



Advisory and Appeals Board

PUBLIC MEETING
THURSDAY, JANUARY 14, 2016
11:00 AM

COUNCIL CHAMBERS
201 S. CORTEZ ST
PRESCOTT, ARIZONA
(928) 777-1207

The following agenda will be considered by the **ADVISORY AND APPEALS BOARD** at its **PUBLIC MEETING** to be held at **11:00 AM** on **JANUARY 14, 2016**, in **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

Tom Menser, Chairman	Ric Sturdevant
Erin Raisley	George Sheats
Richard Yetman	Steve Childers

III. REGULAR AGENDA

A. NEW BUSINESS

- 1. Adoption of Bylaws**
- 2. Appeal of Handrail Requirement for Richard Fusinski**
- 3. Energy Code Phase II Implementation as it Relates to Chapter 11 of the International Residential Code**

ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on January 11, 2016 at 5:00 PM in accordance with the statement filed with the City Clerk's Office.

Darla Eastman, Administrative Specialist

ADVISORY AND APPEALS BOARD

MEETING DATE: January 14, 2016

AGENDA ITEM: III. A. 1, Adoption of Bylaws

Approved By:

Director:	Guice, Tom		1/14/16
Building Official:	Randy Pluimer		1/14/16

Item Summary

The Building Official is Requesting an Update of the Bylaws

Background

The Board of Appeals has not met to consider the appeal of a decision made by the Building Official in more than ten years. See attached Bylaws.

Attachments

1. Bylaws

Recommended Action:

1. Move to Approve the Adoption of the Bylaws.

**BYLAWS AND RULES OF PROCEDURE
CITY OF PRESCOTT ADVISORY AND APPEALS BOARD**

ARTICLE 1-PREAMBLE

The City of Prescott Advisory and Appeals Board (Board) was established by the Prescott City Council and is codified in the Prescott City Code, Chapter 1-21, *et seq.* The functions of the Board are i) to hear and decide appeals of orders, decisions or determinations made by the Building Official relating to the application and interpretation of the adopted City of Prescott Building Codes; ii) to determine the suitability of alternative materials and construction and to permit interpretations of the provisions of the Building Codes; and, iii) to advise the Building Official and the Community Development Director on any proposed revisions or additions to the City of Prescott Building Safety Codes.

The purpose of these *Bylaws and Rules of Procedure* shall be to implement the scope and duties of the Board pursuant to Prescott City Code, Chapter 1-21, *et seq.*

ARTICLE 2 – MEMBERSHIP

1. Composition: Members of the Board shall be appointed by the Prescott City Council. It shall be composed of nine (9) members with the following qualifications:
 - A. Two (2) members from the building trade, general contractor, structural engineer or other qualified person knowledgeable in the field of building construction.
 - B. Two (2) members from the electrical trade, an electrical contractor, journeyman or electrical engineer knowledgeable in the electrical field and codes.
 - C. Two (2) members from the heating and air conditioning trades, a contractor, journeyman or other person knowledgeable in the field of heating and air conditioning.
 - D. Two (2) members from the plumbing trade, a contractor, journeyman or person qualified by experience in the field of plumbing and sanitary engineering.
 - E. The City's Chief Building Official serves in an *ex officio* member of the Board pursuant to Prescott City Code, Chapter 1-21-5. The City's Chief Building Official shall not vote on any matter before the Board.
2. Removal from Office: The Prescott City Council may remove any member for neglect of duty, inefficiency, or misconduct in office.

3. Vacancy: Vacancies created by any cause shall be filled for the unexpired term by appointment of the Prescott City Council.

ARTICLE 3 – OFFICERS

1. The officers of the Board shall be:

A. Chairman: The Chair shall preside at all meetings and public hearings of the Board, have general supervision of the conduct of the affairs of the Board, and perform such other duties as are usually exercised by the Chair of a board.

B. Vice-Chairman: In the Chair's absence, the Vice-Chair shall perform the duties of the Chair. In the event that both the Chair and Vice-Chair shall be absent, then the members present shall choose one from among their number to be Chair pro-tem for that meeting.

2. Legal Counsel: The Prescott City Attorney's Office shall render all legal counsel, and shall defend the Board in all legal actions.

3. Conflict of Interest Policy: All Members and Officers shall be governed by the Conflict of Interest Policy set forth in Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes.

ARTICLE 4 – MEETINGS IN ADVISORY CAPACITY

1. Meetings Open to the Public: All meetings and hearings shall be open public meetings pursuant to the requirements and procedures of Arizona's open meetings laws; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the affirmative vote of the majority of the members present only pursuant to the requirements and procedures of the Arizona Revised Statutes.

2. Quorum: A majority of five (5) members shall constitute a quorum.

3. Minutes & Records: The Board shall keep minutes and records of all its meetings, resolutions, transactions, findings, and determinations. Votes taken may be by roll call at the discretion of the Chair. The minutes, records, resolutions, transactions, findings and determination shall be of public record.

6. Decisions of the Board: Majority votes on any matter shall be the final decision of the Board. A simple majority of legal votes cast by those members present and voting, a quorum being present shall be sufficient to carry all motions.

7. Recommendation to Prescott Chief Building Official: All recommendations shall be forwarded by the Secretary to the Chief Building Official and the Community Development Director.

8. Rules of Order: These *Bylaws and Rules and Procedures* shall govern the proceedings of all meetings, subject to interpretation by the Chair.

9. Adjournment: A motion to adjourn shall always be in order, and shall be carried by a majority vote of members present.

10. Other Procedures: If nothing in these by-laws or statute governs a particular situation, the Chair, in consultation with the City Attorney's Office legal counsel, shall prescribe a procedure to address the situation, which procedure shall do substantial justice to the persons and entities affected.

11. Order of Business:

- A. Call to Order by Chair or Vice-Chair
- B. Roll Call
- C. Determination of a Quorum
- D. Approval of Minutes of last preceding meeting
- E. Old Business
- F. New Business
- G. Adjournment

The above order of presenting business may be changed by the Chair to accommodate persons to be heard on matters for consideration before the Board.

12. Writings Required: Every matter on which the Board is authorized or required to act, brought before it by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Board.

13. Posting of Agenda: The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Prescott City Council not less than 24-hours before each regular or special meeting, and shall otherwise conform the open meeting laws of the State of Arizona.

ARTICLE 5 – MEETINGS IN APPELLATE CAPACITY

1. Appeals: Appeals to the Board, in its capacity to hear appeals from orders, decisions or determinations made by the Building Official relating to the application and

interpretation of the adopted City of Prescott Building Codes, may be filed by any property owner or tenant or other designee, or by any government officer, department, board, or bureau.

2. **Thirty Day Limit:** Appeals must be filed within thirty (30) days from the date the Building Official makes the order, decision or determination that is being appealed.

3. **Materials Deadline:** Materials for the Board to consider in support of or in opposition to an appeal must be received at least ten (10) calendar days prior to the scheduled meeting. Failure to supply the required information within the time indicated may be considered by the Board as a failure to comply with this rule and the case may be dismissed for failure of timely filing.

4. **Hearings Scheduling:** Hearings shall be scheduled within 30 days of receipt of an appeal form.

5. **Who May Appear:** The appellant and any person who may be affected by the case may appear on his own behalf or be represented by legal counsel.

6. **Failure to Appear:** If the appellant fails to appear at the hearing, the Board may continue the hearing or dispose of the matter on the record before it and hear those who have appeared in response to the notice of hearing.

7. **A Quorum:** A majority of five (5) members shall constitute a quorum.

8. **Order of Proceedings:** Each appeal shall be heard in the following order, subject to the discretion of the Chair:

A. The Chair shall call the docket number and describe the docket.

B. The Building Official shall summarize relevant information and issues.

C. The appellant or appellant's legal counsel may make a statement in support of the appeal.

D. The Building Official, or representatives, may be heard.

E. The appellant may be heard in rebuttal. Questions and discussion may then follow from Board members, followed by a vote; provided, however, the Board may take a case under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required, but in all events the Board should decide a case within seven (7) days of the hearing.

9. **Burden of Proof:** The burden of proof shall rest with the appellant who must prove that the Building Official abused his/her discretion in arriving at his/hers interpretation of the subject Code(s).

10. Simple Majority: A simple majority of legal votes cast by those members present and voting, a quorum being present, shall be required in order to carry all substantive motions. A member may disqualify himself or herself from voting whenever he/she has an actual conflict of interest, as defined by A.R.S. §38-501, *et seq.*

ADVISORY AND APPEALS BOARD

MEETING DATE: January 14, 2016

AGENDA ITEM: III. A. 2, Appeal of Handrail Requirement for Richard Fusinski

Approved By:

Director:	Guice, Tom	<i>tg</i>	1/14/16
Building Official:	Randy Pluimer	<i>RP</i>	1/14/16

Item Summary

Richard and Mary Fusinski own the new home located at 683 Sesame Street. They are requesting a waiver of the Building Official's decision to enforce the International Residential Code section that states, "Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers." (International Residential Code section R311.7.8). The Fusinski's contend the handrail would affect the aesthetics of their new home.

Background

On September 17, 2015, the Building Official performed a final inspection on the new home and noted several issues that would need to be resolved before the final inspection could be approved. One of those issues was the code requirement for a handrail on the Fusinski's stairs that constitute their main egress route from the front door down to the street and mail box.

On October 5, 2015, Mr. Fusinski came to the Building Department and requested permission from the Building Official to cover portions of the stairs with landscape rock and leave only four steps exposed, which would alleviate the need for a handrail. The Building Official agreed with the request and the permit was issued on October 6, 2015.

Approximately thirty days later, as the Building Official was conducting another inspection in the area, it was noted that all of the landscape rock covering the steps had been removed exposing several runs of steps with more than four risers. This once again created the original condition which required a handrail.

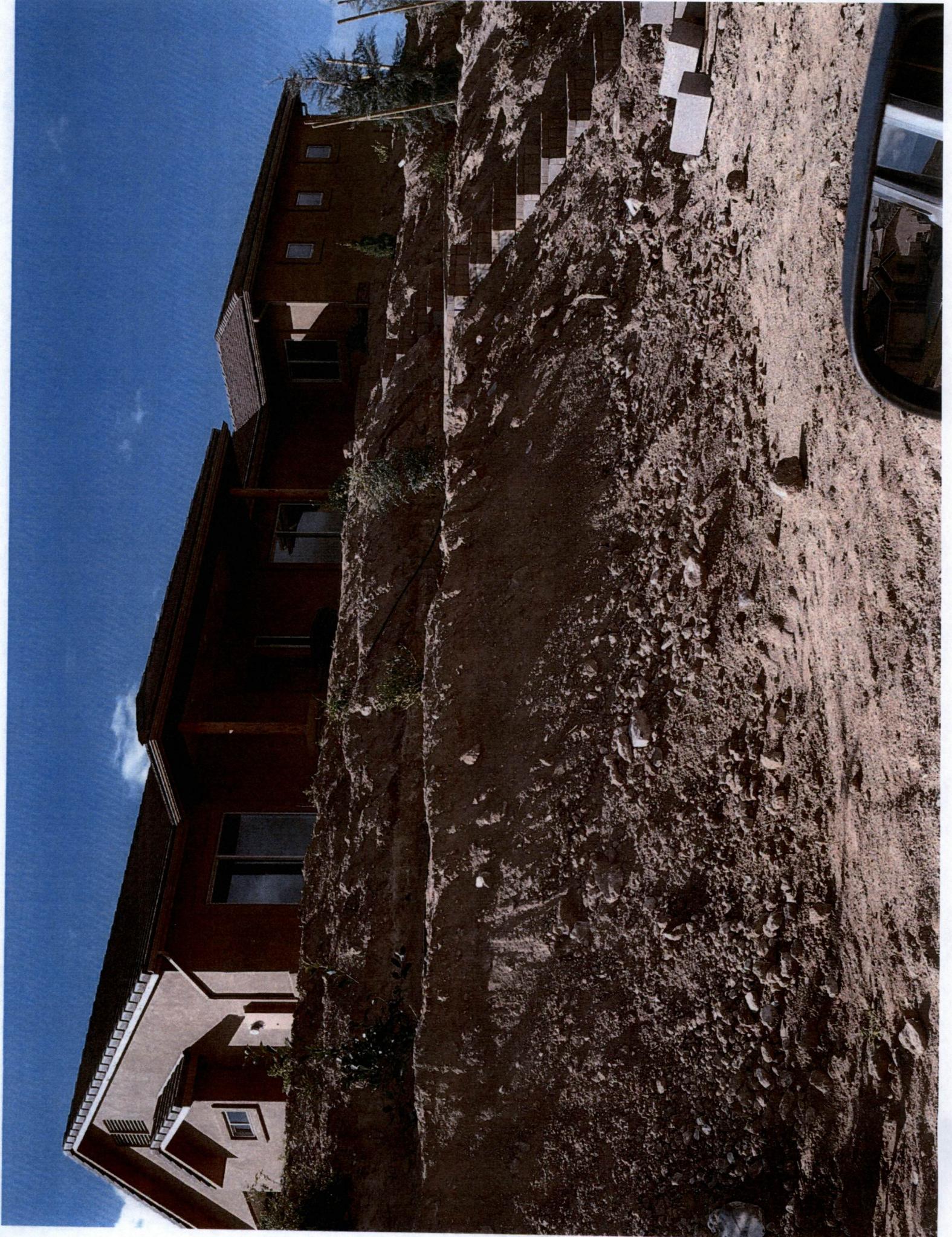
On November 14, 2015, a Notice of Violation was issued for the non-code compliant condition. Upon receiving the Notice of Violation Mr. Fusinski came to the Building Department and spoke with the Building Official. Mr. Fusinski explained that the reason he removed the landscape rocks from the stairs was because his neighbors were having a hard time climbing over the rocks to access the front door from the street. The Building Official once again tried unsuccessfully to convince Mr. Fusinski that since the stairs are the main route from the front door to the street, code compliant stairs are required.

Attachments

1. Site photos
2. Building inspection reflecting final approval.

Recommended Action:

1. **MOVE** to Approve the Building Office's decision to enforce the International Residential Code section that states, "Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers." (International Residential Code section R311.7.8).







City of Prescott
BUILDING INSPECTION ACTIVITY/HISTORY REPORT
 For 1/6/2016

Type/Subtype RES N-SFR

ADDRESS 683 SESAME ST

TRACT
Status FINALED
Issue Date 4/27/2015

Contractor LEGENDARY BUILDERS LLC
Contractor Phone (928) 925-5945

Permit NO B1503-061
Parent Permit
LOT AI
SITE APN 10603214

SUB PINON OAKS UNIT 4 PHASE 4

Owner YAVAPAI, TITLE AGENCY INC TRU
Applicant LEGENDARY BUILDERS LLC

DESCRIP: SINGLE FAMILY RESIDENCE

NOTES:

NOTICE: Verify, install or provide Hold Harmless Agreement in lieu of sewer back water valve by final inspection.

SPECIAL COND'S: SPECIAL INSPECTION: COMPACTION, EPOXY.

SBWV Status by Inspection:

Scheduled	Completed	Type	By Parcel: /	Result	Inspector
6/29/2015	6/29/2015	COMBO ROUGH & TESTS		APPROVED	BRIAN TAYLOR
7/7/2015	7/7/2015	INSULATION		APPROVED	SCOTT ADAMS
7/16/2015	7/16/2015	DRYWALL NAI		APPROVED	BRIAN TAYLOR
7/30/2015	7/30/2015	GAS Y/L TEST/BACKFIL		APPROVED	SCOTT ADAMS
8/19/2015	8/19/2015	GAS MTR OK		APPROVED	SCOTT ADAMS
9/14/2015	9/14/2015	PW-G&D FINAL		APPROVED	KEITH ALBANESIUS
(9/14/2015 3:39 PM KEA) Approved					
9/16/2015	9/17/2015	COMBO FINAL		NOT APPROVED	RANDY PLUIMER
(9/17/2015 7:39 AM LMC) provide approved 1066 asme hot box at rpz					
9/17/2015	9/17/2015	COMBO FINAL		NOT APPROVED	BRIAN TAYLOR
(9/17/2015 4:19 PM BRT) 1) grading issues along Sesame not completed 2) hand rail for front steps not installed 3) adjust self-closing door to garage 4) attach sink to wall in garage & seal to wall					
9/18/2015	9/18/2015	COMBO FINAL		NOT APPROVED	SCOTT ADAMS
(9/18/2015 2:53 PM SZA) Need rip-rap (erosion control) and hand rail at front stair. Okay for TCO.					
9/24/2015	9/24/2015	PW-G&D FINAL		NOT APPROVED	STEVE GUIZZO
(9/24/2015 12:07 PM SAO) Reviewed site conditions and slope stabilization (wattles) are not installed on exposed slopes. Vertical cut (not shown on approved permit plan set) requires retaining wall or other stabilization.					
Steve Orosz					
10/6/2015	10/6/2015	CLOSE OUT**		CLOSE OUT	RANDY PLUIMER
10/6/2015	10/6/2015	COMBO FINAL		APPROVED	RANDY PLUIMER
(9/18/2015 10:07 AM LMC) TCO EXPIRES, NEED NEW TCO \$300.00 IF NOT FINALED BY THIS DATE					
(10/6/2015 8:48 AM RLP) went to the site and the lower level near the street strais have been covered over also have talked to steve guizzo and have finalized this project					

NOTE: Only Inspections with a Scheduled Date are shown above.

Permit NO: B1503-061		IVR INSPECTION CODES	Permit Type/Subtype:
		** IN THE ORDER THEY CAN BE SCHEDULED **	RES/N-SFR
Inspection	Description	IVR Code	
PW-PRECONSTR	PW-PRE-CONSTRUCTION	5000	
PW-EROSION SEDM CTRL	PW-EROSION AND SEDIMENT CONTROLS	8040	
FOOTING/UFER	FOOTING/UFER	1000	
STEM WALL	STEM WALL	1013	
MASONRY/CON WALLS	MASONRY OR CONCRETE WALLS	1015	

BUILDING INSPECTION ACTIVITY/HISTORY REPORT
For 1/6/2016

COMBO U/S	COMBINATION UNDERSLAB	1340
ROOF/TRUSSES/SHEAR	ROOF, TRUSSES, SHEAR WALLS AND HOLD DOWNS	1033
COMBO ROUGH & TESTS	ROUGH FRAMING, MECHANICAL, ELECTRICAL, PLUMI	4010
BLDGWRAP	IECC BUILDING WRAP	1620
LATH NAIL	STUCCO LATH NAILING	1070
INSULATION	IECC INSULATION	1610
DRYWALL NAI	DRYWALL NAILING	1060
PW-G&D FINAL	PW-G&D FINAL	5001
WATR MTR OK	WATER METER RELEASE	1215
COMBO FINAL	COMBINATION BUILDING FINAL	4020

Other inspections may be required.

IVR Phone # 777-1176

Permit NO: B1503-061

IVR INSPECTION CODES

Permit Type/Subtype:
RES/N-SFR

** CAN BE SCHEDULED AT ANY TIME **

<u>Inspection</u>	<u>Description</u>	<u>IVR Code</u>
WATER Y/L	WATER YARD LINE	1230

Other inspections may be required.

IVR Phone # 777-1176

City of Prescott
BUILDING INSPECTION ACTIVITY/HISTORY REPORT
For 1/6/2016

Type/Subtype RES N-SFR

ADDRESS 683 SESAME ST

TRACT
Status FINALED
Issue Date 4/27/2015

Contractor LEGENDARY BUILDERS LLC
Contractor Phone (928) 925-5945

Permit NO B1503-061
Parent Permit
LOT AI
SITE APN 10603214

SUB PINON OAKS UNIT 4 PHASE 4

Owner YAVAPAI, TITLE AGENCY INC TRU
Applicant LEGENDARY BUILDERS LLC

DESCRIP: SINGLE FAMILY RESIDENCE

NOTES:

NOTICE: Verify, install or provide Hold Harmless Agreement in lieu of sewer back water valve by final inspection.

SPECIAL COND'S: SPECIAL INSPECTION: COMPACTION, EPOXY.

SBWV Status by Inspection:

		By Parcel: /			
Scheduled	Completed	Type	Result	Inspector	
5/4/2015	5/4/2015	PW-EROSION SEDM CTRL	APPROVED	BRUCE GUSTIN	
5/4/2015	5/4/2015	PW-PRECONSTR	APPROVED	BRUCE GUSTIN	
5/6/2015	5/6/2015	FOOTING/UFER	NOT APPROVED	SCOTT ADAMS	
(5/6/2015 3:35 PM SZA)					
1) Property lines are not identified.					
2) No vertical steel cut and bent on site.					
3) Provide pad certification.					
4) Obtain secondary permit for radio system and have grounding system in footing inspected on that permit.					
(5/7/2015 7:40 AM SZA)					
Grounding for radio system only, not antenna system. No tower antenna to be installed. Item 4 to be disregarded.					
5/14/2015	5/14/2015	FOOTING/UFER	APPROVED	BRIAN TAYLOR	
(5/14/2015 3:58 PM BRT)					
received compaction report (Western Tech)					
5/18/2015	5/18/2015	STEM WALL	APPROVED	BRIAN TAYLOR	
5/21/2015	5/21/2015	COMBO U/S	APPROVED	BRIAN TAYLOR	
5/26/2015	5/26/2015	COMBO U/S	APPROVED	SCOTT ADAMS	
6/8/2015	6/8/2015	ROOF/TRUSSES/SHEAR	APPROVED	BRIAN TAYLOR	
(6/8/2015 3:30 PM BRT)					
roof nail OK					
shear nail OK					
need truss fix (R18) - by rough combo					
6/24/2015	6/24/2015	ELE MTR OK	APPROVED	SCOTT ADAMS	
6/24/2015	6/24/2015	WATER Y/L	APPROVED	SCOTT ADAMS	
6/24/2015	6/24/2015	SEWER Y/L	APPROVED	SCOTT ADAMS	
6/24/2015	6/24/2015	BLDGWRAP	SEE COMMENTS	SCOTT ADAMS	
(6/24/2015 3:52 PM SZA)					
Received certified Tyvek installer letter.					
6/24/2015	6/24/2015	LATH NAIL	APPROVED	SCOTT ADAMS	
6/24/2015	6/24/2015	COMBO ROUGH & TESTS	NOT APPROVED	SCOTT ADAMS	
(6/24/2015 4:03 PM SZA)					
1) Gussets at truss fix not nailed 3" O.C. on both sides.					
2) Center wall of garage openings has loose nut at sill plate.					
3) Frame attic access opening.					
4) Seal opening in top plate at dryer vent and all other top plate penetrations.					
5) Seal all cable entry openings in boxes facing garage from conditioned space.					
6) Seal all exterior wall penetrations (on inside of wall).					
7) Anchor at plate break by fire place needs washer and tightened.					
8) Remove debris from on and around fire place.					
9) Wrap / sleeve plumbing pipes through concrete at kitchen island.					
6/24/2015	6/24/2015	WATR MTR OK	APPROVED	SCOTT ADAMS	
6/24/2015	6/24/2015	GAS Y/L TEST/BACKFIL	NOT APPROVED	SCOTT ADAMS	
(6/24/2015 3:54 PM SZA)					
Test gauge is in hazardous location.					



ADVISORY AND APPEALS BOARD

MEETING DATE: January 14, 2016

AGENDA ITEM: III. A. 3, 2012 International Energy Conservation Code Adoption Update

Approved By:

Director:	Guice, Tom	 1/11/16
Building Official:	Randy Pluimer	 1/11/16

Item Summary

2012 International Energy Conservation Code Adoption Update

Background

Portions of the 2012 International Energy Conservation Code were adopted in City of Prescott Resolution No. 4249-1458 on September 9, 2014 with multi-year implementation dates. This request is for a discussion regarding further implementation.