



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JUNE 13, 2007- 1:30 P.M. – SECOND FLOOR – CITY COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:37 p.m. by Chair Kenneth Winters

ROLL CALL

Members Present: (5) K. Winters, S. Callan, P. Darling, R. Hart and
A. Milshteyn

Members Absent: (1) R. Reik

Staff Present: (3) A. Savoni, K. Chamberlain and B. Acquaviva

A - APPROVAL OF AGENDA

A-1 Approved as Presented.

B - APPROVAL OF MINUTES

B-1 Approval of Draft Minutes of the April 11, 2007 Regular Session.

Moved by S. Callan Seconded by R. Hart, **“that the minutes of the April 11, 2007 Regular Session be approved as submitted.”**

On a Voice Vote – MOTION PASSED - *UNANIMOUS*

C - APPEALS & ACTION

C-1 2007-B- 010 – 1210 Cambridge Court

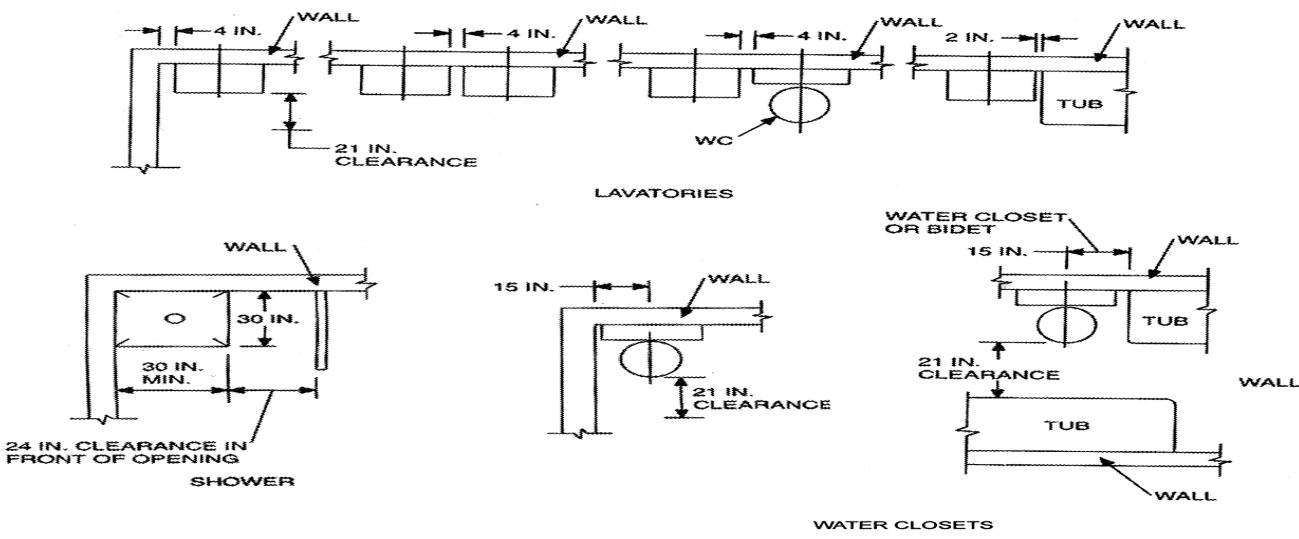
Catherine Alawi, owner of this property, is requesting a variance from Section R307.1 of the 2003 Michigan Residential Code.

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

Description:

The subject property is located at 1210 Cambridge Court

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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Catherine Alawi, Owner of this property, was present to speak on behalf of the appeal. She stated that the bathroom is an existing condition that would cause undue hardship if it were changed. This would require extensive work to move the drains and the soil stack. It would also require a smaller tub (4 ft. x 27 in.). We recently added a new tub and surround using the existing drains and new ceramic tile. All of those updates would have to be taken out and redone.

STAFF REPORT:

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. The toilet has only 6 inches in front of it to the tub/shower wall. Code requires a minimum clearance of 21 inches in front of the toilet. There is no permit on file for this work, and consequentially no inspection or final approval.

Standards for Approval:

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

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

- a. *The true intent of the Code has been correctly interpreted.*
Section R307.1 of the 2003 Michigan Residential Code requires a 21-inch clear space in front of the lavatory.
- b. *The provisions of the code do not fully apply, (or)*
The provisions of the code do apply
- c. *An equal or better form of construction is to be used.*
Petitioner has not proposed an equal or better form of construction.

Recommendation:

A. Savoni - Staff is not supportive of this request. This layout clearly does not meet code for minimum clearances and provides a hazard for anyone using the bathroom. It must be corrected to meet code. We couldn't locate any building permits for this work, so we don't know if it was existing, and we're not sure how it got this far without a Housing Inspector finding it.

K. Chamberlain – The Fire Department concurs with the Building Department.

83 S. Callan – The dimensions are 6 inches of clearance between the toilet and shower and the
84 required clearance is actually 21 inches? (A. Savoni – Yes. It would be hard to believe that
85 they would have allowed this under any code from years ago.)
86

87 **Comments and Questions by the Board**
88

89 K. Winters – In your additional letter, you state that this is a dormer? (Petitioner – Yes. It has a
90 dormer with a gable roof so we can't go to either side to move anything without building a bigger
91 dormer.) There is no bedroom next to it? (Petitioner – There is a bedroom there but because of
92 the way the roof is, there is no headroom.) One solution would be to enlarge the dormer.
93 (Petitioner – Yes, but I don't know that that will be any less expensive than moving the
94 plumbing.)
95

96 S. Callan – Is there anything such as a 'narrow profile' toilet? (Petitioner – The smallest toilet is
97 26 inches front to back.) That might improve the clearance a bit,
98

99 P. Darling – I think the best opportunity would be to modify the tub. The plumbing for the toilet is
100 always has the biggest trap. (Petitioner – But the drain is the problem. You'd have to put the
101 drain at the other end to shorten it.)
102

103 Petitioner – The staff report states that the shower should be 30-inch minimum. The tub that I
104 can get would be 27 inches – would that be a problem?
105

106 K. Winters – You could make a 30 by 30 shower without the tub. (Petitioner – No, you can't
107 because the door is in the way.) (Petitioner – You have to have a wall to have a shower –
108 there's no wall).
109

110 P. Darling – You can build a shower with two sides. (Petitioner – A custom shower?) They
111 make them with two sides – like a corner shower.
112

113 R. Hart – (Suggested that the door swing out to provide more room.) The small bump out next
114 to the toilet – what is that? (Petitioner – I believe it is the vent). If the toilet was rotated around
115 so that it faced the long way, the lav could be shifted toward the door, and the door swung out –
116 whether that might get what they're looking for.
117

118 K. Winters – So, there are options here. (Petitioner – There are options, just expensive
119 options). Having only 6 inches of clearance in there is not going to make it.
120

121 P. Darling – It is our jurisdiction to give a variance for an existing condition like this, and that's
122 the first hurdle, if not, I think it is up to you to come up with a proposal. There are requirements
123 to grant a variance, and I think you'd have to modify something to get an improvement in the
124 current conditions. (Petitioner – The best thing I could come up with is a 4-foot tub – it's only 27
125 inches wide.)
126

127 K. Winters – At this point, it's not up to the Board to design this, and we're not going to approve
128 a variance as it is, so you'll have to come back here and either meet the code by some of the
129 suggestions we've given you here, or come back with an improvement on this that would still
130 require a variance. (Petitioner – I need clarification on the 30-inch minimum – for the shower.
131 Can I put a 27 by 48 inch tub in there?) There's no minimum for a tub, so you could put a 27 by
132 48 inch tub/shower in there, as long as you have the clearances.
133

134 K. Winters – At this point, we can do one of two things; we can deny the variance or table it, let
135 you re-examine it to see what you want to do and come back. Table the issue and give 60 days
136 to come back.

137 **MOTION**

138

139 Moved by S. Callan, Seconded by R. Hart, "to table Appeal Number 2007-B-010, 1210
140 Cambridge Court for 60 days. The issue shall be returned to the table for closure no later
141 than the August Regular Session."

142

143 **On a Voice Vote – MOTION TO TABLE PASSED - UNANIMOUS**

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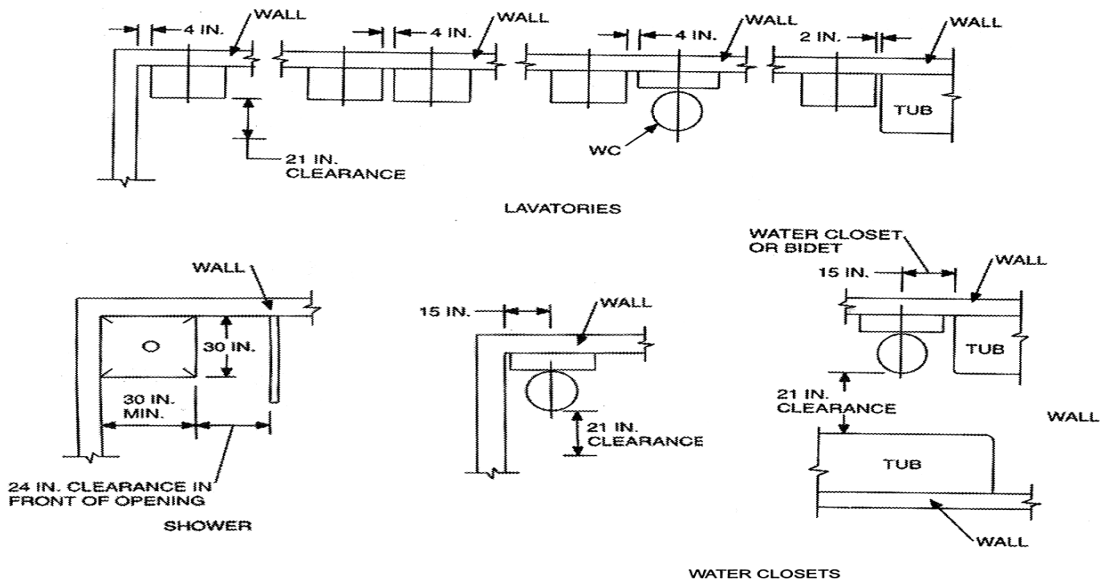
145 **C-2 2007-B-011 – 307 Mulholland Avenue**

146

147 **Marilyn Cummins, owner of this property, is requesting a variance from**
148 **Section R307.1 of the 2003 Michigan Residential Code.**

149

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



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154 David and Marilyn Cummins were present to speak on behalf of the appeal. Mr. Cummins
155 stated that this house was built in 1914 and this condition has been this way for 90 years. The
156 dimensions of the bathroom are 65 inches wide and 75 inches from bottom to top. There is a
157 bedroom on either side (8 ft., 6 in. wide). There is no room to increase the space in the
158 bathroom.

159

160 The drain for the toilet is original; the drain for the vanity that goes into the sidewall has never
161 been moved. I suspect that for years the bathtub has been 30 inches from the right hand wall.
162 Mr. Savoni's recommendation was to deny, but we're not prepared to relocate anything. The
163 toilet and tub remain, the vanity remains. What we propose to do is present a slightly smaller,
164 more rounded vanity, which would give us approximately 11 inches of clearance, which is 10
165 inches less than the minimum.

166

167 **STAFF REPORT**

168

169 Petitioner is proposing to remodel the second floor bathroom. The proposed remodeling plan
170 does not meet code. Petitioner is proposing a plan that will have 10 inches of clear space in
171 front of the toilet and 17 inches of clear space in front of the lavatory. Code requires 21 inches
172 of clear space at both locations. Applicant is applying for a variance prior to starting this work.

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176 **Standards for Approval:**

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178 The Building Board of Appeals has the power granted by the 2003 Michigan Residential Code to
179 grant a variance to the Building Code. The Board shall have no authority to waive requirements
180 of this code.

181

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

183 a. *The true intent of the Code has been correctly interpreted.*

184 Section R307.1 of the 2003 Michigan Residential Code requires a 21-inch clear space in
185 front of the toilet and lavatory.

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

187 The provisions of the code do apply

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

189 Petitioner has not proposed an equal or better form of construction.

190

191 **Recommendation:**

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193 A. Savoni - Staff is not supportive of this request. This layout clearly does not meet code for
194 minimum clearances and provides a hazard for anyone using the bathroom. It must be
195 corrected to meet code.

196

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

198

199 **Comments and Questions from the Board**

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201 P. Darling – You show layouts – one with a sink and a base cabinet and one with a pedestal
202 sink. Are you suggesting using the one with the base cabinet? (Petitioner – Yes, primarily
203 because storage is so limited in this house.) I think there are benefits with the pedestal sink.

204

205 K. Winters – Is this a rental unit? (Petitioner – Yes, it is.) Again, similar to the case just
206 previous, there is always the possibility of going to the 30 in. x 30 in. or 30 in. x 36 in. shower
207 here, and still providing you the chance to put in the linen closet – moving the access door over
208 and into the bathroom in order to give you some space. (Petitioner – I don't think we would
209 consider that. I've asked a number of tenants if they would consider a house that did not have a
210 tub, and their answer is "no.")

211

212 P. Darling – There was probably a sink in there originally that was wall hung, so maybe they
213 were using that space under the sink for additional legroom. (Petitioner – For practical
214 consideration, I've rotated that toilet 15 degrees and you have about 3 ft. in front of you when
215 you stand up." (Petitioner – States that he can get an Alger pedestal sink that is 21-½ in. wide
216 along the wall and 16-¾ in. deep. Some room will be created to alter the room as the Historic
217 District Commission has granted permission to move the existing window.)

218

219 **MOTION**

220

221 Moved by P. Darling, Seconded by S. Callan, **“to grant a variance for Appeal Number**
222 **2007-B-011, 307 Mulholland Avenue, to allow the relocation of a 30 inch by 60 inch**
223 **tub and the installation of a pedestal sink that provides a minimum clearance of**
224 **13 inch from the lip of the toilet to the edge of the sink. We find that this is an**
225 **improvement over the existing condition in as much as that space will permit. The**
226 **dimension from the edge of the tub to the lip of the sink shall not be less than**
227 **19 inches.”** On a Voice Vote – MOTION PASSED – **UNANIMOUS**

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229

Scott Klaassen, contractor for this property, is requesting a variance from Sections R311.5.3.1, R311.5.3.2, R311.5.4 and R311.5.1 of the 2003 Michigan Residential Code. *(Items underlined have been revised from the original report. They have been changed to match the descriptions below.)*

Scott Klaassen was present to speak on behalf of the appeal. He stated that they're requesting the variance to improve the basement for rental space. We intend to add a bedroom and will be able to meet other codes with respect to improvements made. In order to use that space, we must be able to use the existing stairs & landing or make minor changes or alterations to them.

Description:

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

- Section R311.5.3.1 requires *"the maximum riser height shall be 8-1/4 inches. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch."*
- Section R311.5.3.2 requires *"the minimum tread depth shall be 9 inches"* on stairs.
- Section R311.5.4 which states *"There shall be a floor or landing at the top and bottom of each stairway. The width of each landing shall not be less than the stairway served. Every landing shall have a minimum dimension of 36 inches measured in the direction of travel."*
- Section R 311.5.1 which states that *"Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height."*

STAFF REPORT

This is rental property. The Petitioner is proposing to finish the basement creating a bedroom. The existing stairway does not meet code for the following reasons:

- Existing width 27 inches—required width 36 inches.
- Existing rise varies from 7-1/2 inches to 8-3/4 inches—required maximum riser height is 8-1/4 inches. The rise also exceeds the 3/8-inch variance over each flight of stairs.
- Existing tread varies from 8-1/2" to 9-1/2 inches—required minimum tread is 9 inches.
- Existing landing is 36 inches by 30 inches—code requires 36 inches by 36 inches.

Petitioner states that all other code requirements will be met in the basement.

Standards for Approval:

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

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

a. *The true intent of the Code has been correctly interpreted.*

Section R311.5 of the 2003 Michigan Residential Code contains requirements for stair geometry.

- 283 b. *The provisions of the code do not fully apply, (or) The provisions of the code do apply*
284 c. *An equal or better form of construction is to be used.*
285 Petitioner has not proposed an equal or better form of construction.

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Recommendation:

A. Savoni - If it is found that repair to the existing stair would be difficult due to structural considerations, staff would be supportive of this request based on the code section in Appendix J “ Existing Buildings and Structures” which states: *“Where compliance with these provisions or with this code as required by these provisions is technically infeasible or would impose disproportionate costs because of structural, construction or dimensional difficulties, other alternatives may be accepted by the building official.”* We would suggest that the petitioner rebuild the stairs as he has suggested.

K. Chamberlain – The Fire Department wants to make sure that all issues are code compliant.

Comments and Questions from the Board

K. Winters – What are the existing conditions?

S. Klaassen – Stated that he provided a drawing with the rise and run of the stairs, which is the basic problem. We have the head clearance but a narrow stairway. We have a concrete masonry on the outside of the building that projects into the stairway a bit and the first floor projects over it giving us only a clear 27 inches. The stairs themselves are 34 inches wide, and the landing is also narrow due to the same constraints. The rise and run are fairly comfortable, and we may be able to make all or most within 3/8 of an inch, but would never be able to make the width.

P. Darling – Can you eliminate the landing and rebuild the stair and improve it from the top down and remove the door?

Petitioner – We would obviously lose a second means of egress, but it is rarely used. It would be a possibility to do that. I didn’t think about that solution. I know that consistency is important for safety, but I won’t be able to do much with the width.

P. Darling – The walls/foundation is in good shape? (Petitioner – Yes, the wall is solid.) As you’re rebuilding the stair, what kind of guardrail would you install? (If we get the 27 inches, we’ll do a solid wall and there won’t be a head height issue).

K. Winters – This is a rental unit? (Petitioner – Yes. A six person, single-family rental.)

R. Hart – The upper flight of stairs. There are two ‘bumps ins’ – are those a part of the foundation wall as well? (Petitioner – The second bump in is most likely not attached as it’s above the masonry wall. I’m not sure what its purpose is.) What is the fate of the door at the top. It swings out over the stairs. (Petitioner – Yes, we would have to change the swing inward or eliminate the door.) Is it possible to get a continuous handrail from top to bottom? (Petitioner – You could, you’d just have to shift it back.) The only thing about that is that you’re pushing the stairs back in.

K. Winters – So the suggestion would be to keep the ledge of the wall up above but make the handrail jog. (Petitioner – Another option, if the door swung out, to put another handrail where it’s indented, then when you get to the landing, switch to the other handrail.) Theoretically, doesn’t a handrail have to extend a certain distance just like a landing? (Not in residential).

337 P. Darling – Given that all the treads are too short, we might not want to take the landing out if it
338 is needed for egress.

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340 *(Discussion by the Board regarding headroom and stair tread evaluations and suggestions).*

341
342 **MOTION**

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344 Moved by R. Hart, Seconded by A. Milshteyn, “**to allow a variance for Appeal**
345 **Number 2007-B-012, 123 Adams Street, from Sections R311.5.3, R311.5.3.2,**
346 **R311.5.4 and R311.5.1 the 2003 Michigan Building Code, to permit an existing**
347 **stair from first floor to basement to remain in its current configuration, with**
348 **an existing width of 27 inches and varying risers from 7 ½ to 8 ¾ inches and**
349 **existing treads varying from 8 ½ to 9 ½ inches, provided that handrails be**
350 **installed on both the upper and lower runs of the stairs.**

351
352 **Based on the repair of the stairs, it would be difficult due to structural**
353 **considerations, and this would meet the intent of Appendix “J” of the Code,**
354 **The existing interior wall profile will be maintained as it currently exists.**

355
356 **On a Voice Vote – MOTION PASSED – Yeas (4), Nays (0), Abstain (1)**
357 *Note: S. Callan stated that he would abstain due to business conflicts with the*
358 *petitioner.)*

359
360 **C-4 2007-B-013 – 1026 Church Street**

361
362 **Scott Klaassen, contractor for this property, is requesting a variance from Sections**
363 **R311.5.3.1, R311.5.3.2, R311.5.4 and R311.5.1 of the 2003 Michigan Residential Code.**

364
365 Petitioner Scott Klaassen was present to speak on behalf of the appeal. We want to improve
366 and use the basement for living space. They intend to add two bedrooms and a bathroom to the
367 basement. We will be able to comply with code on everything except the stairway and the
368 landing or the ability to make minor changes to them.

369
370 This differs from the last appeal in the respect that the stairs turn, so there wouldn't be any way
371 to close off the door and make a straight stairway. The lower last tread in particular is significant
372 to the other ones. We have a masonry wall on the outside of the building. The clear space on
373 this one is 28 inches. The stairs themselves are 32 inches wide. The first floor encroaches on
374 the headroom, so the clear width is 28 inches. We would like to adjust the rises on the last
375 stringer to make them more uniform.

376
377 **STAFF REPORT**

378
379 The applicant is requesting a variance from the following sections of the 2003 Michigan
380 Residential Code

- 381
- 382 • Section R311.5.3.1 requires “*the maximum riser height shall be 8-1/4 inches.*
383 *The greatest riser height within any flight of stairs shall not exceed the smallest*
384 *by more than 3/8 inch.”*
 - 385 • Section R311.5.3.2 requires “*the minimum tread depth shall be 9 inches*” on
386 stairs.
 - 387 • Section R311.5.4 which states “*There shall be a floor or landing at the top and*
388 *bottom of each stairway. The width of each landing shall not be less than the*
389 *stairway served. Every landing shall have a minimum dimension of 36 inches*
390 *measured in the direction of travel.*

- Section R 311.5.1 which states that “*Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height.*”

Discussion:

This is rental property. The Petitioner is proposing to finish the basement creating living space with bedrooms. The existing stairway does not meet code for the following reasons:

- Existing width 32 inches—required width 36 inches.
- Existing rise varies from 6-3/4 inches to 10 inches—required maximum riser height is 8-1/4 inches. The rise also exceeds the 3/8-inch variance over each flight of stairs.
- Existing tread varies from 7-1/4” to 8 inches—required minimum tread is 9 inches.
- Existing landing is 32 inches by 40 inches—code requires 36 inches by 36 inches.

Petitioner states that all other code requirements will be met in the basement. Petitioner also states that he can rebuild the stairs so they are uniform but will not be able to comply with the code requirements.

Standards for Approval:

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

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

- The true intent of the Code has been correctly interpreted.*
Section R311.5 of the 2003 Michigan Residential Code contains requirements for stair geometry.
- The provisions of the code do not fully apply, (or)*
The provisions of the code do apply
- An equal or better form of construction is to be used.*
Petitioner has not proposed an equal or better form of construction.

Recommendation:

A. Savoni - If it is found that repair to the existing stair would be difficult due to structural considerations, staff would be supportive of this request based on the code section in Appendix J “ Existing Buildings and Structures” which states: “*Where compliance with these provisions or with this code as required by these provisions is technically infeasible or would impose disproportionate costs because of structural, construction or dimensional difficulties, other alternatives may be accepted by the building official.*” We would suggest that the Petitioner rebuild the stairs so they are uniform, as he has suggested.

K. Chamberlain – Concurs with the Building Department.

Comments/Questions from the Board

P. Darling – These treads are much shorter than the last application; these treads are all 7 ½ versus 8’s and 9’s as far as the overall geometry. (Petitioner – The adjustments would be make to make it more uniform. We really don’t have the run to make the treads longer. I’m confident that I could make them 8 inches by making a minor alteration - sliding it back, making a header off a bit farther as there is another stairway directly above it. I have about 6 inches I could eliminate to gain that head height.)

444 Petitioner – The main entrance is a porch entrance, and it’s a single-family home currently with
445 4 bedrooms.

446
447 S. Callan – He’s remodeling the basement with non-conforming stairs.
448

449 R. Hart – (To A. Savoni) – Tony, what is the story with doors at the top of the stairs where there
450 is no landing at all? Is that considered part of the existing condition under Appendix “J?” (No.
451 You can make him remove that door, and he probably would remove it anyway or you have to
452 reverse the swing – it currently opens over the stair and you can’t have it open over the stair.)
453

454 R. Hart – Is the lower level going to be discreet from the upper level? (Petitioner – No.)
455

456 A. Savoni – It can’t be a separate apartment in that zoning. It has to be six unrelated people in
457 six bedrooms, maximum.
458

459 K. Winters – What is the length of the bottom of the steps until you get to the wall? (Petitioner –
460 Probably at least 8 feet. The problem with extending those steps is the other stairway above it.)
461

462 P. Darling – It would be helpful to know that dimension, as sometimes in the past we’ve given a
463 variance to balance out the tread length versus the headroom. It might push the headroom to 6
464 feet 4 inches in order to get the tread length we want – to reach a compromise between the two.
465 You’re saying you wouldn’t have 80 inches, as the code requires. If we rebuilt the treads, we’d
466 have a head height problem. You might be able to take the framing out above it to gain a few
467 inches of headroom there. (Petitioner – I might be able to support the stair by extending the
468 header on the joist and possibly put a post in.)
469

470 *(The Board discussed options for the risers, tread and head clearances at length and whether to*
471 *table the issue to allow the petitioner to return with more detailed information.)*
472

473 **MOTION**

474
475 Moved by R. Hart, Seconded by A. Milshteyn, **“to table Appeal Number**
476 **2007-B-013, 1026 Church Street for a maximum of 60 days. The issue shall**
477 **be returned to the table for closure no later than the August Regular**
478 **Session.”**
479

480 **On a Voice Vote – MOTION PASSED – Yeas (4), Nays (0), Abstain (1)**

481 *(Note: S. Callan stated that he would abstain due to business conflicts with the petitioner.)*
482

483 **C-5 2007-B-015 – 424 Cross Street**

484
485 **Scott Klaassen, contractor for this property, is requesting a variance from Section R305.1**
486 **of the 2003 Michigan Residential Code.**

487
488 Petitioner Scott Klaassen was present to speak on behalf of the appeal. Stated that this one is
489 a bit different as there was a variance granted on this for a bedroom in the basement.*
490

491 ****(Administrative staff could not find any such variance at the time, but did locate one***
492 ***after the meeting – Appeal Number 1981-H-9, but the request was for a variance on grade***
493 ***in order to occupy one room in the cellar to be used as a bedroom. The applicant,***
494 ***Richard A. Vail, representing Ron Ferguson, owner at the time, stated “He is asking that***
495 ***the bedroom be allowed to conform to the codes with the condition that the fruit cellars***
496 ***and the bathroom and the furnace room NOT BE ALLOWED TO BE OCCUPIED.”*)***
497

498 Mr. Klaassen stated that there currently exists a bedroom and a study. This is currently a five-
499 bedroom rental, single family home with a study. This is a finished basement. What the owner
500 wants to do is make this a legal six bedroom, but we don't have the proper headroom. The
501 major part of the ceiling is 6 ft. 7 in. high, and there is some ductwork at the lowest point that
502 goes to 5 ft. What we would propose to do is install an egress window and relocate the
503 ductwork to make them soffits to move them over to the mechanical room wall. This will still
504 take up about 15 to 20 percent of the head height area.
505

506 **STAFF REPORT**

507
508 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
509 Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space,
510 and allows beams/girders not less than 4 feet on center to project below, a maximum of 6
511 inches.
512

513 **Discussion:**

514
515 This property is rental housing. Petitioner is proposing to convert an existing finished study
516 room in a basement to a bedroom. We can find no evidence in our files that a permit was
517 obtained to finish this space.
518

519 The ceiling height is 6 feet 7 inches. The ceiling height under the ductwork is stated as 5 foot 8
520 inches at the low point in the letter and 5 foot 0 (zero) inches at the low point on the plan.
521

522 **Standards for Approval:**

523
524 The Building Board of Appeals has the power granted by the 2003 Michigan Residential Code to
525 grant a variance to the Building Code. The Board shall have no authority to waive requirements
526 of this code.
527

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

- 529 a. *The true intent of the Code has been correctly interpreted.*
530 Section R305.1 of the 2003 Michigan Residential Code requires a 7 foot 0 (zero) inch
531 ceiling height in a basement with habitable space.
532 b. *The provisions of the code do not fully apply, (or)*
533 The provisions of the code do apply
534 c. *An equal or better form of construction is to be used.*
535 Petitioner has not proposed an equal or better form of construction.
536

537 **Recommendation:**

538
539 A. Savoni - Staff is not supportive of this request as the ceiling height is too low at the location of
540 the ductwork. It should be reconfigured to gain more space. If the ductwork cannot be
541 reconfigured to give a minimum ceiling height of 6 foot 4 inches, we recommend this space be
542 declared uninhabitable. However, if the board is supportive of granting this request, a fully
543 automatic, building wide smoke detection system should be a condition of the variance.
544

545 K. Chamberlain – The Fire Department concurs with the Building Department, in particular with
546 routes to the egress. Any way that you would set up the bedroom, it would put someone in
547 jeopardy running into the ductwork, especially in an emergency.
548

549 **Comments/Questions from the Board**

550
551 S. Callan – If there is a variance, I think we need to see that. (P. Darling – Contingent on that).

552 Petitioner – Asked the Board how much ‘free area’ they would have to have when reconfiguring
553 that five-foot ductwork.

554

555 A. Savoni – You can go with the Residential code, which is a very small room. 7 x 10 is the
556 smallest you can have, so you would need a 7-foot ceiling height. (Petitioner – If we could do
557 that, it will probably be around 6 feet. Would that be acceptable?

558

559 The Board suggested that the petitioner install a wall there to keep anyone from having to pass
560 under that ductwork and put some built-in’s (like a dresser, etc.) there.

561

562 *(The Board discussed previously approved ceiling heights).*

563

564 R. Hart – How many times do you look at an isolated situation within a building before it
565 becomes unworkable? From this partial diagram, it’s hard to tell what is going on here. There is
566 an egress window that is supposed to be installed for this bedroom? What is happening with
567 the other half of the floor? Does that other room, a bedroom I assume? Does it have an egress
568 window? (Petitioner – Yes, it does).

569

570 P. Darling – This is why it’s important to see this other Housing or Building variance so that we
571 can see the entire picture. If there is such a variance, we can go with contingencies on that.

572

573 K. Winters – I would suggest we table this and let the petitioner come back with answers on the
574 ductwork. And any variance that the owners may have.

575

576 S. Callan – A complete floor plan as well.

577

578 **MOTION**

579

580 Moved by R. Hart, Seconded by A. Milshteyn, “**to table Appeal Number**
581 **2007-B-015, Cross Street for a maximum of 60 days. The issue shall be**
582 **returned to the table for closure no later than the August Regular Session.**”

583

584 **On a Voice Vote – MOTION PASSED – Yeas (4), Nays (0), Abstain (1)**

585 *(Note: S. Callan stated that he would abstain due to business conflicts with the petitioner.)*

586

587 **C-6 2007-B-016 – 1008 Woodlawn Avenue**

588

589 *Petitioner was a “No Show” - Administrative Support to contact petitioner.*

590

591 **C-7 2007-B-017 - 812 Sybil**

592

593 **John Criso, owner of this property, is requesting a variance from Sections R311.5.1 and**
594 **R311.4.2.1 of the 2003 Michigan Residential Code.**

595

596 John Criso and Dan Jones were present to speak on behalf of the appeal. Mr. Jones claims
597 that there is an existing bedroom and bathroom that have been there for a number of years.

598

599 **STAFF REPORT:**

600

601 This property is rental housing. Petitioner has finished a room in an existing finished basement
602 for use as a bedroom. The bedroom has an egress window. The door into this bedroom has a
603 height of 6 foot 5 inches—a minimum 6 foot 6 door opening is required. Petitioner states that
604 the stair cannot be modified due to structural considerations.

605

606 Secondly, the existing stair to the basement has a 28-inch minimum clear width—36-inch width
607 is required. The door height cannot be modified due to its location under a structural beam. In
608 addition, Petitioner may need a variance on the headroom at the bottom of the stair.
609

610 **Standards for Approval:**

611 The Building Board of Appeals has the power granted by the 2003 Michigan Residential Code to
612 grant a variance to the Building Code. The Board shall have no authority to waive requirements
613 of this code.
614

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

- 616 a. *The true intent of the Code has been correctly interpreted.*
617 Section of the 2003 Michigan Residential Code states the minimum interior door height and
618 Section R311.5 contains requirements for stair geometry.
619 b. *The provisions of the code do not fully apply, (or)*
620 The provisions of the code do apply
621 c. *An equal or better form of construction is to be used.*
622 Petitioner has not proposed an equal or better form of construction.
623
624

625 **Recommendation:**

626 A. Savoni - Staff is supportive of the door height request. Regarding the stairs, a variance could
627 be granted based on Appendix J of the code which states: *“Where compliance with these*
628 *provisions or with this code as required by these provisions is technically infeasible or would*
629 *impose disproportionate costs because of structural, construction or dimensional difficulties,*
630 *other alternatives may be accepted by the building official.”*
631

632 If the board is supportive of granting these requests, a fully automatic, building wide smoke
633 detection system should be a condition of the variance.
634

635 K. Chamberlain – The Fire Department concurs with the Building Department.
636
637

638 **Comments/Questions from the Board**

639 Sam Callan – Do we know when that bedroom was built down there? (Petitioner – Bedroom 2,
640 in the front of the house was 2 or 3 years ago. Bedroom 1 in the rear has been there for about
641 10 years).
642

643 K. Winters – Which door are we talking about? (A. Savoni – the stairs that lead to the new
644 bedroom).
645

646 S. Callan – Was there a variance for either of these rooms? (A. Savoni – We can’t find a
647 variance on either bedroom). Was there a permit? (A. Savoni – There was a permit.)
648

649 K. Winters – Stairways shall not be less than 36 inches in width, and you have 28. Do riser and
650 stair meet code? (Petitioner – Yes).
651

652 R. Hart – What is the headroom clearance? It looks like it’s under the 80 inch overall.
653 (Petitioner – I made some calls in regard to that, and the drawings I have are somewhat out of
654 scale, but the last step at the lowest level where the 80-inch measurement is, the drop-down is
655 actually not over that stair.
656

657 ****Administrative Note: Located Variance on this issue – 97-H-24 – Variance was from***
658 ***Section 8:502 (Light/Ventilation) and a GRADE VARIANCE under Cellar Occupancy.***
659

660 **Note: Bedroom "1" is the older bedroom; bedroom "2" or the "East" bedroom is the**
661 **newest bedroom.**

662
663 **MOTION**

664
665 Moved by P. Darling, Seconded by A. Milshteyn, "concerning the EAST BEDROOM (formerly
666 known as Bedroom #2) - to allow a variance for Appeal Number 2007-B-017,
667 812 Sybil, to allow use of an existing stairway that serves the basement to be a
668 minimum width of 28 inches and we find this to be in compliance with appendix "J" of
669 the Michigan 2003 Building Code due to the structural constraints of the existing
670 opening;

671
672 And grant a variance from section R311.4.2 to allow the existing door that serves
673 bedroom 2 to be a minimum height of 6'5" clear, and we find this equivalent to the
674 Michigan 2003 Building Code, provided that an interconnected, hard-wired smoke
675 detection system be installed throughout the building, and the structural limitations of
676 the existing beam are the reasons for the variance and the outside stairway door be
677 removed and the opening closed off.

678
679 **On a Voice Vote – MOTION PASSED – YEA (4), Nay (1) Sam**

680
681 *Note: There was question as to the headroom at the bottom of the stairs (80" Clearance).
682 Since petitioner was unsure about the exact measurements wasn't clear on the drawings, he
683 was informed that he might have to return to ask for another variance for that.

684
685 **D - UNFINISHED BUSINESS – None.**

686
687 **E. - NEW BUSINESS – None.**

688
689 **F - REPORTS & COMMUNICATIONS**

690
691 **F-1** Communication from Mr. Mark LeChard at 149 Hill Street, Appeal Number
692 2007-B-007. The Board granted Mr. LeChard an additional 30 days in
693 which to find a workable solution for his variance appeal. This item will
694 return to the table for a final hearing on July 11, 2007 (the next Regular
695 Session of the Building Board of Appeals).

696
697 **F-2** Communication from Mr. Derrick Szepiela, 522 Glendale Circle, Appeal
698 Number 2007-B-004, Mr. Szepiela has asked the Board to amend the
699 variance granted at the May 2007 Regular Session to increase the width of
700 the soffit height to 5 feet by 0 and 4 feet 6 inches for

701
702 Moved by P. Darling, Seconded by R. Hart, "that Appeal Number 2007-B-004, 522 Glendale
703 Circle be amended to reflect an increase in the width of the previously granted soffit in
704 the basement at the above address from 4 Feet 6 Inches to 5 Feet 0 Inches, and a height
705 of 6Feet, 9 inches."

706
707 **On a Voice Vote – AMENDED MOTION PASSED - UNANIMOUS.**

708
709 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

710
711 **ADJOURNMENT** - Moved by R. Reik, Seconded by R. Hart, "that the meeting
712 be adjourned." (Meeting adjourned at 3:38 p.m.) **Minutes prepared by B.**
713 **Acquaviva, Administrative Support Specialist V**