

# DRAFT

## BUILDING CODE REVIEW BOARD

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

January 21, 2020

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#### MEMBERS PRESENT:

Richard Bondarowicz, Chairman  
John Carrato  
Scott Smith  
Trustee Tinaglia  
Tom Hutchinson

#### ADMINISTRATION PRESENT:

Steven Touloumis, Director of Building & Life Safety  
Mark Fink, Assistant Building Official  
Don Lay, Fire Safety Supervisor  
Patty LeVee, Recording Secretary

Others: Michael Messerle  
Joseph Younes  
Katherine Sainz

Katherine Sainz  
Paul Florczak  
Melissa Cayer

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#### SUBJECT:

- I. 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 – 115 N. Arlington Heights Rd.
  - II. Variance request from Chapter 23, Article IV, IBC Section [F] 903.2 and Chapter 27, Article I, IFC Section 203.2 of the Arlington Heights Municipal Code – 1010 S. Arlington Heights Rd.
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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 OF THE BCRB. SECONDED BY MR. SMITH, THE MOTION PASSED.**

**AYES:** Richard Bondarowicz, John Carrato, Scott Smith, Tom Hutchinson

**ABSTAIN:** Trustee Tinaglia

#### NEW BUSINESS

##### I. 115 N. Arlington Heights Rd.

**Mr. Messerle**, Architect, introduced **Joseph Younes**, who is the General Contractor and part owner of the project. **Mr. Messerle** stated the project is currently an office building that they

are requesting to change to a retail building, a change of use. Existing structure is about 5000 square feet. Because of the change in use he is requesting a waiver of the fire sprinklers requirement for this project. In lieu of the sprinklers they plan to put in a full fire alarm system which they feel would be adequate for fire alarm and life safety.

**Chairman Bondarowicz** explained this Board has been in the process, along with the Building & Life Safety Department and the Fire Department, of working on the implementation of the new Code which will very likely take affect within the next 30-60 days. In all fairness, what you are asking for in your submittal for variance, will likely not be required in roughly the next 60 days. It may be beneficial for you to consider one of two scenarios. One, table this until we have a change in the Code; which means you could potentially avoid some items you are seeking a variance on. Second, we can have discussion this evening and the Board can make a recommendation if you want to try and move this forward a little bit faster. We do not have a guarantee on the time period on which the Code change will occur. It will be for you to decide on how you want to pursue this.

**Mr. Touloumis** stated that the current Village Code is the 2009 International Building Code (IBC), and 2009 International Fire Code (IFC), which are amended to have a zero threshold fire sprinkler system. The Code also states that any time there is a change of use or additions, it is treated as new construction. With the recommendations for the new Code updates, going to the 2018 versions of the ICC Codes, there will be some amendment language to require new construction to have the zero square foot threshold that would still be in place. Specific language will be added to prevent or require additions and change of use under the model codes, fire sprinkler thresholds from requiring fire sprinklers. In the case of a mercantile, most typically it would be 12,000 square foot threshold. For example, if you were building an addition and making it bigger than 12,000, you would absolutely have to sprinkle regardless as that would be the standard code.

**Mr. Touloumis** stated the timing on the Code updates that it has been through the Building Code Review Board review, which has been approved or recommended to be approved with a couple of small exceptions. It was then presented to the Village Board, where the exceptions to staff recommendations were heard. It is pretty solid with this particular issue at hand, it was pretty straight forward. Again, nothing can be promised until the Village Board officially approves; but there is a good likely percentage it will pass with the amendments as written. This is currently at the final administrative processes with the legal department. It should be completed within the next month or two months that it will be before the Board.

**Chairman Bondarowicz** asked that from a timing perspective, the day that the Village Board approves this, is it essentially valid the next day or is there a lag period procedurally, just so it is understood from a time line. **Mr. Touloumis** replied he believes generally once the Village Board approves it, obviously it is approved, but then goes back to the Board for official approval of the actual ordinance language.

**Mr. Carrato** stated that if the variance is approved tonight, it would then need to go before the Village Board, but sooner. **Mr. Touloumis** stated that is correct, this would go on the next agenda.

**Chairman Bondarowicz** noted that the submittal states the applicant would go with a fire detection type system in lieu of. He mentioned, in other instances, the BCRB has recommended to the Village Board that systems such as what you are proposing; they would be in favor in lieu of. If we were to be in favor of a fire detection or alarm system in lieu of, and the permit was granted, would they have to do that particular system because we had made that recommendation due to the date of issuance of the permit? He explained we are in an unusual situation because of the time period.

**Mr. Carrato** stated that what is being asked is that they may not have to do as much as they are offering to do, if they wait. **Mr. Touloumis** answered, depending on the timing, he believes that is what is being said.

**Trustee Tinaglia** asked Mr. Touloumis, with the new code that will likely be in place, are there certain elements that they are proposing that you could say for certain would not be required. What has been done with the Board before and as Chairman Bondarowicz just explained, often times we have a tradeoff, you do this instead of this and so on. The items discussed with the fire alarm system, how much of that would not be required in the new code? **Mr. Lay** stated, none of it. **Mr. Touloumis** added, the fire alarm system would not be required.

**Trustee Tinaglia** asked the Petitioners if this was something that they want to put in for their insurance purposes or is this something you are doing to try and be a fair trade. **Mr. Younes** stated, fair trade.

**Trustee Tinaglia** made a recommendation, due to suspicion that the Village Board would say we are not going to make you do anything more than they would have to do if they came back in a month from now. If the new code requires those things, then they should do that. If the new code does not require those things, just because they are here tonight, we should not be forcing them to do that.

**Chairman Bondarowicz** asked if that could be stated in a motion. **Trustee Tinaglia** replied, you absolutely can. Mr. Younes explained they are not trying to avoid putting in a sprinkler. They started two years ago in Unit 111 and expanded to 111 and 113 and now want 115. He believe in two years it will not be enough for them. So maybe they want to knock down everything and build a larger building. To spend all the money for two or three years or maximum four years, that is why we want to avoid it. It is not to avoid the sprinkler.

**Trustee Tinaglia** stated that if staff can support that notion, he feels someone could make that motion and then leave it to the Village Board to say, if we do approve this, then these items are no longer necessary.

**Mr. Touloumis** said staff would support that recommendation.

**Mr. Carrato** moved to approve not requiring the sprinklers but also not requiring that the fire alarm system that has been offered by the Petitioner if the Board passes our proposed changes to the Code.

**Chairman Bondarowicz** asked if we should add, if they do not pass the Code change, then you would be required to do the fire alarm system. **Mr. Smith** said, we would recommend that. **Mr. Carrato** stated, we don't know that right now. Then we need to discuss, are we ok with the fire alarm system if the code doesn't change?

**Mr. Lay** stated that if the fire alarm system is an option, then they are not required to do it now or after.

Mr. Carrato clarified with a new motion as stated:

**Mr. Carrato moved to approve the variance of not putting in the sprinkler system and assuming the code passed, the fire alarm system will not be required. If the Code does not pass, the fire alarm system will be required to substantiate the variance. Seconded by Tom Hutchinson, all were in favor.**

**Mr. Touloumis** clarified that they do need to attend the Village Board meeting that approves the BCRB recommendation.

## **II. 1010 S. Arlington Heights Rd.**

**Ms. Sainz**, who represents the owner of the building and business, introduced Mr. Florczak, the Architect.

**Mr. Florczak** stated that prior to permit corrections, after submitting drawings for permit they received comment to provide sprinkler system in their building. After conversation with the Fire Department they were advised that apparently the Code in the very near future is going to be changing with the requirement to be enforced after a certain amount of square footage. It is their understanding with the building size they have, would not be required to provide sprinkler system.

**Chairman Bondarowicz** stated (as Mr. Florczak was not present for the prior variance request) that the case before this was a very similar situation. There was a discussion about how that requirement likely will not be a requirement in plus or minus 60 days. There are several options available to you. We can go through a discussion on this, and understand what the alternatives are. If the Board sees that we can make a recommendation on your submittal, it can then go to the Village Board for approval and essentially get the variance. Or, we simply can wait for the Code to change and not need a variance.

**Mr. Touloumis** stated that the new recommendations for the Codes would not require what you are doing, adding the addition to get sprinkled because it wouldn't meet the standard thresholds of the International Building Code. Our current amendments now require basically zero square foot threshold; if you are adding on an addition is treated like new construction. We are in the final stages of updating the Code, we have BCRB recommendations, we have made a presentation to the Board based on the BCRB recommendations and are waiting for final approval from the Village Board, however there have been no strong final objections to anything that has been recommended regarding the sprinkler threshold change requirement. There is a good chance this will pass, but again, it cannot be guaranteed until it goes through the process. We are hoping to get that from the Board within the next 30-60 days, hopefully on the shorter end of that. Again, if you want to decide to hold off, you may find out that you do not need to do anything.

**Mr. Florczak** asked what the timing would be if they were to pursue the variance process. They are in the position where they are close to resubmitting within a week or maximum two weeks, hoping to have approval obviously when the weather permits. They would like to start construction in March, they are looking at potentially 40 days to ultimately start construction. If they were to find out how long the variance process will take, hear it from your opinions and suggestions that potentially there is a good chance we could receive the variance, what is the timing? **Mr. Touloumis** answered, probably quicker than the Code turn around, the Board will make a motion this evening. Under the presumption they make some recommendation to pass and you agree, we will get you on the next Village Board agenda.

**Chairman Bondarowicz** discussed that in the last submittal they had offered a fire protection/fire alarm system in lieu of sprinkler system and that he does not see that as part of their submittal. It is public record there were some historical situations in which building owners and architects came in and offered fire alarm protection system in lieu of the sprinkler system. That is something they would look at as a tradeoff for today's current code.

**Mr. Florczak** stated, in conversation with the owner, he was ok to do a fire alarm system. The fire alarm system would be done by a fire alarm consultant under separate permit submitted to the Village.

**Chairman Bondarowicz** wanted to clarify, as that was not part of the submittal. **Mr. Touloumis** acknowledged it was stated in their application to the BCRB, that the owner is planning to install a fire alarm system. It was confirmed that would be under a separate permit by Mr. Florczak. **Chairman Bondarowicz** stated that creates a small nuance. Mr. Touloumis responded that yes, but technically all fire alarms come through our process in a separate permit application. **Mr. Carrato** stated for the Board, we are going to want to use basically the exact same motion used earlier.

**Mr. Lay** asked, does the existing building have a fire alarm now. **Mr. Florczak** responded no, he did not believe so. **Ms. Sainz** stated the building in general was barely updated.

**Mr. Carrato** stated that for future reference the explanation about costs of the sprinkler system would not fly. Cost is not a hardship as far as the Board is concerned. If you are going to have a variance from a certain level of protection, they are going to want to see another level of protection, which in this case is the fire alarm system. It is not pertinent tonight because you are agreeing to do that if the code does not get changed. However, if you come with another petition, it would not be a defense.

**Mr. Carrato moved to approve the variance of not putting in the sprinkler system and assuming the code passed, the fire alarm system will not be required. If the Code does not pass, the fire alarm system will be required to substantiate the variance. Seconded by Mr. Smith, all were in favor.**

### Discussion

**Chairman Bondarowicz** asked for an update regarding the new Code. **Mr. Touloumis** summarized mentioning the biggest discussions were the roofing permit requirement, which was ultimately agreed to not be required. Second was the residential fire sprinkler, of which the Board was strongly on the side of not requiring.

**Mr. Touloumis** stated all of the recommendations are going to go as the Board discussed at the last meeting. He is currently finalizing the legal structure. It is expected to be done within the next 60 days.

**Mr. Hutchinson** inquired about a time table to when they would need to abide by the new amendments that are adopted. **Mr. Touloumis** stated that language would be in the Ordinance and he is generally recommending six months. **Trustee Tinaglia** stated that if you are in the middle of a project and something that the new code changes makes it easier or beneficial for that project, the Board would be ok with those changes. **Mr. Touloumis** stated it would be looked at on a case by case basis, making sure it does mesh as intended from the old code to the new code.

**Trustee Tinaglia** had a brief discussion regarding sprinklers and a recent garage fire situation. He noted that what mattered in this situation was the fire wall and fire rated door between the garage and the house.

**With no further business, Chairman Bondarowicz moved to adjourn. Seconded by Mr. Smith, all were in favor.**

The meeting adjourned at 7:38pm