



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE BUILDING BOARD OF APPEALS  
OF THE CITY OF ANN ARBOR  
AUGUST 9, 2006 CITY COUNCIL CHAMBERS**

**MEETING CALLED TO ORDER**

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

II. **Roll Call:**

Members Present: (4) Kenneth Winters, Samuel Callan,  
Paul Darling and Dennis Darling Robert Hart

Members Absent: (2) R. Reik and D. Darling

Staff Present: (4) Anthony Savoni, Ron Heemstra  
Lynn Bowen & Brenda Acquaviva

II. **ROLL CALL**

Quorum Satisfied

III. **APPROVAL OF MINUTES**

Regular Meeting of July 12, 2006 (Postponed until August Meeting)

IV. **APPEALS & ACTION - UNFINISHED**

None.

V. **APPEALS & ACTION - NEW**

1. **2006-B-29, 2918 N. Baylis Drive**

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

- a. Section R305.1 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.
- b. 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."

47  
48 Ken Lussenden, contractor representing the petitioner Gahl and Corry Berkooz, owners and Randy  
49 Cooly were present to speak on the issue.  
50

51 A. Savoni - Staff would like the petitioner to investigate the ceiling at the stair to determine whether it  
52 could be raised to gain any additional headroom. If this is not possible, due to structural  
53 considerations, staff is supportive of these ceiling height requests and would suggest that if the Board  
54 is supportive of granting a variance, a fully automatic, building wide smoke detection system be a  
55 condition of the variance.  
56

57 R. Heemstra – Concurs with Savoni. At least three smoke detectors would be needed in the  
58 basement area for proper protection.  
59

60 Discussion:  
61

62 Contractor states the home has smoke detectors throughout the home. (R. Heemstra) Are  
63 there three in the basement? (Petitioner) Not confirmed. Believes two exist currently.  
64

65 S. Callan – The first issue is the 6’ 8” ceiling and the stair. Randy Cooley, tenant, also spoke  
66 on this issue.  
67

68 Motion  
69

70 **Moved by P. Darling, Seconded by R. Hart “to grant a variance for Appeal 2006-B-29,**  
71 **Section R305.1 of the Michigan Residential Code to allow ceiling heights less than 7’**  
72 **high in 3 sections of the basement.”**  
73

74 **“One area below the living room (allowed to project down to 6’8” finished), second area**  
75 **is that of the plumbing soffit (rough down to 6’ 7 ½”) and the third area below the duct**  
76 **trunk (down to 6’4” finished), provided that an interconnected, hard wired smoke**  
77 **detector system be installed throughout the entire house per the Fire Marshall’s**  
78 **approval. The built in desk alcove below the area of a 6’ high ceiling remain in place as**  
79 **a part of the variance. We find this equivalent to what the Code requires.”**  
80

81 On a Voice Vote – **MOTION PASSED – UNANIMOUS - Variance is Granted**  
82

83  
84 **2. 2006-B-30, 517 Felch**  
85

86 **Requesting a variance from Section R305.1 of the 2003 Michigan**  
87 **Residential Code:**  
88

89 “Requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable  
90 space, and allows beams/girders not less than 4 feet on center to project below,  
91 a maximum of 6 inches.”  
92

93 Carl Jakel, husband of petitioner was present to speak on the appeal. The Chair informed Mr. Jakel  
94 that they were not provided with plans of the building, what rooms are being used and so forth. The  
95 petitioner apologized that the documentation was missing, and it was decided that the matter should  
96 be TABLED until further information is received.  
97  
98

99 **Motion**

100  
101 **Moved by P. Darling, Seconded by S. Callan, “that Appeal 2006-B-30 be Tabled until**  
102 **additional documentation can be submitted.**

103  
104 On a Voice Vote – **MOTION PASSED – UNANIMOUS - Variance Tabled**

105  
106  
107 **3. 2006-B-31, 707 Oxford**

108  
109 **Requesting a variance from Section 1009.3 of the 2003 Michigan Building**  
110 **Code that states:**

111  
112 “Stair riser heights shall be 7 inches maximum and 4 inches minimum. Stair tread  
113 depths shall be 11 inches.”

114  
115 Andrew Hauptmann, Architect, Chris Parker, President of the Graduate Association for Alpha Phi of  
116 Phi Gamma Delta and Matt Conway with Oliver Hatchet Construction spoke on behalf of the appeal.

117  
118 **A. Savoni** – Staff is supportive of this request. It has been the policy of the Building Department that  
119 stairs separated by a landing are considered new stairs. However, this is an extension of the existing  
120 stair and the Petitioner is proposing to match the existing tread. Secondly, making the stair code  
121 compliant with an 11 inch tread would require structurally modifying and raising the roof over the stair  
122 area. If it is found that modifying and raising the roof would impose disproportionate costs because of  
123 structural difficulties, we would recommend approval.

124  
125 **R. Heemstra** – I would prefer the stairs stay the same and keep the headroom. I would be supportive  
126 of this.

127  
128 **P. Darling** – States he has previously been involved in an earlier phase of this project (not current  
129 project). The Board feels that this has no bearing on the current issue and that he is not required to  
130 recuse himself.

131  
132 Board agrees that 6’ 1” is very low for ceiling height – ceiling would be 6’ 4” with no ceiling (exposed).  
133 Ductwork could also be reconfigured and thinner/wider to provide greater headroom.

134  
135 **Motion**

136 **Moved by R. Hart, Seconded by S. Callan “to grant a Variance from Section**  
137 **1009.3 of the 2003 Michigan Building Code for Appeal 2006-B-31, whereby**  
138 **the stair extension from the second to third floor be approved, allowing**  
139 **following the 6 5/8” riser and 9 ¼ “ stair extension, thereby permitting a**  
140 **6’8” clear headroom at the landing.**

141  
142 On a Voice Vote – **MOTION PASSED – UNANIMOUS – Variance is Granted**

143  
144 **VI. UNFINISHED BUSINESS**

145  
146 None.

147  
148 **VII. NEW BUSINESS**

149  
150 None.

151  
152 VIII. **REPORTS & COMMUNICATIONS**  
153

154 Discussed the letter received from O’Neal Construction regarding a variance from July 13, 2005,  
155 Appeal 2005-B-28, 201 Depot Street, Ann Arbor, MI.  
156

157 R. Heemstra – Explained the letter. It was the contractor’s expectation that the variance was granted  
158 for ‘exterior sprinkler heads only;’ I am in agreement with that – that is what I have in my notes. The  
159 tape reflects that the motion was for both interior and exterior heads, however, S. Callan brought up  
160 that on certain buildings we have allowed interior only when there is no building immediately adjacent  
161 to it.  
162

163 The question was brought up about the trains being in that area, would it pose a problem. It’s a  
164 possibility, but I don’t see it as a problem. I believe, as did the architect, that we changed the motion  
165 to include ~~exterior~~ interior sprinkler heads only. They would like a clarification from the Board.  
166

167 K. Winters – Yes, in my notes, we originally had both, but then ~~interior~~ exterior was crossed off. In my  
168 opinion, we decided to change it, and just never rephrased the motion.  
169

170 S. Callan – recalls interior only.  
171

172 After discussion, amending the motion was the general consensus  
173

174 **Motion**  
175

176 **Moved by P. Darling, Seconded by S. Callan “to amend Appeal 2005-B-28, item #2,  
177 to strike the words “and exterior.””**  
178

179 *On a Voice Vote* – **MOTION PASSED – UNANIMOUS – Variance is Granted**  
180

181  
182 IX. **AUDIENCE PARTICIPATION - GENERAL**  
183

184 None.  
185

186 X. **ADJOURNMENT**  
187

188 Meeting adjourned at 2:13 p.m.  
189

190 **Persons with disabilities are encouraged to participate. Accommodations, including sign  
191 language interpreters, may be arranged by contacting Planning & Development Services by  
192 telephone at 994-2675 or by written request addressed to Planning & Development Services  
193 C/O Board of Appeals, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.**  
194  
195  
196