

**VILLAGE OF PLEASANT PRAIRIE
ZONING BOARD OF APPEALS**

Tuesday, April 18, 2006

5:00 PM

Members Present: Christine Genthner, Chairperson; Bill Morris, Secretary; Jennie Holman; and Sheryl Berner. Mark Riley, Tom Glassman and David Hildreth were excused.

Also Present: Peggy Herrick, Assistant Village Planner and Zoning Administrator; Tom Shircel, Assistant Village Planner and Zoning Administrator; and Elaine Eppers, Clerical Secretary.

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **CORRESPONDENCE.**
4. **CITIZEN COMMENTS.**

Christine Genthner:

If everybody would like to save their comments until the item is open to a public hearing I'd appreciate it. If you have something you'd like to address other than the agenda item you can come forward.

5. **CONSIDER THE MINUTES OF THE MARCH 21, 2006 BOARD OF APPEALS MEETING.**

Christine Genthner:

Do I have any corrections or deletions? I think we had one correction and that was to identify Ms. Berner as the maker of the motion. Other than that are there any corrections, deletions, changes? Seeing none, do I have a motion?

Sheryl Berner:

I make a motion we accept the minutes as corrected.

Christine Genthner:

I have a motion by Ms. Berner. Do I have a second?

Bill Morris:

I'll second the motion.

Christine Genthner:

Mr. Morris as a second. All in favor say aye.

Voices:

Aye.

6. NEW BUSINESS

- A. PUBLIC HEARING AND CONSIDERATION OF A VARIANCE for the request of John Setter, agent for Kenosha Unified School District #1, owner for a variance from Section 180-16 R of the Village Fire Code, entitled Early Warning Detection. The petitioner is requesting to replace the fire sprinkler system within Prairie Lane School and install a fast response sprinkler heads and eliminate the smoke detection in the school corridors.**

The subject property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 26, Township 1 North, Range 22 East of the Fourth Principal Meridian in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and is further identified further identified as Tax Parcel Number 92-4-122-261-0400.

Christine Genthner:

Staff, do we have the application?

Peggy Herrick:

Yes.

Christine Genthner:

Do you swear to tell the truth, the whole truth and nothing but the truth?

Peggy Herrick:

I do.

Christine Genthner:

Please go forward.

Peggy Herrick:

1. This is the request of John Setter, agent for the Kenosha Unified School District for a variance from Section 180-16 R of the Village Fire Code, entitled Early Warning Detection. The petitioner is requesting to replace the fire sprinkler system within Prairie

Lane Elementary School located at 10717 47th Avenue. The petitioner plans to install fast response sprinkler heads and to eliminate the smoke detection in the school corridors.

2. The elimination of the smoke detection in the school corridors is being requested because the new fire sprinklers being proposed have been designed as Fast Response Fire Sprinklers. These sprinklers activate sooner at a lower temperature; which in turn sound the internal fire alarm system causing the school to be evacuated protecting the inhabitants and structure.
3. The subject property is located in a part of the Northeast One Quarter of U.S. Public Land Survey Section 26, Township 1 North, Range 22 East of the Fourth Principal Meridian in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and is further identified as Tax Parcel Number 92-4-122-261-0400. Exhibit 2 in your packet is an aerial photograph of the property.
4. Pursuant to Section 18-35 A 5 of the Village Municipal Ordinance, the Board of Appeals shall hear and decide applications or interpretations, upon appeal of the specific case, from Section 180-16 of the Fire Code, regarding automatic fire sprinklers, when, owing to special circumstances, a literal enforcement of the provision will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. The appeal shall not be contrary to the public interest. I just want you to be aware this is not from our zoning code so the standards set forth in the zoning code do not need to be met for a variance in the fire code.
5. The Plan Commission is holding a public hearing on April 24, 2006 to consider approval of a Conditional Use Permit and Site and Operational Plans for an addition at Prairie Lane Elementary School. Prairie Lane Elementary School is an educational facility for Kindergarten through 5th grade. In addition, Special Education, Learning Disabled, Hearing Impaired, before and after school programs and community activities including Boy's and Girl's Scouts take place at the facility. The proposed addition of 18,270 square feet to the existing 39,500 square foot building is intended to alleviate overcrowding issues at various schools within the Village as well as to modernize the current school facility that was originally built in 1953, with additions constructed in 1957 and 1960. In conjunction with the project, two portable classrooms will be removed from the school site and a pedestrian path will be installed to connect the school site to the Whispering Knoll subdivision which is directly south of this property.
6. See attached memo from the Village Fire & Rescue Department dated April 12, 2006. That's as Exhibit 3 and I'm going to read that into the record. In addition, the Fire Chief is here with others to answer any questions or provide additional information that you may need.

VILLAGE STAFF MEMORANDUM

TO: Jean Werbie, Community Development Director
Pleasant Prairie Zoning Board of Appeals

FROM: Paul G. Guilbert, Jr., Chief, Fire & Rescue Department

CC: Lt. Tom Clark, Fire & Rescue Department

SUBJECT: Request for Variance Village Ordinance 180-16 R (i)

Prairie Lane School Addition 10717 47th Avenue

DATE: April 12, 2006

The project is a proposed 18,270 square feet addition to the existing 39,580 square foot elementary school. The project will include the installation of fire sprinklers within the new addition as well as an eventual retrofit of the existing school structure.

The current elementary school structure as it exists has a smoke detection system throughout the school, that system is connected to a Central (Alarm Receiving) Station.

The School District attends to increase the size of the current structure, cause the building to be brought up to date, install a fire sprinkler system in the new addition and retrofit a fire sprinkler system into the existing structure, where ultimately the entire structure will be protected by fire sprinklers.

Village Ordinance 180-16 R (i) directs the Owner of a 'School and other place of Instruction' to install both a 'smoke and heat detection system' throughout the building. The text of that section is shown below:

180 -16. Automatic fire sprinkler, fire suppression and fire alarm systems and fire hydrants.

180.16 R Early warning detection.

Smoke and heat detection systems shall be installed throughout the following buildings. These systems shall be monitored 24 hours per day by a remote central station service. When activated, the systems shall send an alarm signal to the central station. These include:

- (a) Theaters and assembly buildings.
- (b) Hospitals.
- (c) Nursing homes.
- (d) Convalescent homes.
- (e) Homes for the aged.
- (f) Adult living centers.
- (g) Adult day-care facilities.

- (h) Community-based residential facilities.
- (i) Schools and other places of instruction.
- (j) Hotels.
- (k) Motels.
- (l) Dormitories.
- (m) Fraternities.
- (n) Sororities.
- (o) Child day-care facilities.
- (p) Multifamily buildings.

The School District has requested a Variance to Ordinance Section 180 – 16 R (i), so as to not install smoke detection throughout the structure.

The Fire & Rescue Department upon researching this issue has found that Smoke Detection was considered a companion of a Fire Sprinkler System because the smoke detection was intended to identify a fire early (in its infancy) and sound the internal fire alarm system, causing the school to be evacuated. If the fire continued to grow in size, the fire sprinklers would activate and suppress the fire protecting the structure.

Today, fire sprinklers have been designed (Fast Response Fire Sprinklers) to activate sooner (at a lower temperature); which in turn sounds the internal fire alarm system causing the school to be evacuated protecting the inhabitants and the structure.

Conclusion and Recommendation

The Fire & Rescue Department agrees that to cause the School District to install Smoke Detection and Fire Sprinklers seems to be redundant.

The Fire & Rescue Department will support a Variance from Village Ordinance Section 180 – 16 R (i), with the following conditions:

1. The building will be protected by 'Quick Response' Fire Sprinklers throughout the structure;
2. Smoke detection may be required in certain areas of the building including, but not limited to:
 - a. Storage areas;

- b. Heating, Ventilating and Air Conditioning roof top units; and
 - c. Depending on the design of such building features and building systems, may need to be installed throughout any Plenum areas.
- 3. During the construction phases, the existing smoke detection system must remain in place (in service) where fire sprinklers do not exist, until such time the fire sprinklers are installed throughout the building.
 - 4. All fire alarms and devices must be sent to a Central Station.

Again, this is a memo from the Village Fire Chief dated April 12, 2006.

- 7. All of the abutting and adjacent property owners within 100 feet of the properties were notified via regular U.S. Mail on April 5, 2006 and that's shown as Exhibit 4. The BOA agenda was published in the *Kenosha News* on April 8, 2006.

That is the conclusion of the staff report.

Christine Genthner:

Thank you. At this time is there anybody else who would like to come forward? Could you please state your name for the record and give us a business address.

John Setter:

Sure, I'm John Setter from the Kenosha Unified School District Department of Facilities at 3600 52nd Street in Kenosha.

Christine Genthner:

Do you swear to tell the truth, the whole truth and nothing but the truth?

John Setter:

Yes, I do. I can't explain this any more thoroughly than Peggy did. I just wanted to be here to answer any questions for you. The building is, however, monitored 24 hours by our central services. I think Semens right now is our contractor for this building. It was just bid next week so it may change to a different vendor but it will be monitored 24 hours a day in our central office for any type of detection of early warning systems that may go off. If you have any questions I'm here to answer them for you.

Christine Genthner:

I just have one. There were some conditions that the Chief placed in his memo. That's not a problem to meet.

John Setter:

No, typically you do smoke detection and HVAC systems, I think the one room that didn't appear on our memo was storage rooms, but obviously those would be smoke detected as well. And we also propose to put actually at the intersections of corridors smoke detection in there. I think what we're trying to get away from in this variance is every 30 feet on center down the corridors. Schools are made up of long corridors and that can add to the cost of our overall budget here and we're trying to save taxpayer dollars and get the project within our budget. So that's a good trade off to add smoke detectors at the intersections of the corridors but eliminate the rest of them in the corridor application.

Christine Genthner:

Thank you. Questions from anybody else?

Bill Morris:

Just one quick question, John. Just out of curiosity, in a real life situation I'm reading here that it was presented that the sprinkler heads kick in sooner. What temperature would they kick in versus a normal sprinkler head that would expose a child to heat within an exit corridor?

John Setter:

I'm not actually familiar offhand with the actual temperature. I don't know if the Chief can actually tell us that.

Chief Guilbert:

I'm Paul G. Guilbert, Jr. I'm the Chief of Fire and Rescue here in the Village. I'm at 8044 88th Avenue.

Christine Genthner:

Do you swear to tell the truth, the whole truth and nothing but the truth?

Chief Guilbert:

Yes, ma'am, I do. Mr. Morris, the answer to that is it's ten degrees less. A typical sprinkler head such as the ones above your head this evening operate at 165 degrees. A quick response fire sprinkler operates at 155 degrees. And although it's only a ten degree variance, the reaction is much quicker than you would expect for these sprinkler heads.

Jennie Holman:

I have a question for Chief Guilbert. Section 180-16 R of the Village Fire Code is there any kind of change coming up in the future, because I'm sure there's going to be different additions to schools, etc.?

Chief Guilbert:

I was going to come and thank the Commission for coming here tonight and explaining why you are here. When we revised our code several years ago, I met with our consultants, Fire Safety Consultants, Inc. out of Schaumburg, Illinois and their principal owner Mr. James Schifiletti. And we reviewed the code as regards to fire sprinklers and fire detections systems and fire hydrants. At the same time sprinkler technology, as all of technology, was advancing. That is why we're here because it moved quicker than a change in our ordinance. This was kind of a test for us to realize that some revisions are needed and you would expect to see that.

As we look through here, and Peggy read the list of institutions and buildings where you would find smoke detectors, most of which of those are places where people would sleep. So we would want the smoke detectors to work in conjunction with fire sprinklers. Schools for obvious reasons smoke detectors were a very important part of the protection of the children, but for the most part those people are awake all the time. So as we review this we'll probably see or recommend a change that smoke detection would come out of schools except as conditions we identified but they would not be required along with those other buildings.

Sheryl Berner:

I have one additional question, and I don't know if this is something as pertinent in the schools versus what it would be in other municipal buildings. With the sprinkler system as a fast response, is that universal throughout the entire building, or what about where you have computer systems? Do you use a Halon independent of a fast response sprinkler system? Or, in elementary schools are we really not concerned about destroying computer labs?

Chief Guilbert:

Typically where we see alternative fire suppressions systems as you mentioned, a Halon system, that is in areas where the computers are much larger, if you will, and not necessarily personal computers.

Sheryl Berner:

So we don't have to worry about children being around that kind of a system.

Chief Guilbert:

Right. As you saw in our mature industrial park we only have those alternative systems in computer rooms in one or two of the buildings in the industrial park. So that's not very common in Pleasant Prairie.

Sheryl Berner:

Okay, thank you.

Christine Genthner:

Any other questions of the Chief?

Bill Morris:

One other, and I don't know if this is for the Chief or for John, but I presume that the granting of this potentially there is no issue with the State building code?

John Setter:

The State building code you do not have to do it. You don't have to do it for the State building code. This is

Chief Guilbert:

The sprinklers, right. Of the three communities served by the School District, we are the only one that requires fire sprinklers. And when we were approached by Mr. Pat Fenemore to address the addition to Prairie Lane, they certainly were more than willing to comply with our local ordinances. Again, this is a minor issue in the overall project they have planned.

John Setter:

When you add a sprinkler system usually in Kenosha we're doing it in the new school because it allows you to increase the square footage by over 200 percent by sprinkling so it's to your advantage to sprinkler so you can increase your building sizes for your construction type.

Christine Genthner:

Thank you, Chief and Mr. Setter. Anybody else? Any other people in the audience want to come forward? Seeing none, staff do we have a recommendation?

Peggy Herrick:

Yes. If the Board finds that the application and the facts presented warrant the granting of the variance requested to replace the fire sprinkler system within Prairie Lane Elementary School located at 10717 47th Avenue with a fast response sprinkler heads and to eliminate the smoke detection in the school corridors, then the following conditions shall apply:

1. The variance, if granted by the Village Zoning Board of Appeals, does not waive any other requirements, which are imposed by the Village's Zoning or Land Division and Development Control Ordinances, Building or Municipal Codes.
2. The entire fire sprinkler system shall be replaced with fast response sprinkler heads.
3. Subject to compliance with the staff memo dated April 12, 2006 from the Fire Chief and that was Exhibit 3 in your packet.

4. No work construction activities shall commence on the property without approval of Site and Operational Plan and Conditional Use Permit and issuance of the required Building, Zoning and Erosion Control Permit.
5. The Village staff shall prepare the required Variance Grant Document that shall be executed by the property owners and the owners shall pay the required recording and filing fees for variance to be recorded at the Kenosha County Register of Deeds Office. This variance shall be recorded prior to issuance of permits for the proposed addition.

However, if the Board of Appeals determines that based on the facts and information presented at the Public Hearing that the petitioner has not proven the standards for granting of a variance, then the BOA shall clearly and specifically state for the record the reasons for the denial.

Christine Genthner:

Thank you for the recommendation. At this time then I'll close the public hearing. Do I have a motion?

Jennie Holman:

I have a question first.

Christine Genthner:

For staff?

Jennie Holman:

No, actually for Mr. Setter. On 2 it says the condition is that the entire fire sprinkler system shall be replaced with the fast response sprinkler heads. When they say entire sprinkler system is this the addition only are they saying the condition is or it's going to be throughout the entire school?

John Setter:

Throughout the entire building. Currently the building is not sprinklered at all so we're adding this whole sprinkler system to the building.

Jennie Holman:

Okay, was this the original plan?

John Setter:

To sprinkler the whole building yes.

Jennie Holman:

Okay, thank you. I'll make a motion with the conditions to have the variance.

Christine Genthner:

We have a motion by Ms. Holman. Do I have a second?

Bill Morris:

I'll second that motion.

Christine Genthner:

A second by Mr. Morris. Do I have any discussion on the motion? Seeing no discussion, do we want to take a roll call vote?

Peggy Herrick:

Yes, please.

Christine Genthner:

I support the variance.

Bill Morris:

I support the variance.

Jennie Holman:

Support the variance.

Sheryl Berner:

Support the variance.

Christine Genthner:

The motion then has been approved subject to the conditions set forth in the staff recommendation and those set forth by the Fire Chief in the staff memo dated April 12, 2006.

7. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

Christine Genthner:

Staff, do we have anything else?

Peggy Herrick:

I just wanted to let you know that the Plan Commission approved a resolution at their last Plan Commission meeting to begin investigating temporary uses and not having them come to the Board of Appeals.

Christine Genthner:
I support that.

8. ADJOURNMENT.

Bill Morris:
I'll so move.

Sheryl Berner:
I'll second.

Christine Genthner:
I have a motion by Mr. Morris and a second by Ms. Berner to adjourn. All in favor say aye.

Voices:
Aye.