



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
November 12, 2009 - 1:30 P.M. – 100 NORTH FIFTH AVENUE, SECOND FLOOR,
CITY COUNCIL CHAMBERS.**

MEETING CALLED TO ORDER at 1:32 p.m. by Chair Kenneth Winters

ROLL CALL

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

Members Absent: (0)

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

A - APPROVAL OF AGENDA

A-1 Approved without objection.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the September 9, 2009 Regular Session

Corrections:

K. Winters – C-1 - 707 Mt. Vernon - Change the reference in this appeal to the [2006 Residential Code](#) instead of the [2003 Residential Code](#).

Moved by S. Callan, Seconded by R. Reik, **“To Approve the minutes of the November 12, 2009 Regular Session as Amended.”**

On a VOICE VOTE – MOTION TO APPROVE – *PASSED (UNANIMOUS)*

C - APPEALS & ACTION

C-1 **BBA09- Wells street**

Ruth and David Markovitz, owners of this property, are requesting a variance from Section R310 of the 2006 Michigan Residential Code.

Description and Petitioner Presentation

The applicant

Recommendation:

A. Savoni (*Building Official*) – Staff would

K. Chamberlain (*Fire Marshall*) – The Fire Department concurs with the Building Department.

52 **Comments and Questions from the Board**

53 **Discussion:**

54

55

56 **MOTION**

57

58 Moved by S. Callan, Seconded by R. Hart, “In regard to Appeal Number BBA08-023,
59 **1415 Wells Street, the Board tables this issue for 90 days to allow the petitioner time to**
60 **investigate and re-evaluate alternate ways of making this window larger and/or more**
61 **compliant.”**

62

63 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS (Tabled until the January**
64 **2010 Regular Session).**

65

66

67 **C-2 BBA09-027 – 3006 Bolqos**

68

69 **George Busha, owner of this property, is requesting a variance from Section R319.1 of the**
70 **2006 Michigan Residential Code.**

71

72 **Description and Petitioner Presentation**

73

74 **J. Young?? Contractor?**

75 **The applicant is requesting a variance from Section R319.1 (3) of the 2006 Michigan**
76 **Residential Code that states:**

77

78 ***“Protection from decay shall be provided in the following locations by the use of***
79 ***naturally durable wood or wood that is preservative treated in accordance with AWPA U1***
80 ***for the species, product, preservative and end use.***

81

82 **1. *Wood joists or the bottom of a wood structural floor when closer than 18 inches or***
83 ***wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl***
84 ***spaces or unexcavated area located within the periphery of the building***
85 ***foundation.***

86 **2. *All wood framing members that rest on concrete or masonry exterior foundation***
87 ***walls and are less than 8 inches (203 mm) from the exposed ground.”***

88 **3. *Sills and sleepers on a concrete or masonry slab that is in direct contact with the***
89 ***ground unless separated from such slab by an impervious moisture barrier.***

90

91 **Discussion:**

92

93 **The basement of this condo was finished more than five years ago. The walls were constructed**
94 **with untreated wood bottom plates rather than treated wood as required by code. Petitioner is**
95 **requesting a variance to not replace the untreated bottom plates.**

96

97

98 **Recommendation:**

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100 **A. Savoni (Building Official) – Staff would not be supportive of this request as the code**
101 **requirements are not being met and the petitioner has not proposed an equal or better form of**
102 **construction.**

103

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

105

106 **Comments and Questions from the Board**

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109 **Discussion:**

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111 P. Darling – Informed the petitioner that the Board would grant him a 30 day extension in order
112 to get the revised plans and information to the Building Department for the Board to re-evaluate.

113

114 **MOTION**

115

116 Moved by R. Hart, Seconded by R. Reikegard to Appeal Number BBA09-027. 3006 Bolgos”

117

118 **On a Voice Vote – MOTION TO APPROVE – FAILED - UNANIMOUS**

119

120

121 **C-3 BBA09-028 – 2035 Suffolk Avenue**

122

123 **Rebecca Hatton, owner of this property, is requesting a variance from Section R305.1 and**
124 **R311.5.3.2 of the 2006 Michigan Residential Code.**

125

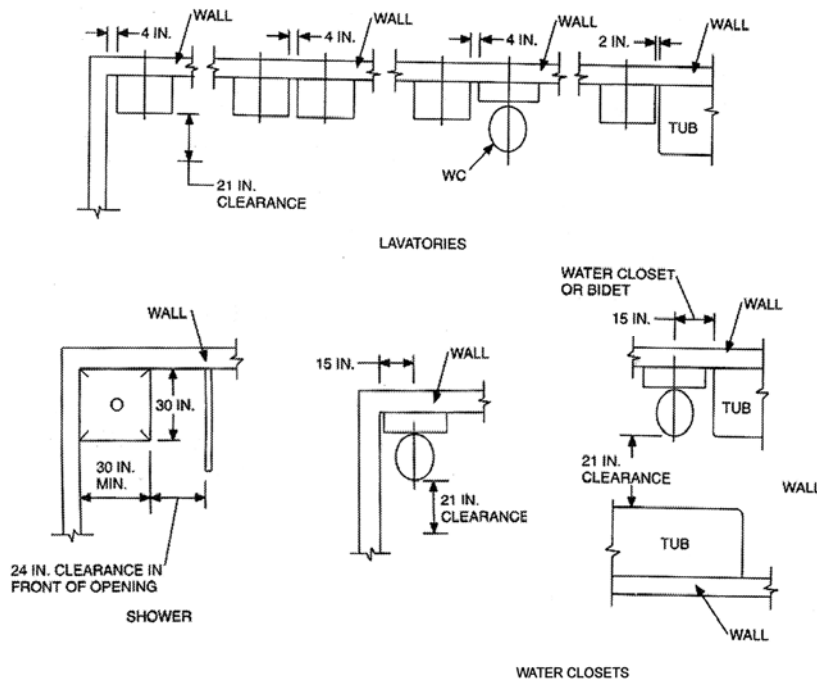
126 **Description and Petitioner Presentation**

127

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

130

- 131 • Section R305.1(4): *“Bathrooms shall have a minimum ceiling height of 6 feet 8 inches*
132 *over the fixture and at the front clearance area for fixtures as shown in Figure R307.1”*



133
134

- 135 • **Section R311.5.3.2: “The minimum tread depth shall be 9 inches.”**

136

137 Headroom issue

138

139 Stair tread – He stated that he doesn’t understand why it is an issue. The existing set does not
140 meet current code. First floor above is the main entrance

141

142 All of those things would have had to be re-worked.

143

144 **Recommendation:**

145

146 A. Savoni (*Building Official*) –

147

148 K. Chamberlain (*Fire Marshal*) – The Fire Department yields to the Building Department.

149 **Comments and Questions from the Board**

150

151 K. Winters – I don't understand this

152 From the plan submitted. (Contractor – The plans that I submitted were just to show headroom.

153

154 Can you paint that projection a different color than the rest of the wall? (Owner – Yes, we could
155 do that.)

156

157 **MOTION**

158

159 Moved by P. Darling, Seconded by S. Callan, “**In Regard to Appeal Number BBA09-028,**
160 **2035 Suffolk Avenue, the Board grants a variance from Section R305.1 of the 2006**
161 **Michigan Residential Code to allow a reduced ceiling height over the lavatory and over**
162 **the clear floor space in front of the toilet** (currently have a 6 foot 10 inch height for only 13-
163 1/4 inches, not the required 21 inches in that space); **AND to allow the existing basement**
164 **stairway to remain in place and repair as necessary** (The risers are currently 8-3/4” deep)., **and we find this equivalent to Appendix “J”**. The variances are conditional on providing
165 an inter-connected hard wired (or remote controlled) smoke detection system throughout
166 the home as well as painting the lower overhead PROJECTION at the ceiling **a bright**
167 **color** to help deter injuries .

168

169
170 **On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS**

171

172 **C-4 - BBA09-029 – 3325 Washtenaw Avenue**

173

174 **McDonald's USA, owner of this property, is requesting a variance from Section 1009.2**
175 **and 1009.3 of the 2006 Michigan Building Code.**

176

177 **Recommendation:**

178

179 Petitioner has converted an existing Boston Market restaurant to a McDonalds Restaurant. The
180 basement is used for storage. The existing restaurant had one exit from the basement and the
181 new restaurant was required to add a second exit for code compliance. The new stair was
182 constructed and did not meet code. The headroom in the new stair is 78 inches. Code requires
183 a minimum headroom of 80 inches.

184

185 Secondly, the risers in the stair vary from 7 inches to 7-1/2”. Code requires a 7 inch maximum
186 riser.

187

188 **Recommendation:**

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190

191 **Comments and Questions from the Board**

192

193 MOTION

194

195 Moved by P. Darling

196 That the Board grant a variance for Appeal Number
197 To allow a reconstructed stair to remain in place with 7 1/2 in. risers and 11 inch treads.
198 Provided to

199
200
201
202
203 Less than and not beautheir

204
205 6'6" stairway R. Hard The portion of the stairway that is
206 Will have some fort of Padded Informatiat you done!!!!
207 The exterior stair shal conply

208
209
210
211 E - NEW BUSINESS – None.

212
213 F - REPORTS & COMMUNICATIONS – None.

214
215 G - AUDIENCE PARTICIPATION – GENERAL

216
217 ADJOURNMENT

218
219 The meeting was adjourned without opposition at 3:25 p.m.

220
221 ***Minutes prepared by B. Acquaviva, Administrative Support Specialist V***

222
223
224 ***ENDED 2:30 P.M.***

225
226