



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

September 14, 2005

The regular meeting of the Building Board of Appeals was held on Wednesday, September 14, 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 1:31 p.m. by Chair Kenneth Winters.

II. Roll Call:

Members Present: (5) K. Winters, P. Darling, D. Darling,
R. Reik, S. Callan;

Members Absent: (0) None.

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

III. Approval of Minutes

S. Callan moved seconded by R. Reik to approve the minutes of April 13, 2005 with corrections being made on pages 3 and 5. The minutes were approved unanimously.

IV. APPEALS & ACTION - UNFINISHED

None.

V. APPEALS & ACTION - NEW

1. 2005-B-27, 429 Third Street

Requesting a variance from Section R310.2 of the 2003 Michigan Residential Code that gives requirements for window wells for basement egress windows. The section states, "*The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches.*

The area of the window well shall allow the emergency escape and rescue opening to be fully opened." The section contains an exception allowing the ladder or steps, required if the well is more than 44 inches deep, to encroach a minimum of 6 inches into the required dimensions of the window well.

Dan Rubenstein, representing the owner, was present to speak on behalf of this appeal.

We would suggest that since this is a two-story addition with a basement, that it be redesigned to allow the placement of the egress window on the east (rear) wall.

Discussion

D. Rubenstein was available to answer questions of the Board.

A. Savoni stated that staff was not in support of the request as stated above in the staff report.

R. Heemstra was not in support of the request. There were too many encroachments as far as the minimum size of the window openings.

After further discussion;

P. Darling moved supported by R. Reik to allow a basement window well as indicated on the attached sketch being 28 inches minimum depth at the bottom of the window well, with the following contingencies:

- 1. The well landing at the bottom exceeds the 9 sq. ft. minimum code requirement.**
- 2. That the steps be provided out of the window well.**
- 3. Interconnected hardwired smoke detectors be installed throughout the house per Fire Marshall's approval.**
- 4. The Board finds this to be equivalent to what the code requires.**

The vote to table the variance was as follows:

Ayes: (0) None.

Nays: (5) K. Winters, P. Darling, D. Darling, R. Reik; S. Callan

Absent: (0) None.

Motion carried. Variance denied.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. REPORTS & COMMUNICATIONS

D. Darling asked if there the board had to meet on a monthly basis if less than three appeals were submitted. A. Savoni said that he would check the by-laws to see if there was language to that effect.

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 1:57 p.m. by Chairman Kenneth Winters.

Respectfully submitted,
Lynn Bowen
Lynn M. Bowen, Secretary
Building Board of Appeals

Kenneth Winters, Chair

Dated 9-14-05 Minutes

Drafted by:
Anissa R. King
Admin. Support Specialist V
Board and Support