

**Minutes
Board of Appeals
Council Chambers
Tuesday, April 26, 2011, 8 a.m.**

Members Present

Trent Christiansen, Julian Pearson, Daryl Christensen, Tim Fonder

Members Absent

Keith Thompson

Guests Present

Bryan Court

Approval of Minutes of Last Meeting

A motion was made by Mr. Christensen and a second was made by Mr. Pearson to approve the minutes of the March 8, 2011 hearing. Yeses, 4. Noes, 0.

New Business

1. The file was opened for Appeal No. 2-2011. Byran Court of Drake Construction presented to the Board that his firm, Drake Construction, obtained a building permit to repair water damaged materials in an existing finished exercise room in a basement located at 605 E. Sandpiper Trail. The work consisted of removing the water damaged carpeting and paneling and replacing with new floor covering, the installation of studs and a new sheetrock finish. The Secretary specified that the 1988 building code first required that in addition to any sleeping room, any finished occupiable or habitable room in a residential basement requires the installation of an egress window for emergency escape or for fire access. Upon permit issuance, the records indicated that there had never been a permit issued for a habitable room in the basement at this address. The building permit was issued on the basis that an egress window be installed to accommodate the habitable room in the basement. Mr. Court requested that the board allow the repair of the water damage for the room in the basement without the requirement for an egress window based on the fact that the current homeowner bought the house with the finished basement and said homeowner appears to be penalized by the requirement of an egress window, when all that was contracted for was to repair the water damage in the basement. The secretary specified that if the basement was finished by the previous homeowner(s) prior to 1989, the exercise room would have been legal without an egress window. Mr. Court specified that the basement is served by two instead of one interior stairs. The secretary provided provisions from the *International Existing Building Code* which

stated that repairs shall be done in a manner that maintains the level of protection provided by the means of egress.

A motion was made by Mr. Pearson and a second was made by Mr. Fonder to not require the egress window for the repairs to the basement based on the level of egress which consisted of two stairs being maintained. The motion passed unanimously. Yeses, 4. Noes, 0.

Secretary