



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE BUILDING BOARD OF APPEALS  
OF THE CITY OF ANN ARBOR**

**FEBRUARY 14, 2007 – CITY HALL - SECOND FLOOR - COUNCIL CHAMBERS  
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

I. **MEETING CALLED TO ORDER – 1:32 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, Ron  
Heemstra and Brenda Acquaviva

III. **APPROVAL OF MINUTES**

Regular Session of December 13, 2006 – *(No January Meeting)*

Moved by S. Callan, Seconded by R. Reik, “**that the minutes of the December 13, 2006 Regular Session be accepted as presented.**”

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

IV. **APPEALS & ACTION - UNFINISHED**

1. **2006-B-045 – 320-322 E. Liberty**

**David Wilson, owner of this property is requesting a variance from Section 704.8 of the 2003 Michigan Building Code.**

David Wilson (Denali Development), Patrick McCoski (Neuman/Smith and Associates) and Dennis Brown (Cornerstone Building Group) were present to speak on behalf of the appeal.

**Petitioner Presentation:**

P. Macoska – We left off our appeal in December asking for a variance to route two unit heater flue’s through the south wall of the building, similar to a request we had made previously for a 4 foot square exhaust louver in that same south elevation (*Appeal No. 2005-B-014*). The discussion came around to how we proposed to do that. It involved making some holes in the pre-cast plank to route the flue and the exhaust duct up the side of the building and it was requested by the Board that we submit more specific details on how that would be accomplished.

We’ve submitted revised, detailed drawings, including some from our structural engineer (Penhale and Yates), reviewed by the manufacturer of the plank (Hollowcore Co.), signing off on our proposal to ‘header off’ an opening in the plank. There are a few sheets showing the south and west elevations indicating where the enclosure would be located and a few others showing where the flues and ducts would be located.

52 **Staff Report/Description:**

53

54 The subject property is located at 320-322 E. Liberty. The applicant is requesting a variance from  
55 the following:

56

57 **Section 704.8 of the 2003 Michigan Building Code which states “*The maximum area of*  
58 *unprotected or protected openings permitted in an exterior wall in any story shall not*  
59 *exceed the values set forth in Table 704.8.*”**

60

61 **Section 401.5 of the Michigan Mechanical Code that states “*Outside air exhaust and intake*  
62 *openings shall be located a minimum of 10 feet from lot lines or buildings on the same*  
63 *lot.*”**

64

65 **Discussion:**

66

67 **Petitioner is constructing a new multi-unit, 4-story condominium complex. Due to the size**  
68 **of the lot, Petitioner proposes to construct up to the property line. Petitioner is proposing**  
69 **two (2) vents in the rear (south) wall.**

70

71 **Petitioner states that:**

- 72 • **The function of the rear louver is to exhaust the two unit heaters in the enclosed**  
73 **parking garage on the first floor.**
- 74 • **The nearest building to the property line is over 30 feet away.**
- 75 • **If an adjacent building is built within 10 feet of the property line in the future, the**  
76 **louver will be closed and routed vertically at the South face of the building.**

77

78 Per the Board’s request, Petitioner has provided detailed drawings on how the ductwork will be  
79 rerouted should construction occur on the adjacent property in the future.

80

81 **Standards for Approval:**

82

83 The Building Board of Appeals has the power granted by the 2003 Michigan Building Code to  
84 grant a variance to the Building Code. The Board shall have no authority to waive requirements  
85 of this code.

86

87 **An application for an appeal needs to be based on a claim that:**

88

89 a. *The true intent of the Code has been correctly interpreted*  
90 Section 406.3.7 and Section 704.3 refer to Table 602 that lists the fire resistance rating for  
91 exterior walls. The required fire separation is intended to provide sufficient open space  
92 adjacent to the exterior wall openings to allow for free ventilation and to reduce the probability  
93 for fire spread to and from adjacent structures. This table requires the wall have a two-hour  
94 rating. Table 715.4 requires that openings in this two-hour wall have a minimum 1-1/2 hour  
95 rating. Section 704.5 also requires that exterior walls with a fire separation distance less than  
96 five feet shall be rated from exposure from both sides.

97

98 b. *The provisions of the code do not fully apply, (or) The provisions of the code do apply*

99

100 c. *An equal or better form of construction is to be used.*

101

102 **Petitioner states that they will block the opening and reroute the duct vertically if a**  
103 **building is built within 10 feet of the opening.**

104

105

106 **Recommendation:**

107

108 On April 13, 2005, the board granted a similar request for this building. A variance was granted  
109 for a louver on the south face of the building to exhaust the enclosed parking garage on the first  
110 floor.

111

112 **Petitioner is now asking for a second variance to include two additional vents to exhaust**  
113 **two unit heaters within the first floor garage area of the building. Once again, Petitioner**  
114 **states that if an adjacent building is built within 10 feet of the property line in the future,**  
115 **the louver will be closed rerouted vertically at the south face of the building.**

116

117 **The Board granted the previous variance “to allow the first floor parking structure to be**  
118 **serviced by a rear louver to exhaust the space into the outside, with the following**  
119 **contingencies:**

120

121 **1. If an adjacent building is built within 10 feet of the property line in the future, the**  
122 **louver will be closed and routed vertically through the building. The dedicated**  
123 **location of the future shaft will be indicated on the building permit drawings.**

124

125 **2. One sprinkler head will be located on the inside of the opening per Fire Marshal**  
126 **approval.”**

127

128 A. Savoni - Staff is supportive of this new request with the above contingencies.

129 K. Chamberlain – Concurs with the Building Official.

130

131 **Comments or Questions from the Board**

132

133 K. Winters – Was there anything else that the Board had concerns with?

134

135 R. Reik – Didn’t we write a motion for this in the December meeting? (Yes).

136

137 K. Winters to A. Savoni – Do the drawings show the sprinkler heads? (No, but it’s per the Fire  
138 Marshal’s approval).

139

140 The Board asked Ms. Acquaviva to read those motions back to the board.

141

142 K. Winters – (To Petitioner) – What was done about including this information in the condominium  
143 associations deed? (David Wilson) – I’ve had our attorney draw up a second amendment to the  
144 condominium documents, which are similar to the first amendment documents which included the  
145 original ductwork which was included in the master deed that was issued to all the buyers. This  
146 second one, with this approval, will then be amended to included in all of this information.

147

148 K. Winters – Can a copy of that be included with the variance submittal? (D. Wilson) – Yes, and I  
149 have copies.

150

151 If there are no other comments, we can move that the motions be passed as read by

152 B. Acquaviva.

153

153 **MOTION**

154  
155 Moved by P. Darling, Seconded by S. Callan, “that the Board grant a variance for  
156 Appeal Number 2006-B-45, 320-322 East Liberty Street, from the 2003 Michigan  
157 Building Code, Section 704.8 and from the 2003 Michigan Mechanical Code,  
158 Section 401.5 to allow this shaft to be deferred in construction to allow  
159 ventilation through the outside wall on the south side of the property. This is  
160 also contingent upon:

- 161
- 162 a.) Having one sprinkler head located on the inside of the opening, per the  
163 Fire Marshall’s approval.
  - 164
  - 165 b.) Changes documented and submitted on architectural, structural and  
166 mechanical drawings for all three ducts/mechanical components (provided  
167 that sealed design documents be submitted to the Building Department to  
168 be attached to this variance, indicating how the duct work will be vented if  
169 a building is built on the adjacent property).
  - 170
  - 171 c.) If an adjacent building is built within 10 feet of the property line in the  
172 future, the louver will be closed and routed vertically through the building.  
173 The dedicated location of the future shaft will be indicated on the building  
174 permit drawings.
  - 175
  - 176 d.) That this information be included in the Condominium Association Master  
177 Deed for the condominium owners to be aware of possible future costs  
178 and changes and their responsibility for same. A copy of the revised  
179 second master deed amendment regarding these variances shall become a  
180 permanent addition to the master deed and the variance request.
  - 181
  - 182 e.) The Condominium Association will be responsible for describing the size  
183 and shaft and location of these future changes.”

184  
185 On a Voice Vote – MOTION PASSED – **UNANIMOUS** – (*Variance Granted*)

186  
187  
188 2. **2006-B-040 – 616 Church Street**

189  
190 Carl O. Hueter, architect for this property, is requesting a variance from  
191 Section 1025.1 of the 2003 Michigan Building Code. The previous request is  
192 void. Petitioner now requests a variance from Section 1003.2 and Section  
193 1003.3.1 of the 2003 Michigan Building Code.

194  
195 **Petitioner Presentation:**

196  
197 Architect Carl Hueter was present to speak on behalf of the revised appeal. He stated that he  
198 was asked by the owner to ask that this project be reviewed under the ORIGINAL Variance  
199 request (Petitioner states this request is a variance on an unwritten, undocumented compliance  
200 request by the city of Ann Arbor Building Department. They state that a second floor egress  
201 window out of a bedroom needs to have a 36” horizontal clear space on the outside of the  
202 window).

203  
204 The last time Petitioner was present, it was brought up that the submitted drawings for this plan  
205 did not reveal a building adjacent to the building (24 inches away). Mr. Hueter expounded more  
206 on the background of the building, inspections, etc.

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**Staff Report/Discussion**

A. Savoni - Staff is still not supportive of the request because we still believe that you need a 3-foot clearance for a ladder, and this is based on the basement egress requirements.

K. Chamberlain – The Fire Department is absolutely not in agreement with it. The fire code states that we do need access in section 5 and in section 10 it also stipulates what is considered an ‘exit’ and an ‘egress.’ That area would be a means of egress to a clear area. It is not acceptable according to code. The minimum distance for an egress is 36 inches and that has nothing to do with basement locations. In this case, it is the exit and the passageway that is being talked about.

**Comments or Questions from the Board**

K. Winters – (To Petitioner) On the north side you have an exit stair that is 22 inches wide. Is that adjacent to an existing building? What is to the north? (There are buildings adjacent to this building, yes). Within 2 feet? (No) – (There’s a shared driveway, but the code at the time allowed for a minimum 22 inch wide stair fire escape). But your 1 to 7 ratio does not allow anyone to get on or off of that ladder because it’s next to a building at that two feet.

Petitioner - Asked the board to stipulate what they are denying on if they choose to go that way.

K. Chamberlain (was asked by the Board to read the specific code) In section 5:504.1, International Fire Code 2003 (Required Access) – Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access for the Fire Department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the Fire Code official. She stated that she didn’t have the other area’s highlighted, but can provide the Board and Petitioner with at least 6 areas in Section 10 which specifically apply to this.

S. Callan – The petitioner can come back next month and we can detail them.

(Questions by the Board regarding the interior situation).

A. Savoni – The bedroom has to exit into a rated corridor into the stairs. He doesn’t have the rated corridor, but he has the rated corridor but he does have rated stairwells. The smoke detectors have been placed (which are a requirement). We told him when he was here previously that if he were to make that a rated corridor between the stairs that that bedroom exits into that we wouldn’t have a problem. We also informed him that if he put the access between the two bedrooms which he has shown in the last submissions, we wouldn’t have a problem, but that’s not what he’s asking for now.

Petitioner once again asked if there is code requirement in a multi-family structure that there needs to be a rated corridor between multiple exits (A. Savoni – To the best of my recollections, I would say yes, but I’d have to check for certain. We spoke about this the last meeting).

Petitioner – Inside a single dwelling unit? (A. Savoni – No, not *in* the dwelling unit).

Petitioner – A dwelling unit has two means of egress out of it, where it’s required to have one, is that correct? (A. Savoni – I’m not going to say that for sure because I’d have to go back and look at this). It is required to have a means of egress out of it, correct? (Yes). It has that means of egress out of it into a rated egress area, and we have two rated egress areas out of this dwelling unit.

261 *More discussion by the board regarding the egress window.*

262

263 Petitioner once again mentioned that the city inspector failed to tell them until late into the  
264 construction of this bedroom that the egress window did not comply.

265

266 K. Winters – Stated that it is not a requirement of the building inspector to note every item that  
267 does not meet code requirement on initial inspections. It can be brought up on a later date when  
268 it is noticed.

269

270 Petitioner – Claimed that he wasn't sure which inspection this occurred on, but that there were  
271 numerous opportunities for them to point out this problem during the course of construction.

272

273 (\*Administrative Note from the last meeting minutes - Information in the city's building records  
274 show that there were several inspections from 9/12/05 through 2006 show that the issues have  
275 not been resolved).

276

277 K. Winters – Is it such a hardship to put the rated corridor in to meet the requirements of the  
278 code? (Petitioner – It is not up to me, it is what the owner requests).

279

280 *(More conversation by the Commission regarding sleeping rooms, egress, etc.)*

281

282 R. Hart – So, you're basically asking us to rule on the 3-foot rule – to put up or shut up.

283

284 Petitioner – Owner feels we have complied and that we don't need a variance since we meet the  
285 2003 Building Code.

286

287 K. Chamberlain – According to the International Fire Code 2003 that the City has adopted, you  
288 need all the components to get someone to safety. Section 1002.1 (ladder is a way to exit the  
289 room), 1020.2 (deals with the width), Section 1005.1 (Width of exit passageway shall not be less  
290 than 44 inches, except that exit passageways serving an occupant load of less than 50 shall not  
291 be less than 36 inches in width), Section 1025.1 – General section - mentions basements and  
292 sleeping rooms below the fourth story above grade plane shall have at least one exterior  
293 emergency escape and rescue opening according to this section).

294

295 Section 1027 and 1027.2 (exits and exit discharges shall remain continuously free from  
296 obstructions or impediments to full instant use in the case of fire and other emergencies. Security  
297 devices affecting means of egress shall be subject to the approval of the fire official). I did look at  
298 this location today, and as far as section 5 goes, we have a problem as far as anyone trying to  
299 get up and down a ladder in that space.

300

301 K. Winters – (To Petitioner) You stated the stair at the top was a one-hour rated stair? (Yes)  
302 One hour rated door, a one hour rated door and one hour rated all the way across (right), all the  
303 way to the restroom?? (I believe so). So, if he's in that corridor, he's not in a rated corridor, he's  
304 in what is the living and dining space? (Yes, but he's still within the dwelling unit).

305

306 The fact that he's going from the bedroom to a non-rated space is a difficulty right now, whereas if  
307 he had a corridor between the living room and the dining room space.

308

309 P. Darling – I don't think the code requires that, but it does say that we can do something other  
310 than that.

311

312 The Board made further suggestions on what the petitioner might do to solve his situation as they  
313 have done in previous meetings.

314

315 **MOTION**

316

317 Moved by P. Darling, Seconded by R. Reik, “that Appeal Number 2006-B-040, 616 Church  
318 Street be granted a variance from the 2003 Michigan Building Code, Section 1025.1 for  
319 egress window and International Fire Code 2003, Section 5 and 105.1 to allow bedroom 3-A  
320 to be constructed as indicated on the building permit drawings, provided that two  
321 independent means of egress be provided from the third floor, each within their own fire-  
322 rated construction and provided that interconnected, hardwired smoke detectors be  
323 installed throughout the house, and we find this an alternate equivalent to what the code  
324 requires.”

325

326 On a Roll Call Vote - **MOTION FAILS** – *Variance DENIED (2 Yeas and 3 Nays)*

327

328 **YEAS (2) – R. Hart and R. Reik**

329

330 **NAYS (3) – K. Winters, S. Callan and P. Darling**

331

332

333 V.

**APPEALS & ACTION - NEW**

334

335 3. **2007-B- 001 – 1839 King George Boulevard**

336

337 **Kenneth Hall, contractor for this property, is requesting a variance from Section R305.1 of**  
338 **the 2003 Michigan Residential Code.**

339

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

344

345 **Petitioner Presentation:**

346

347 Ken Hall was present to speak on the appeal. In the bathroom there were two heat ducts, one at  
348 6’3” and one at 6’4” – we had a heating contractor come in and raise those to 6’6”. When we put  
349 the ceramic tile in, we had 6’5 ½ inches. This is the area we need the variance on, although  
350 there is an existing beam running across is that is 6’5.

351

352 **Discussion:**

353

354 Petitioner is finishing a basement. The existing height to the underside of the joists is 7 feet 0  
355 (zero) inches. Petitioner plans to add 1/2 inch drywall to the underside of the joists bringing the  
356 ceiling height to 6 feet 11-1/2 inches.

357

358 Petitioner also has an existing heat duct with the bottom of the duct 6 feet 3 inches above the  
359 floor. Petitioner plans to paint the duct and leave it exposed. It appears from the plan that the  
360 duct is in the proposed bathroom, located over the toilet. Petitioner is also installing an egress  
361 window in the basement.

362

363 **Staff Recommendation:**

364

365 Staff is supportive of this ceiling height request and would suggest that if the Board is supportive  
366 of granting a variance, a fully automatic, building wide smoke detection system be a condition of  
367 the variance. If it were found that the low duct is over the toilet, we would propose that the  
368 bathroom be reconfigured so that the fixtures are not under the duct.

369 A. Savoni – How wide is the duct (About 2 feet, and we currently have interconnected smoke  
370 detectors).

371  
372 K. Chamberlain – Fire Department is in agreement with the Building Department.  
373

374 **Comments/Questions from the Board:**

375  
376 P. Darling – Is there any finish around the beam or is it exposed? (No – We put a door into the  
377 bathroom and next to that is a door to the laundry room, so it’s covered with drywall). It’s in a wall  
378 now? (Yes) – So we need the door heights as well. (The doors swing out, but they’re not exactly  
379 6’6” inches because they’re under the beam).

380  
381 Don’t need a variance for the beam, just need one for the door as the beam is enclosed in the  
382 wall.

383  
384 R. Hart – From the photograph, it looks like the duct is still projecting below the door, but that  
385 wouldn’t be the case anymore? (No. Those pictures were taken before I had a contractor raise  
386 the heat ducts).

387  
388 K. Winters – I believe we have granted variances like this in the past down to 6’4” so it will be up  
389 to you (the Petitioner) to make certain that beam and door height are 6’4.”

390  
391 R. Reik – You can see it in the pictures (All in agreement).

392  
393 **MOTION**

394  
395 Moved by R. Reik, Seconded by R. Hart, “**that a variance be granted for Appeal Number 2007-  
396 B-001, 1839 King George Boulevard, to permit a variance from Section R305.1 and  
397 R311.4.2.1 (door) of the 2003 Michigan Residential Code to allow a minimum head  
398 clearance of 6’4” door height and a soffit floor to ceiling height of 6’5” and this is  
399 contingent upon interconnected building wide smoke detectors and the Fire Marshal’s  
400 approval. We find this meets the intent of what the code requires.”**

401  
402 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

403  
404 **4. 2007-B-002 - 2109 Tuomy**

405  
406 **David Klein, contractor for this property, is requesting a variance from  
407 Section R305.1 of the 2003 Michigan Residential Code.**

408  
409 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential  
410 Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and  
411 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

412  
413 **Petitioner Presentation:**

414  
415 David Klein, Petitioner for the owners was present to speak on behalf of the appeal.

416  
417 **Staff Report**

418  
419 A. Savoni – Staff is supportive of this ceiling height request and would suggest that if the Board is  
420 supportive of granting a variance, a fully automatic, building wide smoke detection system be a  
421 condition of the variance.  
422

423 K. Chamberlain – Concurs with Building Staff but would prefer to see some specifications for  
424 window dimensions.

425  
426 Petitioner – Stated that windows are CW-24, Anderson. Do you want me to put those on the  
427 drawings for the building permits?

428  
429 A. Savoni – If they're not the right size, the building inspector will be out and will not approve them  
430 anyway.

431  
432 **Questions from the Board**

433  
434 K. Winters – I'd like clarification as to where ductwork is? Or where is the ceiling that is going to  
435 be lower? (Cites color drawing and the Board confers).

436  
437 S. Callan – Basically there is one room with 6'9, " the other is 6'10" – I don't see a problem.

438  
439 R. Reik – The only thing I'm puzzling on is the elevation of the bar wall? It's showing only 6 feet.  
440 (There is a soffit on that wall covering the pipe, and that is where the cabinetry is going to be).

441  
442 **MOTION**

443  
444 Moved by R. Hart, Seconded by S. Callan **"that a variance be granted regarding BBA 2007-B-**  
445 **002, 2109 Tuomy, from Section R305.1 of the 2003 Michigan Residential Code allowing a**  
446 **headroom height below 7 feet, but not less than 6' 9" throughout the basement space with**  
447 **the provision that a fully automatic, building wide, hard wired smoke detection system be**  
448 **installed to the satisfaction of the Fire Marshall."**

449  
450 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

451  
452 VI. **UNFINISHED BUSINESS**

453  
454 5. **2006-B-26 - 401 East Liberty** (Original Variance Granted 7/12/06).

455  
456 Kathy Osterman of McKinley Corporation, owner of this property, is requesting a time extension  
457 to variance number 2006-B-026.

458  
459 Frances Todoro-Hargreaves was present to speak on behalf of the appeal. She stated that they  
460 had received a variance in July of 2006 for installing a shell fire suppression system in the south  
461 tower of McKinley Towne Center. At that time, our property manager John Wyeth committed to a  
462 particular timeline. Back in October of 2006, he did submit the drawings for approval and we at  
463 McKinley had some changes and John left employment with us and we also signed a lease with a  
464 major tenant.

465  
466 That tenant requested us to turn over the TCF Bank portions of the building to them when TCF  
467 moved out, and that conflicted with the commitments that John Wyeth had made about beginning  
468 the shell installation at that time. We then changed our general contractor and joined with the  
469 tenant's contractor to do the entire fire suppression system. Our portion would be the shell, and  
470 the tenants would do their own configuration as they were completing their build-outs. There  
471 were some communication breakdowns between city staff and us and you were not informed of  
472 these changes until two days before the deadline of the variance.

473  
474  
475  
476

477 We have started the installation of the shell and I do have a new timeline to submit to you. The  
478 timeline that Fire Marshal Heemstra had been given stated that we would not be done until July,  
479 but we've changed that, and we will be done by February 28, 2007 and are asking that  
480 the variance be extended until that time.

481 We would also ask that a building permit for a restaurant to be built on the first floor currently  
482 being held until today's meeting could be released also.

483  
484 R. Heemstra – (Stated history on what had taken place). I met yesterday with the general  
485 contractor, J.C. Beal, McKinley and the sprinkler contractor, and have approved plans for the 5<sup>th</sup>,  
486 4<sup>th</sup> and basement levels and shell approval for the other levels. All they need to do is submit the  
487 permits and letters, they just need to get it done by the due date. This is one reason why the  
488 permit was being held as we needed the Boards approval for any changes.

489  
490 A. Savoni – I took it upon myself after Ron and I spoke about it, and I granted them a temporary  
491 extension, got them on this meeting. They're allowed to occupy the building, keep working in the  
492 building, but no new permits will be issued, no certificates of occupancy will be issued until you  
493 make a decision here today.

494  
495 R. Hart – Does this new schedule supercede the February 6<sup>th</sup> letter? (Yes – We made the  
496 decision after speaking with Tony that the July date would not be acceptable, so we had the  
497 contractor bump the time frame up). Could someone speak to the fire protection or notification  
498 system or something along those lines that might be in the building now that are functional? Are  
499 there any?

500  
501 R. Heemstra – As far as the fire alarm system, we asked them to maintain this while they're doing  
502 the renovation. There is at least one pull station at each stair town on each floor. The north end  
503 of the building does have a suppression system except for the tenant areas they're remodeling.  
504 The reason for the initial variance was because there was no protection on the south tower –  
505 anywhere. The concern at the time was not to allow any new occupancies, even on the lower  
506 level until we got the south tower protected. We didn't want tenants in that area (putting in pipe  
507 over someone's head), but we also wanted to make sure it was done safely and as soon as  
508 possible.

509  
510 R. Hart – I guess I'm trying to get an idea of just how much protection there is now. There's a  
511 functional fire alarm system and a functional notification system? (R. Heemstra – Audio/Visual  
512 devices, yes, except on the floors where the tenant build-out is going on. The smoke detectors,  
513 duct detectors have been eliminated for the remodel and we've had many false alarms due to the  
514 dust from the construction). Is there a functional standpipe in the building? (Yes). Are all the  
515 stair towers enclosed with doors that close? (Yes).

516  
517 P. Darling – Probably built in the seventies and never sprinkled.

518  
519 Todor-Hargreaves – Yes, and we have been sprinkling it as the tenants moved out. The  
520 entire first floor where the retail is now is all sprinkled. The area where Bar Louie is set for a build  
521 out is sprinkled as well. What is left is the space for Google.

522  
523 P. Darling – Is there any contingency in this new schedule or are you right up to the deadline as  
524 far as something happening and having a crisis? (We're right up to it. If you feel like giving us an  
525 extension up until March 10<sup>th</sup>, we'd be grateful, but we're working double shifts and will get it  
526 done).

527  
528 K. Winters – I'm concerned about the safety of the first floor bank.

529

530 K. Osterman (Property Manager) – TCF is the only occupied area below any of the towers. The  
531 building has direct connection to the fire service and TCF and Bar Louie are on that system as  
532 well. Every area that is occupied is sprinkled. The only area that is not is the south tower, which  
533 is unoccupied.

534  
535 S. Callan – So what happens if they don't finish by this new deadline?

536  
537 K. Winters – I'm very concerned about the work going on in other areas – Yes, that area has a  
538 sprinkler, but it doesn't have a sprinkler where the people are working doing construction. More  
539 fires start during construction than when a building is occupied.

540  
541 R. Heemstra – That is one reason why we were concerned with giving a certificate of occupancy  
542 for the new places. The premise that Tony and I have been working around is the February 1<sup>st</sup>  
543 deadline. I made the comment at that time that we've been promised these things in the past and  
544 they couldn't make their deadlines.

545  
546 K. Winters – My initial feeling on this was that if the first deadline was not met, then this was not  
547 going to be approved with people occupying the building. What Ron is saying is that it's safe to  
548 occupy the building? (R. Heemstra – Anytime you occupy a building during construction, you try  
549 to make it as safe as possible. Basically from the lobby areas north are protected on all floors).

550  
551 R. Hart – (To R. Heemstra) – Isn't there a provision that if a system is down or not functional that  
552 a 'Fire Watch' be posted? (Depends on the type of occupancy – usually where people are  
553 sleeping is subject to a fire watch. The general contractor or McKinley have to try to notify us  
554 regularly – we don't 'monitor any longer. Doug Warsinski told them that the fire suppression  
555 system had to take priority over everything else).

556  
557 S. Callan – It all comes down to what are the repercussions if they don't make the schedule.

558  
559 R. Reik – I heard that when they were granted a temporary certificate of occupancy that you  
560 withheld any new building permits, is there just one on hold? (F. Todoro-Hargreaves – Yes, and  
561 no final inspections).

562  
563 R. Heemstra – I feel that we do need to get a minimum of a shell in on every floor before we grant  
564 any more certificates of occupancy. Up until yesterday and the completion dates changed from  
565 July to February, I wasn't going to allow anything, but after speaking with them yesterday, I think  
566 two weeks is a tough deadline, and that three weeks would be better. They have floors 4, 5, 3, 2  
567 and part of the basement.

568  
569 Cornerstone Design (Project Architect) – Only the second through fifth floors in the mechanical  
570 penthouse in the South Tower that are not sprinkled.

571  
572 The Board discussed with staff what kind of punitive measures could be used if the deadline was  
573 not met. (A. Savoni – Stated they could be ticketed or vacated).

574  
575 F. Todoro-Hargreaves – Assured the Board on a business standpoint that she did not want this  
576 building vacated or any disturbance to the current tenants or to Google's timeline. She also  
577 stated that this building is important not only to the owners but to the tenants coming in and their  
578 goals to revitalize that intersection of downtown.

579  
580 A. Savoni – You can make withholding new certificates of occupancy and new permits.

581  
582 R. Hart – Suggested that the Board grant them a more generous timeline.

583

584 P. Darling – Now that they have a better tenant plan, I think they can complete this on time.

585

586 R. Reik – I'm comfortable with the withholding of new permits and c of o's.

587

588 A. Savoni – We're currently withholding one for a bar/restaurant on the first floor.

589 Cornerstone – The triggering of the need for the sprinkler system was the 'change of use' for the  
590 building, with change from entire business occupancy to a mixed use – retail, etc. Even if we had  
591 the sprinklers in, there is no way that Bar Louie could move in right now.

592

593 *(More discussion on what can be done in the event that they don't make the timeline).*

594

595

### **MOTION**

596

597 Moved by R. Reik, Seconded by R. Hart, "that the Request for an extension to  
598 **Appeal No. 2006-B-026, 401 E. Liberty Street (requirement that a shell sprinkler**  
599 **system be installed in the vacant areas of the South Tower) be approved with the**  
600 **following contingencies;**

601

602 (a) A minimum shell sprinkler system be completed by – March 5, 2007-  
603 At the end of day of business.

604 (b) Adequate fire extinguishers and fire alarm systems are kept in service  
605 and meet MIOSHA Standards for Construction.

606 (c) No additional building permits or Certificates of Occupancy will be  
607 issued until this work has been completed.

608

609 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Extension to Variance**  
610 **Timeline Granted**

611

### 612 VI. **UNFINISHED BUSINESS**

613

614 None.

615

### 616 VII. **NEW BUSINESS**

617

618 None.

619

### 620 VIII. **REPORTS & COMMUNICATIONS**

621

#### 622 **2006-B-012 -1712 Barrington**

623

624 Communication from Board Administrative Support that the petitioner on this appeal did not return  
625 to the board to finish her appeal. Her matter was tabled by the Board in order to grant her time to  
626 find and implement solutions to ceiling height issues. At the time, petitioner stated this would be  
627 a "play area" for children, but it was discovered that this is now a rental unit.

628

629 A. Savoni – They probably told the inspector that they had a variance when they did the final  
630 inspection, so we've notified them that they will be on the next agenda.

631

632 K. Winters – Stated that R. Heemstra was retiring.

633

634 R. Heemstra – Stated that K. Chamberlain would be his replacement.

635

636 K. Winters – Thanked Ron Heemstra for his many years of commendable service and support to  
637 the Building Board of Appeals and the City of Ann Arbor and welcomed Kathleen to the Board.

638 IX. **AUDIENCE PARTICIPATION – GENERAL**

639  
640 None.

641  
642 X. **ADJOURNMENT**

643  
644 Moved by R. Hart, Seconded by S. Callan “**that the meeting be adjourned**” -  
645 3:25 p.m.

646  
647 **On a Voice Vote – MOTION PASSED – *UNANIMOUS***

648  
649 ***(Submitted by: Brenda Acquaviva, Administrative Support Specialist V –***  
650 ***Building Board of Appeals)***