



**APPROVED MINUTES OF REGULAR SESSION OF
THE BUILDING BOARD OF APPEALS
OF THE CITY OF ANN ARBOR
NOVEMBER 8, 2006 CITY COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

I. **MEETING CALLED TO ORDER** – 1:35 p.m.

II. **ROLL CALL**

Members Present: (5) Kenneth Winters, Samuel Callan,
Paul Darling, Roger Reik and Robert Hart

Members Absent: (0) None.

Staff Present: (3) Anthony Savoni, Kathleen Chamberlain
and Brenda Acquaviva

III. **APPROVAL OF MINUTES**

Regular Session of October 11, 2006

Corrections – Line 270 (Strike “Winters” and insert “Darling); Lines 360 and 361 (Strike
“October” and insert “the November”)

Moved by P. Darling, Seconded by S. Callan “**that the minutes of the November 8,
2006 Regular Session be accepted as amended.**”

On a Voice Vote – **MOTION PASSED - UNANIMOUS**

IV. **APPEALS & ACTION - UNFINISHED**

1. **2006-B-32 - 3413 Strand Court**
(Appeal Originally heard on 9/13/06) - * Submitted Revised Drawings

Derrick Szepiela, representative for the owners of 3413 Strand Court, is requesting to permanently install a 3-foot by 3 foot by 8-inch tall platform on the floor under the egress window to bring the window up to code. **Petitioner has moved the platform from a window in the unfinished storage to a window in the finished space.**

Mr. Szepiela was present to speak on behalf of the appeal. Revised drawing were submitted to the BBA and show where to platform had been moved.

Staff Comments

A. Savoni – The code specifically states that the bottom of the opening must be a maximum of 44 inches from the finished floor and doesn't allow for any provisions or exceptions for a platform; however, the board did previously state that if he moved the platform to the finished area that the appeal would probably be approved.

51 K. Chamberlain – The Fire Department would prefer not supporting this but if it is
52 allowed, we would want the platform to be ‘fixed’ and not portable.
53

54 Questions from the Board

55
56 K. Winters – Did we previously state that there would be inter-connected smoke
57 detectors throughout? (Yes, when the ceiling height was approved).
58

59 P. Darling – Is there any kind of signage on this platform – with the purpose so that no
60 one will remove it in the future? (The Board felt this was a good suggestion – either on
61 the platform or on the sill).
62

63 Mr. Szepiela – If you look at the drawings showing the windows, if we attach something
64 to the portion of the window sill with an arrow pointing down showing that this is the
65 egress exit, would that work?
66

67 (The Board concluded that any sign permanently affixed stating that the platform cannot
68 be removed would be acceptable).
69

70 MOTION

71
72 Moved by R. Reik, Seconded by S. Callan, “that the variance appeal for 2006-B-32a,
73 3413 Strand Court (amended from 9/13/06) be granted an appeal regarding Section
74 R310.1 of the Michigan 2003 Residential Code to allow installation of a platform below
75 an egress window in the basement as shown on the submitted drawings, provided that
76 the platform is permanently fixed and signage indicating that this should not be
77 removed. Hardwired, interconnected smoke detectors shall be installed throughout the
78 home to the satisfaction of the Fire Marshal. We find this to be equivalent to what the
79 code requires.”
80

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

83 **2. 2006-B-37 – 324 John Street** 84 **(Appeal Tabled at the 10/11/06 Regular Session)** 85 86

87 **Jane Belanger owner of this property, had requested a variance from the**
88 **following sections R311.5.1, R311.5.2, R311.5.3.1 and R311.5.3.2 of the 2003**
89 **Michigan Residential Code.** These conditions no longer require a variance as they
90 now meet code.
91

- 92 • The applicant is now requesting a variance from **Section R311.5.3.3 – “A**
93 **nosing not less than 3/4 inch but not more than 1-1/4 inch shall be provided**
94 **on stairways with solid risers.”**
95

96 Ms. Belanger and Carl Zatsick were present to speak on behalf of the appeal. Ms.
97 Belanger stated that they were happy to report that they were able to make code on
98 nearly every item initially requested at the October meeting. The headroom clearance
99 is currently at 6 feet, 11 inches. We are still not able to make the nosing requirements
100 on the stairs, so we are still asking for a variance on that.
101

102 K. Winters – Is it only the nosing or is there also 6 feet 8 inches on the slope? (No, that
103 is at code on everything else).

104 So the only thing left is the code stated for the 3/4 inch nosing. (Yes). Do you want to
105 give an explanation as to why you can't accomplish that?
106

107 C. Zatsick – It closes in on the bottom landing and makes it less than 36 inches. We
108 have 3/8 inch nosing on the steps and we've moved the stairs back on the upper
109 landing and kept that at 37 inches. If we go to 3/8 on each step in order to make them
110 all the same, you lose the bottom landing.
111

112 **Staff Comments**

113
114 A. Savoni – Regarding the stairs, a variance could be granted based on Appendix “J” of
115 the code which states where compliance with these provisions or with this code is
116 required by these provisions are technically infeasible or the proposed disproportionate
117 costs because of structural or dimensional difficulties, other alternatives may be
118 accepted by the building office.
119

120 In this case, because they would have to reconfigure the stairs and lose the landing, we
121 could accept it based on that. If the Board is supportive of granting this request, we
122 would require that a fully automatic, building wide smoke detection system be a
123 condition of the variance.
124

125 K. Chamberlain – Are the egress windows located down there? Do they comply? (Yes)
126 – Then we would concur with Anthony Savoni regarding this.
127

128 **Comments from the Board**

129
130 R. Reik – What does the Code state? Nosing size is larger than 3/4 inch and less than
131 1 and 1/4 inch? (2/4 inches – Stated by A. Savoni)
132

133 K. Winters - Is the entire stair presently existing (Yes). You have not done any
134 rebuilding on the stairs? (We've done rebuilding to meet code on the other items – this
135 is how we achieved the space at the bottom for the headroom). So you took out the
136 stair, rebuilt it, and still can't get the nosing (because of the run difference downstairs,
137 we'd lose the landing area. We have 3/8 inches nosing, but we did what we could to
138 achieve that).
139

140 P. Darling – (To A. Savoni) – Do you see any safety issues besides the nosing? Why is
141 the minimum 3/4 inch nosing size? (A. Savoni – I don't see any safety issues. It
142 should be fine. They have definitely improved the stairs).
143

144 K. Winters – You presently have a wider tread than required by code, so a smaller
145 nosing should not be that much of a safety problem.
146

147 K. Chamberlain – Will this include the interconnected smoke detectors? (Yes, it will be
148 added to the motion).
149

150 **MOTION**

151
152 Moved by P. Darling, Seconded by S. Callan, “that the Board grant a variance for
153 appeal number 2006-B-37, 324 John Street from Section R311.5.3.3 of the 2003
154 Michigan Residential Code to allow the reconstructed stair to have a nosing of 3/8 of an
155 inch, and we find that this complies with Appendix “J” of the code that allow the stairs to
156 be rebuilt in the existing space, provided that this is due to the structural constraints.

157 An interconnected, hard-wired whole home smoke detection system subject to the
158 approval of the Fire Marshal shall be a requirement of the variance.”

159
160 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

161
162
163 V. **APPEALS & ACTION - NEW**

164
165 **3. 2006-B-39 – 2600 Glenbrook Court**

166
167 **Merrill Wright, owner of this property, is requesting a variance from Section**
168 **R305.1 of the 2003 Michigan Residential Code.**

169
170 The applicant is requesting a variance from section R305.1 of the of the 2003
171 Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling height in
172 a basement with habitable space, and allows beams/girders not less than 4 feet
173 on center to project below, a maximum of 6 inches.

174
175 Petitioner Merrill Wright was present to speak on the variance. He stated that he is the
176 homeowner and is trying to finish the basement in the home. The existing ceiling height
177 met original building code for an unfinished or uninhabitable space, which had the
178 additional allowance for a lower ceiling, but the ductwork and the I-beam projected
179 below the 6 feet 6 inches allowed. I’m requesting a variance under the I-beam and the
180 ductwork. All the other areas – the hallways, the bathrooms, etc. meet the 7 foot
181 requirement.

182
183 In the staff report that I received, it mentioned not finishing off the ceiling in those areas
184 and I hadn’t considered that. I think this is a good recommendation and I’m open to
185 that. I would just remove the framing that I installed around the ductwork, but that would
186 still require a variance but not to the original level that I had requested of 6 feet 3
187 inches. It would only be in the corner where the slope of the basement comes to the
188 drain. At the corner it would be 6 feet 5 inches, but closer to 6 feet 6 inches.

189
190 Underneath the stairs would be 6 feet 7 inches or higher (refers to submitted pictures).

191
192 **Staff Comments**

193
194 A. Savoni – Staff is not supportive of this request. We feel that the proposed finished
195 ceiling height is too low at the location of the ductwork and the beam. We would
196 recommend that the ductwork be left exposed for greater headroom and if possible,
197 reconfigured to gain more space.

198
199 K. Chamberlain – We’re not supportive. We concur with Anthony Savoni to work on the
200 reconfiguration. If there was support from the Board for this variance, we request that
201 an interconnected, hard-wired smoke detection system be a condition of the variance.

202
203 Petitioner stated that he had planned to connect all the current smoke detectors
204 together in the basement.

205
206 K. Winters – We have always required that the smoke detection system be installed
207 throughout the entire home as a condition of the variance.

208
209 Petitioner – I will meet that requirement.
210

211 K. Winters – You would have to submit the locations, both upstairs and down to the Fire
212 Marshal’s office. They would then approve or modify and/or work with you regarding
213 the locations.

214
215 **Questions from the Board**

216
217 R. Hart – A couple of windows shown – do they meet egress? (Yes – they are less than
218 44 inches off the floor and they meet the opening requirements). In relation to the plan,
219 where is the steel beam – which side of the ductwork is it on? (Inside the center shaded
220 area on the drawing). The first page where there are two rectangular ducts is where is
221 that located. (That is all included in the drawing – in the shaded area). (Petitioner
222 explained further).

223
224 **MOTION**

225
226 Moved by R. Hart, Seconded by R. Reik, “that a variance be granted for Appeal
227 Number 2006-B-39, 2600 Glenbrook Court from Section R305.1 of the Michigan
228 Residential code, to allow a minimum headroom height of 6 feet 4 inches under
229 existing structure and ductwork. The ductwork and structure shall remain
230 exposed and an interconnected, hard wired smoke detection system be installed
231 throughout the entire home to the satisfaction of the Fire Marshal.”

232
233 On a Voice Vote – MOTION PASSED – **UNANIMOUS – Variance Granted**

234
235
236 **4. 2006-B-40 – 616 Church Street**

237
238 **Carl O. Hueter, architect for this property, is requesting a variance from Section**
239 **1025.1 of the 2003 Michigan Building Code.**

240
241 The applicant is requesting a variance from section 1025.1 of the of the 2003
242 Michigan Building Code which requires “basements and sleeping rooms below
243 the fourth story above grade plane shall have at least 1 exterior emergency
244 escape and rescue opening in accordance with this section.”

245
246 Carl O. Hueter, architect and agent for the owner was present to speak on behalf of the
247 appeal. Mr. Hueter stated that he had left the variance requested section of the
248 application form blank because he wasn’t sure what it was that they were appealing.
249 He stated that the variance information in the staff report was incorrect.

250
251 “I’m not looking for a variance from Section 1025.1 of the 2003 Michigan Code. We
252 stated in the application that this was an old home built in the early nineteen teens,
253 converted from a single family home to a student rental housing. It had apartments in it
254 and then later the first floor was taken over by a commercial business.”

255
256 “Later on, Ann Arbor Realty moved into the first floor and kept the two apartments
257 above. Since the late 1980’s, I’ve done a number of work items on this building,
258 working on improving the apartments and what not. As Ann Arbor Realty grew, they
259 wanted to expand up to the second floor and at that time the building was converted to
260 all “B” use instead of being R2 and B. Two years ago, Ann Arbor Realty wanted to
261 move down to the first floor and restore the apartment use. The third floor apartment
262 had never been converted into business, but not used once it was converted to “B” use.”

265 "I prepared drawings and a written description of what we were doing, submitted them
266 to the city and received a permit to do the work as shown on the documents that are
267 shown in front of you."
268

269 "The work was started – as is often there are a number of issues that the building
270 inspectors bring up during the course of construction that were remedied. The rough
271 electric, heating and plumbing were all done, framing inspection done, insulation
272 inspection completed. There is a significant amount of drywall work in the building
273 where we have two layers of drywall on both sides and surfaces, and those have to be
274 inspected between each layer. The first layer went up and that was inspected."
275

276 "Several months after that, we were notified that this apartment, specifically on the
277 second floor bedroom did not comply with egress standards because there is a building
278 2 feet outside the egress window of this one bedroom."

279 "When asked what section of code we were in violation of, they said they couldn't tell
280 us. If you read the plan reviewers statement, there is no 'code' section, but Ann Arbor
281 apparently has an unwritten standard that they require 36 inches outside the window.
282 Although the original submitted documents did not show the adjacent new commercial
283 building that has been built in the last 4 years, it does specifically state that there is only
284 2 feet between the wall of the building and the property line. The code section 1025.1
285 talks about egress windows, which require a minimum width of 20 inches. I believe this
286 is so that fire personnel can get through with all their equipment on."
287

288 "We have a compliant window in this bedroom, and if you look at the drawings I've
289 provided, as you exit the bedroom you can go either left or right. To the left is a one-
290 hour stair shaft; to the right is a two-hour stair shaft. The third floor apartment has two
291 egresses out of it. The second one, on the outside of the building, was done for code at
292 a time when they allowed an egress stair of 22 inches wide."
293

294 "As we renovated the building, we also added smoke detectors in all of the bedrooms
295 and also one in each of the floors including the basement and they're all interconnected
296 so that if an alarm goes off on one floor, it notifies the occupants on all the floors of
297 smoke being developed in the building. I feel that we comply with the code and are
298 super adequate because out of the bedroom we have a compliant means of egress, we
299 are also adding a drop down stair out of that window and there are two fire rated stair
300 shafts outside this bedroom where you can go either way to get out. The building has a
301 fully integrated smoke detection system that alarms all the floors. The 'unwritten'
302 standard of 36 inches between the building was not something we were aware of until
303 the inspection was done." inspections as well as all permits obtained."
304

305 **(ADMINISTRATIVE NOTE:** *From the BS and A Building Department computer software*
306 *Building Permit Number PB051446 - records show several inspections from 9/12/05*
307 *through 11/8/06 and constant disapproval of work, including a stop work order.*
308 *Mechanical Permit Number PM051583 had several disapprovals by staff, including no*
309 *fire damper in corridor, and never had a final inspection – shows permit was*
310 *cancelled?).*
311

312 **Staff Comments**

313
314 Staff is not supportive of this request. We feel that there should be a minimum
315 clearance of 3 feet on the exterior side of the window to allow a person to safely exit the
316 building in an emergency or to allow a firefighter to place a ladder up to the window and
317 enter with their equipment; therefore, the City has chosen to enforce the requirement for
318 a minimum 3 foot clearance.

319 This clearance is what is required in front of a below grade basement window. I'd like to
320 add that when the original drawings were submitted that the dimensions weren't on the
321 plans, nor was there any mention made of the building next door.
322

323 K. Chamberlain – Again, we concur with Anthony Savoni that a 3-foot minimum is
324 necessary for ladder rescue. If a fire occurs between those buildings, you'll end up with
325 a 'chimney effect,' and it will make rescue and fire operations extremely limited. You
326 have the added vulnerability of rescue of someone from that building. We would not
327 want to support this; however, with smoke suppression throughout, curtain protection on
328 all the openings between the buildings on the south side, that would be our
329 recommendation.
330

331 Questions from the Board

332

333 R. Hart – Are there smoke detectors in the common areas outside the bedrooms?
334 (Yes).
335

336 K. Winters – This is the second floor on the left side that is adjacent to the restaurant
337 next door? (Correct). There is a 'jog' in the wall. At the front, there is more than 2 feet
338 of space, but at the back two thirds of the building is where we have 2 feet? (Correct).

339 P. Darling – This brings up an interesting thing that code wise, these windows would not
340 be allowed in a new building because it's too close to the property line. It's existing, so
341 it's a non-conforming condition here since the adjacent property was modified.
342

343 K. Winters – But this is a new use (P. Darling – Change of use – residential, to
344 commercial, back to residential).
345

346 R. Hart – Those windows aren't conforming regardless of their use just because of their
347 proximity of the property line. (It would be a one-hour wall). Actually, even within the
348 one-hour wall they're permitted.
349

350 A. Savoni – They wouldn't be permitted to have any openings. We've allowed them
351 with sprinklers washing them as a variance, but that would not be allowed per code.
352

353 P. Darling – Looks the issue is at bedroom 3 and bedroom 4 – the two bedrooms are
354 really problematic (C. Hueter – Bedroom 4 is what we've been told needs the variance).
355

356 A. Savoni – Bedroom 3 met it because of the jog in the building.
357

358 K. Winters – When you go out of bedroom 4 to the hallway, you have a stairway to the
359 west side. Is that the only stair going from the second floor? (On either side you have a
360 one-hour stair and another this way). Doesn't show treads on the drawing, I didn't read
361 it as a stair.
362

363 P. Darling – This building isn't currently sprinkled in any way? (No).
364

365 K. Winters – (Questions with two exits, is it still required to have the egress window?)
366

367 A. Savoni – Other than group 3 occupancy, the code says applicable as such and
368 101.2, sleeping rooms provided with a door to a fire resistance rated corridor, having
369 access to two or more exits in opposite directions - this exits to a room, it doesn't
370 actually exit to fire rated corridor.
371
372

373 The Board continued ongoing conversation regarding such issues as the hazard of the
374 building next door possibly catching fire and the problems associated with that.
375

376 C. Hueter - Stated that this was not pointed out during any of the prior inspections that
377 had been done, or they could have changed the location of this bedroom, but because it
378 came up so late in the project and that he's dealing with complying with a regulation that
379 isn't written anywhere – only brought up after the fact.
380

381 K. Winters – There are still codes that you have apparently not met. I don't think you
382 can put it on the Building Department.
383

384 B. Hueter – I'm not trying to put it on the Building Department. We can move this
385 bedroom to the other side of the unit. It's unfortunate that we have to do it after the
386 project has been finished. Certainly that is probably what will happen. We talked about
387 taking a door from bedroom 4 into the rated corridor to the one-hour rear stair, but the
388 building inspector said that this wouldn't work – it needs to go both ways – you have to
389 have two separate means of egress out of that corridor. Before the 2003 Code, two
390 separate means of egress out of a unit were acceptable other than an emergency
391 egress window, and the code is changed now.
392

393 K. Winters – (To A. Savoni) – If this were to have two windows and even the third
394 window at bedroom number one have the sprinklers like we've approved before
395 (dousing the window area).
396

397 A. Savoni – We would want the entire house, as the other building is so close as
398 Kathleen stated, we would encounter other problems.
399

400 K. Winters – It would have to go to the third floor, a living space with a couple of
401 windows there (A. Savoni – Yes).
402

403 More discussion by the Board regarding water main size (5/8) – limited number of
404 heads provided by that service. The chimney effect is why the curtain protection is
405 needed for the windows and the suppression throughout and the hazard of the life
406 safety of the occupants.
407

408 K. Winters – I do understand the City's request to have 36 inches available there. You
409 have a window exit that is equivalent to a basement are well type of exit. Is there some
410 way that the city can get this as a rule in the Building Department?
411

412 A. Savoni – Unfortunately, we're not allowed to amend the code – this is kind of an
413 unwritten rule. Technically, you can grant him the variance and overrule us. (K.
414 Winters – I'm not going to with only 24 inch access there as the fire department can't
415 get in there at all with equipment on their back and so forth).
416

417 B. Hueter – But an egress window – 20-inch width is what is required by code to allow
418 fire personnel to go through an opening. 24 inches is greater than what is required.
419

420 K. Chamberlain – Firefighters need to at least set up a ladder to get up to that window.
421

422 A. Savoni – Basement windows may be 20 inches, but you still have the additional 3
423 feet in which to maneuver.
424

425 R. Hart – Is there an option to add a door to the kitchen and treat that whole common
426 space as a corridor?

427 (A. Savoni – It says it has to be a corridor that exits both ways, so you'd have to put in a
428 wall and a rated corridor between those two doors, so no, it couldn't be treated in that
429 way).

430
431 C. Hueter – We have done all the new drywall work in 5/8 board, so we could add a
432 corridor back in, making it rated, and cut the living room off with a fire rated door from
433 the bedrooms. It's just hard to comply with rules that aren't 'accessible.' There were
434 ways to resolve this during construction. I wish we'd have known about this before we
435 had pretty much finished out the unit and it took over 18 months to build out the project.
436

437 P. Darling – Are you suggesting that if we gave you a variance to sprinkle these
438 openings, that you'd still end up moving the bedroom instead of doing that? (C. Hueter
439 – It would have been easy to move the piping around when the building was torn apart,
440 but now that it's put back together, it creates a hardship.)
441

442 R. Hart – Is there a way of combining the two bedrooms or inter-linking them so that the
443 one can avail itself of the angled complying window? (Five foot set back rule – you
444 can't have a 5A or a 5B construction within the lot line – No, you can't do that). No – the
445 window in bedroom 3, the one that's on the bias, that's the one that's the complying
446 egress window? (If you're applying this other code that there be no windows within 5
447 feet of the property line, then none of those windows are compliant).
448

449 A. Savoni – You're saying that if he combines bedroom 3 and 4 and takes down that
450 wall, or a portion of the wall (no doors, or they would have to be open).
451

452 R. Hart – Is that an option? (C. Hueter – I can certainly talk to the owner about
453 combining the two rooms – have it as a large two-person bedroom with a non-door
454 opening between the two bedrooms). He wouldn't need the variance. (That's a fine
455 solution; I appreciate you bringing that up).
456

457 P. Darling – You should be concerned with the life safety of the occupant. If there were
458 a fence there, it would even be more difficult. You'd have to assume the liability there.
459

460 K. Chamberlain – Even with 3 feet, we still can't perform rescue operations because we
461 can't set up to get up there.
462

463 After more lengthy discussion, the Board decided to either vote as it was submitted,
464 give a variance for fire suppression at each window opening, or if he decided to take the
465 wall out, this would give him two options to proceed, or table this issue after speaking
466 with the owner and return to the December meeting.
467

468 B. Hueter – I'm asking for a variance for this specific window – are we talking about all
469 the windows now? (Yes, as a condition of the variance. Put sprinklers on all the
470 windows within 5 feet on every floor). (It was suggested by the Board that these could
471 be installed on the outside where no one would see them). I'd like to have the issue
472 tabled until next month as the owner is out of the country right now.
473

474 Moved by P. Darling, Seconded by R. Hart, **“to table Appeal Number 2006-B-40, 616**
475 **Church Street until further direction from the applicant.”**
476

477 **On a Voice Vote – MOTION TO TABLE PASSED – UNANIMOUS – Variance Tabled**
478

478 **Note: Appeal 2006-B-41 was withdrawn by the petitioner prior to the official**
479 **session of the board.**
480

481
482 ~~5. **2006-B-41 – 204 West Huron Street**~~

483
484 ~~**Barry Levin owner of this property, is requesting a variance from Section**~~
485 ~~**607.5.5.1 of the Michigan Mechanical Code.**~~
486

487 ~~The applicant is requesting a variance from section 607.5.5.1 of the of the 2003~~
488 ~~Michigan Mechanical Code which states “Shaft enclosures that are permitted to~~
489 ~~be penetrated by ducts and air transfer openings shall be protected with~~
490 ~~approved fire and smoke dampers installed in accordance with their listing.”~~

491 ~~**WITHDRAWN**~~

492
493
494 **6. 2006-B-42 – 2006 Ridge Avenue**

495
496 **Joseph T. Corak contractor for this property, is requesting a variance from**
497 **Section R305.1 of the 2003 Michigan Residential Code.**
498

499 The applicant is requesting a variance from the following sections of the 2003 Michigan
500 Residential Code:
501

- 502 • Section 305.1 which requires a 7 foot 0 (zero) inch ceiling height in a basement
- 503 with habitable space, and allows beams/girders not less than 4 feet on center to
- 504 project below, a maximum of 6 inches.
- 505 • R311.5.2 – *“The minimum headroom in all parts of the stairway shall not be less*
- 506 *than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
- 507 *tread nosing or from the floor surface of the landing or platform.”*
- 508 • R311.5.3.2 – *“The minimum tread depth shall be 9 inches.”*
- 509 • R311.4.2.1 – *“Interior doors shall be not less than 24 inches in width and 6 feet, 6*
- 510 *inches in height.”*

511
512 Petitioner and contractor Joseph T. Corak and the property owner were present to
513 speak on behalf of the appeal. We would like to put two bedrooms in the basement.
514 The problem with doing that is the headroom to get into the bedrooms and also beams
515 and ductwork hanging down. Those will be below 6 feet 6 inches. The other issue is
516 the stairway – the present headroom on the stairway is a maximum of 6 feet 2 inches.
517

518 “We propose to remove the stairway above this that goes into the attic and that will give
519 us another 4 inches of headroom for 6 feet 6 inches total. The treads on the stairway to
520 the basement bedrooms does not meet current code. The treads are 8 1/4 inches, and
521 we’d like a variance on that as well. The doors under the beams allow us to have 6 feet
522 4 inch doors.”
523

524 **Staff Comments**

525
526 A. Savoni – Staff is supportive of granting a variance on the door height requests. We
527 would also be in favor of the ceiling height request as long as the ductwork in the
528 bedroom and the beam in the hall are left exposed.
529

529 Regarding the stairs, a variance could be granted based on Appendix "J" which states
530 'where compliance with these provisions or with the code required by these provisions is
531 technically infeasible or would impose disproportionate costs in construction and
532 dimensional difficulties, other alternatives may be accepted by the Building Official.'

533
534 We suggest that if the Board is supportive of granting these variances that a fully
535 automatic, building wide smoke detection system be a condition of the variance. An
536 egress window must also be installed in each bedroom per code requirements.

537
538 K. Chamberlain – A question regarding the drawings and the windows. Are there
539 currently windows there? (Yes, but do not yet meet egress code but we intend to make
540 them compliant).

541
542 What kind of work is done in the 'shop' indicated on the drawings? (Petitioner - Just a
543 'name' for the room – no work, per se, is currently done in there. We have a workbench
544 and tools in there). Our concern is that if it were some kind of work being done there
545 that was dusty that we would want to see detectors for heat, etc. It might be better
546 served to have a different type of detector. (That can be done. It's just a storage and
547 tool room right now. We can put heat detectors in the furnace and laundry room). We
548 would want interconnected smoke detectors of varying types depending on what the
549 room use is.

550 **Questions from the Board**

551
552 R. Hart – Would you be ok with leaving the beams and ductwork exposed to attain the
553 clearance you need? (We would like to install a drop ceiling under the ducts, and we
554 would only suggest that if we can get a minimum of 6 feet 4 inches of clearance that we
555 can do that).

556
557 K. Winters – At the beam you have 6 feet 4 inches now, so that would detract if a
558 variance were granted for 6 feet 4 inches. You wouldn't be able to put that finish under
559 that steel beam (Correct). The height of the ductwork is currently 6 feet 5 inches, and
560 you could get a one inch ceiling in there if it weren't carpeted.

561
562 Corak – We don't plan to put acoustical tile in there which is about a half inch and the
563 track is about an inch. We're looking for a thinner material, like a simulated tin panel
564 that you might find in old buildings or stores in the area. We think we can meet the 6
565 foot 4 inch requirement.

566
567 K. Winters – Where are the doors that you are saying will be 6' 4"? (Doors to room "A"
568 and room "B"). Since the shop door being unoccupiable, this doesn't matter. On the
569 last page of your drawings, door "E" into the master bedroom – what is that? (That is
570 the restriction on the staircase. We cannot get the minimum 9-inch tread or the
571 headroom without infringing upon that door).

572
573 R. Hart - The beams, are they steel or are they wooden? (One is a steel I-beam, the
574 other is built up two by eights). So where the ductwork is, the minimum height would be
575 6 feet 4 inches? (Yes).

576
577 P. Darling – The stair to the second floor will comply with Appendix "J" as far as the rise
578 and run? There are no other issues regarding that? (A. Savoni – He would have to
579 modify a number of things to make that stair work, so we're granting the appeal based
580 on Appendix "J" as it would be too expensive and cumbersome to change).

583 **MOTION**

584 Moved by R. Hart, Seconded by R. Reik, “that a variance be granted for Appeal
585 Number 2006-B-42, 2006 Ridge Avenue, from Sections R305.1, R311.5.2,
586 R311.5.3.2, R311.4.2.1 of the Michigan Residential Code, to allow a minimum
587 headroom be at a height of 6’4” from finished ceiling to finished floor in the art
588 room under the ductwork and under the entry doors to the room, and a minimum
589 finished headroom of 6’4” be granted at the bottom of the stair as well as the door
590 to the office/guest bedroom door. The reconstructed stairway from the basement
591 to the first floor which has existing stair tread depths of 8 1/4 inches be permitted
592 under Appendix “J” of the Code due to technical and structural infeasibility. *A
593 head height of 6 feet 6 inches at the base of the stairs shall also be permitted.
594 Egress compliant windows for the art room and the office/guest bedroom shall be
595 installed in each space and a building wide, hard-wired, interconnected smoke
596 detection be installed per the approval of the Fire Marshal.”
597
598

599 **Friendly amendment – R. Reik – Add the ceiling height at the base of the stairs.*
600 *(Accepted and added above).*

601
602 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

603
604
605 VI. **UNFINISHED BUSINESS**

606
607 None.

608
609 VII. **NEW BUSINESS**

610
611 **320-322 East Liberty Street – Appeal Number 2005-B-14 – Revision request.**

612
613 **Staff Report**

614
615 A. Savoni – Back in April the Board granted a variance for this property. This is a four
616 story condo complex going in on Liberty Street that backs up to the city parking lot next
617 to the library. They came in and requested a variance to put a louvered opening on the
618 back of the building that is adjacent to the parking lot, and you granted that.

619
620 They have now come in and requested two more louvered openings in the same back
621 wall. These are for unit heaters that are in the parking lot. You have their paperwork,
622 they’ve submitted an appeal form, but I felt that we didn’t need to revisit this as we’re
623 just amending their appeal with the same restrictions if you’re in favor of doing that.
624 They’ve agreed that in case someone eventually builds on this property that they will
625 thread these up through the building and they have allowed space to do this if
626 necessary. We’re just basically amending their appeal. These louvers will be smaller
627 than the first one. The petitioner states that the building is more than 30 feet away from
628 the adjacent property line.

629
630 P. Darling – I’d like to point out that the adjacent site is where they’re talking about
631 building a new City Hall court facility. (There is a provision in the previously granted
632 variance that has them closing these off if that occurs, and a sprinkler system as well).

633
634 K. Chamberlain – We concur.
635

636 S. Callan – Michigan Mechanical Code requires that the exhaust be 10 feet from the
637 building (A. Savoni – Yes, and that’s the variance that we’re granting). What is the logic
638 of having it 10 feet from the building, because of exhaust fumes? (Yes, you don’t want
639 it next to an adjacent building that will suck those fumes in).
640

641 R. Hart – If this isn’t done, and the building is built next to it, it will then be left up to the
642 condominium owners to do it.
643

644 After further discussion by the Board, it was suggested that the variance be amended to
645 say that if this does happen that the contractor is responsible for this adjustment. You
646 could notify the owners that this is a possibility. It was determined that this should be
647 addressed now and that the petitioner return to the board to discuss the amendment to
648 the variance.
649

650 A. Savoni will contact them about appearing for the December meeting. The petitioner
651 is also still responsible for submitting the application and the application fee.
652

653
654 **VIII. REPORTS & COMMUNICATIONS**
655

656 2007 Building Board of Appeals schedule was approved. The only changes proposed is
657 that the deadline dates for submission are now five weeks prior to the next meeting
658 instead of four weeks.
659

660 **IX. AUDIENCE PARTICIPATION – GENERAL**
661

662 None.
663

664 **X. ADJOURNMENT**
665

666 Moved by R. Reik, Seconded by S. Callan, “**that the meeting adjourned.**” 2:50 p.m.
667

668 **On a Voice Vote – MOTION PASSED – UNANIMOUS**
669

670
671 ***(Submitted by: Brenda Acquaviva, Administrative Support Specialist V –***
672 ***Building Board of Appeals)***