

**BUILDING BOARD OF APPEALS
Lower Level Council Chambers
57 E. 1st Street
5:00 p.m., June 18, 2014**

	Board Member:		Board Member:
A	Wade Felkins	A	Fernando Valenzuela
A	Wayne Rosendahl	A	Steve Hether
A	Martin Shoemaker	A	Richard Kochanski
A	Corey Smith	A	MaryGrace McNear
A	Tom Stapley	A	Robin O'Donnell
A	Scott Thomas		

“A” denotes in attendance

MEETING MINUTES

Item No.	Discussion Items
1	<p>Introductions</p> <p>The Building Board of Appeals meeting was called to order at 5:02 p.m., Wednesday, June 18, 2014, in the Council Chambers, Lower Level, by Martin Shoemaker, Chair. A quorum was present.</p> <p>The Board and City Staff introduced themselves.</p>
2	Minutes from the May 14, 2014 meeting were approved
3	<p>Appeal – 412 N. Macdonald Drive</p> <p>A. An Overview/History was presented by Steve Hether, Building Official. The house, originally built in 1923, was moved to 412 N. Macdonald. There is no legal historic designation. Plans were reviewed under the Mesa Administrative Code 4-1-2 (K), which treats the house as a new structure, 2003 International Residential Code and 2003 International Fire Code with Mesa Amendments (Ordinance 4263). The house is type VB construction, with no inherent fire resistive properties.</p> <p>The house is approximately 387 feet from the fire access road. The fire sprinkler option allows the house to be 300 feet from access road. A new hydrant at the drive entrance is accepted by the fire official as an alternative compliance method to allow the house to be 387 feet from fire access. The original permit was issued in November 2005 and is still under construction 10 years later. A permit for addition and changes was issued in 2013. The permits have been extended by owner request. The deferred fire sprinkler plans are pending submittal.</p>

B. Richard Kochanski, Fire Marshall, reviewed the issue for the Board. This is about access and time delay, not about sprinklers. The applicant DID agree to defer fire sprinklers. The driveway cannot be used because it is too narrow. The fire access measurement was done as tight and close to the building as possible to give the benefit to the builder/owner. The permit was approved per customer choice and now the applicant wishes to withdraw and not install sprinklers.

2003 IFC Section 502 – Fire Apparatus Access Roads was reviewed.

Operational Considerations: There is a narrow axis of attack, 180 ft. driveway which could be blocked by first apparatus/hose locations. The first Captain on the scene cannot do a windshield assessment because the house is hidden from the street. If a horizontal standpipe is used (up to 1000 feet of hose), it is very time intensive. Additional units and crews bottlenecked at the driveway. There is a threat to surrounding structures. Defensive operations are hindered because elevated master streams and deck guns cannot be used (750-1500GPM). Ground elevations hose lines are the only option (250-300GPM). All hose lines must go through a single 18 ft wide X 180 ft long driveway. The shape of the lot and the location of the house cause a delay in every step of Fire response.

Whether the house has sprinklers or not, the fire is fought in the same way. The access road is the driveway and fires are not fought from driveways. The trucks will park on Macdonald. In this case, the Captain cannot do a windshield assessment and must get out of the truck and walk down the driveway to assess. This all takes time. Hoses need to be pulled and all this time there are only two people doing the work until other trucks arrive. There is only one hydrant and lots of brush and trees. Other homes become exposed. Sprinklers would assist fire fighters in doing their job.

4 Presentation by Appellant.

Heather Scantlebury addressed the Board. She does not believe the measurements were done correctly for the driveway/access. It is not 300 feet. Fire sprinklers are unnecessary and impractical in this situation. The Building Official and Fire Marshall have chosen not to allow any exceptions to the code and Ms. Scantlebury disagrees with this approach.

Ms. Scantlebury gave the background history of the property and the house. She purchased the home in 2005 and had it moved to the current location at 412 N. Macdonald. In order to move the house she was required to subdivide the property and obtain a building permit, as if she were building a new home. She was motivated to comply with the City's requirements because she had a short timeline in which to get the house moved or she would lose thousands of dollars. During the permitting process the fire sprinkler requirement was presented. She argued against the sprinklers and offered to put in a fire hydrant, which was understood at the time to be an acceptable alternative, but was just recently informed this was not the case. A deferred fire submittal was offered and accepted.

Fire sprinklers do not belong in this home for several reasons.

1. Historic integrity

	<ol style="list-style-type: none"> 2. Per Mesa City Code, if the home was designated as historic before it was moved it would only be required to meet Mesa Existing Building Code. There was no time to apply for historic designation before the home had to be moved. 3. Cost is excessive. Initial estimate for sprinkler installation is approximately \$5,000. 4. Government over-regulation. No other reasonable alternative is given, only fire sprinklers. Fire sprinklers are not the only way to provide for life safety and fire suppression. Currently there are smoke detectors throughout home and fire extinguishers in high risk areas. These can provide the same goal without adding great initial expense, risk to family and property, and expensive long-term maintenance. 5. Risk of water damage and electrical hazard caused by sprinklers are as much of a concern as a fire. 6. This is a superfluous requirement. The Mesa Fire Department is a well-equipped, well-trained, modern fire department and possesses all the proper equipment to perform rescue operations and suppress a fire. 7. The Fire Department is entering the property whether I have fire sprinklers or not. 8. Due to lot constraints and this being an infill development of an irregular parcel, it still only falls slightly outside of meeting current fire code. 9. Access road meets the fire code requirement. The drive totals 240 feet end to end and from the road it is 93 feet to the house and another 50 to the rear of the house. 10. The home is only 1700 sq.ft and is a small historic home, not an open floor plan and all the rooms have egress. 11. Meeting fire code basically creates a “no-risk” situation. 12. First responders are most likely police and they have no access issues. 13. Residential fire sprinklers are generally not publicly supported. 14. Arizona legislature passed a law that prevents municipalities from requiring residential fire sprinklers or adopting any code that requires residential fire extinguishers.
<p>5</p>	<p>Rebuttal by City Staff</p> <p>A. Richard Kochanski stated that the access issue pertains to a law. As far as being applied consistently, all new homes built in the last 10 years were reviewed and the city was consistent. The Home Builders Association of Central Arizona would have sued Mesa, on behalf of its members, if it believed ARS-807 was being violated. Home Builders Association lobbied for ARS9-807 and members have used fire sprinklers as alternative for access.</p> <p>Yes, Fire will respond but it will take a long time and time can mean a life. The smoke will kill you before the fire does. It is unreasonable to say a fire will not happen to you. It IS a risk to family, and to fire fighters.</p> <p>Ms. Scantlebury argued that fire trucks can get onto her property and she does not believe sprinklers are necessary.</p>
<p>6.</p>	<p>Summation by Steve Hether</p> <p>It was explained again that measurements for fire access have to be taken from the edge</p>

	<p>of the curb and to the back of the house. A tight measurement is used to benefit the home owner. A hydrant needs to be installed by the driveway.</p> <p>Per John Wesley, Planning Director, the home does not meet the standard for an historic building. By moving the home, an unsafe condition occurred due to lack of fire access.</p> <p>Access sections and option for sprinklers did not change in Proposition 300.</p> <p>Decomposed granite is to be used on industrial sites only per Standard Details.</p> <p>Request to deny appeal.</p>
7.	<p>Discussion by Board</p> <p>Wayne Rosendahl asked if Appellant had received Historic status on the home prior to the move, would the same code have applied? Steve Hether said it would, because the issue is access.</p> <p>Corey Smith questioned the possibility of another access road, and would there still be an issue of the fire hydrant. Mr. Hether stated the fire hydrant would have to be put in front of the Scantlebury's current home on University.</p>
8.	Executive Session
9.	<p>Board Discussion</p> <p>Tom Stapley informed the Board that he would have to leave before 8:00 p.m. due to a prior commitment. Mr. Stapley spoke about his thoughts regarding the case and noted that, to him, it was black and white. City staff has been more than fair.</p> <p>Corey Smith questioned if decomposed granite was acceptable in 2003. Steve Hether will have to check, but it must be compacted.</p> <p>The Board spoke regarding the possibility of other alternatives and noted that the city has laid out the code regarding access and that Ms. Scantlebury's defense has not suggested any alternatives. The Board is concerned that this is a life safety issue and fire trucks will not go down the driveway. Research should have been done prior to moving the house onto the property. \$5,000 isn't much when life safety is involved. The deferred fire sprinklers were agreed to by Appellant and 10 years later says she doesn't want to do sprinklers. There is a risk to other properties.</p> <p>Corey Smith made a motion that the appeal be denied, but encouraged Ms. Scantlebury to find other alternatives and to work with the City. Fernando Valenzuela seconded the motion. The vote was unanimous.</p> <p>Appeal denied.</p>
10.	Wade Felkins made a motion to adjourn. Corey Smith seconded the motion. The meeting was adjourned at 7:11 p.m.