



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS
CITY OF ANN ARBOR
APRIL 11, 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, K. Chamberlain and B. Acquaviva (3)

III. **APPROVAL OF MINUTES**

Regular Session of March 14, 2007

Moved by S. Callan Seconded by R. Reik, “that the minutes of the March 14, 2007 Regular Session be approved as submitted.”

On a Voice Vote – MOTION PASSED - UNANIMOUS

IV. **APPEALS & ACTION - UNFINISHED**

None.

V. **APPEALS & ACTION - NEW**

2. **2007-B- 007 – 149 Hill Street**

Mark LeChard, owner of this property, is requesting a variance from Section R307.1 of the 2003 Michigan Residential Code.

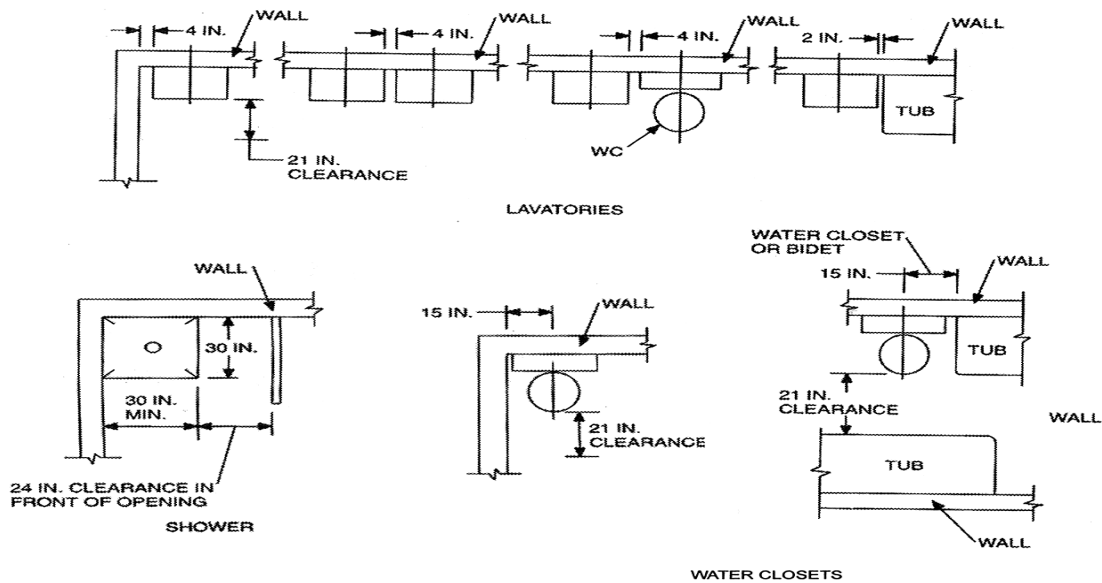
The applicant is requesting a variance from the following sections of the 2003 Michigan Residential Code

Mr. Mark LeChard, owner was present to speak on behalf of the appeal. He stated that this is a rental house and there is approximately 9 inches of space between the sink and the shower. The shower is tile (with a curtain closure) and was built pre-1997 when he purchased the home. He stated that the problem with changing this would cause a bedroom to be eliminated. He stated that he has no answer on how to correct this problem.

Description:

The subject property is located at 149 Hill Street.

The applicant is requesting a variance from Section R307.1 of the 2003 Michigan Residential Code that requires that toilet fixtures spaced per the following diagram.



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Discussion:

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This property is rental housing. During the most recent housing inspection, it was found that the second floor bathroom does not meet code with relation to fixture clearances. There is not the required 24-inch clearance in front of the shower or the required 21-inch clearance in front of the lavatory. There is no permit on file for this work, and consequentially no inspection or final approval.

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STAFF REPORT

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A. Savoni - Staff is not supportive of this request. This layout provides a trip hazard for anyone using the bathroom and must be corrected to meet code.

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K. Chamberlain – The Fire Department has no issues with this.

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Comments and Questions from the Board

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P. Darling – *(Asked if it would be possible to install a smaller shower)* – Petitioner stated it would not because of where the sink is located. The same differential of space would remain between the sink and the shower). P. Darling suggested that the petitioner look into an ‘angle cut’ shower to save space.

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K. Winters – *(Asked if this home has always been a rental)* – Petitioner stated that to his knowledge, yes, it was purchased in the 80’s and had been a rental from that time on.

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A. Savoni – This issue came to our attention when a Housing Inspector did the Rental Inspection and found that this was non-compliant with the Building Code. The Building Department shows no records of prior permits pulled for this work, so it was never done with an approved permit and never inspected, so this is how it came to be. It is obvious that this work is not that old. If you look at the tile work, the toilet, it’s fairly recent.

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Discussion between the Board and the Petitioner regarding the actual measurements submitted on the drawings and that those dimensions are incorrect and not to scale.

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K. Winters – There is a possibility of moving the partition next to the bathroom 1 ½ feet (half of the corridor), making the bedroom a bit smaller and putting the sink in the corner. (Petitioner – Stated this would not work, but didn’t state why. He said that the angled shower might help.
R. Hart – A 5’6” X 7’ space is fairly standard for a bathroom. Is there space between the edge

87 of the sink and the wall? (Petitioner – The sink can be moved, yes.)

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89 *Discussion between the Board and Petitioner regarding possible solutions – A. Savoni also*
90 *stated that the petitioner will have to submit an accurate drawing and file for a permit.*

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92 The Board made the following:

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94 **MOTION**

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96 Moved by S. Callan, Seconded by R. Reik, “**to table the case of Appeal Number**
97 **2007-B-007, 149 Hill Street until the Petitioner can return with updated, scaled**
98 **revised drawings.”**

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100 **On a Voice Vote – MOTION TO TABLE PASSED – UNANIMOUS**

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103 **2. 2007-B-008 – 2711 Winthrop**

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105 **The applicant is requesting a variance from the following section R305.1 of the**
106 **2003 Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling height**
107 **in a basement with habitable space, and allows beams/girders not less than 4 feet**
108 **on center to project below, a maximum of 6 inches.**

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110 Brian Lally, Contractor for the owner Stacy Fox, was present to speak on behalf of the appeal.
111 He stated that the beam height is between 6’5 ½” down to 6’ 3” at the floor drain. Petitioner is
112 proposing to have a short wall between that area of the room to prevent anyone walking under
113 that area and not having head clearance.

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115 **Discussion:**

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117 Petitioner is finishing a portion of the basement creating habitable space. In the recreation room
118 space, the beam height off the floor varies from 6 foot 3 inches to 6 foot 5-1/4 inches. Petitioner
119 is proposing to install a half wall at the lower area and is requesting a variance on the higher
120 portion that will have a ceiling height of 6 feet 4-1/2 inches once the beam is wrapped with
121 drywall.

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123 **STAFF REPORT –**

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125 Savoni - Staff is supportive of this ceiling height request and would suggest that if the Board is
126 supportive of granting a variance, a fully automatic, building wide smoke detection system be a
127 condition of the variance.

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129 K. Chamberlain – The Fire Department has no issues with this appeal.

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131 **Questions from the Board**

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133 K. Winters – Both sides of that half wall – from what distance is the 6’3” ceiling height?
134 (Petitioner – Approximately 40 inches). All along the wall is 6’3”? (Petitioner) No, just
135 underneath the beam.

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137 P. Darling – You’re proposing to build this wall from the column up to the wall to the top?
138 (Petitioner - Yes, this is not ideal to put a ½ wall in there, but it’s a way to keep from being a
139 clearance hazard since people cannot walk underneath it).

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141 R. Reik – So as we understand it, you have at least 7’ throughout the basement and no
142 ductwork, Just the clearance under this particular beam (Petitioner – Exactly)
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144 K. Winters – My concern is that the homeowner could remove the wall after the inspection
145 (Petitioner – I didn’t plan it that way – I did put wiring in it and secured the wall to the beam.
146 There is an elderly woman moving in there from a home that she sold, and she wants more
147 room to move around in).
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149 **MOTION**

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151 Moved by R. Hart, Seconded by S. Callan “**to allow a variance for Appeal**
152 **Number 2007-B-008, 2711 Winthrop, from Section R305.1 of the 2003**
153 **Michigan Residential Code (requiring a 7’ ceiling height) to permit a**
154 **minimum 6’4 ½ “ opening underneath an existing steel beam to a basement**
155 **alcove space which will be separated from the main space by a half wall for**
156 **the balance of the alcove, with the provision that a building-wide, fully-**
157 **automatic smoke detection system be installed to the satisfaction of the Fire**
158 **Marshal .”**
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160 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

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162 **3. 2007-B-009 – 1939 Peppermill**

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164 **Gary Hochgraf, contractor for this property, is requesting a variance from**
165 **Section R305.1 of the 2003 Michigan Residential Code.**
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167 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
168 Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
169 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.
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171 Mr. Hochgraf was present to speak on behalf of the appeal. He outlined the problems in the
172 basement, and stated that this home was a typical ‘post-war’ home.
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174 A. Savoni – What will your finished height in the basement be, because your paperwork says
175 6’3”? (Petitioner – 6’4 ½” – with allowing for carpet, I think 6’4” would be sufficient). **We**
176 **weren’t supportive at 6’3”, but at 6’4” we would agree if a hard-wired, interconnected**
177 **smoke detection system were installed throughout the building. (See statement in original**
178 **staff determination below*).**
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180 **STAFF REPORT**

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182 A. Savoni -*Staff is not supportive of this request as the ceiling height is too low at the location
183 of the ductwork and the beam. We would suggest that the ductwork be left exposed at this point
184 for greater headroom, and if possible, reconfigured to gain even more space. If the Board is
185 supportive of granting this variance, a fully automatic, building-wide smoke detection system
186 should be a condition of the variance.
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188 K. Chamberlain – Concurs with the building department.
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190 **Comments/Questions from the Board**

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192 R. Hart - Where in relation to the duct is the steel beam? (Petitioner – About 3’ away) And the
193 height of the clearance under the steel beam? (Petitioner - 6’5’).
194 *(More discussion regarding this by the Board, which prompts a possible width variance as well).*

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Owner – Diego Ascani spoke on behalf of the appeal. He stated that this area is a den and playroom with a restroom.

(Discussion by the Board regarding the doors, ceiling height under the ducts, under the sinks and tub and the fact that the bathroom is already built. A. Savoni suggested that the door and framing between the two rooms be eliminated to solve the problem of height).

R. Reik – So it will be 6’4” finished under the soffit and the beam? (Yes) (A. Savoni – But they will need a variance for the entire basement as well as it is 6’10” and should be 7’).

The Board made the following:

MOTION

Moved by P. Darling, Seconded by R. Reik ‘that in the matter of 2007-B-009, 1939 Peppermill, be granted a variance from the 2003 Michigan Residential Code, Section R305.1 and R311.4.2.1 to allow a finished basement ceiling height of 6’10” in the family room, office, den and bathrooms; ductwork of 6’4” which extends above the plumbing fixtures in both bathrooms and the soffit can’t exceed more than 48” in width; that the door between the two bathrooms be deleted and left open (a head height of 6’ 4” at that pass-through) and that the finished ceiling height below the steel beam will be 6’5”; the one door opening between the family room and the toilet room doors will be a 6’4”, provided that an interconnected, hardwired fully-automatic, building wide smoke detection system that is acceptable to the Fire Marshal shall be installed as a condition of the variance.”

On a Voice Vote – MOTION PASSED – Variance Granted - 1 NAY and 4 YEAS

(Yeas – P. Darling, R. Hart, S. Callan and R. Reik) – (Nay – K. Winters)

VI. **UNFINISHED BUSINESS**

None.

VII. **NEW BUSINESS**

None.

VIII. **REPORTS & COMMUNICATIONS**

None.

IX. **AUDIENCE PARTICIPATION – GENERAL**

None.

X. **ADJOURNMENT**

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

(Meeting adjourned at 2:21 p.m.)

Minutes prepared by B. Acquaviva, Administrative Support Specialist V