



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS
CITY OF ANN ARBOR
MARCH 14, 2007 CITY – SECOND FLOOR - COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

AGENDA

I. **MEETING CALLED TO ORDER** at 1:32 p.m.

II. **ROLL CALL**

Board Present - K. Winters, S. Callan, P. Darling, R. Hart and R. Reik (5)

Staff Present – A. Savoni, A. Perry and B. Acquaviva (3)

III. **APPROVAL OF MINUTES**

Regular Session of February 14, 2007

(Corrections – ***Line 497*** – *add closed parentheses to sentence*)

Moved by R. Reik, Seconded by S. Callan, “**that the minutes of the February 14, 2007 Regular Session as amended.**”

On a Voice Vote – MOTION PASSED - UNANIMOUS

IV. **APPEALS & ACTION - UNFINISHED**

1. **2006-B-012 – 1712 Barrington Place**

Amy Seetoo, owner of this property, is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code.

The applicant 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.

Amy Seetoo and Marty Freeland (Centennial Woodworks) were present to speak on behalf of the appeal. Ms. Seetoo stated that staff recommended a fully automatic building wide smoke detection system be installed (which they already have). Ms. Seetoo presented the Board with recent photos and stated that an electrical permit was pulled for this, and the job was finalized out by the city in 2006.

She stated that she renovated the home and that they have had a certificate of occupancy for many years.

M. Freeland – Originally when it was inspected, and there is some question as to which department (Housing or Building) that did the inspection. The ceiling height in the finished basement had a problem with the protrusion of the soffit that exceeded the overall headroom. There has been a correction on the ceiling height. We had applied for a variance for that condition in 2006, but then we remedied the situation by removing the old soffit and reducing the protrusion height of the ductwork and rebuilding the new soffit to obtain headroom we required.

51 M. Freeland – We feel that this (ceiling height) is a moot point so a variance may not be
52 necessary.

53

54 K. Winters = What is the headroom height now? (M. Freeland - 7'1" in most of the room and
55 6'7" at the soffit).

56

57 **STAFF REPORT**

58

59 A. Savoni – History of this appeal - They previously came in for a ceiling height variance as the
60 ceiling height under the soffit was 6'1." We told them to go back and fix that, and put the
61 variance appeal on hold by tabling it. In the meantime, they completed the work in the
62 basement but they told the inspector that they had a variance and they passed the inspection.

63

64 Brenda and I then discovered that they didn't have a variance, but they do have the ceiling at
65 6'7," so it does meet code, but it is 4'9" wide at its widest point. What we're doing is giving them
66 a variance for the width since the height is fine.

67

68 **Questions by the Board**

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70 The Board discussed the soffit in the photo's and the smoke detection system and P. Darling
71 and K. Winters suggested that this be reviewed and inspected by the Fire Department.

72

73 M. Freeland – In the basement we have two – one at either side of the soffit as it was a concern
74 that smoke might get trapped on one side of the soffit. We have a smoke detector in the
75 bedroom and one in the furnace room - four total in the basement as well as each of the
76 bedrooms on the first floor and the hallway.

77

78 A. Perry – I would need to visit the site to make a judgment.

79

80 K. Winters – We'll say is that this is "Per the Fire Marshal's requirements." He may require that
81 they be moved or added to.

82

83 R. Reik – The doorway into the unfinished room - is that 6'8" headroom? There is no door, but
84 an entry into the unfinished area? My question is do you have 6'8"?

85

86 M. Freeland – Yes. There is a fanfold door that is one the backside of the hallway that goes into
87 a storeroom, but the other is a standard doorway.

88

89 **MOTION**

90

91 Moved by P. Darling, Seconded by R. Hart, **"that a variance be granted in the case of**
92 **2006-B-012, 1712 Barrington Place to allow the finished ceiling height be 4'9" in**
93 **width and 6'7" in height, provided that an interconnected, hard-wired smoke**
94 **detection system be installed throughout the house per the Fire Marshall's**
95 **approval, and we find this equivalent to what the code requires."**

96

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

98

98 V. APPEALS & ACTION - NEW

99
100 2. 2007-B- 003 – 208 Koch Avenue

101
102 **John R. Wilson, agent for this property, is requesting a variance from**
103 **Sections R305.1, R311.5.2, R311.5.3.1 and R311.5.3.2 of the 2003 Michigan**
104 **Residential Code.**

105
106 *The applicant is requesting a variance from the following sections of the*
107 *2003 Michigan Residential Code*

- 108
- 109 • *Section R 305.1 which requires a 7 foot 0 (zero) inch ceiling height in a*
110 *basement with habitable space, and allows beams/girders not less than 4 feet*
111 *on center to project below, a maximum of 6 inches.*
- 112 • *Section R311.5.2 that requires “the minimum headroom in all parts of the*
113 *stairway shall not be less than 6 feet 8 inches measured vertically from the*
114 *sloped plane adjoining the tread nosing or from the floor surface of the landing*
115 *or platform.”*
- 116 • *Section R311.5.3.1 requires “the maximum riser height shall be 8¼ inches.” on*
117 *stairs.*
- 118 • *Section R311.5.3.2 requires “the minimum tread depth shall be 9 inches” on*
119 *stairs.*
- 120

121 Mr. John Wilson, contractor, was present to speak on the appeal. The owner, Blake Williams
122 had applied for and had been granted a previous variance for a ceiling height in a bedroom.
123 What he didn't do is apply for a variance for the hallway. As we did some other work on the
124 home, we realized that the headroom on the stairs were a problem.

125

126 The stairs are not code, and the headroom going down the stairway was really bad. I cut out a
127 section of the joist, headed it off and I think we got 6'8" on the landing, and 6'4" on the stairs.
128 We need a variance on the headroom, the risers and through the hallway. It varies from 6'9" or
129 6'11 so it's just a couple inches.

130

131 **STAFF REPORT**

132

133 A. Savoni - Staff is supportive of the ceiling height request, and suggests that if the Board is
134 supportive of granting a variance, a fully automatic, building-wide smoke detection system be a
135 condition of the variance.

136

137 Regarding the stairs, it goes back to "Appendix J," – If it's found that repair would be difficult due
138 to structural considerations, we'd be supportive of the request based on the code section in
139 Appendix "J" which states; *“where compliance with these provisions or if this code is required by*
140 *these provisions is technically infeasible or would impose disproportionate costs because of*
141 *structural construction or dimensional difficulties, other alternatives may be accepted by the*
142 *building official.”*

143

144 **Comments and Questions from the Board**

145

146 R. Hart – What is the landing made of? Is it a concrete landing or??? (Petitioner – The stairs
147 are wood frame. The problem is that you can't move the landing that comes off the back door).

148

149 K. Winters – What is the distance from the first riser to the wall at the landing? (About 3 feet).
150 So the stairs couldn't be moved? (No. Everything is limited by the three stops – the kitchen
151 floor, the landing by the door and then the run to the basement. You could tear out the kitchen

152 floor and move it back, but that would be major).

153 R. Hart – The soffit has the 6’8” coming in about half way, and then cuts down to 6’4.”

154

155 P. Darling – Would it help to remove that landing? (And rebuild the stairs from the landing
156 down?) Just cut it off so you have one more tread there - would give you more headroom at the
157 landing.

158

159 R. Hart – If you did do that, it would put your actual landing at the basement ahead of the 6’4.”

160

161 K. Winters – There is 4’5” from the first riser to the shelving at the bottom of the steps, so you
162 take out 11” per tread, you still have over 3’. Then you have 6’8” for the riser height for a
163 distance and then you have 6’4.” (Petitioner – I didn’t put a measurement in for that, but I know
164 it’s not 4’5”).

165

166 The Board and Petitioner discussed various ways to solve the problems, but the Board stated
167 the plans need to show all of the measurements and correct plans and the risers and treads in
168 relation to the landing. The Board told the petitioner that if he could go and measure the proper
169 elements and return to the meeting before they adjourned that they would table his issue until
170 he came back.

171

172 The Board made the following:

173

174 **MOTION**

175

176 Moved by R. Reik, Seconded by P. Darling, “**to temporarily table the case of 2007-B-**
177 **003 until the Petitioner returned with updated measurements.**”

178

179 **On a Voice Vote – MOTION TO TEMPORARILY TABLE PASSED –**
180 **UNANIMOUS**

181

182 Petitioner left and returned to the board at 2:21 p.m. with the appropriate measurements. It was
183 also mentioned that one room is now a bedroom that currently has a variance for ceiling height
184 through a former contractor. A variance needs to be granted for the hallway.

185

186 After further discussion, the Board made the following:

187

188 **MOTION**

189

190 Moved by P. Darling, Seconded by R. Reik “**to approve a variance in the case of**
191 **2007-B-003, 208 Koch Avenue, from Section R305.1 of the 2003 Michigan**
192 **Residential Building Code, Section R305.1 to allow a finished ceiling height of**
193 **between 6’9” to 6’11” in this basement hallway, provided that an interconnected,**
194 **hard-wired smoke detection system be installed throughout the entire house per**
195 **the Fire Marshall’s approval. Grant a second variance from Section 311.5.2,**
196 **311.5.3.1 and 311.5.2.3 to allow an existing stair and bottom landing in basement to**
197 **remain in use and allow a 6’5” ceiling height at the lower landing with a 34” landing**
198 **depth. We find that this complies with Appendix “J” of the Residential Code.**”

199

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

201

202

202 **2007-B-004 – 522 Glendale Circle**

203
204 **Derrick Szepiela, representative for Wendel Tackett, owner of this property,**
205 **is requesting a variance from Section R310.1 and Section R305.1 of the 2003**
206 **Michigan Residential Code.**

207
208 *The applicant is requesting a variance from the following two sections of the*
209 *2003 Michigan Residential Code:*

- 210
211 • *Section R310.1 that states: “Basements with habitable space shall have at*
212 *least one openable emergency escape and rescue opening. Where*
213 *emergency escape and rescue openings are required, they shall have a sill*
214 *height of not more than 44 inches above the floor.”*
215 • *Section R305.1 which requires a 7 foot 0 (zero) inch ceiling height in a*
216 *basement with habitable space, and allows beams/girders not less than 4 feet*
217 *on center to project below, a maximum of 6 inches.*

218
219 Derrick Szepiela of Basement Experts of America was present to speak on behalf of the appeal.
220 He stated that they have been contracted to finish Mr. Tackett’s basement with Owens-Corning
221 finishing systems.

222
223 The window in the finish room area qualifies for an egress window except that the sill is 46
224 inches as opposed to 44 inches necessary to meet code. We had proposed to prepare a
225 platform the same width as the closet box-out wall to make it compliant. He also has an existing
226 area of ceiling that is 6’9”but due to the width (it’s 4’ wide), this will be 4’6” due to existing
227 circumstances of the hot and cold heat runs.

228
229 **STAFF REPORT –**

230
231 A. Savoni - Staff is support of the ceiling height request and would suggest that if the Board is
232 supportive of granting a variance that a fully automatic, building wide smoke detection system
233 be a condition of the variance. Regarding the egress window, we would not be supportive. The
234 code specifically states that the bottom of the opening must be a maximum of 44 inches from
235 the finish floor and does not allow for any provisions or exceptions for a step located at the
236 window. We would suggest that if the Board approve this variance that it be required to be 3 feet
237 deep as this is the dimension of a standard landing.

238
239 **Questions from the Board**

240
241 D. Szepiela – We can reduce that step to a 6-inch height instead of a 7-inch, and that would
242 preserve the ceiling height.

243
244 K. Winters – I would follow Anthony’s suggestion that you work with the 3 foot landing.

245
246 P. Darling – Put some kind of label on this stating that this is not removable (as we’ve done in
247 the past) or what the purpose of the landing is? (Yes).

248
249 **MOTION**

250
251 Moved by R. Reik, Seconded by P. Darling, **“to allow a variance for Appeal**
252 **Number 2007-B-004, 522 Glendale Circle, from Sections R310.1, Section**
253 **R305.1 of the 2003 Michigan Residential Code to permit a soffit width of 4’6”**
254 **with a clear ceiling height of 6’9” from the finish floor;**
255

255 to permit a landing at an egress window that would be 6” high, 5’ deep and
256 appropriately marked as a permanent installation for egress window usage,
257 provided that a fully-automatic, building wide smoke detection system be
258 installed to the satisfaction of the Fire Marshall. We find this to be
259 equivalent to what the Code requires.”
260

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

262
263 **3. 2007-B-005 – 2073 Garden Circle**

264 **Derrick Szepiela, representative of Diana Morton, owner of this property, is**
265 **requesting a variance from Section R305.1 of the 2003 Michigan Residential**
266 **Code.**
267

268 *The applicant is requesting a variance from Section R305.1 of the 2003*
269 *Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling*
270 *height in a basement with habitable space, and allows beams/girders not*
271 *less than 4 feet on center to project below, a maximum of 6 inches.*
272

273 Derrick Szepiela was present to speak on behalf of the appeal. There is a pre-existing condition
274 in the basement. Heat runs and ducts are currently between 6’4” and 6’5” throughout the area
275 of the basement, dependent on the slope of the concrete floor to the sump crock. What we’re
276 proposing is to finish that with our drop ceiling built right in place which would give us a ceiling
277 height of 6’3.”
278

279 **STAFF REPORT**

280
281 A. Savoni - Staff is not supportive of this request as the ceiling height is too low at the location of
282 the ductwork and the beam. We would suggest that the ductwork be left exposed at this point
283 for greater headroom, and if possible, reconfigured to gain even more space. If the Board is
284 supportive of granting this variance, a fully automatic, building-wide smoke detection system
285 should be a condition of the variance.
286

287 A. Perry – Concurs with the building department.
288

289 K. Winters – 6’3” is beyond what we’ve approved before (S. Callan - the least has been 6’4”). A
290 compromise of going three inches below 6’6” is just too much. We can go ahead and approve a
291 6’4” and leave it to you and the homeowner as to how you achieve that.
292

293 D. Szepiela – We’re looking for a reasonable solution and cost for the homeowner.
294

295 K. Winters – We’re looking for a reasonable ceiling height, whether it’s for the present or future
296 owners. A compromise of going 3 inches below the 6’6” inches is too much. We can go ahead
297 and approve a 6’4” and leave it to you as to how you accomplish that.
298

299 R. Reik – Is there an issue with the door that is existing in the middle – is that a full 6’8” height?
300

301 D. Szepiela – The basement has been finished by the past by another contractor. I didn’t pull
302 an exact measurement on it.
303

304 A. Savoni - Since we don’t know if someone got a permit on the other work, you’ll have to get at
305 least 6’ 6” there now to bring it into compliance.
306

307 R. Hart – Is the ceiling height in the rec room 7’ 0’ – does that extend over to the egress
308 window?

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D. Szepiela – That room will remain unfinished and the ceiling will be 7’3” or 7’4”

K. Winters – Is there a doorway dividing that storage from the rec room? (Yes, it will be a doorway with a passage knob (no lock).

The Board made the following:

MOTION

Moved by R. Hart, Seconded by R. Reik ‘that in the matter of 2007-B-005, 2073 Garden Circle, that a variance from the 2003 Michigan Residential Code, Section R305.1 be granted permitting a minimum finished height of 6’4” in the soffited space; **maximum depth of the soffit is 6’6” and is 6’4” below the duct and beam in the recreation room, with the provisions that the existing door leading into the storage room at that soffited location be corrected and the *newly added 30 inch door to be a minimum of 6’6” tall. A fully-automatic, building wide smoke detection system that is acceptable to the Fire Marshal shall be installed as a condition of the variance.*”

**Friendly amendments added by P. Darling (Accepted by R. Hart and R. Reik)*

On a Voice Vote – MOTION PASSED - UNANIMOUS

4. 2007-B-006 – 623 West Huron Street

Barbara J. Turner, owner owner of this property, is requesting a variance from Section 1009.3 and Section 1208.2 of the 2003 Michigan Building Code.

The applicant is requesting a variance from the following ~~two~~ sections of the 2003 Michigan Building Code:

- ~~• Section 1009.3, which states “Stair riser heights shall be 7 inches maximum and 4 inches minimum.”~~
- Section 1208.2 which requires “Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7 feet 6 inches”

Note: A. Savoni stated that when he originally wrote the staff report it was written for both variances, but it turns out that they only require the variance for the ceiling height at the landing, as they’re rebuilding the stairs.

K. Winters – Only working with 12.08.2

Barbara J. Turner, half owner of the property in question was present to speak on behalf of the appeal. She stated that the ceiling height at the landing upon entry is currently at 7’ and she is requesting a variance for that.

STAFF REPORT

A. Savoni – Staff is supportive of the ceiling height request. The landing is required at the door and there is limited ceiling height in the existing basement. We would suggest that if the Board is supportive of granting a variance that a fully automatic, building-wide smoke detection system be a condition of the variance.

363 A. Perry – Concurs with building.
364

365 K. Winters – There is presently a concrete ledge that will be removed? (Petitioner – Yes, it is
366 there, but it will not be removed). (A. Savoni noted that this is a footing around the basement).
367 It says that the concrete step is to be removed? (Petitioner – No, that’s outside). There is no
368 problem with ceiling heights elsewhere? (Petitioner – No, the rest has been inspected and is
369 fine).
370

371 P. Darling – Is this a commercial use? (A. Savoni – Yes, it’s commercial) (Petitioner – I’m a
372 court reporter). Is this a house? (Discussion about corridors and classifying this as such – A.
373 Savoni stated it did not meet the description of a corridor).
374

375 Petitioner – The ceiling height in the room is 7’6” except under the ductwork
376

377 The Board made the following:
378

379 **MOTION**

381 “Moved by R. Reik, Seconded by K. Winters, “that a variance be granted in the
382 case of Appeal Number 2007-B-006, 623 West Huron Street, from Section
383 1208.2 of the 2003 Michigan Building Code to permit a ceiling height of 7’ in
384 lieu of 7’6” which is the code requirement for a landing at an exterior door,
385 provided that a fully automatic, building-wide smoke detection system is
386 installed to the satisfaction of the Fire Marshal. We find this to be the
387 equivalent to what the code requires.”
388

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

390
391 VI. **UNFINISHED BUSINESS**

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393 None.

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395 VII. **NEW BUSINESS**

396
397 None.

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399 VIII. **REPORTS & COMMUNICATIONS**

400
401 None.

402
403 IX. **AUDIENCE PARTICIPATION – GENERAL**

404
405 None.

406
407 X. **ADJOURNMENT**

408
409 Moved by R. Reik, Seconded by R. Hart, “that the meeting be adjourned.”

410
411 *(Meeting adjourned at 2:30 p.m.)*

412
413 ***Minutes prepared by B. Acquaviva, Administrative Support Specialist V***