Village of Homewood
Planning and Zoning Commission
Thursday, July 13, 2017
7:30 p.m.

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

CALL TO ORDER: Chairman Sierzega called the meeting of the Planning and Zoning Commission to order at 7:32 p.m.

ROLL CALL: Members Planera, O'Brien, Alfonso, Cap, Johnson and Chairman Sierzega were in attendance. Member Bransky were absent. Present from the Village was Building Inspector Jerry Maicach, Village Attorney Chris Cummings and Economic and Community Development Director Angela Mesaros. There were 9 people in the audience.

APPROVAL OF MINUTES: Chairman Sierzega asked if there were any corrections or changes to the minutes of June 22, 2017. There being no changes, Member O'Brien made a motion to approve the minutes of June 22, 2017, as submitted; seconded by Member Cap.

AYES: Members Alfonso, Planera, Johnson, O'Brien, Cap, and Chairman Sierzega
NAYS: None.
ABSTENTIONS: None
ABSENT: Member Bransky
Motion passed.

PUBLIC COMMENT: There were no comments.

REGULAR ORDER OF BUSINESS:

PUBLIC HEARING – CASE NO. 17-25: A request filed by Lloyd and Jamilla Brooks for an administrative variance to locate a six feet high fence in the required front yard on the property at 18903 Center Avenue located in the R-2, Single Family zoning district.

Chairman Sierzega swore in Lloyd Brooks, 18903 Center Avenue, Homewood.

Chairman Sierzega noted that a legal notice was published in the *Daily Southtown* on June 27, 2017; letters to occupants within 250 sq. ft. of the subject property; and there were no comments received.

Mr. Brooks stated that the current fence is 25 to 30 years old and in complete disrepair to the point that major sections have already fallen; therefore, they will be replacing it with a vinyl fence. Due to their house sitting on the corner of Center and Jonathan the north side of the house is considered a front yard, as a result only a 4-foot fence is allowed. Mr. Brooks stated due to the

backyard being fairly narrow they would like to wrap the fence around the side to make it look uniform, concluding that they would need a variance for a 6-foot fence wrap around the side. Mr. Brooks pointed out the survey that the commission was provided in their packet explained that he drew where the new fence would be placed. He states the only concern that an individual could express is the fact that the fence could block the view from people driving by. However, the house sits back quite far from Jonathan are extending the fence would have no effect on drivers from either street.

Chairman Sierzega asked how long the petitioners lived in the house. Mr. Brooks stated that they have owned the house since last spring. Major renovations are needed inside the house and the last major project is the outside of the house. They did not move in until Christmas.

Chairman Sierzega stated that in 1989 the previous owners received an administrative variance to construct the existing fence on Jonathon Lane. Mr. Brooks stated that Chairman Sierzega was correct in his statement. Chairman Sierzega asked about the length of the new fence. Mr. Brooks stated that it would add about 25 ft, which is the length of the house.

Member Johnson pointed out that the survey states that the length of the fence would be 26.75 ft. Mr. Brooks stated that he was correct. Member Johnson asked if it is residential property across from Jonathon Lane. Mr. Brooks stated that it is all residential with the exception of Winston Churchill School, which is directly across from his residence.

Member Planera stated that the drawing showed some relief from the sidewalk as a setback of 5 or 6 ft. Mr. Brooks stated that it is a little bit more than 6 ft.

Member O'Brien asked if Mr. Brooks is going to tear down all the old fencing and if the fence is going to be extended to the west, like that of the north side. Mr. Brooks stated that all of the old fence will be torn down and the fence will be extended to the west.

Member Cap requested a confirmation that Mr. Brooks would carry the fence on the south side to the front corner of the house. Mr. Brooks stated that currently the wood fence runs to the south and stops midway and then turns north and goes to the house; and that section will not be replaced. The fence will not return to the house, it will run parallel but will stop before it exceeds the front of the house.

There being no further questions, Member Planera moved for approval of Case No. 17-25 for a variance from Table 8.1 of the Homewood Municipal Code Section 22-95 (e) to allow a fence six feet in height in the front side yard of the property located at 18903 Center Avenue and incorporating the Findings of Fact into record; seconded by Member O'Brien.

AYES: Members O'Brien, Alfonso, Cap, Planera, Johnson and Chairman Sierzega
NAYS: None.
ABSTENTIONS: None.
ABSENT: Member Bransky
Motion passed.

PUBLIC HEARING – CASE NO. 17-26 – A request was filed by Joseph Bretz for Consolidation of two lots into one lot located in the R-2, Single Family Residential zoning district.

Chairman Sierzega noted that a legal notice was published in the *Daily Southtown* on 6/27/2017; letters were sent to the properties within 250 sq. ft and no comments were received.

Chairman Sierzega swore in Joseph Bretz, 18123 Riegel Road, Homewood.

Mr. Bretz stated that the section of property was given to him by an individual that lives on Ridge Rd. He surveyed the lot, filed with the county, and now he is looking for approval of the consolidation.

Chairman Sierzega asked the purpose of the consolidation. Mr. Bretz stated that he has a small lot and would like to expand his gardening; and that this will be the second consolidation for his property. Chairman Sierzega asked if Mr. Bretz is to consolidate into one, so that he has only one pin number. Mr. Bretz stated that Chairman Sierzega is correct.

Member Alfonso has no questions.

Member Cap expressed concern about the village's ability to monitor potential nonconforming lots, due to the chance of the guarantor lopping off a portion of his property so that the remaining part of his lot nonconforming. Village Attorney Chris Cummings stated that the individual has already deeded the property to Mr. Bretz. If the guarantor created the nonconformity then, yes, it would be a problem; however, they already transferred the title to the property.

Village Attorney Cummings stated that the only way that the village could have visibility regarding deeds or property transfers prior is if there was a requirement that the property transfer be approved by the village. However, right now the village does not have any authority to do what Member Cap is looking to do. Village Attorney Cummings added that he does not see issue with this request to consolidate. He has seen similar legal descriptions like this request. If the board says no, the property transfer will still through. The only thing that changes is the property has two pin numbers.

Member O'Brien requested clarification regarding the Findings of Fact being numbered, instead of bulleted; and should read consistent with the first paragraph. The word 'and' on the second line should be removed. Also, it should read *with consolidation, the proposed lot would be 75' wide, by approximately 188 ft deep and 14,100 sq. ft. in area.*

Member Planera had no questions.

Member Johnson stated that he agreed with Village Attorney Cummings regarding property rights, which are different than the zoning ordinance. Village Attorney Cummings stated that he researched the subdivision ordinance and he did not see any cases that address this situation.

There being no further questions, Member O'Brien moved to recommend approval of Case No. 17-26 by applicant Joseph Bretz for consolidation of two lots into one lot at 18123 Riegel Road, with Findings of Fact included as part of the record; seconded by Member Planera.

AYES: Members O'Brien, Alfonso, Cap, Johnson, Planera and Chairman Sierzega
NAYS: None.
ABSTENTIONS: None.
ABSENT: Member Bransky
Motion passed.

PUBLIC HEARING – CASE NO. 17-23 – A request was filed by Hanson Material Service for a Special Unit permit for mining and extraction of aggregates at the property at 17401 Halsted Street located in the M-2, Heavy Blasting Manufacturing zoning district.

Chairman Sierzega noted that a legal notice was published in the *Daily Southtown* on 6/27/2017; letters were sent to the properties within 250 sq. ft and no comments were received.

Chairman Sierzega swore in John Mays, representing Gould and Ratner, 222 N. LaSalle St., Chicago.

Chairman Sierzega swore in Jeff Brasuell, representing Hanson Material, 620 W. 183rd St., Thornton.

Chairman Sierzega swore in Steve Novak, representing Hanson Material, 620 W. 183rd St., Thornton.

Chairman Sierzega swore in Travis Micho, representing Sauls Seismic, 1311 Ivy Lane, Naperville.

Chairman Sierzega swore in Randy Boisvert, representing Hanson Material Service, 620 W 183rd St., Thornton.

Chairman Sierzega swore in Keith Best, representing Sauls Seismic, 4886 Valentine Dr. Columbus, OH.

Attorney Mays stated that in the notice it is indicated that Hanson is asking to expand the existing quarry and the parcel in question is located at the SE corner of Halsted St. and 294. The mining will be 220 ft off the back of the track, which the quarry will move into the track by 220 ft. The parcel itself is about 300 ft deep. Hanson will maintain the landscaping plan. The property is nine acres in size. Attorney Mays noted that the quarry is an inland coral wreath and the fossilized limestone is what makes up the quarry. Hanson Material Service has owned the quarry since 1938, the quarry itself dates to about 1919. The mining operation is straightforward; there are scientifically placed charges in the wall of the quarry, which drop to the face on to the floor of the quarry. The materials are taken and sorted by size or crushed to specific sizes and then taken to the Thornton exit where contractors pick up the materials. Hanson does not have any negative impact on the community and this is done by not having any type of vehicle or

access to the parcel. The operation goes from west to east. Attorney Mays noted that the mining plan that was given to the commission is projected on what the future holds. With this plan and projections blasting is estimated to occur 20-40 times each year.

Mr. Best stated that the most advanced and current applications will be used to perform the blasting. The most important component in the blasting process is the digital electronic detonator, which allows for small explosions to occur instead of one big explosion allowing for the vibrations to cancel each other out. Hanson utilizes a second party blasting contractor. No explosives are kept onsite; they are brought in daily and regulated by the ATF, DMT, etc. The components that are being brought in are separate, so there is no danger to the public. The trucks are not allowed to drive within the cities. Mr. Best further stated that each night all the explosive components are taken off the property and brought back to the storage facilities of the blasting contractors. Side rack equipment is set up so they can monitor offsite impacts on the vibration and air pressure. In the past, they have monitored at Menards and are proposing to monitor other surrounding buildings that are closet to the blast. Mr. Best noted when blasting occurs the vibrations are the strongest at the point of blast and then dissipate and fade out as it moves further away from the blast point. They recorded data over the last 7 years and ran predictions based on those numbers. They found that there are no factors that would cause concern.

Attorney Mays stated that Hanson understands that the Village of Homewood has standards; both in their general ordinances and ordinances related to the manufacturing district. Hanson believes that they satisfy those conditions to grant a special use. Public Benefit; material is available in the quarry and the cost of those items is less. Economic Interest; there is no need for municipal services due to Thornton being the primary service provider and there will be no impact on the streets or maintenance issues, because the material will be going out and in through Thornton. Public Health and Safety; Hanson is rigorous with their standards regarding public safety, the quarry being their main example. One of the requirements of the manufacturing district zoning classification is a landscaping plan that includes a fence, which was approved by the Appearance Commission and both have been implemented. As part of Hanson's normal operations, the landscaping will be kept up to standard. The quarry expansion is Compatible Use; because a 220 ft expansion of the quarry is not major. Hanson plans to continue communication with Menards. Attorney Mays concluded by stating that they believe the special use should be granted because they have satisfied the conditions of the ordinance and it is a benefit to the local community, but also to the greater Chicagoland area.

Member Alfonso asked if Hanson is currently blasting in any part of the quarry. Mr. Brasuell stated that Hanson is primarily blasting in the main load, which is part of the quarry that is under the toll way. Member Alfonso asked if there have been any complaints. Mr. Brasuell stated they receive some complaints annually depending, but cannot recall the last time they had a complaint; it has been months. Member Alfonso asked what type of complaints they receive. Mr. Brasuell stated that it can range from noise to vibrations Member Alfonso asked if there is assistance to the homeowners. Mr. Brasuell stated that they respond to concerns, investigate concerns, and visit the homes and management staff at the quarry that will speak to individuals. There are no individuals currently with big complaints. Member Alfonso asked what proximity to the quarry the complaints are made. Mr. Brasuell stated that the residential calls are primarily from homes directly across from the quarry.

Member Cap requested clarification of the exhibit that shows the intended sequence of the mining area. Mr. Brasuell stated that mining activity will progress from the south end of the property to the north and is broken up over several years. Hanson's proposal is to integrate fully their overall mining operation and 10 to 20 percent in their overall quarry activity will be in the immediate area that is displayed on the exhibit. It is a long-term plan. On the exhibit, there are overlapping areas where mining will take place; this is because the quarry will be mined in three benches. This means that the quarry will be over 400 ft. in full depth and will be mined in various benches of about 100 ft. or more to get to the bottom of the quarry. Mr. Brasuell further stated that each square represents a year's activity. The operation is flexible and mining can go into multiple areas at one time.

Member Cap asked how the material falls from the very top. Mr. Brasuell stated that the drilling and blasting comes in. From the top on down is where the drilling and the blasting will play a role. The village will see very little, if any, of Hanson's operation. One piece of equipment that may be visible is the drill for the explosives. Once the shot goes off the stone will break and fall to the next level. The mining equipment will exclusively operate on the bottom of the pit on the other side of the wall. Equipment will be operating on the property that Hanson already has in Thornton. The material will fall from the ridge into the proposed mining area and to the next level.

Member Cap asked if Hanson is devising the charges to not just move the material downward, but also east. Mr. Brasuell agreed with Member Caps assessment. Mr. Brausell showed the commission on the exhibit the mining directions for the parcel. Member Cap asked for a more detailed explanation on how the material will fall into the quarry. Mr. Best stated that the high wall is about 100 ft. high. A series of holes will be drilled in rows and blast to the east. They direct an explosion will go to the least resistant area, which would be the open area. Mr. Best further explained that there are two reasons to blast in that direction: 1) it is easier and 2) there is better breakage as it falls into the pit and they do not have to use as many explosives, because they can utilize gravity to assist with pulling the material down.

Member Cap asked if there will be any equipment on top of the bench helping some of the material that did not fall properly from the blast. Mr. Best stated that the only equipment would be the drills and the trucks that load the explosives.

Member O'Brien stated that in the material the Illinois Department of Natural Resources requires 70 ft. open space setback to property line. The drawing indicates has 50 ft. Mr. Brasuell stated that it will be a 70 ft setback from the property line.

Member O'Brien stated that under Findings and Facts, number 4 should have the word property or area instead of the *The Village*. Staff Liaison Mesaros will change it to "property."

Member Planera pointed out that the blasting blocks are accompanied by dates, 2021, 2026, 2022, and 2025. Member Planera asked why the dates are displayed. Mr. Brausell stated that the earliest years will be the top surface and the later years are inlayed inside the blocks that are down into the next level.

Member Planera asked about the water at the base of the quarry in the aerial photo provided to the commission. Mr. Brasuell stated that the aerial was taken in April 2017, and at the time MRWD had water in that area.

Member Planera asked that when Hanson started to drill in their first quadrant how much clearing of the trees and top soil does Hanson anticipate doing. Mr. Brasuell stated that there is 5 to 10 ft in overburden before Hanson reaches stone deposit and it is most economical for the mining process to do that incrementally. It may be 5 years before they progress all the way across the area.

Member Planera asked if it is 2 layers or 2 rows to get ready for the blast and what would be the width. Mr. Best stated that it depends on the depth of the high wall and the diameter of the hole, but on average it is about 15-20 ft between the road and the holes.

Mr. Johnson asked for clarification on the statement that Hanson will be drilling 20-40 times per year. Attorney Mays stated that it is part of the overall operation of the entire quarry and when the operation moves a section it will only be during 20 to 40 days a year and the rest of the year will be the other parts of the quarry. Member Johnson asked if the information provided has been shared with the village. Attorney Mays stated that it has not been shared, because it is internal work papers; however, they would be happy to give the village the information.

Member Johnson asked about traffic impact the quarry has on the roads surrounding it. Village Attorney Cummings stated that there is no road behind Menards anymore; a transaction between Menards, Village of Homewood and Material Service closed Brown Derby Road. Member Johnson asked about studies or findings concerning traffic flow as a result of the closed road. Village Attorney Cummings stated that there is none concerning the project.

Chairman Sierzega asked if Hanson could be blasting in two different/multiple areas of the quarry at the same time. Mr. Brasuell stated that they often work in two areas at the same time. Typically they will not have multiple simultaneous blasting activities.

Chairman Sierzega asked if the main goal is to bring the outlining area to the depth of the main quarry. Mr. Brasuell stated that where the area is contiguous to the west lobe is not to the fullest depth at the current moment; however, the main quarry is at the fullest depth; a little over 400 ft.

Chairman Sierzega asked if Hanson will be using the area for storm water retention. Mr. Brasuell stated that the photograph that is displayed is what the MWRD uses; specifically, for Thorn Creek. They have the diverter tunnel right by the Lincoln oasis and it keeps all the properties from flooding.

Member Cap asked if MWRD has authority to dump water from Thorn Creek into the quarry. Mr. Brasuell stated that Member Cap's statement is correct. In 1998, an agreement was established and implemented to store water from Thorn Creek in that specific area, since about 2003. Member Cap asked if the water is drained by a pump. Mr. Brasuell stated that there is a slot where a tunnel runs under the toll way to the Lincoln oasis where they divert the water. They

than take the water out and direct it to their processing facility at 138th Street. They keep the water there, so that the facility doesn't overflow.

Chairman Sierzega asked how deep the water can get while they are temporarily storing it. Mr. Brasuell stated that it can get 35-40 ft maximum.

Member O'Brien stated that in the materials the petitioner is requesting a *Special Use Permit for Mining and Extraction of Aggregates*; however, on page 5 of the material states that the petitioner is *specially requesting that the proposed Special Use allow blasting.* Member O'Brien asked if the commission should specifically identify blasting in the approval or is that inherent in the approval of the special use permit itself. Village Attorney Cummings stated that if the commission looks at the ordinance specifically deals with mining and with blasting. One of the uses that the special use addresses is blasting. Village Attorney Cummings stated that the commission should mention it, because the ordinance requires it. It is in the Findings and Facts section.

Member O'Brien asked if there will be seismograph reports available to the village of Homewood. Attorney Mays stated that Hanson keeps logs that are readily available to the state and would be available to the village.

There being no further questions, a motion was made by Member O'Brien recommending approval for a special use permit, applicant being Hanson Material Service, Case No. 17-23 special use permit for mining blasting and extraction of aggregates in the M-2, Heavy Manufacturing District, for 17401 Halsted Street; The Findings of Fact shall be included as part of the record and recommendation to the Village Board of Trustees. The Findings and Facts should be amended on number four to include property, also Hanson Material Services must maintain the landscape area, keep the grass cut, bushes trimmed, take care of other plant life and keep it trash free; Seconded by Member Alfonso.

AYES: Members O'Brien, Alfonso, Cap, Johnson, Planera and Chairman Sierzega
NAYS: None.
ABSTENTIONS: None.
ABSENT: Member Bransky
Motion passed.

PUBLIC HEARING – CASE NO. 17-27 – Administrative appeal of the decision of the Building Inspector at 18434 Klimm.

Village Attorney Cummings stated that this type of case does not happen often. He recommended that Mr. Coleman speak first to put forth his case. If the Commission has any questions for him the time to address them is after he puts forth his case. The building inspector should be called as a witness and present his case. If the Commission has any questions for the building inspector they should be presented at that time. Village Attorney Cummings stated that the commission has the authority to go into closed session to deliberate on this case, because the commission is acting as a quasi-adjudicative body. This is not a disciplinary case, but the commission has a right to deliberate privately. It is the Village Attorney's recommendation that

the commission issue a written finding of the decision; and the Village Attorney would help the commission draft the decision.

Chairman Sierzega swore in Christopher Coleman, 2119 Hawthorn Rd., Homewood.

Mr. Coleman stated that he wrote an appeal and sent it to the building department. He is appealing deficiency 2 and deficiency 3, as stated by the ordinance for the village that appeals can be under "limitations on authority." The Code states three incidents in which a contractor can appeal. The code states that *an appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not apply, or an equally good or better form of construction is proposed.* Mr. Coleman stated. In deficiency number 2 the building inspector states that all window and door trims materials should be installed without materials protruding. He then states that Building Code R701.3 states that *vinyl siding should be installed in accordance with the manufacturer's installation and instructions.* When he met the building inspector at the property he pointed out capping windows with aluminum and not the vinyl siding. Mr. Coleman further stated that windows do not have to be capped with aluminum when there is vinyl siding. According to his manufacturer, anything over a 3/8" gap is required a solid backing. He stated that the owner stated that she did not have any money for new windows, so she requested that Mr. Coleman caulk the windows instead of replacing them. When Mr. Coleman spoke to the building inspector a couple days ago, the building inspector gave him a document from Veriform that stated that capping windows involves vinyl siding and is not in his scope of work and not in the building code. PlyGen, which manufactures Veriform siding sent him a document with no information regarding measurement of gap for capping windows. The document states are that they recommend this for a new construction window. They wrapped the whole house, taped all the seams, taped around the windows and wrapped over the aluminum metal that was existing; however, there were small protrusions that were existing on the windows. They did not change anything; they just made it look better.

Mr. Coleman stated that the building inspector did not ask him for anything and listened instead to the homeowner. He sent a change of address months ago. Staff looked for him and did not check the file for his current address.

Member Johnson stated that he would like to see the International Residential Code (IRC) in its entirety and to look at additional sections to better understand and contextualize the part of the code that Mr. Coleman is appealing this would allow him to render a decision.

Member Planera stated that there is mention of a gutter sloping and asked if the gutter was adjusted. Mr. Coleman stated that he agreed with the building inspector that the slopes slightly, and he does not contest that observation.

Member Planera asked for clarification when referencing the word caulking in the materials. Is it touching on the caulking between the JB and the metal trim or the caulking between the metal trim and the window sash. Mr. Coleman asked for clarification on the definition of JB. Member Planera stated that JB is up against the window trim and that is what the siding goes into. Mr. Coleman stated that the siding goes into a J channel and it is supposed to have a quarter inch gap

in the summer and three-inch gap in the winter for expansion and contraction. Mr. Coleman further stated that the windows are capped first and then the J channel is put in place and the cap is made aluminum and not vinyl.

Member Planera asked about the caulking. Mr. Coleman stated that he installed two jams on an old window. This may not be lined up correctly, but he does not believe that it is a code violation. The seal has gaps, and he caulked around the gaps. Caulking can be done at any distance with a solid backing. The windows do not allow the metal to be tucked, which makes it look clean. Mr. Coleman further stated that the building inspector noted the deficiency is that it is slightly beyond the J channel and that is what is stated in the paperwork; however, when the inspector met him at the location the inspector stated that the issue is with the caulking. The paperwork is what is being contested, because it states that it cannot protrude along the J-channel.

Member O'Brien requested clarification in the petitioner's letter of a possible typo and that the commission's material identifies that this appeal refers to Municipal Code Chapter 22, reference R 112.2; however, the petitioner's letter states R 113.2. Mr. Coleman stated that there are two different sections, he meant whichever one applies. Member O'Brien clarified with Mr. Coleman that R 112.2 is what is currently being discussed. Mr. Coleman agreed with Member O'Brien's statement.

Member O'Brien asked for confirmation from the petitioner that he installed vinyl siding. Mr. Coleman confirmed that it is vinyl siding. Member O'Brien stated that in the petitioner's letter on page 2, R703.11.1 indicates *Vinyl siding, soffit and accessories shall be installed in accordance with the manufacturer's installation instructions.* In the materials it states that the petitioner stated that the instructions were not available from the manufacturer. Mr. Coleman stated that at that time no one from Allied Building Supply, ABC Building Supply, PlyGem or other manufacturers would provide him with anything that stated how to wrap windows. Member O'Brien asked the brand of vinyl siding he used. Mr. Coleman stated that he used Veriform and manufactured by PlyGem. Member O'Brien asked if the petitioner contacted the manufacturer and asked for instructions. Mr. Coleman stated he contacted Allied Building Supply, which is his distributor and other manufacturers and 90 percent of them told him that there are no descriptive instructions on how to wrap windows.

Member O'Brien asked the petitioner what he sees as a remedy to the appeal. Mr. Coleman stated that if the client, who fully paid him, feels that he did not do a good job the client should take him to civil court.

Member Cap asked if the petitioner receive or furnish a waiver of lien. Mr. Coleman stated that he did not. Member Cap asked if the building permit was closed out. Mr. Coleman stated to the best of his knowledge it was closed out. Member Cap stated that there are three ways that the petitioner can offer an appeal: 1) the intent and its interpretation; 2) provisions of the code do not apply; and 3) make the assertion that the work completed is equal or better then the code requires. Per the petitioner's presentation the appeal is based only on the claim that the intent of the code was correctly interpreted. Mr. Coleman stated that member Cap's statement is correct.

Two of the three ways are met to appeal; 1) true intent of the code has been interpreted incorrectly and 2) the code does not apply.

Member Cap asked if the petitioner feels that he has complied with the scope of his agreement with the client. Mr. Coleman stated that he does feel that he has complied with the agreement and that he is in compliance with the building code, because the building code should not be addressing aesthetics. According to the Quad document that was given to the commission, anything over 3/8" gap only requires solid backing.

Member Alfonso asked what the penalty would be to the petitioner. Mr. Coleman stated that he would have to take the window wraps off and rewrap them. The windows need to be replaced. She does not want to replace; therefore he believes he can redo the whole project, but the same results will occur.

Member O'Brien asked if the petitioner thought that he was being asked to replace all wrapping on the windows or a certain number of windows. Mr. Coleman stated that the ones that are being replaced fully were not brought up by the building inspector. Member O'Brien asked if that is not the case, then what is being discussed. Mr. Coleman stated according to the building inspector the trim can not protrude beyond the J-Channel. Member O'Brien asked the petitioner if his understanding is that there are not a specific number of windows for the petitioner to comply with resolving this issue. Mr. Coleman stated that Member O'Brien's statement is correct. Member O'Brien stated that the scope of work provided an addendum to the initial contract in which the petitioner mentioned rotted windows and framing and asked if the petitioner covered the rotted windows and framing. Mr. Coleman stated that no rotted framing was covered and where it needed he addressed it with the client and they made a determination regarding the trim, so the old trim was replaced with generic OSB.

Member Planera referred to the Quad data when he added some clarity by stating that it does say in the instructions for Quad that *for joints deeper than 3/8ths backing material should be used*.

Member Planera stated that there is a manufacturing recommendation for the material that should not be caulked more than 3/8" width and it is the depth that requires the solid backing. Mr. Coleman stated that it is a recommendation, not required.

Chairman Sierzega swore in Jerry Maicach, representing the Village of Homewood, 2020 Chestnut Rd., Homewood.

Mr. Maicach read from the International Residential Code, Chapter 7 which refers to the regulation of design and construction of all interior and exterior wall coverage in all buildings; not just new buildings but all existing buildings that are being renovated. Section 7.03 states that *exterior wall coverings with a water resistance wall envelope*. Mr. Maicach continued by stating that Section IRC 703.11, is being disputed and subsections IRC R 703.11.1; *Installation. Vinyl siding, soffit and accessories shall be installed in accordance with the manufactures installation instructions.* Definition of accessories includes: trim, molding, window wraps and everything to do with the systems. The contractor failed to provide the manufacturer's instructions when Mr. Maicach requested them. Mr. Maicach researched them, called the contractor and provided the

instructions for him. The siding has not been installed by the manufacturer's installation guidelines. The contractor may propose alternative methods for his window wrap, but it has to be approved by the building inspector. Section 104.11 of the IRC states that *provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code.* His decision to cite code violations was based on the fact that the installation materials were allowing water and air to enter the building envelope and the fact that there are holes and gaps and protruding metal trims on the installation. Mr. Maicach stated that the manufacturer's instructions he found allow up to 1/2" to be caulked; anything larger should not be done. The guidelines are part of the code they are not recommendations; therefore, he must follow them. He did notice mold growth, which means that water is getting behind the siding and metal. Also, contractor stated that he is covering windows, existing wood and that the holes do not matter, because there is backing behind it. His concern is that entire system needs to be air tight and water proof so that nothing gets under that siding and metal trim, which would eventually create mold. The IRC is not a prescribed code, like the contractor stated; it is a performance code, which relies heavily on the building inspector's judgment, opinion and interpretation of the code.

Member Johnson stated that he does not see any items that Mr. Maicach spoke on in the memorandum he provided to the commission, except the section regarding his experience. Member Johnson requested a further explanation on how the IRC relates to the contractor's situation. Mr. Maicach stated that the code section for the windows and window installation fit into the interior window assembly; under manufacturer's guide. He has not been provided with manufacturing instructions from the contractor. If instructions are not followed then it falls on the building inspector. Member Johnson requested a list of violations that relate to the two issues. Mr. Maicach stated that his understanding was that his pictures of the violations and what he is citing were not part of the appeal. His understanding is that the contractor is appealing the intent of the code. He is interpreting Section R 307.11.1. Vinyl siding, accessories and trim to include the entire exterior of the house and window wrappings.

Village Attorney Cummings stated the he spoke with Mr. Maicach before the hearing and tried to limit the scope to the actual basis of the appeal. Member Johnson stated that Village Attorney Cummings point is correct; there is only one, maybe two issues and in order to get to a conclusion the commission needs to review the IRC to see if what Mr. Coleman claims is correct, as well as what the building inspector has stated is correct; and whether or not Mr. Maicach has the authority to cite the violations. It is a very succinct question and it has nothing to do with facts of the quality of work. The case has to do with whether or not the code section applies.

Member Planera requested clarification on the authority to make an interpretation. It seems to be centered around two items: 1) caulking and 2) the meaning of protrusions; and if it means the window casings protruding beyond the siding or window trim with edges that are protruding. Mr. Maicach stated that it is the sharp edges on the window trims protruding beyond the core.

Member O'Brien had no questions.

Member Cap asked if the permit was issued in 2016. Mr. Maicach stated that his memo has 2016 as the year that the permit was issued; 814-16. Member Cap asked if it is customary that the inspector or his assistants make periodic observations of the work. Mr. Maicach stated that the Village issues many permits and would be impossible for him observe construction to make a complete building check. Member Cap asked if it is typical to close out projects every calendar year, and is there a certificate of completion. Mr. Maicach stated that a note is placed in the file for when the contractor has left the site and everything is complete and then he will close out the file. This file was closed.

This case was continued to the next scheduled meeting

AYES: Members O'Brien, Alfonso, Cap, Johnson, Planera and Chairman Sierzega
NAYS: None.
ABSTENTIONS: None.
ABSENT: Member Bransky
Motion passed.

NEW BUSINESS: None

OLD BUSINESS: None.

ADJOURNMENT: Motion passed by voice vote at 10:15 p.m.

Respectfully submitted,

Angela M. Mesaros
Staff Liaison