ordinances that were written and then referenced State code that did not exist. Our Ordinance says you must do this and this following this Code and you look in the book and there is no such code. That was cleaned up.

Mr. Touloumis said there was a lot of repeated language under residential and then repeated the same thing again under a heading of commercial. A lot of the amendments already existed in the newer versions of the code, there was no need to have the amendment anymore.

Chairman Bondarowicz asked for comments from the public. **Mr. Hutchinson** stated he was very appreciative of the work put in on cleaning of this chapter. He is very happy to be going onto a concise book that has been thought over every three years by the best minds, thank you for getting this cleaned up. **Chairman Bondarowicz** asked for comments from the Fire Department, there were no comments.

Mr. Carrato moved to approve the changes to the NEC as written. Seconded by **Mr. Smith**, all were in favor.

Mr. Carrato commended Mr. Touloumis, the Department and the Fire Department for doing an excellent job. An incredible amount of work, saving this Board a significant amount of time after what he and Mr. Baldassarra had previously lived through.

Mr. Touloumis stated for the record, part of the reason he was trying to make this easier is because he would like to see this process happen every three years and stay in tune with the model codes.

With no further business, Mr. Carrato moved to adjourn. Seconded by Mr. Baldassarra, all were in favor.

The meeting adjourned at 9:03pm



**Building Code Review Board
1/21/2020**

Item: Variance Request from Chapter 23, Article IV, IBC Section [F] 903.2 and Chapter 27, Article I, IFC Section 903.2 of the Arlington Heights Municipal Code

Department: Building & Life Safety

Request:

Petitioner, Paul Florczak of Forma, Inc. Architect, is requesting a variance from the requirement of installing a fire sprinkler system with Fire Department connection at ground level suite with new 1,500sf expansion to existing 1,200sf at 1010 S. Arlington Heights Rd.

ATTACHMENTS:

Description

Application

Type

Correspondence

PROJECT ADDRESS: 1010 S. Arlington Heights Rd

REQUEST:

Variation from Section _____ of Chapter 23 of the Arlington Heights Municipal Code

BRIEF DESCRIPTION OF VARIANCE REQUEST:

Please provide release from requirement of installing fire sprinkler system with fire department connection at ground level suite with new 1,500sf expansion to existing 1,200sf suite.

SUBMITTAL REQUIREMENTS:

The following information must be provided with this application:

- \$110 Application Fee (Non-Refundable)
- 12 sets of drawings and any supporting documentation.

The Building Code Review Board may recommend that variations be granted from provisions of the Building Code in cases where the applicant for such variation demonstrates practical difficulty and particular hardship. No variation may be granted without review and final action by the Village Board.

Now comes the Petitioner Paul Florczak-Forma Inc Architect requesting a variation from Section _____ of Chapter 23 of the Arlington Heights Municipal Code for the following reason:

Per my understanding the village is to amend current code in couple months and the new requirement will not require installation of the sprinkler system with fire department connection, if the scope of construction is less than 12,000sf.

~~Please note that the addition in this project is only 1,500sf.~~

The owner is planning to install fire alarm system.

I hereby state that the following hardship would exist if the variance is not approved:

Please note that the additional cost of installing the sprinkler system would force the client to eliminate variance exterior and interior improvements to the building to balance the budget for this project.

I understand that any recommendation from the Building Code Review Board for a variation is subject to review and final action by the Village Board.

Paul Florczak-Forma Inc, Architect
Petitioner

12-12-19
Date


Owner (if different from Petitioner)

12/16/2019
Date



**Building Code Review Board
1/21/2020**

Item: Variance request from Chapter 23, Article IV, IBC Section 3408.1 and Chapter 27, Article I, IFC Section 102.3 of the Arlington Heights Municipal Code

Department: Building & Life Safety

Petitioner, Michael Messerle, Architect, is requesting a variance to eliminate the fire sprinkler requirement to install a new fire sprinkler system in an existing 5300 square foot one-story building as a result of interior alterations to a change of occupancy use to a mercantile store at 115 N. Arlington Heights Rd.

ATTACHMENTS:

Description

Application

Type

Correspondence



VILLAGE OF ARLINGTON HEIGHTS
DEPARTMENT OF BUILDING & HEALTH SERVICES
33 S. Arlington Heights Rd.
Arlington Heights, IL 60005
Phone (847) 368-5560
Fax (847) 368-5975
Website: www.vah.com

BUILDING CODE REVIEW BOARD APPLICATION AND PETITION

LOCATION OF PROPOSED PROJECT:

Address: 115 NORTH ARLINGTON HEIGHTS ROAD
ARLINGTON HEIGHTS, ILLINOIS

PETITIONER:

Name: MICHAEL MESSERLE

Address: 10430 SOUTH HOYNE AVENUE E-mail: _____

City: CHICAGO State: ILLINOIS Zip Code: _____

Daytime Phon _____ Fax Number: _____

PROPERTY OWNER (if different from Petitioner):

Name: _____

Address: _____ E-mail: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone: _____ Fax Number: _____

REQUEST:

Variation from Section 23-401 of Chapter 23 of the Arlington Heights Municipal Code.

BRIEF DESCRIPTION OF VARIANCE REQUEST:

REQUEST A VARIATION TO ELIMINATE THE FIRE SPRINKLER REQUIREMENT TO INSTALL A NEW FIRE SPRINKLER
SYSTEM IN AN EXISTING 5,300 S.F. ONE-STORY BUILDING AS A RESULT OF INTERIOR ALTERATIONS TO A CHANGE
OF OCCUPANCY USE TO A MERCANTILE RETAIL STORE.

SUBMITTAL REQUIREMENTS:

The following information must be provided with this application:

- \$110 Application Fee (Non-Refundable).
- ^{9 sets} sets of drawings and all supporting documentation. All drawings must be folded into 11" by 17" and collated into sets.

The Building Code Review Board may recommend that variations be granted from provisions of the Building Code in cases where the applicant for such variation demonstrates practical difficulty and particular hardship. No variation may be granted without review and final action by the Village Board.

Now comes the Petitioner MICHAEL MESSERLE requesting a variation from

Section 23-401 of Chapter 23 of the Arlington Heights Municipal Code for the following reason:

THIS IS AN EXISTING BUILDING WITH NO FIRE SPRINKLER SYSTEM. THE MUNICIPAL CODE REQUIRES THE
INSTALLATION OF A COMPLETE NEW FIRE SPRINKLER SYSTEM. THE OWNER WILL BE INSTALLING A NEW
COMPLETE FIRE ALARM SYSTEM WHICH THEY FEEL WILL PROVIDE ADEQUATE FIRE-LIFE SAFETY PROTECTION
FOR A RETAIL STORE OF THIS TYPE.

I hereby state that the following hardship would exist if the variance is not approved:


THE INSTALLATION OF A NEW FIRE SPRINKLER SYSTEM IS VERY COSTLY. THE ADDED CONSTRUCTION COST
WOULD PROVIDE A HARDSHIP ON THE RETAIL STORE BY CREATING A LONGER PERIOD OF TIME TO RECOUP THE
COST THROUGH SALES, THEREBY JEOPORDIZING THE SUCCESS OF THE BUSINESS.

I understand that any recommendation from the Building Code Review Board for a variation is subject to review and final action by the Village Board.

Petitioner's Signature

12/10/2019
Date

MICHAEL MESSERLE
Petitioner's Printed Name

X 
Owner's (if different from Petitioner) Signature

12-12-19
Date

Owner's Printed Name