

**Building, Fire and Sanitary Sewer Board of Appeals**  
Minutes of Regular Meeting  
Tuesday, February 12, 2019

Meeting called to order by Kench at 4:00 p.m.

- I. Roll Call:** Cline, Fleming, Kahn, Nieporte, Sommers arrived late  
Allen Absent

Staff: Brian Kench, Building Official, Board Secretary  
Doug Lobsinger, Assistant Fire Chief, Neighborhood Resource Unit Coordinator

**II. Election of a Chair and Vice Chair**

Staff opened the floor for nominations for Chair.

Motion by Fleming, support by Kahn, to nominate Commissioner Nieporte as Chair. There were no other nominations. Motion approved

Staff turned the meeting over to Chairman Nieporte.

Motion by Kahn, support by Fleming, to nominate Commissioner Cline as Vice-Chair. There were no other nominations. Motion approved

**III. Approval of Agenda:**

Motion by Kahn, support by Fleming, to approve the agenda.

Motion approved

- IV. Approval of Minutes:** Motion by Kahn, support by Fleming, to approve minutes from March 21, 2016 as drafted.

Motion approved

- V. Communications:** Kench noted nothing to report

**VI. New Business:**

Chairman Nieporte asked staff to provide background on Case #BFS-19-01 – 1706 W. Broadway filed by Charles Mercer regarding a variance from section IPMC 404.3 regarding ceiling height in a bedroom less than 7 feet.

Lobsinger updated the Board regarding the case, noting that on June 30, 2018 the owner of the property filled out the proper request for a new rental housing license application to obtain a rental license. The Single Family Rental Fee was paid on August 8, 2018 and an inspection was conducted on August 23, 2018. During the inspection several housing violations were discovered. The owner has complied with all of our initial requirements which include; hard wired smoke detectors throughout the structure, installing egress windows and installing a new stairway going to the second floor. The use of the area on the

second floor, does not meet the 6'8" height requirement of 152.007 of the Housing Licensing code. In this particular space, no portion of the room meets the minimum height of 6'8" with flooring installed.

The ceiling height measures 6'8" to the sub floor; with the current carpet in the room it measures 6'7 1/4"

The home was built in 1920 as a single family residence and purchased by Mr. Mercer in October of 2017. The city building information shows the property is 1020 square feet. One of the bedrooms on the upper floor is less than 6'8" in height.

Nieporte ask if there were any communications to share. Being none, the public hearing was opened. There was nobody wishing to speak, the public hearing was closed and the Board entered into discussion.

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Further Board Discussion.

Cline moved to approve the variance request on the basis that the home was constructed in the 1920's, the home has been used for residential purposes since that time, and the home is consistent with a number of homes with a 1/2 story throughout the City.

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## **VII. Other Business:**

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Chairman Nieporte asked staff to provide background on Case #BFS-19-01 – 1706 W. Broadway filed by Charles Mercer regarding a variance from section IPMC 404.3 regarding ceiling height in a bedroom less than 7 feet.

Lobsinger updated the Board regarding the case, noting that on June 30, 2018 the owner of the property filled out the proper request for a new rental housing license application to obtain a rental license. The Single Family Rental Fee was paid on August 8, 2018 and an inspection was conducted on August 23, 2018. During the inspection several housing violations were discovered. The owner has complied with all of our initial requirements which include; hard wired smoke detectors throughout the structure, installing egress windows and installing a new stairway going to the second floor. The use of the area on the

second floor, does not meet the 6'8" height requirement of 152.007 of the Housing Licensing code. In this particular space, no portion of the room meets the minimum height of 6'8" with flooring installed.

The ceiling height measures 6'8" to the sub floor; with the current carpet in the room it measures 6'7 1/4"

The home was built in 1920 as a single family residence and purchased by Mr. Mercer in October of 2017. The city building information shows the property is 1020 square feet. One of the bedrooms on the upper floor is less than 6'8" in height.

Nieporte ask if there were any communications to share. Being none, the public hearing was opened. There was nobody wishing to speak, the public hearing was closed and the Board entered into discussion.

The applicant shared a short presentation of the home, noting that a portion of the upper floors actually does comply with the required ceiling height. The home was already in great shape and it isn't cost effective to raise the roof for 1/2". He noted that he has done a lot of work on the home to bring it up to code regarding the safety issues, along with some new wiring under a permit from the County. The updates on the home were done with a building permit from the City.

Fleming noted that the Board is not looking at a safety issue in this case. All of those issued have been addressed as part of the renovation to the home. (Updated stairs, with handrails and guards. Interconnected smoke detectors and carbon monoxide detectors, egress windows in the sleeping rooms.)

Further Board Discussion.

Cline moved to approve the variance request on the basis that the home was constructed in the 1920's, the home has been used for residential purposes since that time, and the home is consistent with a number of homes with a 1/2 story throughout the City.

Motion approved.

## **VII. Other Business:**

**None**

## **VIII. Old Business:**

**None**

## **IX. Adjournment:** Kahn moved to adjourn, supported by Cline. Motion Approved.

Meeting was adjourned at 4:25 p.m.