

BUILDING AND FIRE CODE BOARD of APPEALS

Building and Fire Code Board of Appeals MINUTES

**APPEAL HEARING
May 5, 2010**

The Building and Fire Code Board of Appeals convened on May 5, 2010 at City Hall, Board and Commission, Room 1101.

Alan Schumann called the meeting to order at 9:50 AM

Board Members in Attendance: Michael Cannatti, Steven King, Alan Schumann, Scott Stookey and James Sullivan.

Staff in Attendance: Dan McNabb, Leon Barba, Katherine Clark, Brent Lloyd, Greg Guernsey, Don Birkner, Kathy Haught and John McDonald.

1. APPROVAL OF MINUTES –

Scott Stookey made the following friendly amendments to the agenda dated 11/17/09:

- Item 4c: Change the reference to the ICC electrical code to the NEC throughout the document.

Michael Cannatti made the following friendly amendment to the agenda dated 11/24/09:

- Remove unit “A” from street address and just note as being 1915 David Street.

Friendly amendments to minutes of the meetings held on November 17th and November 24th 2009 were approved on a vote of 5-0-1. Frank Haught was absent.

2. CITIZEN COMMUNICATIONS – None

3. DISCUSSION – Proposed rules and procedures for public hearings (not just for appeals):

After staff report, if there's an appellant, the following will take place:

- Appellant be allowed 10 minutes for their presentation, another 5 minutes will be given for those supporting the appeal.
- 20 minutes will be allowed for those apposing the appeal and 5 minutes for rebuttal.

** The rules and procedures will be followed as noted however will be subject to change.

4. CONDUCT A PUBLIC HEARING -

- a. Appeal for 1915 B David Street for issuance of a Stop Work Order on Building Permit# 2009-06261 BP

ACTION: James Sullivan made a motion to deny the appeal of the Stop Work Order based on the evidence presented. Steven King seconded the motion. The Board voted unanimously to deny the appeal for issuance of a Stop Work Order on Building Permit# 2009-06261 BP with a vote of 5-0-2. Frank Haught and Michael Thorn-Leeson were absent.

The Board found that the pending interpretation appeal filed with the Board of Adjustment involves the overall use of the property and therefore may affect both units.

5. CONDUCT A PUBLIC HEARING -

- b. Appeal for 1915 A David Street for issuance of Building Permit # 2010-021733 BP and related Plan Review 2010-002721 PR

ACTION: Scott Stookey made a motion to uphold the appeal based on information that had been presented to him. Alan Schumann seconded the motion stating he agreed this is not a remodel and should have been reviewed under a different set of rules and not the remodel rules. The Board voted unanimously to uphold the appeal for issuance of Building Permit No. 2010-021733 BP for development at 1915A David Street with a vote of 5-0-2. Frank Haught and Michael Thorn-Leeson were absent.

The Board found that the development exceeded the limits of a remodel and therefore constituted new construction. Additionally, the Board found that development was effectively a “rooming house” and therefore should have been reviewed as a commercial project under the International Building Code, not as a residential use under the International Residential Code.

- 6. ADJOURN** – Chair Alan Schumann adjourned the meeting at 1:18 PM without objection.