

# **BUILDING CODE REVIEW BOARD**

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

**May 11, 2017**

---

### **MEMBERS PRESENT:**

John Carrato, Chairman  
Carl Baldassarra  
Richard Bondarowicz  
John Scaletta (Trustee)  
Scott Smith

### **ADMINISTRATION PRESENT:**

Steven Touloumis, Director of Building Services  
Charley Craig, Assistant Building Official  
Don Lay, Fire Safety Supervisor  
Patty LeVee, Recording Secretary

### **OTHERS PRESENT:**

**Northwest Metal Craft: Dawn and Hall Selleck,  
Shane Mayer, Daniel Mayer, Kelle Bruckbauer,  
Rodger Plat,**

**110 S. Brighton Place: David Esau**

**610 E. Maude: Bonnie and Chuck Gerstung,  
Charlie Gerstung (son)**

---

**SUBJECT: Variance from Chapter 23, Section 203-402 of the Arlington Heights Municipal Code for Northwest Metalcraft, Inc. at 413 S. Arlington Heights Road.**

**Variance from Chapter 23, Section R305.1 of the Arlington Heights Municipal Code for 110 S. Brighton Place.**

**Variance from Chapter 23, Section R305.1 of the Arlington Heights Municipal Code for 610 E. Maude Avenue.**

---

There being a quorum present, Chairman Carrato called the meeting to order at 6:30pm. All stood for the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

**CARL BALDASSARRA MOTIONED TO APPROVE THE MINUTES OF THE MARCH 21, 2017 MEETING, SECONDED BY RICHARD BONDAROWICZ, THE MOTION PASSED UNANIMOUSLY.**

### **NEW BUSINESS**

#### **1. NORTHWEST METALCRAFT, INC. – 413 S. ARLINGTON HEIGHTS RD.**

Representing Northwest Metalcraft, Kelle Bruckbauer of Tinaglia Architects, introduced herself. Ms. Bruckbauer stated her clients, also present, would like to put a storage building on the back of their site, which is about 1,680 sq. ft. Until recently there was a hodge podge of storage sheds and an old home that has recently been demolished. They plan to put the storage building up, redo the parking lots, landscaping, and

underground storm water detention. They are asking for relief from the requirement per the Village of Arlington Heights amendment to the International Building Code (IBC) to install a sprinkler system in the building. She stated this building will not be occupied except for staff going in and out for deliveries and pickups and other sorts of product for the building, there is not going to be any combustible gases or liquids in the building, and no clients will be going into the building.

**Ms. Bruckbauer** explained that about two years ago when they started this project, they approached Paul Butt, former Fire Safety Supervisor, to see what could be done. Mr. Butt suggested staff would probably support this as long as a few things were done. Those things were to construct the building out of all non-combustible materials, thus instead of wood they are doing metal stud steel. They will fire rate the west and the south sides of the building, including the openings, and they will be providing a fire detection system that will tie into the existing panel. They are spending a lot of time, energy and money to upgrade the site and make it look nice, but the sprinkler system was a little bit too far out of the budget. They are hoping that by agreeing to pay for certain things to make the building more structurally sound and safe, that they may be able to do without the sprinkler system.

**Mr. Carrato** stated there is a recommendation from Building Services with the five conditions put forth by Paul Butt being met to approve this variance. **Mr. Touloumis** stated that is correct.

**Mr. Baldassarra** asked if the existing storage is sprinklered. **Ms. Bruckbauer** stated no. He then mentioned some confusion with the site plan at sheet A001, at the setback line. **Ms. Bruckbauer** clarified that is the 10% side yard setback, and stated they went before the Plan Commission, Village Board, and received a variance for it. **Mr. Baldassarra** asked about that being on the drawings or not and what does the variance say about the distance that is allowed. **Ms. Bruckbauer** said they were allowed what they have, which is 5 feet 1 inch. **Mr. Carrato** added, which is for the existing building. **Ms. Bruckbauer** replied, yes, that lines up with the existing building. **Mr. Baldassarra** asked if they would not want to move that because it appears confusing. **Ms. Bruckbauer** said she could take it off.

**Mr. Smith** asked what is directly behind the proposed storage building, to the south. **Mr. Selleck** answered there is a lot and a rectory for the church. **Ms. Bruckbauer** said there is nothing constructive there right now. The reason they agreed to put a fire rating on that south side was just in case something ever went in that space.

With no further questions, **Mr. Carrato** called for a motion

**TRUSTEE SCALETTA MOTION TO APPROVE THIS VARIANCE, SECONDED BY MR. BALDASSARRA, THE VARIANCE WAS APPROVED.**

## **2. PETITIONER DAVE ESAU, 110 S. BRIGHTON PLACE**

**Mr. Esau** introduced himself, mentioning he has lived at Stonegate for 22 years. He explained the homes in the area have a lot of one car attached garages, some with rooms up above the garage, as he has. There is an alley behind them, where he is currently building a detached garage. Until now, he was one of the only houses that did not have a detached garage off the alley. This brings up the house; they are left with the old garage that is presently attached and need to turn into part of the house, as it seems awkward to leave it as a garage. Their bedroom is above this garage and due to manner the house was constructed many years ago, there is a step down to their bedroom, which brings the ceiling lower in the garage. The only issue is that the ceiling is low and they are not sure how to fix that. He did look at other homes in the area with the same issue and made note that just about every five houses has a detached garage in the back and turned the little garage into a room. He is seeking a variance to allow any type of building in there whatsoever and to keep that floor. He does not know what to do if he can't as there could be flooding issues if they dig down. There is no basement, so there is no sump pump. There is boiler heat and they have discussed underfloor heating with the architect as the boiler is right on the other side of the garage wall.

**Mr. Carrato** noted that he is essentially asking for a variance from the 8 foot first floor requirement and noted Building Services recommends approval. **Mr. Touloumis** confirmed, yes.

**Mr. Smith** asked if anyone knows why we varied our requirements from the International Building Code and made it 8 feet.

**Mr. Carrato** stated he believes 7 feet is the IBC standard. He said when they did the amendments, basically they had their own municipal code and they tried to pare them down going through one by one by one. There was an architect on the board at that time that was probably the person weighing in on that and he does not remember the specifics.

**Mr. Baldassarra** did not remember either but stated it is standard and it is more of a quality of life aesthetic issue then it is anything else.

**Mr. Esau** stated it is definitely lower and will be visibly lower when you step into it. The problem is they are plagued with this room. What they want is a garage and now we have our garage and are stuck with a room. They have to turn that room into part of the house and now this requirement came up.

With no other questions, and Building Services recommending approval, **Mr. Carrato** called for a motion.

**MR. BALDASSARRA MOTIONED TO APPROVE THIS VARIANCE, SECONDED BY MR. SMITH, THE VARIANCE WAS APPROVED.**

### **3. BONNIE GERSTUNG – 610 E. MAUDE AVE.**

**Ms. Gerstung** introduced herself along with her husband Chuck and their son Charlie. The Gerstung's are 40 year residents of Arlington Heights and have been in their current home 30 years. She is a retired teacher from John Hersey High School of 32 years. There is a strong family history of residences in Arlington Heights. Her son and his children are presently living in their home, which brings us to why they are looking at this remodel project. The ages of the children living with them are 16, 14, 12 and 10 year of age.

**Ms. Gerstung** explained when they first began this project she was told that their basement would not get approved because of the ceiling height. At that she called Mark Fink, Building & Property Inspector, who told her not to worry about the building height of the basement, that as long as everything else gets approved he can waive that. She did not want to pursue and have to hire an architect and spend a lot of money figuring out what to do if it was not going to go. But Mark said that this would be ok for them to do and that he couldn't do anything else. **Ms. Gerstung** noted they have already been approved for plumbing and electrical. The only thing standing in their way is the height of the ceiling. The room in the basement is needed for their son in order to have more room upstairs for the children. **Mr. Gerstung** added this is a four bedroom ranch. It was explained the oldest granddaughter, 16, has been diagnosed with severe anxiety. They need to provide her a stable environment. Their son, **Charlie Gerstung** added his daughter also has insomnia issues. **Mr. Gerstung** continued that with the four bedrooms they have three girls and one boy. One of the girls ends up sleeping on the couch in the living room, which can't go on.

**Ms. Gerstung** stated unfortunately their architect could not be there. The room they proposed is a very large room with a very large egress window, it is as wide as a patio door and very high. There is a second escape route at the stairs going upstairs. There is also another egress window in the utility area. There are three separate areas of escape routes. The room is very large at about 14 x 13. She noted the plan indicates ceiling height of 6 foot 9 inches; it is actually slightly higher than 6 feet 10 inches. The architect will verify that if need be.

**Mr. Carrato** explained that Building Services did not recommend approval, being below base IBC (International Building Code). **Mr. Touloumis** stated that is correct.

**Trustee Scaletta** mentioned when looking up the code, there was a different code for basements, referring to Section 305.1.1. **Mr. Touloumis** stated that is for non-habitable basements. **Trustee Scaletta** stated that the code does not mention habitable or non-habitable, it says change 6 feet 8 inches to 7 feet. **Mr. Touloumis** said that is because what you are reading is the amendment that changes the exception to the stock code section.

**Trustee Scaletta** noted no one was in attendance from the Fire Department and was looking for their feedback. **Mr. Lay** stated they would not support it because of the fact

that lower the ceiling you have more intention of heat rising and the lower the ceiling again, you have more potential of flash over. That would be their concern.

**Trustee Scaletta** asked if we are aware of any other lower level units in a home in Arlington Heights that has a ceiling of this height. **Mr. Touloumis** did not have enough data to make comparisons and was not aware personally if there was.

**Trustee Scaletta** noted there was no representation from the Fire Department. He made mentioned of Mr. Lay being with Arlington Heights over a year and asked if there had been times when he and the Fire Department did not necessarily agree? **Mr. Lay** stated they have entered into discussions, yes. **Mr. Lay** conveyed the Fire Department did offer to have Deputy Chief Ahlman in attendance and after talking about it they did not think it was necessary. Mr. Lay spoke with them and they were confident in his ability to convey what their feeling was.

**Mr. Baldassarra** commented that this room will be used as a sleeping room and asked if there were any other sleeping rooms proposed for this level of the house. **Ms. Gerstung** answered no.

**Mr. Baldassarra** asked where the furnace room with respect to the drawing. **Ms. Gerstung** answered it is in the utility area. **Mr. Baldassarra** asked if the dimension is measured to the lowest point of the room, below the ducts. **Mr. Gerstung** said it was the measured at the lowest point; the ducts are up in the rafters. **Mr. Baldassarra** asked if there are parts of the room where the ceiling is higher than what is shown. **Ms. Gerstung** stated the sub floor is 7 feet 10 inches. **Mr. Baldassarra** said that if standing in the room, are there low and high parts of the room. **Mr. Gerstung** replied no, it is all the same.

**Mr. Baldassarra** asked if they had thought about doing anything from some of the comments, presuming they heard some of them prior to this meeting. Were you aware of the Village position? **Ms. Gerstung** said she saw it last night and was very surprised because she thought they had gone through all of the proper steps and the fact that she had spoken with Mark Fink, she thought it was a good thing that he was a building inspector that was willing to say if the other things get approved, I can overlook that. She felt comfortable with that. This is why they went ahead and got the architect.

**Mr. Baldassarra** asked if the first they heard about this issue was last night. **Ms. Gerstung** said the first she heard that it was not recommended to be approved. She knew from the very start that the basement height was not to code. She heard that before she started the whole process. **Mr. Baldassarra** stated he was surprised she got this far with this issue being on the table. The reason he was asking about the timeliness is that he was wondering if they had any time to even think about doing something to ameliorate this risk. He is a fire protection engineer and does not think the ceiling height makes that much of a difference with all due respect to safety and fire growth, but he does think if smoke detection on this level was expanded on the entire level and connected to the smoke detection you have on the upper level, so that any one detector operating sounds everything. **Mr. Gerstung** mentioned thinking the same

thing and was surprised that it was not brought up as an issue. **Mr. Baldassarra** said that is for them to bring up. He suggested they go beyond the minimum. **Ms. Gerstung** said they want to will do whatever needs to be done.

**Mr. Carrato** asked if there were other measures that can be taken to relieve the concerns. **Mr. Lay** said they could install a fire sprinkler for residential use or what they call a 13D system, that feeds right off of the main service, it does not require a separate main, that would alleviate any concern. This would be residential sprinkler for the whole lower level, not just the one room.

**Mr. Baldassarra** said these are the kind of things they could think about, talk with their architect and return to present the Board.

**Mr. Smith** explained that typically when someone comes before the Board and wants to change something, especially when it comes to life safety issue, that they bring proposals that would provide the same level of safety but just a different way. Typically it is up to the homeowner to provide that to the Board so they can make a determination whether or not they feel that solves the issue.

**Mr. Carrato** added that in this case they were under the impression, right or wrong, that it could be waived. It is understandable why they would have come without that. **Charlie Gerstung (son)** added that the other issue was that they did have the three escape windows, with the two egress windows in the basement, with a very large 6 x 3 egress window in the room; it is a big window for escape. **Ms. Gerstung** said one thing she failed to mention is that the bottom of the egress window exceeds the code, it is better than what the code wants. It is lower, so it is easier access to escape out that egress window. The egress window was something that she thought was needed for escaping fire, and they spent many days talking about the proper egress window. **Mr. Carrato** explained that is a separate issue from fire safety and the impact of the rest of the house.

**Trustee Scaletta** mentioned talk at one point of possibly tying in smoke detectors into a central area and asked if the Building Department would feel comfortable with that system.

**Mr. Baldassarra** said that is even with a panel but the ones you can buy, they do interconnect. **Mr. Touloumis** said that by current code is standard anyway. It would not be anything above and beyond what the standard code calls for. **Mr. Baldassarra** added perhaps if they added additional ones on the lower level where they are not otherwise required. **Mr. Touloumis** said that could potentially help.

**Mr. Bondarowicz** added that they may just be missing some of that on the plan presented; asking Mr. Craig saw the full version of the plan.

**Mr. Craig** replied that the version presented shows the change to the house, the sheet with the full basement blow up shows the existing there now in the space that is going to be made into the bedroom. He never addressed the smoke detector, no one asked

about it particularly. There is a smoke detector shown in the room and it looks like one outside the room, which both would be required by code. It does not spell out the specifics of their interconnection.

**Mr. Bondarowicz** wanted to clarify a couple of things. One related to the ceiling height. The ceiling height for the basement currently, if they want to do anything in this space, is 8 feet. Is that correct? **Mr. Touloumis** replied, by existing amendments, yes. **Mr. Carrato** added – to make it habitable.

**Mr. Bondarowicz** said that habitable means that it is a sleeping quarter. If they wanted to just drywall the ceiling and have that be a drywall room with a door, are they allowed to do that or are they not allowed to drywall. **Mr. Carrato** noted that in Section 305.1.1 it says 7 feet. **Mr. Touloumis** said that if someone was dry walling an existing space and not changing the use; surely would not prevent or stop someone from doing that. It is the change of use that really makes the difference.

**Mr. Bondarowicz** said the reason he is bringing this up is because this is going to continue to come up. There is something else that he has seen come through the Building Department where there is another question of being under 8 feet, under a steel beam and it cannot be living space. It is tied into something else that is being discussed right now and was submitted. As it stands to the code, this cannot even be dry walled right now.

**Mr. Baldassarra** said the issue is habitability. **Mr. Bondarowicz** asked, is it a sewing room, is it a storage room, or somebody's office, does that make it habitable?

**Mr. Touloumis** said the declaration of the type of use is a critical element; you have to declare what you are doing in the room. If you say sewing room, den, great room, rec room, yes, that is habitable; if you say storage or utility it falls under a different use category and different rules kick in.

**Mr. Bondarowicz** said that as a result of this being declared as bedroom, you are enforcing these guidelines. Part two to that question, is that a smoke detector would be required in this room as a bedroom, a smoke detector would be required in the hallway, which it appears to be shown. If this were a remodel of the upstairs, also, then all of these smoke detectors would have to be hardwired together. **Mr. Craig** said that is correct. **Mr. Bondarowicz** asked; in this instance what would the requirement be even if the ceiling height was 8 foot 9 inches, would it just be the two?

**Mr. Craig** thought no, he would say you should interconnect all of them in the house, the ones in the bedrooms upstairs, the ones in the hallway upstairs, should be interconnected so that any one activation would set the alarm off in all of them.

**Mr. Bondarowicz** added that these are not shown on this plan. **Mr. Touloumis** asked if he was talking about if they were remodeling the first floor. The code requires that if you are doing remodel work and you have the walls open that you then need to bring the smoke detector interconnections up to code. If you are just painting and changing

trim, we would not say you need to open walls when not in the plan for that scope of work.

**Mr. Bondarowicz** asked that in this instance where there is potentially a bedroom in the basement, and there is a smoke detector in the hallway, and what they are suggesting maybe is additional smoke detectors in the basement, the question would be, does code require those, in this instance, to be hardwired to the upstairs smoke detectors, even if you are not remodeling. **Mr. Touloumis** replied, no. However, if the pipe that is already feeding the ones upstairs comes down and you have electrical pipe and the interconnect wire is there in the junction box, then it make good common sense to go ahead and tie into the other ones upstairs. Some of that is dependent on a field call, dependent on what existing circumstances.

**Mr. Bondarowicz** explained the disadvantage of not having their architect there to present alternatives to be more palatable to this Board, the Building Department, the Fire Department and the overall Village. They are trying to figure out what some of these suggestions could be if the Architect could present that would make this more acceptable to the Building and Fire Departments. One suggestion is that if this was a more substantial remodel, you would have a smoke detector that is in the basement that would be interconnected to the one that is upstairs. In the drawing, it appears to be that if the smoke detector goes off downstairs, nobody upstairs knows. It is a life safety question, if someone is in the basement sleeping and the alarm goes off in the basement, no one upstairs may hear it and vice versa.

**Mr. Carrato** recommended to table this and explained to the Petitioners to come back with recommendations that would satisfy their concerns with fire safety. He asked if the sense is what was described is sufficient; do we think we would want a sprinkling system or is it enough to interconnect smoke detectors between the floors.

**Mr. Baldassarra** said the sprinkler system is a much better level of protection than smoke detection, it responds quickly and puts fires out. Then again, if you didn't put sprinklers on the first floor and that is where the fire is, people still have to get out from the basement through the first floor, although you have the escape window. It would be good to look into the sprinkler system option. With the additional smoke detectors beyond what is required on the lower level and an interconnection of them, he feels ok about it.

**Ms. Gerstung** inquired about the tabling procedure and returning to the Board. **Mr. Carrato** explained the process and entertained a motion to table.

**TRUSTEE SCALETTA MOTIONED TO TABLE THIS ISSUE; SECONDED BY MR. SMITH, THE ISSUE WAS TABLED.**

**The meeting adjourned at 7:22pm.**