



MINUTES – Building Code Board of Appeals

Monday March 12, 2018

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

BUILDING CODE BOARD OF APPEALS MEETING MINUTES

Call to Order – 4:10 p.m.

Present:

5 Board Members: Todd Shipley, Chris Kimball, Craig Blue, Tyler Shock,
Alternate Members: Sam Garity, Josh Tippetts

Excused: Jairon Perdue

BUSINESS SESSION:

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1. **Pledge of Allegiance** - led by Assistant City Attorney Brian Miller
 2. **Roll Call** – A quorum was present. Alternate Sam Garity filling in for Jairon Perdue.
 - 15 3. **Oaths of Office.**
The Oaths of Office were administered by City Recorder Cindy LoPiccolo for members currently present of the Board and Alternates.
 4. **Election of Chair.**
20 A nomination that Chris Kimball be elected chair was made by all members present. Roll Call Vote: Aye: Todd Shipley, Chris Kimball, Craig Blue, Sam Garity, Josh Tippetts, Tyler Shock. Mr. Kimball was unanimously elected as Chair for the Board.
- The board members took a moment to introduce themselves.
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5. **Training.**
Assistant City Attorney Brian Miller advised the board members of their duties and how to conduct a hearing.
 6. **Human Resources.**
30 Laura Gamon and Holly Neibaur from the City H.R. Dept. advised on matters of filling out paperwork needed for their department.

A break was taken at 4:50 p.m.

35 At 4:55 p.m. Assistant City Attorney Brian Miller gave a few additional directions on conducting the meeting and making a motion.

BOARD OF APPEALS HEARING: commenced at 5:02 p.m.

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1. **Hearing: Appeal No. 18-01 – Leisure Villas, Inc., Appellate vs. City of Saratoga Springs Building Department/Official.** Appeal of the Official's code decision concerning the IPC-701.3.

Mark Johnson - Mustang Design, introduced those present for appellant; Matt Evans Attorney, and Dave Erickson, Brent Lindstrom Leisure Villas, Dennis Schoonover - plumbing, Jeff Brown - plumbing engineer. Keith Lindstrom, and Calvin Sly.

45 Mark Johnson noted they are appealing on all 4 items presented in their packet:

1. The true intent of this code has been incorrectly interpreted by Saratoga City

2. The provisions of this code do not fully apply under our proposed codification;
3. We have engineered an equally good or better form of construction;
4. The code is being mis-interpreted by Saratoga.

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Attorney Matt Evans asked to confirm with the Board that the City has not met with any of them to discuss the substantive matter of this Hearing.

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City Attorney Kevin Thurman objected to this question as it was not the purpose of this hearing to question the board.

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Mark Johnson gave a history of Leisure Villas and their projects. They are currently in construction. They feel their design is one of practicality and more problem free than the design the city is asking them to use at this time. His first point was that the code does not prohibit their current design. The occupants sign an agreement for the association to maintain the exterior of the building. The code allows one sewer per building, the argument is whether each unit is a separate building or not. Mr. Johnson shared and explained documentation that supported their appeal. He reiterated that the HOA is the responsible party if there were ever a problem, not the City. He noted the IPC code does not take into account Low Flow fixtures. What they have found through practice, with no problems, is that by combining flows for 4 buildings that is what they need to create scour velocity. He demonstrated two different types of pipe. They believe they have evidence that if they run the smaller size pipe that is where problems will occur. As far as the code states now a single building can have one single lateral. They believe they are in compliance.

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Dave Erickson commented that they believe their design is in compliance with the intent of the code. They are 4 units within one building, like a condo. They have done this with several communities and he noted that every community has allowed it to be done this way.

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City Building Official Mark Chesley advised that his concern is that there are 4 separate lots, 4 separate owners and he feels the building code is clear that you can't combine the units. He noted in the set of construction drawings that they are maintaining the common lot outside the building wall. The designs are that they are to run their sewer lines out to the common area and not underneath their building. He is confident in his interpretation of the code and cited 701.3 of the 2015 IPC that they need a separate lateral for each lot. There could be health risks if a backup or blockage were to take place and contaminated the other buildings. There is a burden also of determining the point of origin.

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City Attorney Kevin Thurman advised on the intent of the appeal process. He noted that each building is on a separate lot and they have fire separations. He advised that the board decision is to determine if the building official's decision is based on substantial evidence.

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Board Members asked questions and received clarification on matters including but not limited to: building definitions, utility connections, shaft liners, separate structures, 0 lot line footprints, the proposed system, building lots, and townhomes.

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Board Member Josh Tippetts shared his professional opinion on whether with the proposed system we can show a better or equally good form of construction.

Both parties shared final thoughts on the appeal.

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Following deliberation from the Board Members a Motion was made by Tyler Shock that the Appeal be granted based on the following findings: that it is an equally good or better form of construction that is being proposed based on the board members professional opinions and the appellant's testimony. Motion was seconded by Craig Blue.

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Todd Shipley felt that they run individual lines on these types of products in other areas. Chris Kimball also felt this item meets the intent of the code but the motion is following the allowance given in the code.

Aye: Craig Blue, Tyler Shock

Nay: Sam Garity, Todd Shipley, Chris Kimball.

Motion failed

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After further questions and deliberation another motion was made by Chris Kimball to deny appeal based on the interpretation of section 109 of the code (2015 IPC) and that the intent of the code was met and that the Building Official has interpreted the code correctly and these are in fact separate buildings in one structure and should have separate lines. Seconded by Sam Garity.

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Yea: Sam Garity, Craig Blue, Todd Shipley, Chris Kimball
Nay: Tyler Shock
Motion passed.

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Assistant City Attorney Brian Miller advised that a resolution would need to be made and approved by the board.

A break was taken while a resolution was drafted. Meeting reconvened at 7:39 p.m.

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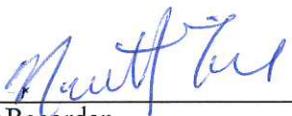
Sam Garity made a motion to adopt the resolution. Seconded by Todd Shipley. All members voted in favor of approving the resolution.

Todd Shipley made a motion to close the meeting. Tyler Shock seconded the motion. All members voted in favor.

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ADJOURNMENT- Meeting adjourned at 7:43 p.m.

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City Recorder

