

**Minutes of the State Appeals Board**  
**Appeal #08-02**  
**Tuesday, September 9, 2008**

**Called to Order:**

- Appeals Board Members included Gary Hagedorn, Building Official for the City of Blaine; Steve Kothman, with Hanson Builders Inc.; Thomas Downs Jr., President and structural engineer with BKBM Structural Engineers; Ron Wasmund owner and Building Official of Inspectron Inc.; John Brookins, Building Official for the City of Northfield; Ex-officio member Scott McLellan. Other CCLD staff included Doug Nord with Construction Codes and Licensing.
- Chairman Tom Downs called the meeting to order at 9:10 am.
- Those present in the audience were Ron Boose, Building Official for the City of Rochester; Tim Sarri, Building Department, City of Rochester; Pat Parsley, Building Official for the City of Fairmont; Bruce Kilander, Contractor, Great Lakes Window and Siding.

**Introduction of the Appeal:**

- Tom Downs explained the protocol of the meeting and summarized the subject of the appeal. The Building Official for the City of Rochester believes an emergency escape and rescue window is required when remodeling a previously unfinished/unhabitable basement into habitable space, (R310.1). This area is not used as a sleeping room. The applicant believes an egress window is not required by the fact there is a Division Opinion, #2008-02, which states the egress window is not required.

**Discussion:**

- Ron Boose explained that although he has interpretive authority, he always gets input from his staff and all of his staff agrees an emergency escape and rescue window is required. Ron said that many in the Southeast Building Officials Chapter also agree one would be required. He feels this is an alteration to finish an unfinished space. This house was built in 1965 and the plans on file show an unfinished basement. He believes the focus should be on the finishing of this space and would agree there are other areas that would be exempt from the code. International Codes Council (ICC) has an interpretation that would require the emergency and escape window if finishing the space.
- Pat Parsley gave some background on the interpretation committee for ICC. ICC sees no difference between a sleeping room and a basement. In R102.7.1, additions, alterations or repairs speaks to not causing an existing structure to become unsafe. State Code language will say the same, but the words are in different order.
- Bruce Kilander said State opinion #2008-02 is not clear. He has sales representatives in the field and they don't know how a Building Official will interpret this code requirement. He showed a picture of his clients existing

- basement and said it is already finished. He doesn't care if the window is required or not, but wants a level playing field.
- Ron Boose said the contractor may think the basement is finished but throwing down a rug and painting the block does not require a permit. Now the space is being changed and it needs a permit.
  - Bruce Kilander said he feels an emergency and escape window should be required. Safety indicates they should have a way out.
  - Scott McLellan asked Bruce Kilander that if he feels so strongly that an emergency and escape window is required, why is he appealing.
  - Bruce Kilander said he believes personally we are here to go over the State's opinion. If his company just installed the window, the competition may be lower in cost than they are.

**Board only Discussion:**

- Tom Downs thanked the audience for their information. Tom closed the meeting for submitting information and opened up time for board members.
- Gary Hagedorn said the State and ICC are just opinions. The Building Official has final interpretive authority, although these opinions may help in making a decision. He believes the code's intent is safety and that most jurisdictions would require the installation of an emergency and escape window for an added way to exit the basement. However, there are conflicting opinions on this subject.
- Ron Wasmund said it is clear that if a new basement is built today there would be an emergency and escape window required. If a sleeping room is created there would also be no questions asked as to its requirement. The intent of the code is to provide a clear path of egress and rescue for fire personnel. For a family room in a basement he feels the code's intent is to provide safe egress. When an alteration is made, the existing building code requires exiting for sure.
- Steve Kothman said from a builders point of view that they would put in an egress window when changing a space from unhabitable to habitable for liability. He believes one can sell the homeowner on the idea of installing the window. He feels we need uniformity and the window should be required to be installed.
- John Brookins said that both the State and ICC have given more interpretive authority to the local Building Official, which is both good and bad. The codes were designed to save lives and he believes the code language is clear and would require an emergency and escape window in basements and sleeping rooms. He also feels smoke detectors need to be enforced although not brought up here today.
- Tom Downs asked for a motion.
- Gary Hagedorn motioned that the window is required for this project.
- Steve Kothman seconded the motion.
- Scott McLellan clarified that the state opinion is simply an update version of what originated from the building official community through the uniformity committee. If this motion passes, it would be in conflict with that previous ruling of the building official uniformity committee.

- Ron Wasmund said this question was submitted by the uniformity committee in 1996 at the annual institute where a lot of building officials had input on the opinion. Ron feels the opinion should be revisited and reviewed.
- Gary Hagedorn asked Scott McLellan if this could be looked at during the next state code adoption process.
- Scott McLellan stated it certainly could.
- Tom Downs asked for a vote by the board members on the motion.
- The motion carried unanimously.
- The meeting adjourned at 9:50 am.

Respectfully submitted,

Doug Nord