

# SCOTTSDALE

## BUILDING ADVISORY BOARD OF APPEALS MEETING

### MEETING NOTICE AND **MARKED** AGENDA



#### BUILDING ADVISORY BOARD OF APPEALS

Julian Anderson, Chair  
Michael Kravit, Vice Chair  
Brian Brose, Board Member  
Pete Eggspuehler, Board Member

Randall Lukas, Board Member  
Quentin Augspurger, Board Member  
Greg Barker, Board Member

Thursday, February 16, 2023

**5:15 P.M.**

#### BUILDING ADVISORY BOARD OF APPEALS

One Civic Center Building  
7447 E. Indian School Rd., Suite #105 Community Development Rooms 1 & 2, 3

Call to Order – **5:19 pm**

Roll Call - **Board Member Barker absent**

Staff: Michael Clack, Director of Development Services – Staff Coordinator  
Anthony Floyd, Energy Code Specialist, Office of Environmental Initiative

*The One Civic Center Building is open to the public during Building Advisory Board of Appeals at a reduced capacity. Seating in the One Civic Center Building will be available on a first come, first served basis*

#### Public Comment

Citizens may address the members of Building Advisory Board Members during Public Comment. This “Public Comment” time is reserved for citizen comments regarding non-agendized items. Arizona State law prohibits Building Advisory Board Members from discussing or taking action on an item that is not on the prepared agenda. Citizens may complete one Request to Speak “Public Comment” card per meeting and submit it to City Staff. Public testimony is limited to three (3) minutes per speaker.

Written comment cards are being accepted for both agendized and non-agendized items and may be submitted to City Staff at any time. Cards submitted after public testimony has begun will be provided to the Building Advisory Board Members at the conclusion of the testimony for that item. To submit a written public comment electronically, please [click here](#).

#### Administrative Report – Michael Clack

1. Identify supplemental information, if any, related to the February 16, 2023, Building Advisory Board of Appeals agenda items, and other correspondence

## Minutes

2. Approval of the January 19, 2023, Building Advisory Board of Appeals [Regular Meeting Minutes](#). **Motion to approve by Board Member Eggspuehler, 2<sup>nd</sup> by Board Member Augspurger. The motion passed unanimously with a vote of 6-0.**

## REGULAR AGENDA

3. **Discussion regarding the following:**
  - Chairman's attendance at the SEAC meeting of February 15, 2023
  - Overview of the plan review process and goals
  - Overview of the inspection process and goals
4. **Board discussion and request for future agenda items**
  - **Discuss procedures for adoption of future 2024 codes (see attached)**
  - **Discuss the location of return air grilles as a potential amendment to the International Residential Code and possibly the International Energy Conservation Code (see attached).**

**Adjournment - 6:02 pm**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING STAFF AT (480-312-7767). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT STAFF AT (480-312-7767).

**City of Phoenix Amendments  
to the 2012 International Building Code Administrative Sections**

**[A] 105.2 Work exempt from permit.**

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other codes, laws or ordinances of this jurisdiction the city of Phoenix. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the aggregate floor area is not greater than ~~420~~ 200 square feet (~~44~~ 18.58 m<sup>2</sup>).
  2. Fences not over ~~3~~ 7 feet (2134 mm) high. Fences not included in this exception, not over 7 feet (1829 mm) high, shall require a building permit demonstrating compliance with the zoning ordinance requirements and city code requirements for site drainage only.
  3. Oil derricks.
  4. Retaining walls that are not over ~~4 feet~~ 40 inches (4249 1016 mm) in height measured from the ~~bottom~~ top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
  5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
  6. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
  7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
  8. Temporary motion picture, television, seasonal celebration and theater stage sets and scenery. Associated bleachers and grandstands are not included in this exemption.
  9. Prefabricated swimming pools accessory to a Group R-3 occupancy that ~~are less than 24 inches (610 mm) deep,~~ are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground. Barriers shall be installed in accordance with Appendix G, Section AG105 of the International Residential Code. A permit is required for the barrier.
  10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
  11. Swings and other playground equipment ~~accessory to detached one- and two-family dwellings.~~
  12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
  13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
  14. Ground or roof supported structures, such as radio and television antenna towers and flagpoles which do not exceed 200 pounds (90 kg) in weight or 45 feet (13 700 mm) in height above the ground surface.
  15. Contractors' temporary construction offices which are associated with a permitted construction project in compliance with the city of Phoenix Zoning Ordinance and are intended to be removed from the site upon completion of the project. Structures which include sales offices which are open to the public do require a permit.
  16. Re-roofing with the same type of material as the original roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
  17. Installation of a nonstructural weatherproof exterior covering over an existing weatherproof covering on an existing structure so long as the new covering will not affect the fire-resistive classification of the existing structure.
- Exception:** Installation of an Exterior Insulation and Finish System (EIFS).
18. Minor repair or replacement in kind of non-structural components such as glass or glazing materials, sash, doors and hardware, patching walls or ceilings and replacing pieces of siding, soffits or fascia. Installation of locking or security hardware on egress doors, or changing the types of locking devices requires a permit.
  19. Existing Construction. Construction that has existed for at least 15 years before the adoption date of this code, provided there are no visible unsafe conditions, defects, or zoning violations.

**Electrical:**

**Repairs and maintenance:** ~~Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power



**City of Phoenix Amendments  
to the 2012 International Building Code Administrative Sections**

approved means.

5. Replacement, in kind, of an existing water heater in one-and two-family dwellings when the work is performed by a licensed contractor.

6. Repair or replacement of existing 2" and smaller secondary backflow prevention assemblies. A test report, completed by a certified backflow assembly tester, shall be submitted for approval to the authority having jurisdiction at the time of installation or repair.

**Reasons:**

Majority of the exceptions are carried over from previous codes. IRC exempts one story detached accessory structures up to 200 sf. Allows for placement of 8' x 20' shipping containers (standard size) without a permit. Retaining wall heights are consistent with maximum allowable heights per the Phoenix Zoning Ordinance. Addition of platforms not more than 30" provides more flexibility and is consistent with past amendments. Construction that has been maintained and has existed for at least 15 years has demonstrated that it poses no obvious danger to the occupant or the public. Permitting existing construction is problematic, in that the inspections may not reveal all the defects, but the city is, in effect, stating it is substantially code compliant when it is finalized. Specific exemptions for electric, mechanical and plumbing provide for more consistency and allows for additional permit exemptions for routine maintenance.

Aggregate was an added amendment to clarify multiple structures, without required separations, to be considered as one structure not exceeding 200 sf. The term has caused confusion by implying that all accessory structures on a property, even with proper separations, could not have a total combined area greater than 200 sf. The removal of the term aggregate brings the provision back to the original base code language.

**Cost Impact:** Specific exemptions save the customer time and money if a permit is not required.

BABA MEETING  
2/16/23.

Proposed Future Agenda Item

For many years, Return Air Grills (RAG's) have been installed in the ceiling. When ceiling heights were 7 or 8 ft, this was probably workable. As ceiling heights increased to 10 and 12 ft and higher, cleaning or changing the filter required use of a ladder. Although most homes have some sort of a ladder, (not always the right height), ladders usually have a warning about falling, because it is industry knowledge that ladders can be unsafe.

I want to propose an amendment to the IRC and possibly the IECC, that Return Air Grills (RAG's) with filters shall be located in the side wall of the room or hallway with the top of the RAG no higher than 6 ft above the floor to facilitate filter change or cleaning without requiring the person to use a ladder.

This amendment would not apply to RAG's not fitted with filters, RAG's installed in a floor, or to split systems.

Reasoning for the amendment-

- 1) Prevent a person from falling from a ladder when cleaning or changing a filter
- 2) Increase in equipment performance by making it easy to clean or change the filter, thereby maintaining design air flow.
- 3) Improve compliance with the **IRC, R101.3 Intent**. "The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations."

Submitted by  
Quent Augspurgen P.E. FACEC