



AGENDA

Board of Appeals
July 18, 2022, immediately after the
Regular City Council at 7:00pm
City Hall Council Chambers, 109 James Street
Geneva, IL

1. Call to Order
2. Approve Minutes from the December 16, 2019 Board of Appeals Meeting
3. Items of Business
 - a. Hearing on the Appeal of the Building Code Official's Decision That the Existing Fence Located at 1457 Keim Circle, Geneva, IL 60134, Combined with the Installation of a Powered Safety Cover, Does Not Satisfy the Barrier Requirements Outlined in the International Swimming Pool and Spa Code, As Adopted and Amended by the City of Geneva.
4. Adjournment

BOARD OF APPEALS MINUTES
December 16, 2019
Immediately following the City Council Meeting

ELECTED OFFICIALS PRESENT	ELECTED OFFICIALS ABSENT	STAFF PRESENT
Bruno Burghart Clements Hruby Kaven Kilburg Maladra Marks McGowan Swanson Burns (Chair) Godskesen		Dawkins McCready Tymoszenko Sandack Antenore Nelson

1. CALL TO ORDER

Mayor Burns called the meeting to order at 7:46 PM noting that all aldermen were present.

2. Approve Minutes from the March 25, 2019 Board of Appeals Meeting

Moved by Ald. McGowan, seconded by Ald. Marks V/V: 10-0 Motion Carried.

3. Items of Business

c. Hearing of the Appeal by 10 North Third, LLC of the City's Fire Code Resistance Rating Requirements for North Façade Window and Door Improvements at 10 N. 3rd Street, Geneva, IL 60134.

Moved by Ald. Clements, seconded by Ald. Bruno.

City attorney Scott Fintzen described the request from the new owners of the buildings at 301 W. State St. and 10 N. Third St. to put in a sprinkler system and fire alarm – instead of three-hour fire-resistant windows as mandated by code on certain facades of the two buildings. Fintzen

showed architectural drawings for the buildings specifying which windows were being considered. The project architect Dan Marshall added to the description and answered questions. In response to questions from Ald. Bruno, Clements, McGowan and Kilburg, Fire Chief Antenore answered that the sprinkler/alarm solution was as good or better than the three-hour glass, and that any future developments to the buildings would be regulated by the codes at that time.

Owner Rachel Grider said that three-hour fire-resistant glass only comes in 10 x 10-inch pieces, and their desire is to have larger windows to provide both light and view.

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Clements, Hruby, Kaven, Kilburg, Maladra, Marks, McGowan, Swanson)

NAYS: 0

ABSENT: 0 MOTION CARRIED

b. Hearing of the Appeal by 10 North Third, LLC of the City's Fire Code Resistance Rating Requirements for South Façade Window and Door Improvements at 10 N. 3rd Street, Geneva, IL 60134.

Moved by Ald. Marks, seconded by Ald. Burghart.

Atty. Fintzen showed architectural drawings for the building specifying which windows were being considered.

Ald. Burghart asked for clarification on the drawings which windows were affected, and Ald. McGowan asked if there were any objections from other business owners.

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Clements, Hruby, Kaven, Kilburg, Maladra, Marks, McGowan, Swanson)

NAYS: 0

ABSENT: 0 MOTION CARRIED

a. Hearing of the Appeal by State and Third, LLC of City's Fire Code Resistance Rating Requirements for West Façade Window Improvements at 301 W. State Street, Geneva, IL 60134.

Moved by Ald. Marks, seconded by Ald. Bruno.

Atty. Fintzen showed architectural drawings for the building specifying which windows were being considered.

Ald. McGowan asked for clarification on which windows were affected, and Architect Dan Marshall answered, explaining that some were obscured by a porch which led to confusion when viewing the drawings.

Roll Call:

AYES: 9 Ald. Bruno, Burghart, Clements, Hraby, Kaven, Kilburg, Maladra, Marks,
Swanson)

NAYS: 0

ABSENT: 0

ABSTAIN: 1 (McGowan) MOTION CARRIED

4. ADJOURNMENT

On a motion by Ald. Marks, the meeting was adjourned by unanimous voice vote at 8:25 PM.
V/V: 10-0 Motion carried.

- *Submitted by City Clerk Godskesen*



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Board of Appeals Hearing 1457 Keim Circle Swimming Pool Barrier Requirements		
Presenter & Title:	Eric Nelson, Building Commissioner		
Date:	July 18, 2022		
<i>Please Check Appropriate Box:</i>			
<input type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Other – Board of Appeals
Associated Strategic Plan Goal/Objective:			
Estimated Cost: \$	Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If “Other Funding,” please explain how the item will be funded:</i>			
Executive Summary:			
<p>In November of 2019 , Andrew and Kimberle Wilson, owners of 1457 Keim Circle, authorized Paramount Fence to file a permit application with the City to install a black aluminum fence with a height of 48 inches on the Property. There was no swimming pool on the Property at the time, nor was a swimming pool indicated on the permit application for the fence. The permit was issued and the fence passed its final inspection in March of 2020.</p> <p>In November of 2021 the Owners authorized Quantus Pools to file a permit application with the City to install an inground swimming pool and patio on the Property. The permit was issued with comments from the City noting that a barrier that complies with Section 305 of the International Swimming Pool and Spa Code (ISPSC), as amended, is required. In February of 2022 the Owners authorized Quantus Pools to file a permit application with the City to install a fence on the Property which complies with Section 305 of the ISPSC, as amended. The permit was issued but the fence has not been installed.</p> <p>The Owners of the Property desire to use the existing fence approved in March of 2020 and a powered safety cover to satisfy the barrier requirements in Section 305 of the ISPSC, as amended.</p> <p>Section 305.2.5 of the ISPSC, as amended, requires a distance between the horizontal members of the barrier to be no less than 45 inches. The horizontal members of the existing fence do not meet this spacing requirement. Section 305.1 of the ISPSC provides for exceptions to the barrier requirements established therein when a powered safety cover that complies with ASTM F</p>			

1346 is installed.

However, this Section was amended by Section 10-3-8A of the City Code (See Exhibit A) to eliminate the exception for powered safety covers.

Based on the foregoing, the Building Code Official concluded that under Section 305 of the ISPSC, as amended by City Code Section 10-3-8A, the proposed use of the existing fence and a powered safety cover cannot be authorized.

The City's Building Code Official explained that City staff does not have the legal authority to allow alternatives to the barrier requirements outlined in the ISPSC and City Code. However, pursuant to City Code Section 10-1-3, the Board of Appeals, composed of the Alderpersons of the City Council sitting as a Committee of the Whole, has the authority to grant this relief if it finds that the proposed barrier requirements provide an equally good or better form of construction as that prescribed by the ISPSC and City Code.

On May 23, 2022, the Owners filed an appeal of the Building Code Official's decision. The Appeal asserts that the Owners have installed mesh around the fence making difficult to place a foot on the lower horizontal rail. The Appeal also asserts that the Owners intend to alter the existing gates to comply with the requirements of the ISPSC and to install a powered safety cover that complies with ASTM F 1346. Finally, the Appeal asserts that the Owners have an alarm system and exterior cameras on each exterior gate with motion detection. The Owners assert that these improvements, collectively, provide an equally good or better form of construction as that prescribed by the ISPSC and City Code.

Attachments: *(please list)*

- Resolution: Decision of the Board of Appeals, Composed of the Alderpersons of the Geneva City Council sitting as a Committee of the Whole, of the Appeal of the Decision of the Building Code Official regarding swimming pool barrier requirements for the property located at 1457 Keim Circle, Geneva, Illinois.

Voting Requirements:

This motion requires 6 affirmative votes for passage.

The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.

Recommendation / Suggested Action: *(how the item should be listed on agenda)*

Recommend Resolution approving the appeal of the decision of the Building Code Official regarding swimming pool barrier requirements for the property located at 1457 Keim Circle, Geneva, Illinois.

RESOLUTION NO. 2022 - 63

DECISION OF THE BOARD OF APPEALS, COMPOSED OF THE ALDERPERSONS OF THE GENEVA CITY COUNCIL SITTING AS A COMMITTEE OF THE WHOLE, OF THE APPEAL OF THE DECISION OF THE BUILDING CODE OFFICIAL REGARDING THE PROPERTY LOCATED AT 1457 KEIM CIRCLE, GENEVA, IL 60134

This matter comes on the appeal of Andrew and Kimberle Wilson, owners of a single-family residence located at 1457 Keim Circle, Illinois, 60134 (“**Owners**”), appealing the decision of the City of Geneva’s (“**City**”) Building Code Official made under the provisions of the *International Swimming Pool and Spa Code of 2015* (“**ISPSC**”), as adopted and amended by City Code Sections 10-3-8 and 10-3-8A.

STATEMENT OF UNDISPUTED FACTS AND LAW

The relevant substantive provisions of the ISPSC and the City Code are stated in Exhibit A.

Owners are the owners of record of the real estate described in Exhibit “B” (“**Property**”). The Property is located within the corporate limits of the City and is commonly known as 1457 Keim Circle, Geneva Illinois, which consists of a 3,670 square foot single-family residence that was constructed in 1999.

In November 2019 the Owners authorized Paramount Fence to file a permit application (Permit 2019-00050056) with the City to install a black aluminum fence with a height of 48 inches on the Property. There was no swimming pool on the Property at the time, nor was a swimming pool indicated on the permit application for the fence. The permit was issued and the fence passed its final inspection in March 2020.

In November 2021 the Owners authorized Quantus Pools to file a permit application (Permit 2021-00002158) with the City to install an inground swimming pool and patio on the Property. The permit was issued with comments from the City noting that a barrier that complies with Section 305 of the ISPSC, as amended, is required.

In February 2022 the Owners authorized Quantus Pools to file a permit application (Permit 2022-00000130) with the City to install a fence on the Property which complies with Section 305 of the ISPSC, as amended. The permit was issued but the fence has not been installed.

The Owners of the Property desire to use the existing fence approved under Permit 2019-00050056 and a powered safety cover to satisfy the barrier requirements in Section 305 of the ISPSC, as amended.

Section 305.2.5 of the ISPSC, as amended, (See Exhibit A) requires a distance between the horizontal members of the barrier to be no less than 45 inches. The horizontal members of the existing fence approved under Permit 2019-00050056 do not meet this spacing requirement. Section 305.1 of the ISPSC provides for exceptions to the barrier requirements established therein when a

a powered safety cover that complies with ASTM F 1346 is installed. However, this Section was amended by Section 10-3-8A of the City Code (See Exhibit A) to eliminate the exception for powered safety covers.

Based on the foregoing, the Building Code Official concluded that under Section 305 of the ISPSC, as amended by City Code Section 10-3-8A, the proposed use of the existing fence and a powered safety cover cannot be authorized.

The City's Building Code Official explained that City staff does not have the legal authority to allow alternatives to the barrier requirements outlined in the ISPSC and City Code. However, pursuant to City Code Section 10-1-3, the Board of Appeals, composed of the Alderpersons of the City Council sitting as a Committee of the Whole, has the authority to grant this relief if it finds that the Proposed Barrier Requirements, provide an equally good or better form of construction as that prescribed by the ISPSC and City Code

On May 18, 2022, the Building Code Official sent the Owners a notice of the Building Code Official's decision that the desire to use the existing fence and a powered safety cover could not be authorized by City staff. A copy of the Building Code Official's May 18, 2022 notice is attached as Exhibit "C" ("**Building Code Official May 18, 2022 Notice**").

On May 23, 2022, the Owners filed an appeal of the Building Code Official's decision. A copy of the appeal is attached as Exhibit "D" ("**Appeal**"). The Appeal asserts that the Owners have installed mesh around the fence making difficult to place a foot on the lower horizontal rail. The Appeal also asserts that the Owners intend to alter the existing gates to comply with the requirements of the ISPSC and to install a powered safety cover that complies with ASTM F 1346. Finally, the Appeal asserts that the Owners have an alarm system and exterior cameras on each exterior gate with motion detection. The Owners assert that these **Proposed Barrier Requirements**, collectively, provide an equally good or better form of construction as that prescribed by the ISPSC and City Code.

RESOLUTION

NOW THEREFORE BE IT RESOLVED: The Board of Appeals, composed of the alderpersons of the City Council of the City of Geneva sitting as a committee of the whole, hereby finds:

1. As required, as amended by City Code Section 10-4-3, the Owners' Appeal was filed within 20 days of the Building Code Official's Decision and is therefore timely.
2. The Owners' Proposed Barrier Requirement provides at least an equally good form of construction as that prescribed by the ISPSC and City Code.
3. The Building Code Official's decision is hereby modified as follows:

The Owners shall be permitted to utilize the existing fence approved under Permit 2019-00050056 to satisfy the barrier requirements for swimming pools prescribed by the ISPSC and City Code, provided:

- a) The Owners have modified the existing fence barrier to comply with the ISPSC, with the exception of Section 305.2.5 "Closely spaced horizontal members";
- b) The Owners have installed and shall maintain a powered safety cover that complies with ASTM F 1346;
- c) The Owners shall maintain the existing mesh barrier around the base of the existing fence; and
- d) The Owners shall allow the Building Code Official to inspect the existing alarm system and exterior cameras to verify the assertions made in the Appeal.

4. Failure to comply with the foregoing conditions constitutes a City Code violation.

BE IT FURTHER RESOLVED: The Building Code Official is hereby directed to take immediate action in accordance with this Board of Appeals' resolution.

BE IT FURTHER RESOLVED: This Resolution is effective from and after its passage as in accordance with the law.

Passed by the Board of Appeals, composed of the alderpersons of the city council of the City of Geneva Kane County, Illinois, sitting as a committee of the whole, of the this ____ day of _____, 2022.

AYES: ____ **NAYS:** ____ **ABSENT:** ____ **ABSTAINING:** ____ **HOLDING OFFICE:** ____

Approved by me this ____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

Exhibit A – Relevant Substantive Provisions of the ISPSC and City Code

The relevant substantive provisions of the ISPSC and City Code for purposes of this Appeal are as follows:

International Swimming Pool and Spa Code of 2015.

Section 305.1 General.

The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable *safety cover* that complies with ASTM F 1346.
2. Swimming pools with a powered *safety cover* that complies with ASTM F 1346.

Section 305.2.5 Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.

City of Geneva Code of Ordinances.

Section 10-1-3: - Board of Appeals:

The board of appeals shall consist of the alderpersons of the city council sitting as a committee of the whole; provided, however, that the mayor shall exercise his power to vote on said board in the event of: a) a tie vote of the board; or b) one-half ($\frac{1}{2}$) of the aldermen then holding office vote in favor of a motion before the board. A simple majority of the city council shall constitute a quorum for any hearing of the board.

Section 10-3-8A: - Amendments:

The following section of the International Swimming Pool and Spa Code, 2015 Edition, is hereby amended as follows:

Section 305.1 Barrier Requirements, is amended in part to delete Exception 2.

Exhibit B – Property Address, PIN, Legal Description, Photograph, and Map Location

Street Address: 1457 Keim Circle, Geneva Illinois

PIN: 12-09-409-006

Legal Description: Lot 239 of Eaglebrook County Club Unit 5, in the City of Geneva, Kane County, Illinois.

Exhibit C – Building Code Official May 18, 2022 Notice

Eric Nelson
Building Department
enelson@geneva.il.us



109 James Street
Geneva, Illinois 60134
Tel: (630) 918-1504
Fax: (630) 262-0286
Email: www.geneva.il.us

City of Geneva

May 18, 2022

VIA EMAIL
samlab25@aol.com

Mr. & Mrs. Wilson
1457 Keim Circle
Glen Ellyn, IL 60134

Re: 1457 Keim Circle, Geneva, Illinois 60134
Swimming Pool Barrier Requirements

Dear Mr. & Mrs. Wilson:

Thank you for your patience as the City of Geneva ("**City**") worked to review whether your existing fence, at the above referenced location, is a code compliant barrier for a swimming pool. As discussed below in greater detail, it is the decision of the City's Building Code Official that the existing fence does not meet the barrier requirements for a swimming pool and must be corrected prior to the City scheduling a final inspection for the swimming pool.

Our decision is based on the following facts and the *International Swimming Pool and Spa Code of 2015* ("**ISPSC**"), as adopted and amended by the Code of Geneva Illinois ("**City Code**") Sections 10-3-8 and 10-3-8A. For your convenience and reference, I have included the relevant provisions of the ISPSC and the City Code in Exhibit A. You can access the entire City Code through the City's website at: <https://www.geneva.il.us>. A copy of the ISPSC is available for inspection at City Hall located at 22 South First Street, Geneva, Illinois 60134.

Factual Background

Andrew and Kimberle Wilson ("**Owners**"), are the owners of record of 1457 Keim Circle, Geneva, Illinois, 60134 ("**Property**"). In November of 2019 the Owners authorized Paramount Fence to file a permit application (Permit 2019-00050056) with the City to install a black aluminum fence with a height of 48 inches on the Property. There was no swimming pool on the Property at the time, nor was a swimming pool indicated on the permit application for the fence. The permit was issued and the fence passed its final inspection in March of 2020.

In November of 2021 the Owners authorized Quantus Pools to file a permit application (Permit 2021-00002158) with the City to install an inground swimming pool and patio on the Property.

The permit was issued with comments from the City noting that a barrier that complies with Section 305 of the ISPSC, as amended, is required.

In February of 2022 the Owners authorized Quantus Pools to file a permit application (Permit 2022-00000130) with the City to install a fence on the Property which complies with Section 305 of the ISPSC, as amended. The permit was issued but the fence has not been installed.

The Owners of the Property desire to use the existing fence approved under Permit 2019-00050056 and a powered safety cover to satisfy the barrier requirements in Section 305 of the ISPSC, as amended.

Interpretation and Decision

Section 305.2.5 of the ISPSC, as amended, (See Exhibit A) requires a distance between the horizontal members of the barrier to be no less than 45 inches. The horizontal members of the existing fence approved under Permit 2019-00050056 do not meet this spacing requirement. Section 305.1 of the ISPSC provides for exceptions to the barrier requirements established therein when a powered safety cover that complies with ASTM F 1346 is installed. However, this Section was amended by Section 10-3-8A of the City Code (See Exhibit A) to eliminate the exception for powered safety covers.

Based on the foregoing, it is our conclusion that under Section 305 of the ISPSC, as amended by City Code Section 10-3-8A, the proposed use of the existing fence and a powered safety cover cannot be authorized.

Alternative Barrier Requirements and Appeal Rights

It is also our understanding, that you have proposed the following as an alternative to the Barrier Requirements prescribed by the ISPSC and City Code:

- The Owner has installed and shall maintain a powered safety cover that complies with ASTM F 1346; and
- The Owner has installed and shall maintain a barrier that complies with the ISPSC, with the exception of Section 305.2.5 "Closely spaced horizontal members".

Collectively, "**Proposed Barrier Requirements.**"

City staff does not have the legal authority to allow the Proposed Barrier Requirements to be substituted for the barrier requirements outlined in the ISPSC and City Code. However, pursuant to City Code Section 10-1-3, the Board of Appeals, composed of the Aldermen of the City Council sitting as a Committee of the Whole, has the authority to grant this relief if it finds that the Proposed Barrier Requirements, provide an equally good or better form of construction as that prescribed by the ISPSC and City Code.

An appeal must be filed within 20 days of receiving this notice. You may use the attached application for an appeal, or submit your request on separate letterhead. Thank you for your

patience in working with the City on this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Eric Nelson
Building Code Official

A handwritten signature in black ink, appearing to read 'Eric Nelson', with a stylized flourish at the end.

Enclosed: Exhibit A
 Application for Appeal

Cc: David DeGroot, Director of Community Development

Exhibit A

International Swimming Pool and Spa Code of 2015

Section 305.1 General.

The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable *safety cover* that complies with ASTM F 1346.
2. Swimming pools with a powered *safety cover* that complies with ASTM F 1346.

Section 305.2.5 Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1³/₄ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ inches (44 mm) in width.

City of Geneva Code of Ordinances.

Section 10-1-3: - Board of Appeals:

The board of appeals shall consist of the aldermen of the city council sitting as a committee of the whole; provided, however, that the mayor shall exercise his power to vote on said board in the event of: a) a tie vote of the board; or b) one-half (½) of the aldermen then holding office vote in favor of a motion before the board. A simple majority of the city council shall constitute a quorum for any hearing of the board.

Section 10-3-8A: - Amendments:

The following section of the International Swimming Pool and Spa Code, 2015 Edition, is hereby amended as follows:

Section 305.1 Barrier Requirements, is amended in part to delete Exception 2.

Exhibit D – Owners Appeal

May 23, 2022

Mr. Eric Nelson
Building Department, City of Geneva
109 James Street
Geneva, IL 60134

Dear Mr. Nelson,

Pursuant to your letter dated May 18, 2022 (copy attached) regarding your assessment of code compliance of our fence at 1457 Keim Cir, Geneva, IL as to whether the existing barrier meets the standards for pool safety as set forth in the Geneva Building Code, we file this letter of appeal of your findings based on the alternative barrier methods as discussed in your letter and explained below.

Background

Kim and I have been residents of Geneva at 1457 Keim Cir since 2003. We are currently in the process of building an in-ground pool and have an existing fence on our property. We are seeking a waiver/appeal to the fence ordinance as our fence does not currently meet the standards set for enclosing a pool by the Geneva building code to ensure pool safety. We have in place currently a 4 ft high aluminum fence with horizontal rails that are less than 48 inches apart, which does not meet current code guidelines.

Actions to Support Pool Safety

To support safety around our pool, we have or are taking the following steps:

- Our current fence is an aluminum double rail fence that is 48 inches tall with 36 inches between the first horizontal rail and the second horizontal rail. The third horizontal rail makes the fence height from top to bottom 48 inches. We are altering the gates to the existing fence to conform with gate requirements of the existing Geneva Building Code for pool safety. We also have installed mesh around the complete fence which makes it extremely difficult to put your foot on the lower horizontal rail.
- We are installing (as part of our pool) an auto cover that qualifies with the ATSM F1346-91 safety standards for pool safety (see attached brochure on auto cover included in pool contract with Quantus Pools). Currently, the International Swimming Pool and Spa Safety Standard of 2015 (ISPSC) permit a pool with a fence or barrier 48 inches above grade without regard to horizontal rail placement if an autocover meeting ATSM F1346-91 specifications is installed.
 - We have discussed the current ordinance with Mr. Eric Nelson, Building Commissioner for the City of Geneva. He stated that the original code proposed in 2018 included an exception for the powered auto cover that we reference above but it was removed during discussion. Mr. Nelson discussed with us that the ISPSC standards indicate that a fence with 48 inches between rails OR an auto cover that is rated/certified ATSM F1346-91 is what is recommended for pool safety. We understand that consideration is being given to amending Geneva's existing building code related to the pool safety issue in order to

align with national safety standards and align more with our neighboring communities within the next year.

- Our discussion with our contractor, Quantus Pools, is that many surrounding communities (St. Charles, Elgin, Campton Hills, Elburn) do not maintain code requirements for the horizontal rail requirements, only requiring a four foot tall fence and/or a pool cover certified by ATSM F1346-91.

- Our house is equipped with an alarm system and all external doors have alarm chimes that activate when they open and close. Additionally, we plan on adding an alarm to the pool for added safety. We have an existing camera system outside with cameras on each exterior gate with motion detection as well as additional front and rear cameras with motion detection and backup video.

Based on these factors, we believe that we exceed the safety requirements in most communities for having an in-ground pool. Therefore, we appeal the finding related to our fence in the letter dated May 18, 2022 attached and request a waiver of the relevant section of the City Code as noted in the same letter related to our existing fence. We are happy to provide any additional information or answer any further questions. Thank you for your consideration in this matter.

Best regards,



Andy and Kim Wilson
1457 Keim Cir
Geneva, IL 60134
630 845 2566