



**MINUTES  
OF  
THE REGULAR MEETING OF  
BUILDING BOARD OF APPEALS  
OF  
CITY OF ANN ARBOR**

**May 11, 2005**

The regular meeting of the Building Board of Appeals was held on Wednesday, May 11, 2005 at 1:30 p.m. in the Council Chambers located in City Hall, 100 N. Fifth Ave., Ann Arbor, Michigan.

I. The meeting was called to order at 1:33 p.m. by Chairman Kenneth Winters.

II. Roll Call:

Members Present: (4) K. Winters, S. Callan, P. Darling, D. Darling

Members Absent: (1) R. Reik

Staff Present: (3) A. Savoni, R. Heemstra, L. Bowen

III. Approval of Minutes

P. Darling moved, supported by D. Darling to approve the minutes of February 9, 2005. The minutes were approved unanimously.

IV. APPEALS & ACTION - UNFINISHED

None.

V. APPEALS & ACTION - NEW

1. 2005-B-16, 801 Princeton Ave.

Requesting a variance from Section R305.1 of the 2003 Michigan Residential Code which requires a 7-foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4-feet on center to project below, a maximum of 6 inches.

**Lloyd Holdwick was present to speak on behalf of this appeal.**

Discussion

**L. Holdwick**, contract for the project, explained the request.

**A. Savoni** said that he was in support of the request as long as the petitioner installed a fully automatic building wide smoke detection system.

**R. Heemstra** was also in support of the request if petitioner installed a fully automatic building wide smoke detection system.

After further discussion:

**P. Darling moved supported by D. Darling to grant a variance from Section R305.1 of the 2003 Michigan Residential Code to allow a finished chip board ceiling height of not less than 6'11" in the main living space as well as the bathroom in the basement, a variance for two door heights down to 6' 3½" for the door between the living room space and the corridor as well as between the bathroom and the corridor and that hardwired interconnected smoke detectors be installed per the Fire Marshall's approval. The Board finds this to be equivalent to what the code requires.**

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None.**

**Absent: (1) R. Reik**

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

2. 2005-B-17, 315 S. First St.

Requesting a variance from Section 107.1 of the 2003 Michigan Building Code that states: *"The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days."*

**Gary Moyer was present to speak on behalf of this appeal.**

Discussion

**G. Moyer** of Morning Side Group, explained the request. He added that there is a non-conforming stairway on the back of the trailer and asked if a variance for the stairway could be added to the request.

**A. Savoni** said that he was in support of the request for another 180 days. The stairs does not meet code.

After further discussion:

**P. Darling moved supported by S. Callan to grant a variance from Section 107.1 of the 2003 Michigan Building Code to allow for the extension of use of a temporary sales trailer for 180 days and to allow the existing non-conforming stairway with a tread depth of 10½ to remain, provided that ramp remains in place on the trailer and that at the end of the 180 days, petitioner may come back and apply for an extension again if needed. The Board finds this to be equivalent to what the code requires.**

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None**

**Absent: (1) R. Reik**

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

3. 2005-B-18, 1505 Montclair Pl.

Requesting a variance from Section R305.1 of the 2003 Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches. This section also states that bathrooms must have a ceiling height of 6 foot 8 inches over the fixture.

**Mary Kalmes and David Klein were present to speak on behalf of this appeal.**

Discussion

**M. Kalmes and D. Klein** explained the request.

**A. Savoni** said that he was in support of the request with the condition that a fully automatic building wide smoke detection system be a condition of the variance.

After further discussion;

**D. Darling** moved, supported by **P. Darling** to grant a variance from Section R305.1 of the 2003 Michigan Residential Code to allow two doors at 6'4" and one door at 6'5" in the basement of this home, allow 6'5" soffit height in art room, a 6'7" ceiling height in the bathroom and to allow 6'3" ceiling height in the shower area, contingent upon the installation of a fully automatic building wide smoke detection system, per Fire Marshall's approval. The Board finds this to be equivalent to what the code requires.

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None.**

**Absent: (1) R. Reik**

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

**D. Darling** moved, supported by **P. Darling** to grant a variance from Section R305.1 of the 2003 Michigan Residential Code to allow for a 6'10" ceiling height in the half bath on the main floor, contingent upon the installation of a fully automatic building wide smoke detection system, per Fire Marshall's approval. The Board finds this to be equivalent to what the code requires.

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None.**

**Absent: (1) R. Reik**

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

Requesting a variance from Section R310 of the 2003 Michigan Residential Code, which states: *"Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue opening. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches. Also, all emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet."*

**Phil and Nancy Stole, owners of the property were present to speak on behalf of this appeal.**

Discussion

**P. Stoll** explained the request. He said that the egress window does not fully meet the minimum egress. The width minimum and height minimum have been met, but the opening area is only 90% of the minimum requirement. Replacing the window with a casement window would not match the existing style and appearance of the windows. The egress window opens onto a long shed-roof, which appears to provide a safe landing pad in case of an emergency.

**A. Savoni** said that staff is not in support of the request. The code is very specific about the size of an egress window, which is based on extensive testing to determine the proper relations of the height and width of window openings to adequately serve both rescue and escape.

**R. Heemstra** said that the concern is once the fire escape windows are reduced, it is more difficult for fire rescue to gain access, or exit. There are double hung windows that can also work as an escape window, which would give more clearance. He suggested that the window size be opened or go with a double hung type window.

After further discussion;

**D. Darling moved, supported by S. Callan to grant a variance from Section R310 of the 2003 Michigan Residential Code to allow an upstairs bedroom that has three windows in it, none of which meet the minimum size of egress, contingent upon the installation of hardwired interconnected smoke detectors per Fire Marshall's requirements. The Board finds this equivalent to the code.**

The vote to grant the variance was as follows:

**Ayes: (1) S. Callan**

**Nays: (3) K. Winters, P. Darling, D. Darling**

**Absent: (1) R. Reik**

**Motion carried. Variance denied as stated.**

5. 2005-B-20, 1116 W. Washington St.

Requesting a variance from the following two sections of the 2003 Michigan Building Code:

- Section R311.5.1 which states: *“Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height.”*
- Section R311.5.2 which states: *“The minimum headroom in all parts of the stairway shall not be less than 6 feet, 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.”*

**No one was present to speak on behalf of this appeal.**

Discussion

**Appeal moved to end of agenda, as no one present to speak at this time.**

6. 2005-B-21, 500 W. Keech Ave.

Requesting a variance from Section R305.1 of the 2003 Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4 feet on center to project below a maximum of 6 inches.

**Thomas Fegan, owner, was present to speak on behalf of this appeal.**

Discussion

**T. Fegan** explained the request. He said that Owens Corning would refinish a portion of the basement. The unfinished space would be used for storage. The rest of the basement would have new walls installed. The hung ceiling would be approximately 6’8”.

**A. Savoni** spoke in support of the request. He suggested installing an automatic building wide smoke detection system.

After further discussion;

**P. Darling moved, supported by S. Callan to grant a variance from Section R305.1 of the 2003 Michigan Residential Code to allow a 6'8" high suspended ceiling in a recreation room and a 6'7" suspended ceiling at the bottom of the stairs per attached drawings, provided that the building be equipped with a automatic building wide fire suppression system per Fire Marshall's approval; allow a 6'5" minimum head height on the door. The Board finds this equivalent to the code.**

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None.**

**Absent: (1) R. Reik**

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

5. 2005-B-20, 1116 W. Washington St.

Requesting a variance from the following two sections of the 2003 Michigan Building Code:

- Section R311.5.1 which states: *"Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height."*
- Section R311.5.2 which states: *"The minimum headroom in all parts of the stairway shall not be less than 6 feet, 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform."*

**Susan Bryan, owner, was present to speak on behalf of this appeal.**

Discussion

**S. Bryan** explained the request. She is requesting a variance from the stair width from the first floor to the basement. The stair had to be removed in the process of fixing the foundation and re-pouring the basement floor. She said that the variance for stair height is no longer needed.

**A. Savoni** spoke in support of the request. The width and headroom cannot be modified due to structural consideration. Recommend acceptance of the stair based on Section AJ102.7 of the code.

After further discussion;

**D. Darling moved, supported by S. Callan to grant a variance from Section R311.5.1, based on Section AJ102.7 of the Existing Buildings and Structures appendix (J) of the code, to allow a stair that is 33 inches wide.**

The vote to grant the variance was as follows:

**Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling**

**Nays: (0) None.**

**Absent: (1) R. Reik**

**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, K. Winters moved that the meeting be adjourned. Chair Kenneth Winters adjourned the meeting at 2:49 p.m.

Respectfully submitted,

*Lynn Bowen*

Lynn M. Bowen, Secretary  
Building Board of Appeals

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Kenneth Winters, Chair

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Dated 5-11-05 BBA Minutes

Drafted by:  
Anissa R. King