

**MINUTES**  
**BUILDING BOARD OF APPEALS**  
**March 21, 2019 @ 4:00pm**  
**City Commission Chambers**

**CALL TO ORDER**

Chair Emig called the meeting to order at 4:04 p.m.

**ROLL CALL OF BOARD MEMBERS**

**Members Present:** Richard Emig, Chair, Benjamin Bierlein, Chuck Kiplinger, Andrew Van Lente, Lyndia Bruckbauer,

**Members Absent:** Emily Parfet, Linda Servis

**City Staff:** Robert McNutt, Building Official; Karleen Steppenwolf, Recording Secretary; Roger Iveson, Building Inspector; Dylan Huls, Housing Inspector; Jim Williams, Fire Marshall; Marcia Jones, City Attorney's office

**NEW BUSINESS**

Mr. McNutt introduced the new members to the board; Benjamin Bierlein and Andrew Van Lente.

Benjamin Bierlein was present at previous meeting and introduced himself then. Andrew Van Lente could not attend the last meeting, but spoke a little about himself and his background.

On March 18, 2019 the City Commission approved extension of Lyndia Bruckbauer, Linda Servis, Richard Emig, Chuck Kiplinger and Emily Parfet for an additional 2 years. The City Commission also approved the new members, Andy Van Lente and Benjamin Bierlein for 3 years.

Mr. McNutt stated that he did receive a call from Linda Servis stating that she would need to resign from the board. She stated that moving the time of the meeting to 4:00 conflicted with her other obligations. Mr. McNutt stated he would try and find another person to replace Linda Servis. Linda Servis said she enjoyed and appreciated working on the board and that it is a good group trying to uphold the requirements of the City. Mr. McNutt thanked her for being on the board and will miss her views and opinions.

Mr. McNutt stated that David Hyde and Gary Wark were on the board for so long that their time cannot be extended.

Mr. McNutt announced that this will be his last Building Board of Appeals meeting and that Mr. Roger Iveson will be taking over as the Building Official of Kalamazoo and Mr. McNutt will be taking on other roles, but will be here to assist Mr. Iveson for the next couple of months to ensure that the change works out. Mr. McNutt is not leaving the City; he is taking on another position within the City.

Mr. Emig supported Mr. Iveson in his new position and agreed that Mr. Iveson is knowledgeable and capable to handle the position.

### **APPROVAL OF PREVIOUS MINUTES**

Mr. Kiplinger, seconded by Ms. Bruckbauer moved to approve the minutes of January 17, 2019 as submitted, approved by voice call vote.

### **APPROVAL OF AGENDA**

Mr. Kiplinger, seconded by Ms. Bruckbauer moved to approve the agenda as submitted.

Motion approved by roll call unanimously.

### **INITIAL HEARINGS**

The following properties are presented to the board for a public hearing:

#### **1230 Little Drive**

The owner, Mr. Andrew Lenczycki, was not present to represent this property. This property has three buildings and 120 units (+/-).

Mr. McNutt read through the appeal and read through the code. Dylan Huls, Housing Inspector and Jim Williams, Fire Marshall will speak about the appeal also.

Mr. McNutt stated the reason for the appeal is in regards to code 17-48A; Fire Extinguisher placed in the pass of egress. Mr. McNutt handed out the code to the board members for review.

The reason for the appeal states that there is no good location more accessible than the current location of the entry closet that will not cause physical damage to the apartment, as well as physical damage to the fire extinguisher unit. The owner did include in the packet drawings of the units and it does show there is limited wall space to place a fire extinguisher. The owner had stated to Mr. McNutt that if the extinguishers are placed in the path of egress they get knocked down and damaged when tenants move in or out and get thrown in the closet and then can't be located.

Mr. McNutt stated that the Building Official and the Fire Marshall agreed that does not meet the code requirement of fire extinguisher placement.

Mr. Dylan Huls, Housing Inspector, stated that he originally went in January 2019 for the initial inspection and while going through the units with the owner Mr. Huls noticed that all fire extinguishers were mounted in the closet. Mr. Huls did explain that they would probably have to be moved because it does not meet code. Mr. Huls did state that all existing extinguishers have been serviced and are up to date. Mr. Huls did agree that there is not much room to mount them in the path of egress or in the kitchen due to lack of space. Mr. Huls did suggest that maybe if the closet doors were removed to make the extinguishers more visible, but would need to be brought before the board for approval. Mr. Lenczycki did not want to remove the closet doors.

Mr. Emig offered an option to put them on the wall in a recessed cubby. Mr. Huls stated that there are three different layouts for the apartments and that option may not work for all units.

Ms. Servis stated that she was in a fire and it is very important that the extinguisher is mounted in a visible place.

Mr. McNutt stated that when the housing code was changed they brought the fire extinguishers out of the cabinets/closets and brought them back to the path of egress.

Mr. Jim Williams, Fire Marshall, stated that where the extinguishers are currently placed goes against every national standard. Moving the extinguisher deeper into the unit is very concerning. Mr. Williams is also very concerned about creating precedence for other apartments. Mr. Williams stated that it's against national standards to have fire extinguisher concealed or hidden. Mr. Williams stated that code states they are to be along path of egress and readily visible. Mr. Williams stated there are requirements that need to be met when mounting fire extinguishers.

Mr. Roger Iveson, Building Official, stated he has the same concerns as Mr. Williams on setting precedence with other apartment buildings. Mr. Iveson did state that some owners/landlords are upset because the City told them one way to put them and have changed code, which requires them to move them again.

Mr. McNutt stated that codes have changed and they will continue to change as the standards change. Codes are for the safety and well-being of the people and units themselves.

Mr. McNutt stated that it's the job of the board to determine if code is meant and if a variance should be given. It's not the board's job to tell them how to fix the issue. The board can only tell them that it is not up to code. If the board grants this variance, than it will only be for this property and no others.

**Mr. Van Lente moved to deny the variance for fire extinguisher placement in the closet, due to the fact that fire extinguishers need to be visible, accessible and permanently mounted on the wall in the path of egress, seconded by Mr. Kiplinger. Motion approved by roll vote unanimously.**

Mr. Emig closed the public hearing.

**ANNOUNCEMENTS**

Mr. McNutt wanted to say that it's been a true pleasure working with the board and will still be available for any questions or concerns. Mr. McNutt stated that we do have a duty and a service to everyone that lives in the City of Kalamazoo to keep them safe.

**ADJOURNMENT**

Mr. Kiplinger moved to adjourn the meeting and was seconded by Ms. Bruckbauer.

With a unanimous vote the meeting was adjourned at 4:48pm.

Submitted by: Karleen Steppenwolf Date 4/19/19  
BBA Recording Secretary  
Karleen Steppenwolf

Reviewed by: [Signature] Date 4/24/19  
Building Official  
Robert McNutt

Approved by: [Signature] Date 5/15/19  
BBA Chair  
Richard Emig