

Zoning Board of Adjustments and Appeals Hearing Minutes

February 1, 2023 at 2:00pm

Hearing to consider an appeal to the Zoning Board of Adjustments and Appeals in reference to the fire code.

Property Located: Lots 653-654-655-656-657-658-660-677-678 and 679 in Deer Ridge Lakes Subdivision

Applicant: Builder Systems LLC (Chuck Kitchen)

Attendance:

Rhett Hilyer- Building Inspector

Andy Burrell- Board Member

Jeff Hulon- Board Member

Stephanie Pryor- Board Member

Levis Peters- Building Official

Wes Greene- Fire Marshal

Andy Flurry- Fire Inspector

Ashley Rhodes- Administrative Assistant Fire Department

Chuck Kitchen- Builder Systems LLC (Applicant)

Wes Greene- Started off meeting- We are here to address an appeal to a home sprinkler, a 13D system. Mr. Kitchen is here to appeal the requirement of a full house sprinkler system (13D System) for Lot #'s 653,654,655,656,657,658,660,677,678 and 679 in Deer Ridge Lakes Subdivision. Due to a fire flow issue we have, there is not enough water for us to extinguish a house fire in that. According to the charts, we need a certain amount of GPMs per the chart in the fire code. (Reference Appendix B- Fire Flow Requirements for Buildings- B105.1 (2)). To supplement that issue if we don't have a fire plug, we can ask that the builder or homeowner put in a sprinkler system which alleviates 50%. So if the number was 1300, because they put a sprinkler system in, then all we need now is 650 gallons. He did get an appeal on four lots before and this is the second appeal with the same issue of not enough water out there. It is not a Pelham

water, it is Shelby County's water service, so we just maintain and use their hydrants for firefighting. Should we have a house fire out there, we are going to need a certain amount of water. So we have asked that he put in a 13D sprinkler system which is a residential housing sprinkler system for the entire house. We are asking that he sprinkle the whole house, bedroom, laundry room, hallways, kitchen, and the garage. Mr. Kitchen is appealing and wants to just get the laundry area, kitchen, and garage area like the previous 4 houses he was granted appeal for to meet that water flow. That would be cost efficient for him and his business.

Chuck Kitchen- Builder Systems- So the previous four lots, 672-675 He states he requested an appeal for all the lots in there and we granted the four lots he requested, those were appealed and approved to build on. Mr. Bettis was going to get with Shelby County water and he said Pelham was willing to put forth money to tie in the water tank up on the hill behind whitetail run. I told him I would suggest doubling my impact fees, there is over 50 something lots left in there and I currently have 10 that I own right now. That would be a significant amount of income on the remaining lots on the impact fees on the remaining lots if the fees were doubled to go toward the cost of tying in the water tank. My original stance is I bought platted lots that were recorded and accepted with the infrastructure as is. I did not build the subdivision, I just bought the lots to build these houses on. I do understand the fire code Mr. Wes is referring to that says that they like to have a certain GPM at the fire plugs for fighting residential house fires. I got quotes from sprinkler systems that were upwards \$30,000 per house. We tried to make some efforts toward making that price reasonable or cost efficient or ways to do it but at the end of the day, sprinkling the garage, kitchen and laundry room, is where Mr. Wes could probably give you an estimate of what percentage of fires start or take place in those areas. And I have got 2 done and completed and he inspected the second one today. And it is approved or put in and installed as agreed to. I am about to have 2 more finished in there to get inspected, but I would like to carry on the construction in the rest of the subdivision because I have a lot of money tied up in these lots and my hands are going to be tied. With building costs gone where they are and what's happening in the construction market right now. I am not looking at a cost of someone's life in my hand. That would crush me if something happened and I felt like I put someone in something that was unsafe. That is not my goal here. But there is 102 residences occupied in there now and I am hoping Shelby county water will do something to get that water system tied into the tank. I know the guy that owned the property, getting an easement and he is wanting to sell the property, so now would be a great time to talk about it and move on that. At the end of the day, that is a different ball park from what I see myself in as just a lot owner. I didn't develop the subdivision. When I bought the lots, they were plotted and signed and recorded. I understand the concerns the fire department has, and I want to work with that concern. I don't feel I should be burdened the cost of the infrastructure for the development side of the subdivision. That's with Shelby co water. Putting an entire house sprinkler system in almost makes building the house and selling for a profit not feasible for profit and I have money tied up in property and have built several houses in there. Up to this point, where ya'll put the restrictions on the fire flows a couple of years ago.

Wes Greene- Just to address some points he was talking about, I have done a little bit of research and most of the fires in homes, Alabama leads the country in fires in home related deaths, so we have to get something done on that part, and most of the fires I would agree do occur in areas that he is willing to put the sprinklers. But there are fires that start out and occur in the bedrooms or bathrooms. So our thinking is first of all we have to go by the code. The code says we need x amount of gallons per minute. We have to get x amount. If he puts in a sprinkler system and we allow that and go yes we agree with that, and now it cuts it in half. Even if it cuts it in half, most of those fire plugs we are talking about don't even give us half. We are already losing, that is so far out there. Time is life. We've got to get out there and put that house out, so we want the whole house sprinkled. We can also give an exception if you are in your bedroom and your house catches fire in the bathroom, how are you gonna get out of that structure? How are you going to get kids out? You have to go down that hallway to get out and we want that area protected. So you can go get your kids or grandkids or babies or wife or mother or whomever to make sure they get out of the structure. So when we ask for the sprinkler, we ask for the whole structure to be sprinkled instead of just the areas, laundry room, we want the whole house. So basically, what we are gambling on is that the fire starts anywhere but those areas. So you know we don't want to gamble that but we also have to meet the code. We just don't have enough water if that house catches on fire. God forbid it catches the house on fire next door. Our response time out there is already 10 minutes at least. That's if that truck isn't on another call. A fire doubles in size every 30 seconds. So you can see where that puts us behind the eight ball before the 911 call is even made. So if we can get this sprinkler system that is putting out 13 gallons per minute, that is the minimum, you can put a lot of fire out. No building in the history of sprinkler systems in the United States, since like 1903 when they first started, has a building or house burned down with a sprinkler system. They work. They are going to put the fire out.

Andy Burrell- Let me ask you a question. There are how many houses are in that area now?

Mr. Kitchen- 102 houses

Andy Burrell- How many more would you be adding? Is that counting the four that you just built?

Mr. Kitchen- The ones I just built and the 10 I just bought. And there are 40 more lots left.

Andy Burrell- So you are looking at around 52 more houses in that subdivision?

Mr. Kitchen- Yes sir.

Andy Burrell to Wes Greene- Have you timed it to the last possible house or lot that is available?

Wes Greene- No sir, it's one of those, it's going take us time to get to that neighborhood. That is getting to the neighborhood. The entrance. And that's if that truck is not on another call. The one that would be closest is on Hwy 11- the new one.

Andy Burrell- Does Shelby County Fire station volunteer department help in this area?

Wes Greene- Yes they will help and Chelsea will send a truck, but what we are betting on is that they are not on another call. Should they be on another call or anything, out of the station, now we have to come from another station to get to that. Now because of the way times are and the way things are going in the fire service, that is 3 men on the truck. . One of them is operating the pump, that leaves 2 guys to catch a hydrant, lay to that house, and then get the supply into the house. Just 3, that takes time and manpower. We are behind the ball on time and it isn't the builder's problem, in the fire service we are all going that way, you know cut and save money. When I first started, we had 5 men to a truck. But if it was my choice and I was in charge, I would say sprinkle everything. Because I have been in the fire department long enough to know they work. And I am a strong supporter in that, but it does put an added cost on him and an added cost on the homeowner.

Andy Burrell- What effect would this have on classification or premium? Would it go up to 3 or 4?

Wes Green- It won't go up. No sir, because it is already set. But, if you have a sprinkler system in more structures, it would bring it down because it is more protection. If the homeowner buys his house and they call and they find out they have a sprinkler system in that house and where the hydrant is- those closest hydrant is within 400/500 feet. That does affect insurance rate and ISO rating. Whether he puts in sprinkler or not it will not affect the ISO rating directly.

Mr. Kitchens- Let me say this. I want to inject something. There is not one life that is worth a million dollars to lose one life. If I never built another house. I would never look at it to say hey, you know, there's a chance that somebody could burn up in the house if you don't do this. I'm not looking, that's not the standpoint I'm looking at. I mean if you want to really look at it, what is gonna be done about it? How many subdivisions do you have that are in that kind of time frame from your fire departments, Chandalar, Ballantrae, I mean how many other subdivisions that you have that are realistically in the same condition or worse as far as timing goes, but there is 100 and something people in this subdivision that already exist there and I'm putting 10 more in there and I am adding safety to it, I'm just not exceeding the practicality of covering every single scenario and fire rescue. As senate bill 513 I think it was, that was passed that said you couldn't mandate fire sprinklers after March of 2010? If you hadn't already had them mandated and this met that bill before that so this would covered by that but the fact that the fire flows aren't there. So the fire flow problem is what we are looking at. But this has been addressed from your standpoint of saying lets sprinkle everything.

Wes Greene- oh yeah, and that will never happen, that was just a Wes comment, and you're right, the bill passed, but it does not affect fire flow. So we have a fire flow problem, not only is it going to take us 10 minutes to get there, when we get there, we don't have enough water to put the structure out.

Mr. Kitchen- And I volunteered to put a dry hydrant in the lake but apparently

Wes Greene- yeah, we wouldn't accept that, that means we would have to draft, to change equipment on our pumps. Now we used to draft years ago, but the biggest thing is, if we go by the chart that is set in code, that we have adopted as a city and we go over there and go, your house is so big you have to have so many gallons and you are putting in a sprinkler system and that cuts it in half, we are still not meeting that, so he wants to you know....

Stephanie Pryor- So technically, even with the exception, even if he sprinkled the whole house, that would still not be enough water, correct?

Wes Greene- Yes, it's still not enough even if the whole house is sprinkled. So in our eyes, if he wants to do half a sprinkler system it is still not enough. I don't know about a cost, but the main cost is the system itself, running that pex system, tube and stuff and 13d, as a fire marshal I can allow them to leave certain components out like a back flow preventer. What they can do is tie it in to their main water supply, and tie it in to the further toilet, as the toilet is flushed, it keeps water circulating through that system. So there is no need for backflow, it keeps your water from going separate. He doesn't have to have backflow. Plumbers can do a sprinkler system.

Mr. Kitchen- there are no plumbers around here that have that certification that I know of.

Andy Burrell- what is the impact fee?

Mr. Kitchen- Impact fee is around \$3500. You get close to 200 grand and you double impact fees on everything else and from the county and the fact that even if I did the whole thing is still not enough and I'm thinking there has to be a means to an end to make the issue be resolved. And I told Andre many times trying to follow up to get him to meet with me and Shelby county. We were all going to meet after this last meeting and that never happened. I called the county and I think for Andre they didn't think Pelham would consider putting money towards this and I said I will double my impact fees, I said if that is what you had to do, I would be willing to do that. And put my part in.

Andy Burrell- Are you gonna have wood burning stoves or fireplaces?

Mr. Kitchen- Vent less gas logs and no wood burning. It's just listed as an appliance, it's not even a fireplace. I think that the bigger, I don't know there are a couple of other subdivisions like that I think in Pelham, oak mountain preserve. As much as it costs for me to do the entire house that way, as much as it costs, and as many other problems it can create, like water lines in the attic to freeze and things of that nature, as many other problems as it can cause, the problem is just putting a band aid on. There is still a problem there that needs to be addressed. The fire flow for everybody that lives in that subdivision. And that may be....

Stephanie Pryor- Are all the homes in the subdivision deficient in water flow in the neighborhood?

Wes Greene- Yes ma'am. They were built in the county side. I truly believe you when you say no life is worth that and you have kids and some of us have kids. But just think about being in that house. We are coming and when we get there we have no water and now you may not have a way out because your egress is blocked when we could have a sprinkler head and knock it out. They work 100%.

Mr. Kitchen- We got smoke detectors in every. When smoke detectors go off, get out

Wes Greene- Well smoke detectors are early protection

Mr. Kitchen- When it goes off, out the fire out, I mean there is so many precautions to not be in that situation.

Wes Greene- but it won't put the fire out

Mr. Kitchen- no it won't put the fire out

Wes Greene- we want that fire out, because fire doubles every 30 seconds. And we are 10 min away when we could have been putting 13 gallons a minute on that fire before we got there.

Andy Burrell- I think we had this conversation back in May when we met before. And I think that time it was written down or understood that that was the last we were going to grant.

Wes Greene- that was our understanding

Andy Burrell- So, I mean I hear what you are saying, and I don't know- as far as I'm concerned- the code changes every year, every three years, four years, - four years – unfortunately it can be grandfathered in in some places and in some places it doesn't. The code that current code is- I don't think we should vary from the current code.

Wes Greene- that's right and the fire flows haven't changed significantly over the last 10 years, enough, a couple hundred gallons here a couple hundred gallons here. Because of the products that are made. Everything is synthetic.

Mr. Kitchen- What year is the code from?

Wes Greene- The one we are out of is 2015- it's the same numbers

Levis Peters- We haven't adopted the new one 2021 until march.

Jeff Hulon- You know it looks like this is a county issue

Wes Greene- It is- it's a county issue- it's a water problem with the county

Mr. Kitchen- but Pelham wanted to get up there and annex it- get some tax revenue, and I mean my hands are tied.

Jeff Hulon- Looks like every time you add a lot or build a lot the less water pressure you will have.

Mr. Kitchen- It's got more now than the last house I built, for whatever reason it has more pressure now that it has since I have ever tested any of it.

Andy Burrell- That is my opinion, the current code is correct

Mr. Kitchen- It doesn't change it

Wes Greene- yeah the current plugs are the same and it even, even in his situation there is a code in here that tells you that you can only be so far away from a hydrant, so if his one of those numbers, and I am making one of them up, if it was 672, say it was 600 ft. away, the bare minimum it could be, we won't allow anything past 600 feet from that water supply. But let's say it is at 590, so now we got 590 ft. of friction loss we have to make up for in that hose, we already only getting half and we are 10 min behind. That is just the worst case scenario for someone to get killed in a house fire is in that general area. I mean you know you hear a possible house fire go out over there and our nerves are through the roof. It takes so long to get out there and we are gonna be behind and if that house catches on fire, it could catch the next house on fire. And we don't have enough water to put one out.

Andy Burrell- I make a motion that we deny the request. Per the code.

Stephanie Prior- Seconds the vote

Andy Burrell- Any discussions requested? Anybody else want to add anything?

Stephanie Prior- Calling for a vote on the motion. I'd like to call for a motion-

Andy Burrell- before you call for a vote, read back what the motion was, what we are voting for

Andy Burrell- The motion I made is we deny the appeal staying what is required by code.

Wes Greene- that would be an entire system throughout the house

Mr. Kitchen- You are saying you are denying the appeal that I have to put an entire system throughout the house, you are denying that I just put the garage, kitchen etc.

Wes Greene- Yeah its gotta be a full 13D

Andy Burrell- Yes, it's got to meet the code, whatever the City of Pelham Code is for this section for all subdivisions, it has to meet that code.

Stephanie Pryor- Votes in favor of motion

Andy Burrell- Votes in favor of motion

Jeff Hulon- Votes in favor of motion

Andy Burrell- Anyone against? No

Motion Passed-

