

**BOARD OF CODE APPEALS
REGULAR MEETING
August 11, 2016**

SUBJECT: The minutes of the Board of Code Appeals meeting of August 11, 2016.

The meeting was called to order by Chairman Measel at 6:00 pm

MEMBERS PRESENT: Douglas Harvey, Laurel Johnson (excused), Terry Measel, Thaddeus Stanek, Thomas Szatkowski (absent)

Frank Bayer, Plan Review Coordinator/Building Inspector

RECORDING SECRETARY: Dana Vietto

APPROVAL OF AGENDA

Motion by Stanek, supported by Harvey, to approve the agenda as presented.

Yes: All Absent: Johnson, Szatkowski. Motion: Carried.

CONSIDERATIONS

None

OLD BUSINESS

PG16-0114 - George Rastelli -12190 Jode Pointe Drive

Requesting Board approval for a variance to eliminate horizontal reinforcements in poured concrete walls as required in Section 404.1.2(1) of the 2015 Michigan Residential Code. Contractor neglected to install prior to pouring concrete into forms.

Vito Albicelly, Building Super Intendant for Cherry Creek Building Company, George Rastelli, Owner of San Marino Cement Walls and Simon Marro, with Marro Engineering, were all present. Simon Marro stated that he wrote a report explaining the different alternatives for Mr. Rastelli. Mr. Marro stated that he feels comfortable that the wall will withstand and meet the criteria of the Michigan Residential Code. He stated that Mr. Rastelli has agreed to add sand backfill as an option to lessen the horizontal weight towards the structure. The concern the Board has is for the future owners. The new owner needs to know that their walls do not have the reinforced steel in their concrete walls. Mr. Rastelli stated that most of the walls in Sterling Heights do not have the horizontal steel in it. Mr. Rastelli stated that he has called ICC, whom writes the code book, they accepted his letter without the wall. He stated that the builder will be fine with disclosing this. The steel was not required until about 2009. Mr. Rastelli stated that he is certifying it and his license is on the line.

Vito Albicelly stated that there was never any intent on their part and that he did not know about it until the City notified him. They will put in 2 by 10 enforcements in the basement bracing all sides and also at the floor area they do that all the time. Mr. Albicelly stated that alarming the homeowner will just plant a seed in their head that they might have problems with their basements. He has three other homes in the subdivision that do not have the horizontal bars in them and he wants to know if he should notify them at closing stating that there is not horizontal bars in them. Mr. Measel stated that the other homes are not on the agenda for tonight. The Board can't grandfather things in from the past. This is a code issue we have tonight. Mr. Measel confirmed with Mr. Albicelly that his proposal is to have reinforced steel in the footing, the wider footing, 10 inch wall instead of an 8 inch wall and he is going to fill it in with sand. That might satisfy the requirements for the variance he is requesting. Mr. Measel still wants the homeowner to be aware of it. Mr. Harvey stated that the variance will be attached to the deed. It is available if the person searches the deed. Mr. Albicelly stated that the Board is creating a problem instead of solving a problem. Mr. Harvey stated that the problem was created when the steel was left out.

Frank Bayer asked Mr. Marro if he submitted the letter to the ICC. Mr. Marro stated that he has submitted letters in the past. He has not submitted a letter pertaining to this property. Mr. Albicelly stated that the wall is a solid 10 inch wall. Mr. Measel asked who would provide the warranty. They stated that San Marino Walls will give Cherry Creek Builders the 10 year warranty and they will give the warranty to the new homeowner. This warranty does not include hair line cracks. The warranty is for structure.

Motion by Stanek, supported by Harvey, **to approve** PG16-0114 at 12190 Jode Pointe Drive, requesting a variance to eliminate horizontal reinforcements in poured concrete walls as required in Section 404.1.2(1) of the 2015 Michigan Residential Code. Contractor neglected to install prior to pouring concrete into forms. With the conditions that a 10 inch thick wall be put in instead of an 8 inch thick wall, sand backfill completely around the basement walls, reinforced steel in the larger footing and they must warrant the construction of the basement walls with a 10 year warranty to be provided to the new homeowner.

Yes: All

Absent: Johnson, Szatkowski.

Motion: Carried

NEW BUSINESS

None

PARTICIPATION

None

APPROVAL OF MINUTES

Motion by Stanek, supported by Measel, to approve the minutes of July 14, 2016.

Yes: All

Absent: Johnson, Szatkowski. Motion carried.

ADJOURNMENT

Motion by Stanek, supported by Harvey, to adjourn.

Yes: All

Absent: Johnson, Szatkowski. Motion carried.

Meeting adjourned at 6:32 pm.

Respectfully submitted,

Terry Measel

Terry Measel
Chairman