



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE BUILDING BOARD OF APPEALS
OF THE CITY OF ANN ARBOR
OCTOBER 11, 2006 CITY COUNCIL CHAMBERS**

I. **MEETING CALLED TO ORDER**

Chair Kenneth Winters called the meeting to order at 1:35 p.m.

II. **ROLL CALL**

Present: Kenneth Winters, Samuel Callan, Paul Darling and Alex Milshteyn (4)

Absent: Roger Reik and Robert Hart (2), Dennis Darling (Alternate) (1)

III. **APPROVAL OF MINUTES**

Regular Session of September 13, 2006

“Moved by S. Callan, Seconded by A. Milshteyn “**to approve the September 13, 2006 minutes as amended.**”

Corrections: Lines 134 and 187 (*soffit* not *soffit*).

On a Voice Vote – MOTION PASSED – UNANIMOUS

III. **APPEALS & ACTION – UNFINISHED**

None.

IV. **APPEALS & ACTION - NEW**

1. **2006-B-35 – 1818 Chandler Street**

Petitioner is 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.

Description:

Petitioner is finishing a portion of the basement creating habitable space. The finished ceiling height at two locations under the ductwork and under the stair is 6 foot 3 inches. The width of one of the ceiling drops is 6 feet at the widest part. Petitioner is installing an egress

47 window in the basement. Derrick Szepiela of Basement Experts of America was present to
48 speak on behalf of the owner, Jennifer Mitchell.

49
50 **Staff Recommendation:**

51
52 A. Savoni - Staff is supportive of these ceiling height requests and would suggest that if the
53 Board is supportive of granting a variance, a fully automatic, building wide smoke detection
54 system be a condition of the variance.

55
56 **Discussion:**

57
58 Mr. Szepiela stated that the main areas of the basement provide 7' clearance except for the
59 areas of the ductwork and beams throughout. These areas are between 6'4" and 6'5". We
60 are requesting a variance to have that area closed under the beam and ductwork and
61 clearance would be 6'3" in the rest of the room.

62
63 R. Heemstra – Is supportive with the condition of the building wide interconnected smoke
64 detectors – There are a couple of them in there currently, you may need a few more.
65 Contact Fire Marshall for configuration.

66
67 S. Callan – We've don't normally approve 6'3" – 6'4" is the lowest we've granted a variance.

68
69 K. Winters – True – Asks petitioner if there is some way that the ductwork could be left open
70 to gain additional clearance. (Petitioner – With the drywall it would be approximately 6'3" or
71 greater). The ductwork and floor joists are pretty much even and can't be moved up for
72 additional headroom.

73
74 P. Darling – What is the system being installed below the ductwork? (Petitioner – The same
75 standard ceiling we always install which is a drop ceiling. Our installers are able to install
76 this directly underneath (built in place) so that we can have a matching ceiling throughout.

77
78 K. Winters – What is the space between the laundry room and the stair? What is that used
79 for? (Petitioner) – This is under the stair and will have a bi-fold door there for storage.

80 K. Winters – Suggests the laundry room wall be extended so that that is a closet area and
81 not an 'occupiable space' because 6'3" is not going to be acceptable. This would probably
82 have to be 6'4" to be acceptable. We suggest leaving that open and painting it to match.
83 6'3" is just too short. We've basically made it a policy that 6'4" is bottom line for acceptance.

84
85 S. Callan – 6'4" is stretching the allowance to begin with.

86
87 Petitioner – Mentions that the board has previously granted down to 6'1".

88
89 K. Winters – States that that is possible, but that that particular variance could have just
90 been in a doorway or something particular to that appeal. This is an entire 22' length that
91 you're asking for. There might be some other way of doing this between the laundry room
92 and the furnace room and the unfinished bathroom area to create a space that you don't
93 need the variance for as it wouldn't be an 'occupiable space.'

94
95 Petitioner – I will need to speak with the homeowner about the other changes concerning the
96 stairwell, but I would still need the area underneath the beams and ducts if that's at all
97 possible.

99 P. Darling – Wouldn't be bad under the stairs as you're not walking underneath as much.

100
101 K. Winters – Suggests that the petitioner either have the board table this variance request
102 until the petitioner can approach the homeowners for their decision, or we could vote and
103 possibly pass something at 6'4." At this point, I'll leave it to you. (Petitioner) – We could
104 work with the 6'4" and I can speak to the homeowners about moving the ductwork to make
105 that acceptable.

106
107 **MOTION**

108
109 Moved by P. Darling, Seconded by S. Callan “that the Board grant a Variance for Appeal
110 Number 2006-B-35 – 1818 Chandler Street, from Section 305.1 of the 2003 Michigan
111 Residential Building Code, to allow some drop ceilings down to a height of 6'4" above
112 the finished floor and a maximum width of 6' in the living room portion, provided that
113 the entire house be installed with a hard-wired, interconnected smoke detection
114 system as approved by the Fire Marshall in the configuration show in the attached
115 sketch/plans, and we find this equivalent to what the code requires.”

116
117 On a Voice Vote – MOTION PASSED – **UNANIMOUS – Variance Granted**

118
119
120 **2. 2006-B-36 – 301 N. State Street**

121
122 **Mark Mulder, contractor for this property, is requesting a variance from Section R305.1 of**
123 **the 2003 Michigan Residential Code.**

124
125 **Description:**

126
127 The applicant is requesting a variance from Section 1208.2 of the 2003 Michigan Building Code
128 that requires occupiable spaces, habitable spaces and corridors have a ceiling height of not less
129 than 7 feet 6 inches.

130
131 Petitioner is finishing a portion of the basement creating a bedroom and bathroom. The finished
132 ceiling height is 7 foot 3 inches. Petitioner states that the ceiling height cannot be raised due to
133 existing structural conditions. Petitioner is installing an egress window in the bedroom.

134
135 Mark Mulder was present to speak on behalf of the homeowner. There is actually 7'5" (doorway
136 by the mechanical room) for probably about half to two thirds of this room area, and then slopes
137 up to 7'3" at the worst. We're trying to get a variance for the 7'3" in that room.

138
139 **Staff Recommendation:**

140
141 A. Savoni - Staff is supportive of these ceiling height requests and would suggest that if the
142 Board is supportive of granting a variance, a fully automatic, building wide smoke detection
143 system be a condition of the variance.

144
145 R. Heemstra – Concurs with A. Savoni.

146
147 **Discussion:**

148
149 S. Callan – The lowest point of the ceiling in the bedroom is 7'3"? (Petitioner) – Correct. 7'5" is
150 most of the square footage.

151 S. Callan – Same with the bathroom area? (Petitioner) – That is 7’5” as it doesn’t have the
152 carpeting/padding in the floor. *(This is a multi-unit dwelling. Code is at 7’6” under the 2003*
153 *building code. The egress window will be changed to be conforming).*

154
155 R. Heemstra – I would recommend the interconnected smoke detectors to be in the common
156 areas throughout (i.e., egress corridors), not necessarily in the individual apartments. The
157 basement ones will have to be tied into the interconnected ones.

158
159 **MOTION**

160
161 Moved by P. Darling, Seconded by M Milshteyn, **“that the board grant a Variance for**
162 **Appeal Number 2006-B-36 – 301 N. State Street, from Section 1208.2 of the 2003**
163 **Michigan Building Code to allow the existing plaster ceilings in this basement unit**
164 **to remain at the current ceiling height of 7’3” up to 7’5,”** provided that a hard-wired,
165 interconnected smoke detection system be installed in this unit, connecting to
166 upper floor corridor units, per the Fire Marshall’s approval. We find this equivalent
167 to what the code requires. “

168
169 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

170
171
172 **3. 2006-B-37 – 324 John Street**

173
174 **Jane Belanger owner of this property, is requesting a variance from the following**
175 **sections R311.5.1, R311.5.2, R311.5.3.1 and R311.5.3.2 of the 2003 Michigan Residential**
176 **Code.**

177
178 **Staff Recommendation:**

179
180 Regarding the stairs, a variance could be granted based on Appendix J of the code which
181 states: *“Where compliance with these provisions or with this code as required by these*
182 *provisions is technically infeasible or would impose disproportionate costs because of structural,*
183 *construction or dimensional difficulties, other alternatives may be accepted by the building*
184 *official.”* However, we still feel that the 6 foot 3-1/2 inches of headroom at the bottom of the stair
185 is too low. We would suggest that the petitioner investigate whether the headroom could be
186 increased at that point.

187
188 **The applicant is requesting a variance from the following sections Section R305.1 of the**
189 **2003 Michigan Residential Code:**

- 190
191 • R311.5.1 – *“Stairways shall not be less than 36 inches in clear width at all points above*
192 *the permitted handrail height and below the required headroom height.”*
193 • R311.5.2 – *“The minimum headroom in all parts of the stairway shall not be less than 6*
194 *feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or*
195 *from the floor surface of the landing or platform.”*
196 • R311.5.3.1 – *“The maximum riser height shall be 8-1/4 inches. The greatest riser height*
197 *within any flight of stairs shall not exceed the smallest by more than 3/8 inch.”*
198 • R311.5.3.2 – *“The minimum tread depth shall be 9 inches.”*

202 **Discussion:**

203
204 The house is a duplex. Petitioner is finishing a portion of the basement creating 3 bedrooms
205 and a bath as an extension of the first floor unit. The existing stair is not being modified and
206 does not meet code for the following reasons:

- 207
- 208 • The width of the stair is 32-1/2 inches. Required minimum width is 36 inches.
- 209 • The minimum headroom is 6 feet 3-1/2". Required minimum headroom is 6 feet 8 inches.
- 210 • The top riser is 8-5/8 inches. All other risers are 7-3/4 inches. Required maximum riser
211 is 8-1/4 inches with a maximum 3/8" difference between riser heights.
- 212 • The treads are 9-1/2 inches. Required minimum tread depth is 10 inches.
- 213

214 *After lengthy discussion, the board felt that they did not have enough information regarding the*
215 *stairs to be able to grant a variance, and suggested that the board table this issue and allow the*
216 *petitioner to come back with answers after further investigation of the stairs in question. The*
217 *following is conversation particular to what the board felt that the petitioner needed to supply in*
218 *order to have any variances approved:)*

219

220 K. Winters – Suggests the board table the issue and allow petitioner to come back with answers.

221

222 Petitioner – What answers do you need?

223

224 K. Winters – What is the maximum height that you can get with the stair rather than 6' 3 1/2"
225 Can you get to 6' 6," because the requirement is 6'8". We need to know to what point we're
226 going to allow the variance.

227

228 Petitioner – If you allow me the 6'6" and if I can't get that I can come back?

229

230 K. Winters – Then the other thing is the construction of the stairs and the risers. There are two
231 ways of going about this:

- 232
- 233 1. Take the stairs apart and rebuild using the same 9 1/2" tread, giving you a variance,
234 because there is a physical limitation of landing and bearing walls. So, either
235 reconstruct it with the variance, but creating the proper height of risers, or:
- 236
- 237 2. You can add 3/8" plywood, 1/8" hardboard and 1/4 " plywood in order to adjust stair
238 height, and then that stair has to get carpeted or finished somehow, not just leaving
239 it.
- 240

241 Petitioner – Is it just the last step up?

242

243 R. Heemstra – You're trying to make them a uniform stepping pattern so that in an emergency
244 people aren't trying to remember "Ok, this is a higher step, this is lower..." you're trying to
245 eliminate the trip hazards. My concern is with the last step being the highest one, people are
246 going to forget about that and trip right at the landing, then you won't get the door open, etc. If
247 it's uniform where the stairs are all higher or all lower, it's a lot easier for people to adjust to that.

248

249 K. Winters – Reconstructing the stair might also assist in finding out what this center bump-out
250 area is, that it might possibly come out.

251
252

253 Petitioner – I asked about reconstruction with both the architect and the builder, and they didn't
254 feel that they had the room (P. Darling – The run).

255
256 K. Winters – Yes, you don't have the required room to make all the treads the required 10", but if
257 you were to be allowed 9 ½" tread, then you may be able to reconstruct it.

258
259 A. Savoni – What he is saying is that you could reconstruct it so that *all* of rise is the same.
260 You're leaving the tread the way it is – you're not bumping the stairway out, you're just bringing
261 it up.

262
263 Petitioner – To what height?

264
265 K. Winters – That's to be determined by the existing landing. Also reconstructing would allow
266 you to find out what this extra height at the top is for. Is it because they raised the floor at some
267 point?

268
269 P. Darling – It seems like the landing elevation is wrong because the top step of the first one
270 down is too big and the bottom step is too small, so it really implies that something happened to
271 the floor that screwed both of those up at the same time.

272
273 Petitioner – It looks like they added sub-floor at some point. We could pull the sub-floor up.

274
275 K. Winters – This is why we suggest tabling this – expose some of this stair and see what you
276 have and approach the contractor. Can he rebuild the stair or take part of this apart and
277 removing sub-floor – creating something that is more acceptable to the appeal board (something
278 closer to the code requirements).

279
280 P. ~~Winters~~ Darling – The advantage of tabling is that you don't have to pay the fee again. You
281 do have to come back, but you don't have to pay a second time.

282
283 **MOTION**

284
285 Moved by A. Milshteyn, Seconded by P. Darling, "**that Appeal Number 2006-B-37 – 324**
286 **John Street be tabled until further investigation of the stairs and stair joist be**
287 **investigated for alternate solutions to the variance.**"

288
289 **On a Voice Vote – MOTION TO TABLE PASSED – UNANIMOUS**
290 **Variance TABLED to the October 2006 BBA Meeting.**

291
292 **(Note: All requested variances are 'stair related' and passage of the other**
293 **requests hinge on what type of height can be gained from investigating alternate**
294 **solutions to getting maximum headroom as well as consistent stair depth on the**
295 **stair rise and run and landing.)**

296
297 P. Darling – Suggested you could drill a hole through the floor and see how many layers of sub-
298 floor exist or go below it and do some investigation. The top should not be 8 5/8" but closer to 7
299 5/4" so that the rhythm of that is about the same. It can't be greater than 3/8" variation, biggest
300 to smallest.

301
302 Petitioner – The headroom probably can't be changed.

303
304

305 P. Darling – If you have a structural engineer or an architect, have him see what it is supporting,
306 but it does seem kind of weird that it's so wide and it doesn't show what it's supporting.
307
308 A. Savoni – If he brings us some information as to 'why' this can't be changed (and some
309 photos), that would help.
310

311
312 **4. 2006-B-38 – 2634 Pin Oak Drive**

313
314 **Requesting a variance from the following two sections of the 2003**
315 **Michigan Residential Code:**

316
317 **Edgewood Homes, Contractor for this property, is requesting a variance from Section**
318 **R305.1 of the 2003 Michigan Residential Code.**

319 **Description:**

320
321
322 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
323 Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space,
324 and allows beams/girders not less than 4 feet on center to project below, a maximum of 6
325 inches.

326
327 Mr. Brian Lally was present to speak on behalf of Edgewood homes and the homeowner.
328 Mr.Lally stated that he had no problem making the proper ceiling height, he requires the
329 variance because the width necessary does not comply. This home has a unique situation
330 because of the ductwork and and beams normally run parallel – these do not. There is
331 approximately 3' between the last duct and the beam, and we would like to be allowed a
332 variance for that extra footage. We would like to keep a level ceiling in it instead of breaking it
333 for 2' going up and coming down.
334

335 **Discussion:**

336
337 The board asked the petitioner questions regarding measurements of the beam and other
338 ceiling heights, maximum width would be approximately 10.'

339
340 R. Heemstra – Asked if there were any other smoke detectors other than the bottom of the stairs
341 (No). Mr. Heemstra stated there should be one on the other side, as the ceiling height changes.
342

343 Petitioner – Do you want a smoke detector in the furnace area?
344

345 R. Heemstra – Not really needed there – would look in the common areas.
346

347 **Staff Recommendation:**

348
349 A. Savoni - Staff is supportive of these ceiling height requests and would suggest that if the
350 Board is supportive of granting a variance, a fully automatic, building wide smoke detection
351 system be a condition of the variance.
352

353 R. Heemstra – I concur, with the stipulation of interconnected smoke detectors.
354

354 **MOTION**

355 Moved by P. Darling, Seconded by A. Milshteyn, "that the board grant a variance for
356 **Appeal Number 2006-B-38 – 2634 Pin Oak Drive be granted a variance from the**
357 **2003 Michigan Residential Code, Section R305.1 to allow a suspended ceiling up to**
358 **10' in width below the ductwork to a height of not less than 6' 9,"** provided that an
359 **interconnected, hard-wired smoke detection system be installed throughout the**
360 **house per the Fire Marshal's approval. The board finds this equivalent to what the**
361 **code requires. "**
362

363 ***On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted***

364
365 VI. **UNFINISHED BUSINESS**

366 None.

367
368
369 V. **NEW BUSINESS**

370 2007 Building Board of Appeals Schedule – Postponed until the ~~October~~
371 November 8th, 2006 meeting.

372
373
374 VIII. **REPORTS & COMMUNICATIONS**

375 None.

376
377
378 IX. **AUDIENCE PARTICIPATION - GENERAL**

379 None.

380
381
382 X. **ADJOURNMENT**

383 Moved by K. Winters, Seconded by A. Milshteyn "that the meeting be
384 **adjourned"**

385 ***On a Voice Vote – MOTION PASSED - UNANIMOUS*** – Meeting adjourned at
386 3:46 p.m.

387
388
389
390 ***Minutes Prepared by:***
391 ***Brenda Acquaviva, Administrative Support Specialist V.***
392