



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JULY 11, 2007- 1:30 P.M. – SECOND FLOOR – CITY COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:35 p.m. by Chair Kenneth Winters

ROLL CALL

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

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 Draft Minutes of the June 13, 2007 Regular Session –

Amended (Line 438 “made, not make” and Line 700 “increase the width of the soffit to 5’0” from 4’6” and a height of 6’9”.)

Moved by R. Hart, Seconded by P. Darling, “**that the minutes of the June 13, 2007 Regular Session be approved as amended.**”

On a Voice Vote – MOTION PASSED - *UNANIMOUS*

C - APPEALS & ACTION

C-1 **2007-B- 013 – 1026 Church Street** (*Tabled from the June 2007 Session*)

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.

Description and Petitioner Presentation:

The subject property is located at 1026 Church Street and is rental property. **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 311.5.3.1 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.”

Scott Klaassen, contractor for this property, was present to speak on behalf of the appeal. He stated that at the previous meeting, he did not have specific plans presented regarding the stairs that needed a variance. After reviewing those, contractor took accurate measurements and stated that he can now get a consistent rise of 8” and a tread of 9” on the second set of steps that go to the basement floor. This is the full tread and doesn’t include the overhang (nosing). It’s an inch and a quarter under code requirements, and the width is 28” – I would have to rebuild both of the stairways to even them out and to get the treads and rises to the specifications I’ve stated here. There is also a head height issue at the bottom step, which would make it as low as a 6’ 4” clearance.

Recommendation:

A. Savoni - In addition to last month’s report, we would like the petitioner to investigate the ceiling at the stair to determine whether it could be raised to gain any additional head room.

K. Chamberlain – The Fire Department concurs with the Building Department and also need clarification – This plan does not include the smoke detectors that would be put in the bedroom? (Petitioner – Yes, there will be smoke detectors in the bedroom.)

Comments and Questions by the Board

Petitioner – In relation to the headroom, the problem is the other stairway (submitted on the first floor plan). The stairway is mirrored, so there is another stairway directly over it. I would have to redo the second floor stairs as well in order to get the headroom increase.

A. Savoni – There is no way to replace that with a shallower steel beam as opposed to wood?

K. Winters – This was my question as well – you could possibly gain two inches in that area with this lintel to change it to an LVL or add a steel plate between two two by’s that are bolted – something that will be two inches shallower that would get you up to 6’ 6” when 6’ 8” is what is required. It’s an 8” floor joist and if there’s a possibility of using some 6” LVL and work with an architect or an engineer to see what depth is going to be required to take that load on that span. (Petitioner – I could probably get a piece of steel or LVL in there to accomplish that two inches).

P. Darling – That’s the only headroom issue in this whole stairway? (Petitioner – Yes).

R. Hart – Are you rebuilding the entire stair or just the landing – from the mid-landing to the basement? (Petitioner – No, I have to rebuild both sets of stairs).

P. Darling – The top flight from the first floor to the basement is being rebuilt. (Petitioner – Right, but the landing needs to stay in this position, as there are matching stairways over them. I had explored moving the landing up and eliminating the door, but I don’t have the room because of the stairway above it).

P. Darling – Can the landing get shorter than 40” to make the treads longer? (Petitioner – It will get shorter – it’s going down to 36” – I’ll get an extra 4” there that I’ll need going down the stairs).

(The Board discussed which sections of the code are now applicable).

106 **MOTION**

107

108 Moved by P. Darling, Seconded by R. Hart, “to grant a variance for Appeal Number 2007-B-
109 013, 1026 Church Street to allow reconstruction of an existing stairway to the basement
110 that will have a tread depth of not less than 9 “ from the riser to the nosing and the width
111 of the stairs shall not be less than 28” on the lower flight from the wall to the first floor
112 wall and the landing dimension not be less than the width of the stairway and the
113 headroom can be reduced to 6’6” at the bottom step of the lowest landing. The height
114 from the landing of the top stairs shall not be less than 32” clear. We find that this is in
115 compliance with Appendix “J” of the 2003 Michigan Residential Code and Sections
116 R311.5.1, 5.2, 5.3.2 and 5.4. This is contingent on having a interconnected hard-wired
117 smoke detection system throughout the building.

118

119 **On a Voice Vote – MOTION PASSED – 3 Yeas and 1Abstention**

120

121 **Yea – K. Winters, R. Hart and P. Darling, Abstain - S. Callan**

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

123

124

125 **C-2 2007-B-016 – 1008 Woodlawn Avenue**

126

127 **Bart Fisher, owner/manager for this property, is requesting a variance from Section**
128 **R311.5.2 of the 2003 Michigan Residential Code.**

129

130 **Description and Petitioner Presentation:**

131

132 The applicant requests a variance from Section R311.5.2 which states: “*The minimum*
133 *headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically*
134 *from the sloped plane adjoining the tread nosing or from the floor surface of the landing or*
135 *platform.*”

136

137 Petitioner Bart Fisher was present to speak on behalf of the appeal. The stairway height from
138 the basement hallway up to the landing next to the kitchen is not in accordance with the
139 currently building code Section R311.5.31. The joists in the home are exactly 7” and the
140 mirrored stairs, which go from the first floor to the second floor landing are directly above these
141 stairs. The main headroom at issue is at the second step up – it’s as low as 66 ½ inches, which
142 is actually part of the stairway above and not part of the floor joist. I’ve had a structural engineer
143 and two other builders look at this, and it would require the removal or modification of the first
144 floor hallway and first floor to second floor stairs, that landing, the roof and the upper hallway.

145

146 **Staff Recommendation:**

147

148 A. Savoni – This issue was discovered by a Housing Inspector and the work in the basement
149 was done without a permit. Staff is not supportive of this request as the headroom is too low at
150 the bottom of the stairs and we would like the petitioner to investigate the ceiling and stairs
151 somehow to gain additional head room.

152

153 K. Chamberlain – What is the space used for? (Petitioner – There are two study rooms. The
154 work that was done on the basement has permits pulled since I purchased the home. The
155 Housing Inspector didn’t find it, the Building Inspector discovered this when he did the final
156 inspection. It does have hard wired smoke detectors, which were installed with permits).
157 They’re study rooms though (Petitioner – Correct). At that low height the Fire Department would
158 not be able to support this either.

159

160 (Petitioner – There is also a laundry room there as well as a mechanical room with a furnace
161 and water heater). Emergency egress? (Petitioner – There is emergency egress everywhere in
162 the basement except for the laundry room. This is the way the home was when I bought it. As
163 far as moving forward and improving it, you want plans for the roof modification, every landing
164 and all the stairs in the home?)

165
166 **Comments and Questions from the Board**

167
168 R. Hart – Where is the actual conflict? Is it on the first run or the second run of stairs?
169 (Petitioner - It's on the basement first run. If you were standing in the basement, there is a
170 hallway and the first step that you would reach is 74 ½ inches. The second step is 66 ½ inches,
171 the third step is 78 inches). If this were rebuilt as a 'winder' type stair on the landing so that you
172 could add a few more steps along the run, would that qualify?

173
174 A. Savoni – If he could get 6'4" – I don't think we've ever approved any headroom less than 6'4".
175 (Petitioner – We have looked at a winder stair, and the issue then becomes the doorway which
176 is on that landing. You'd have to step in from the outside onto a 'piece of pizza'). Can you
177 eliminate the door since it's really not necessary? (Petitioner – I suppose you could eliminate
178 that door, but it's the way into the kitchen – otherwise, you'd come into the back of the home into
179 the hallway upstairs past the bathrooms, bedrooms, into that hallway and then the kitchen).

180
181 K. Winters – It would have been helpful to have a plan of the basement and first floor to show
182 where the rooms are where the stair is in question. This is much too low to give a variance for.
183 The Board tries to help with solutions, but it's not the Board's job to provide a solution.

184
185 *(The Board suggested that the issue be tabled to provide time to reinvestigate possibilities for*
186 *reconstruction and to provide floor plans of both levels and the stairs, as the current drawings*
187 *submitted are not sufficient).*

188
189 **MOTION**

190
191 Moved by P. Darling, Seconded by S. Callan, **“to table Appeal Number 2007-B-016,**
192 **1008 Woodlawn Avenue for a maximum of 60 days. Issue to return to the table for**
193 **consideration no later than the September 2007 Regular Session.”**

194
195 **On a Voice Vote – MOTION TO TABLE PASSED – UNANIMOUS**

196
197 **C-3 2007-B-018 – 1047 Martin Place**

198
199 **Gary Rochman, contractor for this property, is requesting a variance from Sections**
200 **R311.5.2, R311.5.4 and R311.5.1 of the 2003 Michigan Residential Code.**

201
202 The applicant is requesting a variance from the following sections of the 2003 Michigan
203 Residential Code

- 204
- 205 • Section R311.5.2 requires *“The minimum headroom in all parts of the stairway*
206 *shall not be less than 6 feet 8 inches measured vertically from the sloped plane*
207 *adjoining the tread nosing or from the floor surface of the landing or platform.”*
 - 208 • Section R311.5.4 which states *“There shall be a floor or landing at the top and*
209 *bottom of each stairway. The width of each landing shall not be less than the*
210 *stairway served. Every landing shall have a minimum dimension of 36 inches*
211 *measured in the direction of travel.*
 - 212 • Section R 311.5.1 which states that *“Stairways shall not be less than 36 inches*
213 *in clear width at all points above the permitted handrail height and below the*
required headroom height.”

214 **Description and Petitioner Presentation:**

215
216 Gary Rochman, architect for this project was present to speak on behalf of the appeal. He
217 stated that the house is an old home in Burns Park with an 'L' shaped stair with stacking stairs
218 going up from the first floor to the second floor as well as from the second floor to the third floor.
219 We're doing a kitchen remodel on the first floor and some basement finishing, so we're looking
220 for a variance to finish the basement work. We have three code issues; the first is the
221 headroom. The stair coming from the basement coming to the landing and out the door is the
222 egress path. There is currently 6'2" of headroom on the main run, but with taking out plaster,
223 furring, etc., we can get that up to 6'4" without completely replacing stringers, etc.

224
225 There is a large header at the bottom that is at 5'3" of headroom. This has been functional for
226 some time, but by putting in a post, steel and shaving that as tight as we can to maintain the 6'4"
227 all the way down, this is what we're proposing. Going above the 6'4" will require reworking the
228 stairs above and removing the door that goes out to the driveway.

229
230 The second issue is the width of the stair. The majority of the stair is wide open to one side, but
231 the pinch point as you come up the stair, you have the header coming over for the first floor and
232 the trim coming off the furring at the top of the block. You have a pinch point there of about 29".
233 The majority of the stair is about 35" once you get around that area. We would not be able to
234 change that without rebuilding the first floor.

235
236 The third issue is the landing size. The landing is 35" even though right above it is that pinch
237 point of 29".

238
239 **Staff Recommendation:**

240
241 A. Savoni – If it's found that the repair to the existing stairs would be difficult due to structural
242 considerations, staff would be supportive of using Appendix "J" that we've spoken of before. It
243 appears that the applicant has investigated making the stairs as high as possible, so that may
244 not be an issue. We may have to grant the 6'4". If the Board is supportive of granting a
245 variance, staff suggests that a building wide smoke detection system be a condition of the
246 variance.

247
248 K. Chamberlain – The Fire Department concurs with the Building Department.

249
250 **Comments and Questions from the Board**

251
252 P. Darling – If you didn't put a finished ceiling in the stair to the basement, would that gain any
253 additional headroom? (Petitioner – We had planned to place ½" drywall flush against it to gain a
254 ½ inch. We punched holes in it to see what was in there). Does the home have an automatic
255 smoke detection system now or do you plan on putting one in? (Petitioner – We will install one.
256 Since we're doing the kitchen on the first floor and the basement, our understanding is that we
257 would be installing a smoke detector in the basement, then one for the first floor or one on each
258 level, etc. – or would we have to put one in each one of the bedrooms?)

259
260 A. Savoni – All bedrooms. (Petitioner – I haven't investigated any possible hardships
261 associated with that as there is finished attic space and we'll have to go through a lot of plaster
262 to do that, and I've been down that road with the Inspectors - at what point is it a hardship?)
263 You can talk to the Inspector about that, he'll work that out.– you can put in a ten-year lithium
264 battery or the radio controlled ones. If there is plaster or drywall there, we don't require that they
265 rip that down because of the availability of the aforementioned new detectors. These new
266 detectors have been UL approved and acceptable to the Fire Department.

268 K. Winters – What is the current ceiling height in the basement? (Petitioner – We will be taking
269 out some current acoustic ceiling tiles and leaving the floor joists exposed. It's 6'10" from the
270 floor to the joists or 7'8" to the underside of the floor sheathing.)

271
272 A. Savoni – He can come down to 6'6" and no more than 4' wide as each of those joists are
273 considered a soffit as long as you don't put a ceiling in there.

274
275 R. Hart – Is there that much space between the joists? (Petitioner – They're 16" on center –
276 1½" wide.) Is the headroom any lower under the ductwork and the beam that is shown on the
277 basement plan? (Petitioner – Yes, it will be lower, but that will still meet code requirements). So
278 the combination of the ducts and the structure is less than 4'? (Petitioner – Yes, as the
279 proposed on page two of our plans, that will be less than 4' wide.)

280
281 P. Darling – The stair height in the landing is only 6', it's access to the basement, you're going to
282 be down there, so can you get the same 2" by taking the plaster off? People are going to using
283 that – you're not going to go outside to enter the basement. (Petitioner – They've been doing
284 that for eighty years in the house, so my plan was not to do anything to that area. Getting it up
285 to 6'8" was nearly impossible.) Any improvement over 6' is an improvement. (Petitioner – Yes,
286 we can look into taking the furring down and gaining a couple of inches). This will be a rec-
287 room? (Petitioner – Yes. If we bring that up to 6'2" or 6'2 ½", can we leave the other at 6'2" so
288 that everything is at 6'2"?) You want to maximize as much as you can.

289
290 K. Winters – No, because that is a required egress.

291
292 R. Hart – It looks as though you have three risers that are about 6 and ¾? (Petitioner – Right).
293 If you reconfigured that short section of stair so that there were four risers, could you improve
294 the headroom that way without it becoming a major structural intervention? (Petitioner – That
295 would require rebuilding of those steps, it wouldn't require reframing of the steps up above it.
296 There is a closet there that would impact that – within the stud bay.)

297
298 R. Hart – That short run of stairs starts to slide back to the point that the landing doesn't become
299 a compliant landing and is interpreted as being a whole stair, then you've got unequalled treads
300 as there's a step already back by that wall where the stud bay is.

301
302 Just to clarify, the width of the stairs, both stairs are a minimum of 29"? (Petitioner – That's the
303 pinch point, that's its worse spot). That's its worst condition? (Petitioner – Yes.) So, it's a
304 variance of 29" from the landing to the basement floor, 6'4" on headroom from the basement
305 stair to the underside of the stair above. The landing is 35"? The stair from the kitchen to the
306 lower landing will be reconfigured to achieve 6'4" minimum clear? (Petitioner – Yes.)

307
308 **MOTION**

309
310 Moved by R. Hart, Seconded by S. Callan, **“to allow a variance for Appeal Number**
311 **2007-B-018, 1047 Martin Place, from Sections R311.5.2, R311.5.4, and R311.5.1 of**
312 **the 2003 Michigan Building Code, to permit a variance for the existing stair from**
313 **the basement to the grade landing, having a minimum head room of 6'4", a**
314 **minimum width of 29" and a grade landing having a minimum dimension of 35",**
315 **with a further provision that from stair to the grade landing to the kitchen be**
316 **reconfigured to achieve a minimum clear 6'4" headroom and kept within the**
317 **existing width. This would be in accordance with Appendix “J” of the 2003**
318 **Michigan Residential Building Code and that a fully automatic, building wide**
319 **smoke detection system be installed with the approval of the Fire Department.**

320
321 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

323
324 **C-4 2007-B-019 – 401 East Washington**

325
326 **Jim Jehle, agent for this property, is requesting a variance from Table 704.8 and Section**
327 **704.8 of the Michigan Building Code and Section 607.5.5 of the Michigan Mechanical**
328 **Code.**

329
330 **Description and Presentation:**

331
332 Mike Nicklowitz was present to speak on behalf of the appeal. He stated that there are three
333 issues that need to be addressed, the first of which is a window on the first level. (The retail
334 level.) The second is the elevator lobby. (There is a fan on the top of this building and we
335 would like to design toward the new 2006 Michigan Mechanical Code which would allow
336 pressurization of the elevator hoist-way in lieu of closing off the elevator lobby from the corridor.)
337 The third issue deals with the Mechanical code and the fire dampers and mechanical shafts
338 through the building. (The 2006 Code, which is being proposed to be adopted around August
339 will allow the residential use group to conform to an exception to the smoke dampers in a
340 mechanical shaft.) We would like to follow the rules of 2006 and apply that to our project.

341
342 **Staff Recommendation:**

343
344 A. Savoni – As to the window openings, an appeal was granted previously with the following
345 contingencies: the building would be equipped with an automatic fire suppression system and
346 additional heads would be provided above the interior of the opening in question. The appeal
347 stated that these openings were shown on the submitted sketch and if an adjacent building was
348 built that impacts these windows, these windows would be closed to comply with the Fire Rating
349 of the Code or the applicant shall return to the Building Board of Appeals for a new appeal.

350
351 In the case of the elevator lobby, the Code specifically requires that the elevator lobbies have
352 barriers. Although it is true that the pressurization is an approved exception in the 2006
353 International Building Code, Michigan has not adopted this code as of this date and may choose
354 not to accept this amendment. In this case, this project was submitted under permit during the
355 2003 Michigan Building Code and will be inspected based on this Code.

356
357 While it's also true that the smoke dampers will also not be required in the 2006 International
358 Mechanical Code, Michigan has not adopted this Code and may choose not to accept this
359 change. In any case, this project was submitted under the 2003 Michigan Building Code and
360 should be reviewed that way.

361
362 K. Chamberlain – Fire Department concurs with the Building Department.

363
364 **Comments & Questions from the Board**

365
366 R. Hart – (To A. Savoni) Regarding the windows, the reason it's not permitted is because it's
367 three feet off the property line – so, you're 24" offset. If they moved the window another foot
368 and an inch back, would that put them within that permitted 15 percent range? If they slide the
369 window back another foot from the property line, they wouldn't have to get a variance or future
370 contingencies if it were recessed. (A. Savoni – The opening is the question, so that's a grey
371 area.)

372
373 K. Chamberlain – It's still a part of the exit passageway, even if it's recessed, which would still
374 require the three feet if there is an opening that someone could use to get out.

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376 (Discussion by the Board as to the window size, sprinkler heads needed and adjacent
377 buildings.)

378

379 K. Winters – The fireproof partitions around the lobby – if you had to put a partition, you could
380 put one at the intersection with the hallway, correct? (Petitioner – Yes.) Is there anything
381 required at the first floor, or are those open to a large lobby? (Petitioner – That is open to a
382 larger entry lobby for the residents.) That’s not a problem there? (A. Savoni – Correct.)

383

384 P. Darling – You’re going to pressurize the elevator lobbies themselves or just pressurize the
385 shafts? (Petitioner – Just the shafts.)

386

387 A. Savoni – That’s the variance he’s looking for.

388

389 K. Winters (To A. Savoni) – What is your understanding about Michigan adopting the 2006 IBC?
390 (A. Savoni – We heard that it’s going to be at the end of the year, but we also heard it was going
391 to be June. The Mechanical Code is closer, I’ve heard they’re printing those now.) What are
392 the odds of the Michigan Code making a difference from the 2006 IBC? (A. Savoni – We don’t
393 know, there are always amendments to each, but we have granted this variance before.) When
394 we did this previously, the entire building was suppressed and equipped with an emergency
395 generator. (Petitioner – This building has an emergency generator and emergency diesel
396 powered fire pumps.)

397

398 *(Discussion by the Board regarding yearly inspections of the system being a part of the motion*
399 *language and how that is submitted and checked up on.)*

400

401 Petitioner clarified why the variances are requested. “The electrical and mechanical engineers
402 on the project have a quandary on how you can put a smoke damper in a bathroom, where a lot
403 of the mechanical shafts come through – how do you detect that in a humid environment and
404 not have the smoke detectors going off all the time? The new code is acknowledging that this is
405 a problem, and they’re allowing residential uses not be required to have these dampers within
406 the mechanical duct chase.”

407

408 A. Savoni – So, you’re taking the duct from that, up into the shaft, and then you’re running the
409 fan at the top of the shaft constantly, which is supposedly able to draw the smoke out at all
410 times.

411

412 S. Callan – Is there an alarm if that system goes down? (A. Savoni – No. This is one of the
413 problems. I’ve discussed this with our mechanical engineer who has said that he may accept
414 this if you put a second fan up there as a back-up. If one goes down, the other automatically
415 starts up.) *(Discussion amongst the Board regarding the thickness of the metal shaft.)*

416

417 R. Hart stated that this has been a standard detail in NY City high-rise buildings for the last
418 twenty years – the small ‘boot’ detail that comes up. (R. Hart asked how much in advance of a
419 code acceptance can variances be passed?) *(Unknown precedent.)*

420

421 S. Callan – In this passive system, it will need to be wired into the alarm system, etc. (Petitioner
422 stated that they will be wired into the emergency system).

423

424 R. Hart – If we pass this, and then put all of these stipulations in there, we’re basically
425 reengineering the code. If pressurization is acceptable, it doesn’t seem that big a stretch to take
426 it to elevator shafts.

427

428 P. Darling – The rest of the building is being constructed to the 2003 Code? (Petitioner – Yes).

429

430 **MOTION #1**

431
432 Moved by P. Darling, Seconded by S. Callan “that the Board grant a variance for
433 Appeal Number 2007-B-019, 401 East Washington Street, from Section 704.8 of the
434 Michigan 2003 Building Code, to allow a window at the first floor lobby space as
435 shown on the submitted east elevation drawings, to be installed within 2 feet of the
436 property line, provided that additional sprinkler heads will be installed on the
437 inside face of the glass, 6 feet on center per the Fire Department’s approval. If
438 anything is built on the adjacent property, the opening will be closed up to be in
439 compliance with the Building Code or the applicant can come back and file an
440 additional appeal and propose an alternate form of construction. We find this
441 equivalent to what the Code requires.”

442
443 On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance Granted)*

444
445 **MOTION #2**

446
447 Moved by P. Darling, Seconded by S. Callan “that the Board grant a variance for
448 Appeal Number 2007-B-019, 401 East Washington Street to allow compliance with
449 the 2006 Michigan Building Code to allow pressurization of the elevator shafts in
450 lieu of providing enclosure for elevator lobbies with the provisions that special
451 inspections of the pressurization system happen annually by a certified or duly
452 authorized person that will submit said reports to the Building Department. We
453 find that this is compliant with the forthcoming provision of the 2006 Michigan
454 Building Code.”

455
456 On a Voice Vote – MOTION PASSED – *(Variance Granted)*

457
458 *Yeas (3) – S. Callan, P. Darling and R. Hart; Nays (1)- K. Winters*

459
460
461 **MOTION #3**

462
463 Moved by P. Darling, Seconded by S. Callan “that the Board grant a variance for
464 Appeal Number 2007-B-019, 401 East Washington Street from Section 7:07.4.1 of
465 the 2003 Michigan Mechanical Code to allow compliance with Section 909.11 of the
466 2006 Michigan Building Code for installations of penetrations into the shaft,
467 provided the steel exhaust sub ducts have a wall thickness of at least 0.019 inch
468 and extend at least 22 inches vertically into the shaft and the exhaust fan at the
469 upper end is powered continuously and maintains airflow upward to the outside.
470 We find that this will be equivalent to the anticipated Michigan Mechanical Code
471 revisions.”

472
473 On a Voice Vote – MOTION FAILED – *(Variance Denied)*

474
475 *Yeas (2) – S. Callan and P. Darling; Nays (2)- K. Winters and R. Hart*

476
477
478 **C-5 2007-B-020 – 1105 Birk Street**

479
480 Thomas Mussio, contractor for this property, is requesting a variance from Sections
481 R305.1 of the 2003 Michigan Residential Code.
482
483

484 **Description and Presentation:**

485

486 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
487 Code, which requires a 7' 0" ceiling height in a basement with habitable space and allows
488 beams and girders not less than 4' on center to project below a maximum of 6". This property
489 is rental housing. Petitioner is proposing to convert an existing finished study room in a
490 basement to a bedroom. We can find no evidence in our files that a permit was obtained to
491 finish this space.

492

493 Thomas Mussio, owner of Ann Arbor All-Trades was present to speak on behalf of the appeal.
494 He stated that the ceiling height under the ductwork is stated as 5 foot 8 inches at the low point
495 in the letter and 5 foot 0 (zero) inches at the low point on the plan.

496

497 **Recommendation:**

498

499 A. Savoni - Staff would support the ceiling height request; with regard to the stair, we would like
500 the petitioner to investigate whether that height can be increased. We would suggest if the
501 Board is supportive of granting a variance that an interconnected, hard-wired smoke detection
502 system be a condition of the variance.

503

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

507

508 **Comments/Questions from the Board**

509

510 Mr. Mussio stated that a hard-wired smoke alarm system is currently in place, and that the stairs
511 are 'stepped' above to provide the highest headroom possible.

512

513 K. Winters – When you stated you have investigated that headroom issue, I see a possibility of
514 gaining 2 additional inches at that point with a header or whatever may be constructed there.
515 You don't have a section cut through on the drawings to show us that construction, the
516 headroom, etc.

517

518 Petitioner stated that as to the 7 foot ceiling height, he could not change the support mechanism
519 (floor joists). K. Winters reminded him that he was talking about the stairs. Petitioner stated
520 that this is the only problem on the site is that ceiling height at that stair.

521

522 S. Callan – Stated that he concurred with K. Winters, that the issue needs pictures and more
523 detailed drawings for the Board to make an informed decision.

524

525 **MOTION**

526

527 Moved by P. Darling, Seconded by S. Callan, **"to table Appeal Number 2007-B-020, 1105 Birk**
528 **Street to allow petitioner time to investigate head clearance solutions for the basement**
529 **stairs. Petitioner will be allowed a maximum of sixty days to present his case with new**
530 **information."**

531

532 **On a Voice Vote – MOTION TO TABLE PASSED – UNANIMOUS (issue to be heard no later**
533 **than the September 2007 Regular Session).**

534

535 **D - UNFINISHED BUSINESS**

536

537 **D-1** Mr. Mark LeChard at 149 Hill Street, **Appeal Number 2007-B-007**. The
538 Board granted Mr. LeChard an additional 30 days in which to find a
539 workable solution for his variance appeal.

540
541 The Board stated that since a 90 day period of extensions had elapsed and the
542 petitioner was not present, the following motion was proposed:

543
544 Moved by S. Callan, Seconded by P. Darling, **“to approve a variance for**
545 **2007-B-007, 149 Hill Street to let the downstairs bathroom fixture spacing**
546 **remain as it is and not meet the required 24-inch clearance in front of the**
547 **shower or the required 21-inch clearance in front of the lavatory.”**

548
549 **On a Voice Vote – MOTION FAILS – UNANIMOUS** (*Variance Denied*)

550
551 **E. - NEW BUSINESS – None.**

552
553 **F - REPORTS & COMMUNICATIONS – None.**

554
555 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

556
557 **ADJOURNMENT** - Moved by K. Winters, Seconded by S. Callan, **“that the**
558 **meeting be adjourned.”** (*Meeting adjourned at 3:45 p.m.*) **Minutes prepared by B.**
559 **Acquaviva, Administrative Support Specialist V**