

# BUILDING BOARD OF APPEALS MINUTES

**MAY 8, 2002**

The regular meeting of the Building Board of Appeals was held on Wednesday, May 8, 2002 at 1:00 p.m. in the Seventh Floor Conference Room of the City Center Building, 220 E. Huron, Ann Arbor, Michigan.

- I. The meeting was called to order at 1:05 p.m. by Chairman Kenneth Winters.
- II. Roll Call:
  - Members Present: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst
  - Members Absent: (1) D. Darling
  - Staff Present: (3) L. Pickel, D. Warsinki, L. Bowen

### III. Approval of minutes

R. Reik moved, supported by to approve the minutes of April 10, 2002. The minutes were approved unanimously.

### IV. APPEALS & ACTION - UNFINISHED

#### 1. 2002-B-13, 1714 Morton Avenue

Variance requested from Section R 102.7 and 102.7.1 of the Michigan Residential Code which requires additions and alterations to existing buildings to be code compliant; Section R 305, which requires minimum ceiling heights, and R 310, which sets minimum standards for emergency escape windows. (2000 MRC R 102.7, 102.7.1, R 305, R 310) Zone R1C.

Mathias Reimann and Jack Shelby were present to speak on behalf of this appeal.

#### Staff Report

This project consists of at least two parts:

- (a) Constructing a basement bedroom and bath in an existing unfinished area; and
- (b) Constructing a bathroom on the second floor between two existing bedrooms.

The petitioner has separated the request into 3 parts and the staff report will follow the same order.

Item 1: Section R 310.1 which requires a sill height of not more than 44 inches above the floor for emergency escape windows. The purpose of the sill height limitation is to insure that most people can quickly exit the space without standing on table and chairs, and that rescue personnel will not need to step down great distances when entering, especially when those personnel are fully loaded with fire protective clothing and breathing tanks.

Though the 1½ inch variance requested is not, in and of itself, statistically extravagant, in combination with request item 2 staff cannot support it. The ceilings in this space will be significantly lower near both the emergency escape window and the main room door, and staff feels that even an 1½ inch variance could jeopardize life safety.

Staff would also be remiss if not mentioning that required combustion or ventilation air for the furnace and/or water heater can not be taken from the proposed bedroom or bathroom, though not a part of this appeal.

**Item 2:** Section R 305.1 which requires a minimum ceiling height of not less than 7 feet, but allows “beams and girders” spaced not less than 4 feet on center to project to not less than 6 ft. 6 inches.

Petitioner is proposing that ducts for supply and return air be considered equivalent to “beams and girders” for the purpose of applying the code, and that a height of 6 ft. 3 in. be allowed.

Staff cannot support the request, especially since both ducts in question will be dropping to their lowest point immediately in front of the main room door and emergency escape window. The build up of smoke from a fire in a room with a low ceiling height is dramatically quicker and a hazard to life safety.

**Item 3:** Section 102.7 and 102.7.1 which allow alterations to be made to existing structures without requiring the existing structure to comply with all of the requirements of the code, but which require alterations to be code compliant.

Staff supports this request, in fact, staff feels a variance is not actually required given the specific situation presented. Were the proposed work to involve replacement of any bedroom window, staff would be of a different opinion.

### **Discussion**

J. Shelby explained request.

M. Reimann also spoke on this request.

J. Wurst expressed concern regarding combustion air to the furnace being adjacent to the sleeping room

J. Shelby stated the combustion air would come from the outside.

L. Pickel stated the variance should be granted based on submitted plans.

**After further discussion;**

P. Darling moved, supported by, R. Reik to grant a variance requested from Section R 102.7 and 102.7.1 of the Michigan Residential Code which requires additions and alterations to existing buildings to be code compliant; Section R 305 which requires minimum ceiling heights, per attached plans with the return air and the supply air grouped along one wall of the bedroom and R 310 which sets minimum standards for emergency escape windows the following contingencies:

1. Hardwired interconnected smoke detectors shall be installed per Fire Marshal approval
2. Minimum ceiling height 6 ft. 5 inches.
3. Allow 6 ft. 4 inch high ceiling height with a passageway between the bedroom and the bathroom.

**The vote to grant the variance was as follows:**

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst

Nays: (0) None

Absent: (1) D. Darling

Motion carried. Variance granted as stated.

## **V. APPEALS & ACTION - NEW**

**1. 2002-B-16, 2051 S. State**

**Variance requested from requirement to provide fire suppression system in an assembly building. (2000 MBC, Section 903.2.1.3) Zone M1.**

William Grindatti was present to speak on behalf of this appeal.

**Staff Report**

**Request: Petitioner is requesting that the area in question not be considered A-3 (Assembly) due to the stated intention of the tenant to limit the occupancy to 45 persons plus staff. A room or space used for assembly purposes by fewer than 50 persons and accessory to another occupancy is considered a part of that occupancy.**

**Response: Staff does not support the request, believing the code has been correctly interpreted, does apply, and that a posted occupancy limitation is not equivalent to the code requirement. Staff does acknowledge, however, that if the posted occupancy limitation is maintained the situation would be code compliant.**

**Discussion**

**W. Grindatti explained request, also explaining the conversation with Charles Boulard who was the previous plan reviewer.**

**L. Pickel stated he has not spoken with Charles Boulard who was the plan reviewer previously. Mr. Pickel also read the code regarding this request.**

**L. Pickel asked Mr. Grindatti if the 910 sq. ft. mentioned was gross or net.**

**W. Grindatti stated it is the gross.**

**K. Winters asked where the exit doors were located.**

**L. Pickel stated the exit doors are located in the center of the building.**

**After further discussion, the Board agreed to table this request.**

**P. Darling moved, supported by, S. Callan to table a variance from Section 903.2.1.3 of the 2000 Michigan Building Code requires that a suppression system be installed throughout an A-3 Assembly building when the A-3 fire area is located on a floor other than the level of exit discharge due to calculations.**

**The vote to table the variance was as follows:**

**Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst**

**Nays: (0) None**

**Absent: (1) D. Darling**

**Motion carried. Variance tabled as stated.**

**2. 2002-B-17, 1333 White**

**Variance requested from minimum clear opening requirements of emergency escape windows. (2000 MRC, Section R310) Zone R2A.**

Lance Rowe and Eric Middleton were present to speak on behalf of this appeal.

**Staff Report**

Request: **Petitioner is requesting that replacement windows be permitted to be used which reduce the clear opening of the windows. The existing clear openings are 5.11 sf. The clear opening of the proposed window is 4.18 sf, a reduction of approximately 18%.**

Response: **Staff does not believe an 18% reduction is a “minor reduction” and does not support the request. Though the petitioner wishes to compare the new openings with those of the storm windows, the proper comparison is existing double-hung window to replacement window.**

### **Discussion**

L. Rowe **explained request.**

L. Pickel **asked if there were fire alarms and smoke detectors in the home.**

E. Middleton **stated there are smoke detectors in the upstairs bedrooms, and one in the hallway.**

L. Pickel **asked if the smoke detectors were interconnected.**

E. Middleton **stated they are battery operated.**

### **After further discussion;**

R. Reik moved, supported by, P. Darling to grant a variance from Section R310 of the 2000 Michigan Residential Code to allow existing windows with 5.11 sq. ft. of clear opening be replaced with new windows with 4.39 sq. ft. of clear opening with the following contingencies:

1. Hardwired interconnected smoke detectors shall be installed throughout the house per Fire Marshal approval

### **The vote to grant the variance was as follows:**

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst

Nays: (0) None

Absent: (1) D. Darling

### **Motion carried. Variance granted as stated.**

#### **3. 2002-B-18, 1310 S. Main**

**Variance requested from maximum size of unprotected openings based on fire separation distance. (2000 MBC, Section 704.8) Zone PUD.**

Mike Nicklovitz, John Simpkins, and William Meiev were present to speak on behalf of this appeal.

### **Staff Report**

Request: **Petitioner is requesting openings in excess of the size limitations, and is asking that a sprinkler head over each opening be considered as equivalent to the code requirements.**

Response: **Though a site plan is not included in the petitioner’s submission, staff is not certain this variance is required. The distance from the property line to the opening, which in turn sets the limit of opening size in T-704.8, is measured at right angles from the lot line per/the definition in Section 702. The openings shown in the submission appear to have more than 5 ft. of separation to the lot line, and thus staff is unclear as to the exact situation giving rise to this appeal.**

### **Discussion**

M. Nicklovitz **explained request.**

L. Pickel **asked Mr. Nicklovitz if new windows were being requested.**

M. Nicklovitz **stated no.**

J. Simpkins **spoke on request.**

W. Meiev **spoke on request.**

**After further discussion;**

J. Wurst moved, supported by, P. Darling to grant a variance from Section 704.8 of the 2000 Michigan Building Code limits the maximum area of unprotected openings in an exterior wall according to a table (704.8) based upon the distance of the opening from the property line with the following contingencies:

1. Sprinklers will be installed at the head of the windows in question.
2. If any structure is built within 5 ft. of the property the windows shall be closed.

**The vote to grant the variance was as follows:**

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst

Nays: (0) None

Absent: (1) D. Darling

**Motion carried. Variance granted as stated.**

**4. 2002-B-19, 927 E. Ann**

**Variance requested from maximum riser height and minimum tread depth of a means of egress stairway. (2000 MBC, Section 1003.3.3.3) Zone R4C.**

Response: **It appears from the photograph that there is an adjacent area next to the stair where potential expansion of the stair could occur. However that is probably a driveway area and, if so, staff supports petitioner's contention. In addition, Section 3402.4 of the code allows that an alteration to an existing stairway shall not be required to comply with requirements for a new stair where the existing space and construction will not allow a reduction in pitch or slope.**

Michael Van Goor was present to speak on behalf of this appeal.

**Staff Report**

Request: **Petitioner is replacing an existing means of egress stair in a multiple family dwelling. Petitioner alleges that the constraints of the existing buildings do not allow a code compliant stair to be constructed, and is thus proposing a stair of various riser/tread combinations.**

Response: **It appears from the photograph that there is an adjacent area next to the stair where potential expansion of the stair could occur. However that is probably a driveway area and, if so, staff supports petitioner's contention. In addition, Section 3402.4 of the code allows that an alteration to an existing stairway shall not be required to comply with requirements for a new stair where the existing space and construction will not allow a reduction in pitch or slope.**

**Discussion**

M. Van Goor **explained request.**

**L. Pickel** asked Mr. Van Goor if the treads were consistent.

M. Van Goor **stated yes.**

L. Pickel **read the code pertaining to Section 3402.4.**

**After further discussion;**

P. Darling moved, supported by, R. Reik to grant a variance from Section 1003.3.3.3 of the 2000 Michigan Building Code requires riser heights of stairs to be 7 inches maximum and tread depths to be 11 inches minimum with the following contingencies:

1. In accordance to Section 3402.4 to allow up to 7 11/16 risers for the reconstruction of the stairway.

**The vote to grant the variance was as follows:**

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, J. Wurst

Nays: (0) None

Absent: (1) D. Darling

**Motion carried. Variance granted as stated.**

**VI. UNFINISHED BUSINESS**

**None.**

**VII. NEW BUSINESS**

**None.**

**VIII. REPORTS & COMMUNICATIONS**

**None.**

**IX. AUDIENCE PARTICIPATION - GENERAL**

**None.**

**X. ADJOURNMENT**

**There being no further business to come before the Board, moved that the meeting be adjourned. The meeting was adjourned at p.m. by Chairman Kenneth Winters.**