



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JANUARY 14, 2009 - 1:30 P.M. – COUNTY BUILDING, 200 NORTH MAIN STREET
LOWER LEVEL CONFERENCE ROOM, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:33p.m. by Chair Kenneth Winters

ROLL CALL

Members Present: (5) K. Winters, A. Milshteyn,
P. Darling, S. Callan and R. Hart (arr. 1:35)

Members Absent: (1) R. Reik

Staff Present: (4) A. Savoni, K. Chamberlain, J. Baker and
B. Acquaviva

A - APPROVAL OF AGENDA

A-1 Approved without objection.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the November 12, 2008 Regular Session

Corrections: Line 657 correct address of **2841** to **2489** Whitewood.

Moved by S. Callan, Seconded by P. Darling, **“to approve the November 12, 2008 Draft Minutes as Amended.”**

On a Voice Vote – MOTION PASSED – UNANIMOUS (Approved as Amended).

C - APPEALS & ACTION

C-1 BBA09-001 – 505 East Liberty Street

McKinley Properties, agent for this property, is requesting a variance from Section 705.8 of the 2006 Michigan Building Code.

The applicant is requesting a variance from section 705.8 of the 2006 Michigan Building Code which states: “Each opening through a fire wall shall be protected in accordance with Section 715.4 and shall not exceed 120 square feet. The aggregate width of openings at any floor level shall not exceed 25 percent of the length of the wall. Openings shall not be limited to 120 square feet where both buildings are equipped throughout with an automatic sprinkler system.”

Description and Petitioner Presentation

Petitioner is requesting a variance from the code to allow openings in the existing fire wall between two buildings to exceed the 25 percent of the length of the wall. Petitioner is requesting that the openings be as much as 75 percent of the length of the wall.

51 Petitioner is requesting this based on a plan that would open the space up to allow a better
52 layout for leasing the space.

53
54 Frances Todoro-Hargreaves, Asst. Director for McKinley Properties as well as the architect for
55 this project. Architect states that one of the buildings has a fire suppression system and they
56 are proposing to add a fire suppression system to the second building. Petitioner is also
57 proposing to add three-hour rolling fire doors to all proposed openings.

58
59 **Recommendation:**

60
61 A. Savoni (*Building Official*) – Staff is supportive of this request. Petitioner is proposing to install
62 a three-hour fire door to all proposed openings and both buildings will be sprinklered. We feel
63 that this is equal to the code requirements. Petitioner must verify that all exiting requirements
64 are met to the buildings when the rolling fire doors have been activated.

65
66 K. Chamberlain (*Fire Marshall*) – Is there an alarm system in either one of the buildings
67 presently? (Petitioner – Yes, there is one in the Liberty square condominiums and that system
68 will be extended into the bank building during the renovation). Will it be one system? (Yes. We
69 are currently dealing with the legal documents for easements). What about the suppression
70 systems? Will those be one continuous system? (Yes, and those drawings are currently with
71 the engineering company. That will come in off Washington street and into the condominiums
72 and extended through the current bank).

73
74 The Fire Department concurs with the Building Department, provided that it's stipulated that the
75 alarm and sprinkler systems are joined rather than two separate systems.

76
77 **Comments and Questions from the Board**

78
79 Robert Hart – Is the separation between those buildings a 'firewall' or a fire separation
80 assembly? (Petitioner – Right now there are block walls and another non structural wall behind
81 that. We don't know if that would qualify as a fire assembly). It's not a structural component
82 then? (No). So the rolling fire doors would be attached to the former bank building separation?
83 (Yes).

84
85 P. Darling – Is there a reason that you're not combining the building. You're combining the fire
86 suppression and alarm systems, why aren't you officially 'combining' the buildings? (F.
87 Hargreaves – Because of the condominiums, combining that building with the other building
88 would require extensive rework of the master deed and we couldn't get through that. There will
89 either be a deed restriction or an easement granted instead).

90
91 K. Winters – Are the openings you show for the rolling doors going to as indicated on the
92 drawings or will they be smaller? (Petitioner – It could depend on how the space is leased, but
93 right now we have the space set up as to how it will most likely lease – and go from there). In
94 effect, you want the maximum opening from the stairway west to the other wall? (Yes). Is there
95 any chance that you want that whole thing to be open? (Petitioner – We have it about as open
96 as possible in conjunction with the necessary columns). There is no roof structure on that wall?
97 (Petitioner – The roof structure is on steel beams which are supported by steel columns, but
98 they're not bearing on the masonry itself).

99
100 P. Darling (To A. Savoni) – Do you know what the code is to limit the opening? 25 Percent? (A.
101 Savoni – Yes, that's what it has to be – 25 percent). Why 25 and not 50 or 75 percent? (It's just
102 the way the code is set up).

103
104 P. Darling (To Petitioner) – The alarm will be set up to close the shutters in case of fire? (Yes).

105 (General discussion between the Board and the Petitioners regarding fusible links for operation
106 of the doors, or attachment to the alarm system, etc.).

107

108 **Discussion:**

109

110 **MOTION**

111

112 Moved by R. Hart, Seconded by S. Callan, “In regard to Appeal Number BBA09-001,
113 **505 East Liberty Street, the Board grants a variance from Sections 705.8 and 715.4 of the**
114 **2006 Michigan Building Code, to permit 4 openings between two existing buildings that**
115 **will exceed the 25 percent limitation specified, provided that 3 hour fire doors to all**
116 **proposed openings will be either automatic or fusible links, subject to the Fire Marshal’s**
117 **review and approval. Both buildings will have a unified sprinkler and fire alarm**
118 **notification system. Further, petitioner will verify that all exiting requirements are met**
119 **when the rolling fire doors have been activated. We find this to be equivalent to what the**
120 **Code requires.”**

121

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

123

124

125 **C-2 BBA09-002 – 323 Braun Court**

126

127 **Sandi Smith, owner for this property, is requesting a variance from Section 704.8 of the**
128 **2006 Michigan Building Code.**

129

130 **Description and Petitioner Presentation**

131

132 The applicant is requesting a variance from Section 704.8 of the 2006 Michigan Building Code
133 which states that “*the maximum area of unprotected or protected openings permitted in an*
134 *exterior wall in any story shall not exceed the values set forth in Table 704.8.*” Further, Table
135 704.8 states that a wall that is greater than 5 feet but less than 10 feet from the property line can
136 have total openings no greater than 10% of the entire square footage of the wall.

137

138 Petitioner is remodeling an existing building for office use. The rear wall of the building is
139 greater than 5 feet but less than 10 feet from the property line. Code requires that openings in
140 this wall be no larger than 10% of the entire square footage of this wall. Petitioner is proposing
141 openings that will total more than the allowable square footage. Petitioner is proposing to install
142 sprinklers over the openings that exceed the 10%.

143

144 Sandi Smith, Managing partner A2 Blue, L.L.C. and architect Ed Kelly were present to speak on
145 behalf of the appeal. Ms. Smith stated that the building was built in approximately 1910 and is
146 being converted to an office use. It may have been office use previously, as it’s been under
147 construction for about 25 years. The back wall is five feet from the property line and exceeds
148 the amount of ‘openable area’ allowed. It will be fully sprinklered and we’re having additional
149 heads installed in the top window and the far right window. We are removing the center window
150 on the first floor in order to get close to the 10 percent stated in Section 704.8 of the Code. We
151 are just over 10 percent on both floors, but it will be fully sprinklered.

152

153 **Recommendation:**

154

155 A. Savoni (*Building Official*) - With regard to the window openings, these types of requests have
156 been previously presented to this Board. In each case, the appeal has been granted with the
157 following contingencies:

158

- 159 1. The Building shall be equipped with an automatic fire suppression system; additional
160 heads shall be provided above on the interior of each opening in question.
161 2. The openings on the wall shall not exceed that shown on the submitted sketch
162 3. If an adjacent building is built, and impacts these windows, the windows shall be closed to
163 comply with the fire rating of the code, or the applicant shall return to the Building Board of
164 Appeals for a new appeal.
165

166 Staff feels that in doing this, an equivalent form of construction has been proposed and would
167 support this request with these contingencies.
168

169 K. Chamberlain (*Fire Marshal*) – The Fire Department concurs with the Building Department.
170

171 **Comments and Questions from the Board**

172

173 P. Darling – Based on the calculations, the first floor is 17 percent? The second floor is a little of
174 10 percent? (S. Smith – Those are the existing conditions. We propose to take out the middle
175 window).
176

177 K. Winters - You're removing a window from that center area? (S. Smith – Yes. Right now it
178 looks like the second floor).
179

180 P. Darling – Do you know what kind of fire suppression system you'll be installing? Will it be a
181 wet system and you'll be putting system heads at the windows? (S. Smith – I've hired Ann
182 Arbor Fire Suppression and I believe that is correct. The system is 90 percent completed, and
183 they will finish the job).
184

185 K. Winters – (Regarding the plans) – What is to the back of your building? (It is currently a
186 surface parking lot – part of the Concannon project. The current plan shows a walkway behind
187 us – it's a ten foot alley running between Main Street and Fourth Avenue).
188

189 P. Darling – Do the windows face the alleyway or the parking lot? (S. Smith – The parking lot).
190

191 R. Hart – Can you run through the math with me regarding the first floor? I have 61.18 existing,
192 but you're taking out one window, and you have 8.3 plus 8.3, are you including the door at 20?
193

194 Architect Ed Kelly – The first floor center window that is being removed is 12.283 sq. feet, and
195 there is a new partition wall on the inside and two rooms on either side of that. We're keeping
196 the two outside windows at 8.31, there's an exterior egress door at 20 sq. feet and a 12.28 sq.
197 foot window that lights up the basement stairs.
198

199 Reading the code, it stated you have to keep it at 10 percent, not 10.21 percent or 10.19, and it
200 wasn't clear. If we put a sprinkler head on the inside of the basement stairs (on the far right of
201 the plan), that would bring it down to 10.21 percent, but this is still too high according to the
202 code. We could put a sprinkler head over the 20 sq. foot door which would bring it significantly
203 under the 10 percent.
204

205 K. Winters – If you have 8.3 plus 8.3 plus 20 plus 12.3? (P. Darling - The 12.3 isn't counted due
206 to the sprinkler head). (*Discussion by the Board on the calculations and possible solutions*).
207

208 R. Hart – In effect, it's a moot point because the requirement is to put a head over every
209 opening, regardless of whether you count it or don't count it. I'm good with leaving it the way it
210 is and accepting the fact that you're over the maximum allowed. If we do this, we will want a
211 head at every opening, regardless.

212 S. Smith – That isn't the way it's drawn. The whole building is sprinkled, but the additional
213 heads directly over the opening currently in the plan are the one in the 'peak' and the one over
214 the stairwell which is the farthest to the right on the plan.

215
216 P. Darling – In the past, we've required every single opening in that wall. I don't know if we want
217 to make an exception for the door?

218
219 K. Winters – That is what we've worked with before. If you're above the allowable percentage,
220 then all the windows have to have a sprinkler head over them. (S. Callan – But not the door).

221
222 P. Darling (To A. Savoni) – Does the exterior wall require a rating to it or just the opening
223 protection? (No). (Architect – The entire wall is fire rated – 1 hour).

224

225 **Discussion:**

226

227 **MOTION**

228

229 Moved by P. Darling, Seconded by R. Hart, **"In regard to Appeal Number BBA09-002,**
230 **323 Braun Court, that the Board grant a variance from the 2006 Michigan Building Code,**
231 **Section 704.8, to allow additional openings in the exterior wall adjacent to the property**
232 **line that exceeds the code allowable percentage opening of 10 percent, provided that the**
233 **building be equipped with an automatic fire suppression system. In addition, additional**
234 **heads will be installed over the inside of each window along the property line. The**
235 **openings shall not exceed the wall area shown in the submitted plans, roughly less than**
236 **15 percent.**

237
238 **If an adjacent building is built on the adjacent lot, the windows will be in-filled to comply**
239 **with Code, and/or the applicant shall return to the Building Board of Appeals for a new**
240 **appeal. Regarding the window being removed, the construction type will match the**
241 **adjacent wall type, being one hour rated construction. We find this to be equivalent to**
242 **what the Code requires".**

243
244 **On a Voice Vote – MOTION PASSED – (*Variances Granted*)**

245

246

247 **C-3 BBA09-003 – 205-207 East Washington Street**

248

249 **Patrick M. Roach, Architect for this property, is requesting a variance from Section 203.2**

250 **of the 2005 National Electrical Code.**

251 **Description and Petitioner Presentation**

252

253
254 **The applicant is requesting a variance from Section 203.2 of the 2005 National Electrical**
255 **Code that states, "A building or other structure served shall be supplied by only one**
256 **service." (Note: P. Darling abstained from this issue as his employer, Quinn Evans Architects**
257 **are the Architects on this project).**

258

259 The basement and first floor of the building at 209 building contains the Café Habana, with office
260 space above. The basement and first floor of the adjacent building at 205-207 is being
261 renovated into another restaurant called the Blue Tractor. It too contains office space above.
262 The two restaurants are connected on the lower level with an opening and share a kitchen. The
263 building at 205-207 is sprinklered throughout and the restaurant space on the first floor and
264 basement of 209 will also be sprinklered.

265 Although the buildings are still separate buildings in terms of ownership, the interconnection on
266 the basement level has raised the issue that each is still served by a separate electrical service.
267 The Code requires that there be a single service into the building. Section 230.72 further states
268 that there can be more than one disconnect but they must be grouped together.

270 Petitioner is proposing to provide a remote shutdown system in each building such that, from the
271 electrical room of each building, service disconnects for both building can be shut down by
272 emergency personnel.

274 Mr. Patrick Roach, Quinn Evans Architects, was present to speak on behalf of the appeal. *(He*
275 *gave a brief background on the project).* For a number of reasons, the two restaurants (Blue
276 Tractor & Havana) on the first floors of these buildings wanted to combine because the existing
277 kitchen area at 209-211 E. Washington Street was inadequate for space. To provide a full
278 kitchen on both sides would have used too much square footage. This prompted the desire for
279 shared kitchen space. There was also a need to expand the bar in the basement level of the
280 Havana Restaurant, but there was no place to do that without going into the adjacent building.
281 The last reason was to provide a better level of barrier free access. Part of that was to provide a
282 hydraulic elevator into the basement. There is an existing elevator, but would need to be altered
283 to provide what the client needed.

285 We've maintained a fire separation between the first floor and second floors to separate that
286 space from the tenants above. We upgraded all the spaces that we're working in with sprinkler
287 systems to improve the life-safety issues. Through conversations with the Electrical Inspector,
288 Jim Baker, there are concerns that now that these interconnected spaces and both buildings are
289 served by separate electrical services, there is a question on how to handle that. One way to
290 interpret that is that we have one electrical service serving one continuous space and that's a
291 problem. It was difficult to design this with one electrical service; even though the space is
292 shared, the buildings are owned by two different owners. DTE doesn't normally allow one
293 combined service for two different owner buildings. There was also a question about having
294 enough electricity, so we brought in a second transformer and new secondary service.

296 Our proposed solution is to provide an emergency cross disconnect system, which consists of
297 an emergency stop button, located in the each electrical room, such that you can hit the button
298 and it shuts down all the power in both buildings.

300 **Recommendation:**

302 A. Savoni *(Building Official)* - Staff is not supportive of this request. Section 230.2 of the 2002
303 National Electrical Code specifically states that there be only one service into the building.
304 Section 230.72 states that if there is more than one disconnect in the building they must be
305 grouped together. These regulations exist so that the power to the entire space or building can
306 be quickly and easily shut down in an emergency. *(Mr. Savoni introduced Electrical Inspector*
307 *Jim Baker to the Board. He explained that Mr. Baker has been involved in the ongoing*
308 *inspections on this project and would speak on behalf of the city in this matter).*

310 K. Chamberlain *(Fire Marshal)* – The Fire Department yields to the Building Department. She
311 added that she would need reassurance that if an emergency arises, the responding emergency
312 crews will want assurance that when they shut down a system, it is shut down completely, and
313 won't want to guess if only a portion of that system is de-energized, especially because the
314 buildings are connected. It's a dangerous situation to think that a system is de-energized and
315 then find out that there is a cross-over power source.

317 J. Baker (*Electrical Inspector*) - Under the circumstances of this particular situation, I don't really
318 have a problem with what they want to do, providing that it's installed in such a way that when
319 one or the other disconnect is engaged, power is de-energized on both sides. The
320 interconnected wiring going from service to service is run through a conduit or 'raceway,' but
321 provides that it's not damaged in a fire.
322

323 **Comments and Questions from the Board**

324
325 R. Hart (To Petitioner) – I understand the emergency shut-off's would knock out the power
326 simultaneously, but how would you bring them back on-line. (P. Roach – You would manually
327 have to switch on the breakers).
328

329 S. Callan – That would facilitate the intent of the code to do that. Although my electrical
330 experience is limited, this plan makes sense to me and having a single disconnect should solve
331 the problem.
332

333 K. Winters – Once this is down and a need to re-energize, is there a need to have the power in
334 one building on while the other building will need to be turned off? (P. Roach – When you hit
335 the emergency button, it signals all breakers in both buildings to trip. My understanding is that
336 once you reset the switch and turn the breakers back on, you'll only be turning back on those
337 that you're physically energizing).
338

339 J. Baker – You physically have to walk over and reset that breaker before it will re-energize.
340 They can be 'interconnected' to prevent re-energizing if necessary. My concern is that the
341 supply to the interconnected switching comes ahead of the main in either of one of the two
342 buildings. In other words, you don't want the interconnecting to come from the load side of the
343 switch; it has to come from the other side. In that case, if someone disconnected the power in
344 building number one, you would also be disconnecting the emergency interconnect.
345

346 A. Milshteyn – Are the second and third floors in both of these buildings residential or
347 commercial? (P. Roach – 205-207 there are commercial office space; in 209-211, they are
348 residential). Are they also supplied by the electrical panels in the basement? (P. Roach – Yes).
349 So, everything would get shut down.
350

351 K. Winters – So you do have a fire separation between the uses – the first and second floors?
352 (In building 209-211, yes). Only in 209-211? (P. Roach – Yes, not in 205-207).
353

354 R. Hart – Are the notification and sprinkler systems interconnected in any way? (P. Roach – I
355 believe so). You have a drawing for this disconnect system? (P. Roach - Yes, we have
356 submitted a drawing. – A. Savoni stated that the drawing was dependent on this meeting today).
357

358 P. Roach – Stated that the only people that would be re-energizing those panels would be
359 building maintenance or emergency personnel, like the Fire Department.
360

361 A. Milshteyn – So, if a fire started in one of the residential units, its after hours, no one can get to
362 that electrical panel to shut off the power to the other side – is that correct? (P. Roach – The
363 emergency disconnect is for emergency personnel, so the only people we would see using it or
364 re-energizing it would be the Fire Department or building maintenance staff – not the individual
365 residents.
366

367 **Discussion:**

368
369 S. Callan - Does that approve the wall openings too? (B. Hart - No, this was just for the
370 electrical).

371 **MOTION**

372

373 Moved by R. Hart, Seconded by S. Callan, “In Regard to Appeal Number BBA09-003,
374 **205-207 East Washington Street, the Board grants a variance from Section 203.2 of the**
375 **2002 National Electrical Code, whereby a remote shutdown system is provided governing**
376 **each building such that both service disconnects can be shut down by emergency**
377 **personnel and that the interconnected circuits between the two emergency shut-offs is**
378 **run in conduit and clearly identified. The operation of this system will be verified by a**
379 **field test to the satisfaction of the City Electrical Inspector and the Fire Department. We**
380 **find this equivalent to what the code requires.”**

381

382 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS**

383 **ABSTENTION: (1) – P. Darling)**

384

385

386 **C-4 BBA09-004 – 1880 Coronada Street**

387

388 **Alpha Remodeling, contractor for this property, is requesting a variance from Sections**
389 **R305.1 and R311.5.2 of the 2006 Michigan Residential Code.**

390

391 **Description and Petitioner Presentation**

392

393 The applicant is requesting a variance from the following sections of the 2006 Michigan
394 Residential Code:

395

- 396 • Section R305.1 that requires a 7 foot 0 (zero) inch ceiling height in a basement with
397 habitable space, and allows beams/girders not less than 4 feet on center to project
398 below, a maximum of 6 inches.
- 399 • Section R311.5.2 which states: “*The minimum headroom in all parts of the stairway shall*
400 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
401 *tread nosing or from the floor surface of the landing or platform.*”

402

403 Petitioner is creating finished space in the basement. This space will contain an egress window.
404 The code violations requiring the variances are as follows:

405

- 406 • The petitioner plans to finish the drops around the ductwork. The finished ceiling height
407 under the drops will be 6 foot 4 inches. Code requires a minimum ceiling height of 6 foot
408 6 inches. The width of the drop is proposed to be 5 foot 6 inches wide; the code allows a
409 maximum of 4 foot wide.
- 410 • Petitioner also has low headroom at the existing stair. The existing headroom is 6 foot 4
411 inches. Code requires a minimum of 6 feet 8 inches. Petitioner has not provided a
412 sketch of the stair showing the location of the low headroom.

413

414 Mr. Randy Schreck, Alpha Remodeling, was present to speak on behalf of the appeal. He
415 stated that as you come down the basement stairs, to the right of the stairwell is an hvac soffit.
416 That soffit head height is 6’4” ½ inches and is over 4 feet wide, so we’re asking that that be
417 allowed to be 5 feet in width. The stairwell is also 6’4” (bottom of step).

418

419 **Recommendation:**

420

421 A. Savoni (*Building Official*) – Staff is supportive of the ceiling height request under the
422 ductwork. Staff is not supportive of the stair headroom request as the headroom is too low.
423 Staff would like the petitioner to investigate the ceiling at the stair to determine whether it could
424 be raised to gain any additional headroom.

425

426 We would suggest that if the Board is supportive of granting any variance, a fully automatic,
427 building wide smoke detection system be a condition of the variance.

428

429 K. Chamberlain (*Fire Marshal*) – Exactly where is the egress window located? (R. Schreck – It
430 is in the next room). What is that room, exactly? (It’s an office space). The Fire Department
431 concurs with the Building Department in regard to the heights and yields to the building
432 department on the stairwell issue.

433

434 **Comments and Questions from the Board**

435

436 P. Darling – What is causing the head height issues? (R. Schreck – This is a ‘quad level’ home
437 and there is a floor truss in the way. There is a floor joist and all the hvac work above that as
438 well. It has to drop down into the area in which we have the soffit, to accommodate going into
439 the slab on the second level of the building). Is this area finished? (Yes, it was previously
440 finished). (**Note:** Building Dept. records show that the new HVAC system was installed in
441 October of 2008 by contractor Gerard Dion, as well as some electrical and mechanical work by
442 other contractors).

443

444 K. Winters – Has there been any investigation of the header at the stairway? Is there any idea
445 what is up there? Where the joist is located, can some drywall be removed and some blocking
446 taken out to help the headroom? (It is actually a deep floor joist itself that is skinned with a
447 sheet of drywall or plaster, and on the other side of it you can see the floor joist going directly in
448 to the HVAC/Mechanical area). Is there any way of getting headroom increased in there?
449 Moving that joist/header? (Not at a reasonable expense to the homeowner). You can
450 sometimes make joist or framing into that, get steel or lvl that will be shallower.

451

452 P. Darling – Or pushing the stairway back, depending on whether it’s slab on grade. (Yes,
453 because it’s a quad, there are two slabs).

454

455 K. Winters – Stated that it would be a good idea for the contractor to go back and investigate
456 what can be done with this situation, as 6’4” is not acceptable to the board. The soffit – we’ve
457 approved that before down to 6’4” so that’s not a problem, but the stairway headroom is an
458 issue. (Chair K. Winters offered to let the petitioner decide how he wanted to handle the
459 situation. He could go ahead and have the Board vote on the items as he’s presented them and
460 see if they pass – or, the Board could postpone his issue to allow time to investigate his
461 possibilities).

462

463 Petitioner asked to have the issue tabled for sixty days.

464

465 **MOTION**

466

467 Moved by S. Callan, Seconded by A. Milshteyn, “**In regard to Appeal Number BBA09-004,**
468 **1880 Coronada Street, the Board Tables this issue for 60 Days to allow the petitioner**
469 **ample time to investigate solutions to headroom height issues. Petitioner will provide**
470 **staff with new sectional drawings through the stairs with a sectional view that shows the**
471 **full geometry of the stairs and headroom.”**

472

473 **On a Voice Vote – MOTION to TABLE - APPROVED – UNANIMOUS**
474 **(Tabled for 60 Days – Issue to be heard no later than March 11, 2009.)**

475

476 D - **OLD BUSINESS**

477
478 D-1 **BBA08-010 – 711 Packard Road (Tabled Appeal Pending Action)**

479
480 Sahba La'al, architect for for this property, is requesting a variance from Section 1008.1.1
481 of the 2003 Michigan Building Code.

482
483 **Description and Petitioner Presentation**

484
485 The applicant is requesting a variance from section 1008.1.1 of the 2003 Michigan
486 Building Code which states *"The minimum width of each door opening shall be sufficient
487 for the occupant load thereof and shall provide a clear width of not less than 32 inches.
488 Clear openings of doorways with swinging doors shall be measured between the face of
489 the door and the stop, with the door open 90 degrees."* Further, exception 5 in this
490 section states: *"Door openings within a dwelling unit or sleeping unit shall not be less
491 than 78 inches in height."*

492
493 Petitioner has created an apartment in the truss space on the fourth floor in an existing building.
494 This space was finished without permits and applicant is now obtaining permits to certify this
495 space as legal rental space. The architect states that the existing trusses are adequate to
496 support the floor and roof loads.

497
498 As shown on the submitted drawings, the corridor in the apartment is clipped off at the top
499 corner, at the locations where it passes through the truss. This encroaches on the required
500 minimum door width of 32 inches wide by 78 inches high.

501
502 It should be noted that petitioner is calling this a "door opening" even though a door does not
503 exist at these locations. Section 1003.2 requires a minimum corridor height of 7 feet 0 (zero)
504 inches. Protruding objects are allowed to extend below the required ceiling height provided a
505 minimum ceiling height of 80 inches is provided for any walking surface. Section 1016.2 would
506 require a minimum corridor width, within dwelling units, of 36 inches.

507
508 Mr. Sahba La'al was present to speak on behalf of the petitioner. He explained the project.

509
510 **Recommendation:**

511
512 A. Savoni (*Building Official*) – (*Informed the Board that this was postponed to this meeting
513 pending more detailed plans, but my recommendation is still the same*). Staff is not supportive
514 of this request. The space the petitioner is providing does not meet minimum requirements for a
515 corridor, which it is, nor does it meet the reduced minimum requirements for a door opening.

516
517 We would suggest that if the Board is supportive of granting any variance, a fully automatic,
518 building wide smoke detection system be a condition of the variance.

519
520 K. Chamberlain (*Fire Marshal*) – The Fire Department concurs with the Building Department.

521
522 **Comments and Questions from the Board**

523
524 S. Callan – As I mentioned at the last meeting, since this is a four-story building, it needs to
525 have a sprinkler system throughout. I see a sheet included in his information where the
526 sprinkler heads are noted – mounted in the truss area just coming from the ceiling and said that
527 this was approved by the Building Official and the Fire Department. Was this approved?
528
529

530 K. Chamberlain – I can't say whether it was or not as I can't currently access the drawings that
531 were approved, but there was an inspection. **(NOTE: Later information revealed that this**
532 **inspection was conducted by R. Farrakand of the Fire Department, and was NOT to approve**
533 **any sprinkler system. R. Farrakand reported that she was called out by the owner of the**
534 **building to check the location of the fire extinguishers pertaining to a life-safety issue at this**
535 **location).**

536
537 A. Savoni – Stated that this fourth floor apartment was finished without obtaining building
538 permits, so a legal fire inspection of the premises would not have occurred. This variance
539 hearing is part of them trying to obtain legal building permits after the fact. The history of this is
540 that a Housing Inspector came out to inspect the third floor, and noticed a 'door.' She was told
541 that this was a closet. When she asked that that door be opened, it was discovered that there
542 was a spiral stair and the fourth floor that was finished without permit. They're here now to get
543 permits and to make this legal and also to lease that space out.

544
545 S. Callan – Is the building currently completely equipped with fire suppression? (A. Savoni –
546 No, it's not). So what is suppressed? (He's proposing to suppress the just the fourth floor).

547
548 S. La'al – Stated that only areas that are currently renovated or built have to comply with the
549 current code, so they would not have to suppress the entire building. This is what they are
550 proposing.

551
552 S. Callan – Stated that if a fire started in the lower levels that the upper levels of a four-story
553 building would fry like popcorn.

554
555 S. La'al – Stated that there is two hour fire rated assembly between the lower floors. (K. Winters
556 – Stated that the paperwork Mr. La'al submitted states those are one hour fire ratings). Mr. La'al
557 stated that he thought that this was an error in his paperwork.

558
559 K. Winters (To A. Savoni) – Is there a requirement to have the entire building suppressed if it's a
560 four level building? (A. Savoni – If it's built new). But we can require as a condition of the
561 variance language that the entire building be suppressed.

562
563 P. Darling – So he's proposing this under the Rehab. Code, not the Building Code. (Mr. La'al
564 stated that the attic/truss space is the only alteration they've made. **NOTE: He also stated that**
565 **they have the latest approvals on this – but staff information shows otherwise. The inspection**
566 **that Fire did had nothing to do with certifying the fourth floor as a legitimate apartment).**

567
568 *(Lengthy discussion between the Board and the Petitioner).*

569
570 **MOTION**

571
572 Moved by P. Darling, Seconded by S. Callan, **“In the matter of Appeal Number BBA08-010,**
573 **711 Packard Road, that the Board grants a variance from the 2003 Michigan Building**
574 **Code, Section 1003.2, to allow a reduced opening size in the fourth floor corridor, to**
575 **allow a minimum of 5' 11” height and a minimum of 32” wide in four locations under the**
576 **trusses. The balance of the corridor will be no less than 78” per the attached sketches,**
577 **provided that a building wide, interconnected, hard-wired smoke detection system be**
578 **installed to the satisfaction of the Fire Marshal. The fourth floor shall be sprinklered per**
579 **the Rehabilitation Code; Additional egress lighting shall be required in this corridor.”**

580
581 **On a Voice Vote – MOTION TO APPROVE – FAILED – UNANIMOUS (VARIANCE DENIED)**

582
583 ***A. Milshteyn departs the meeting at this time.**

587 Philip A. Duncan of Hamilton Building, contractor for this property, is
588 requesting a variance from Sections R305.1 R311.4.2.1 and R311.5.1 of the
589 2003 Michigan Residential Code.
590

591 **Description and Petitioner Presentation**
592

593 **The applicant is requesting a variance from the following sections of the 2003 Michigan**
594 **Residential Code:**
595

- 596 • Section R305.1 that requires a 7 foot 0 (zero) inch ceiling height in a basement with
597 habitable space, and allows beams/girders not less than 4 feet on center to project
598 below, a maximum of 6 inches.
- 599 • Section R311.4.2.1 which states that *“Interior doors shall be not less than 24 inches width*
600 *and 6 feet, 6 inches in height.”*
- 601 • Section R311.5.1 which states that *“Stairways shall not be less than 36 inches in clear*
602 *width at all points above the permitted handrail height and below the required headroom*
603 *height.”*
604

605 ***NOTE:*** *The petitioner was not present to speak on behalf of the appeal and was notified that he*
606 *must be present.*
607

608 **Recommendation:**
609

610 A. Savoni (*Building Official*) - Staff is supportive of the ceiling height request in the room.
611

612 With regard to the stair width, Staff would be supportive of granting this request based on
613 Appendix J of the code which states: *“Where compliance with these provisions or with this code*
614 *as required by these provisions is technically infeasible or would impose disproportionate costs*
615 *because of structural, construction or dimensional difficulties, other alternatives may be*
616 *accepted by the building official.”*
617

618 Staff is not supportive of the door height and would like to see the space reworked to avoid this
619 condition. The door height is too low and could impede rescue efforts in the case of an
620 emergency.
621

622 We would suggest that if the Board is supportive of granting any variance, a fully automatic,
623 building wide smoke detection system be a condition of the variance.
624

625 **Discussion:**
626

627 Petitioner is creating a finished playroom in the basement. This space will contain an egress
628 window. The code violations requiring the variances are as follows:
629

- 630 • The finished ceiling height in this room is 6 foot 10-1/2 inches. The ceiling height under
631 the soffit will be 6 foot 3-1/2 inches. Petitioner does not show the exact location of the
632 soffit on the submitted plans.
- 633 • The stair down to the basement is 30 inches wide. Code requires a minimum 36” width.
- 634 • There are two doors located under the soffit that are 6 foot 0 (zero) inches in height.
635 Code requires a minimum height of 6 foot 6 inches.
636

637 **Comments and Questions from the Board**

638

639 **MOTION**

640

641 Moved by S. Callan, Seconded by R. Hart, “In regard to BBA08-013, 1111 Olivia Avenue, the
642 Board grants a variance from Sections R305.1 and R311.4.2.1 and R311.5.1 of the 2003
643 Michigan Residential Code.”

644

645 ***On a Voice Vote*** – MOTION FAILED – (*Variances DENIED*).

646

647

648 **D-3 – 2008-B-025 – 805 Ivydale Street**

649

650 Alpha Remodeling, contractor for this property, is requesting a variance
651 from Section R305.1 of the 2003 Michigan Residential Code. New request for
652 an additional variance from Section R311.5.2

653

654 **Description and Petitioner Presentation**

655

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

660

661 Petitioner is now requesting an additional variance from Section R311.5.2 which states: “*The*
662 *minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured*
663 *vertically from the sloped plane adjoining the tread nosing or from the floor surface of the*
664 *landing or platform.*”

665

666 Petitioner is remodeling the basement constructing a Family Room, Study and Bathroom. The
667 proposed finished ceiling height will be 6 foot 10 inches. The finished ceiling under the soffit
668 covering the ductwork will be 6 foot 4 inches. The soffit width is a maximum of 5 feet 0 (zero)
669 inches. Petitioner is installing an egress window in the basement.

670

671 **Petitioner has discovered that they have low headroom at the existing stair. The existing**
672 **headroom is 6 foot 4 inches. Code requires a minimum of 6 feet 8 inches. Petitioner has**
673 **not provided a sketch of the stair showing the exact location of the low headroom.**

674

675 Randy Schreck of Alpha Remodeling was present to speak on this appeal (and the following
676 three appeals). **Mr. Schreck and the Board discussed postponing this appeal, as well as**
677 **the next three (all appeals from Alpha Remodeling) because the Board had asked for**
678 **cutaway drawings of each particular area with greater detail.** The Board and the Petitioner
679 Agreed to Table these four issues for sixty days (all to be heard at the March 2009 Regular
680 Session. The Board wants to make certain that detailed plans on all of these issues are
681 included for the next time these issues are heard.

682

683 ***D-3 (Above) 2008-B-025 – 805 Ivydale Street - *D-4 – 2008-B-026 – 601 Dartmoor Road,**
684 ***D-5 – 2008-B-015 – 1905 Dunmore Road and *D-6 – BBA08-003 – 2411 Londonderry Road**

685

686 ***See the following motion:**

687

688 **MOTION**

689

690 Moved by P. Darling, Seconded by S. Callan, “**To Table items D-3 to D-6 (805 Ivydale, 601**
691 **Dartmoor, 1905 Dunmore, 2411 Londonderry & (TABLED UNTIL THE March 2009 Regular**
692 **Session), to allow the petitioner time to provide more specified, accurate drawings for the**
693 **areas in question on each appeal so that the Board can make an informed decision.”**

694

695 **NOTE: 1880 Coronada from item C-4 also belongs to the same petitioner, Randy Schreck of**
696 **Alpha Remodeling (*Tabled for 60 Days – Issue to be heard no later than March 11, 2009.*)**
697 ***Mr. Schreck will be expected to provide detailed drawings for five appeals.***

698

699

700 **D-7 – BBA08-006 – 1708 Glastonbury Road**

701

702 **Melissa Gregory and Mitchell Kaplan, owners of this property, are requesting a variance**
703 **from Section R305.1 of the 2003 Michigan Residential Code.**

704

705 **THIS IS A NEW REQUEST - For an additional variance from Section R311.5.2**

706

707 **Description and Petitioner Presentation**

708

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

713

714 **Petitioner is now requesting an additional variance from Section R311.5.2 which states: “The**
715 **minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured**
716 **vertically from the sloped plane adjoining the tread nosing or from the floor surface of the**
717 **landing or platform.”**

718

719 **Petitioner is remodeling the basement constructing a family room, future bedroom, bathroom**
720 **and laundry room. It appears that the ceiling in the majority of the basement will meet the 7foot**
721 **0 (zero) inch minimum requirement. However, the proposed ceiling height under the**
722 **ductwork/beam will be 6 foot 4 inches. The soffit width will be 4 foot 5-1/2 inches. Petitioner is**
723 **installing an egress window in the future bedroom.**

724

725 **Petitioner does not state whether the stair headroom would be affected by the lowered soffit**
726 **which is located at the foot of the stair. Also note that the door into the laundry room is located**
727 **under the soffit and may require a variance if the height does not meet code.**

728

729 **Petitioner has discovered that they have low headroom at the existing stair. Petitioner**
730 **has revised the structure to obtain a 6 foot 7-7/8” headroom. However, the attached**
731 **sketch does not show an accurate measurement of the headroom (measurement is not**
732 **from the nosing).**

733

734 **Mr. Fred Sons was present to speak on behalf of the appeal. He stated that the drawings he**
735 **presented are the existing conditions and the proposed solution drawings. He explained that he**
736 **is having problems with head room that involve the joist. He proposes to move the header**
737 **between the joist over the I-beam and ‘notch’ the header for additional space. This will also not**
738 **provide enough support, so he proposes moving the header up inside the wall. This should give**
739 **me 6 feet 6 inches of head room.**

740 **Recommendation:**

741
742 A. Savoni (*Building Official*) - Staff is supportive of the ceiling height and door height requests as
743 long as the headroom at the foot of the stairs and the laundry room door meet code. We would
744 suggest that if the Board is supportive of granting any variance, a fully automatic, building wide
745 smoke detection system be a condition of the variance.

746
747 **Staff would be supportive of the headroom as long as it meets a minimum dimension of 6**
748 **foot 6 inches as has been approved by the Board in the past. However if the headroom is**
749 **lower, we would suggest the petitioner further investigate the ceiling to determine**
750 **whether it could be raised to gain any additional headroom.**

751
752 A. Savoni – Told the petitioner that he has some concerns due to where the petitioner is taking
753 his measurements – in the middle of the (stair) rise as opposed to at the nosing. (When asked
754 by K. Winters why the petitioner is measuring this way, he stated that it was because the joist is
755 off-set from the nosing, and he is trying to provide the measurements they asked for. He stated
756 that he has the actual measurements, which are 5'9 ½ “from the nosing to the existing joist).

757
758 K. Chamberlain (*Fire Marshal*) – I'm not completely clear (due to the drawings that were
759 submitted) just exactly where the reduced height issue locations are. I just want to be certain
760 that this reduced height does not interfere with the path of egress.

761
762 **Discussion:**

763
764 K. Winters – In other words, we don't have a “Plan View” – showing the rest of the area in
765 relation to the stairs in question. (Staff stated that this was an “Add On” variance request, so it
766 was not included - only in the first variance appeal).

767
768 (Extensive discussion between the Board and the petitioner regarding the method of which to
769 adjust the header and increase the head room).

770
771 K. Winters – One concern is when you pull that out, the top part of the header is no longer
772 braced by the floor construction; it will then have a lesser allowable stress. You can't
773 necessarily just move that header up – you'll need something wider behind it – something that
774 won't buckle. You don't want to just nail the plywood to the underside of that header. An
775 Architect or Engineer should look at this.

776
777 Mr. Sons stated that he is concerned with hiring an architect or engineer due to the cost to the
778 homeowner. He stated that he could 'beef up' the header.

779
780 K Winters stated that this will not help that situation (note – K. Winters is a Structural Engineer).

781
782 R. Hart (To Petitioner) – After all of this discussion, do you still feel confident that you can get
783 the 6'6” of headroom? (Yes, I'm just a little crazed by the idea of getting an architect or
784 engineer to figure this out for me. It's only 3 feet wide and I can't imagine that there is that much
785 stress on that. I feel confident that I can build it so that it's not going to come apart).

786
787 K. Winters – You draw up a plan as to how you want to build this, and you can bring that to
788 Anthony Savoni about it, and if he approve this, than your variance can be approve (provided
789 you can still get the proper head room clearance you need). This will help you avoid coming
790 back to the Board for further direction.

791 A. Savoni (To Petitioner) – Draw up a plan as to how you’ll build this, come in and fill out a
792 green revision form and I’ll look at it. If it is approved, you can finish this work as planned.
793

794 **MOTION**
795

796 Moved by P. Darling, Seconded by S. Callan, “**In the matter of BBA08-006, 1708 Glastonbury**
797 **Road, to allow a ceiling height at the bottom of the stairway leading to the basement to**
798 **allow a minimum finished head room of 6’6”**, provided that a revised drawing on how to
799 **achieve this clearance is submitted to the Building Official for review and acceptance.**
800 **We find this to be in accordance with Appendix “J” as an equivalent form of code**
801 **compliance.**

802
803 **On a Voice Vote – MOTION PASSED – UNANIMOUSLY – (*Variance Granted provided***
804 ***conditions are met*).**

805
806
807 **E - NEW BUSINESS – None.**

808
809 **F - REPORTS & COMMUNICATIONS – None.**

810
811 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

812
813 **ADJOURNMENT**

814
815 The meeting was adjourned without opposition at 3:38 p.m.

816
817 ***Minutes prepared by B. Acquaviva, Administrative Support Specialist V***