



**APPROVED MINUTES OF THE REGULAR SESSION OF THE  
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
APRIL 14, 2010 - 1:30 P.M. – 2000 SOUTH INDUSTRIAL HWY.**

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

**ROLL CALL**

Members Present: (3) K. Winters, P. Darling and R. Hart

Members Absent: (2) R. Reik and S. Callan

Present: (3) R. Welton, K. Chamberlain and B. Acquaviva

Chair Ken Winters welcomed the new Building Official, Ralph Welton to the Board. Mr. Welton has previously been the Building Official in the City of Inkster, MI and the Deputy Director with the City of Romulus and has previously been a building contractor for many years.

**A - APPROVAL OF AGENDA**

**A-1** Approved without objection.

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the January 13, 2009 Regular Session (There were no regular meetings held during the months of February and March).

**Corrections: *Line #75 - maximum should be 7 inches (not 7 3/4).***

Moved by R. Hart, Seconded by P. Darling, **“That the draft minutes of the Jan. 13, 2010 Regular Session be approved as amended.”**

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

**C - APPEALS & ACTION**

**C-1 BBA10– 001 – 611 Spring Street**

**Description and Petitioner Presentation**

**The applicant is requesting a variance from Section R311.5.1 of the 2006 Michigan Residential Code that states:**

***“Stairways shall not be less than 36 inches in clear width at all points....”***

Petitioner would like to relocate the stairs to the basement as part of a future renovation. The current stair is 24” wide with 8” risers, 7-1/4” treads, and maximum headroom of 5’9”. The proposal is to relocate the stairs directly below the second story stairs, which are 33” wide.

50 All other code criteria (riser, tread, and headroom) can be made code compliant. This house  
51 was built c.1870 and widening the stairs to meet code is structurally impractical.

52  
53 Michael VanGoor of VanGoor Architects was present to speak on behalf of the appeal. He  
54 stated that the house was built in the 1800's and an addition was also added at some time  
55 (which is where the problem stairs to the basement are located).

56  
57 **Staff Report** - The existing stair does not conform to the current code in any way, shape or  
58 form. The 2 foot width of the stair and the 5'9" headroom create a rather hazardous condition  
59 going from the main part of the house and down into the basement. As part of an interior  
60 renovation, we would relocate this stair to the underneath of the existing staircase to the second  
61 floor. As you can see from the section plans, we can conform to headroom, riser height and  
62 tread width.

63  
64 The only thing that does not conform in this location is the width which is 33 Inches. We're  
65 requesting to be able to use that area with an approved variance.

66  
67 **Recommendation:**

68  
69 R. Welton (*Building Official*) – Staff supports the proposed variance from the code because the  
70 proposed stairway meets all but the width specification of the code and is a vast improvement  
71 over the existing stairway.

72  
73 K. Chamberlain (*Fire Marshall*) – The Fire Department concurs with the Building Department.

74  
75 **Comments and Questions from the Board**

76  
77 R. Hart – Questions head room at bottom stair. (Petitioner - Stairwell will conform with the 6'8"  
78 headroom). What do they intend to do with the rest of the basement? (Non-habitable or utility  
79 space/storage). You stated they were willing to add the interconnected smoke detection  
80 system? (Yes.)

81  
82 P. Darling – You would have no objections to stating that the appeal depends on keeping that  
83 portion of the basement as non-habitable? (Petitioner - None.) (*Discussion regarding the*  
84 *landing area to the basement.*)

85  
86 P. Darling – Handrails – are those on one side only? (Yes, due to the width of the stair).  
87 Lighting on the stairs? (From above where the majority of the headroom is. Actual is 8'6".)

88  
89 K. Winters – The uninhabitable space in the basement – is it allowed to be 6'5"? (R. Welton –  
90 I don't think there is any restriction as it is the old cellar type basement.)

91  
92 **Discussion:**

93 **MOTION**

94  
95 Moved by P. Darling, Seconded by R. Hart, **"In regard to Appeal Number BBA10-001,**  
96 **611 Spring Street, the Board grants a variance from Section R311.5.1 of the 2006**  
97 **Michigan Residential Code to allow construction of the new stair below the existing to be**  
98 **33" in finished width, providing all else complies and interconnected smoke detectors**  
99 **are installed throughout the house and the basement to remain uninhabitable space.**  
100 **This is an improvement over the existing condition and meets the intent of the code.**

101  
102 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS**

103 C-2 BBA10-002 – Fuller Road

104  
105 Description and Petitioner Presentation

106  
107 **The City of Ann Arbor, Developer for this property, is requesting a variance from Section**  
108 **704.8 of the 2006 Michigan Building Code.**

109  
110 The subject property is located at Fuller Rd. and E. Medical Center Drive. The applicant is  
111 requesting a variance from Section 704.8 of the 2006 Michigan Building Code that states:

112  
113 ***“The maximum area of unprotected or protected openings permitted in an exterior wall in***  
114 ***any stories shall not exceed the values set forth in table 704.8 .”***

115  
116 **Table 704.8 does not allow for openings in a structure situated less than two feet from**  
117 **the property line. (Diminished setback for parking structure.)**

118  
119 Mr. David Dykman of the City of Ann Arbor’s Project Management Department was present to  
120 speak on behalf of the appeal. He stated that this project relates to the Fuller Road Station, a  
121 major project undertaken to enhance the transportation within the city. This began with a project  
122 through the Mayor’s mobility program.

123  
124 It moved forward in 2008 with the study and analysis phase. We formulated a partnership with  
125 U of M and the AATA to start a conceptual development phase which started in 2009 which  
126 resulted in the sketches presented today. Both of these plans were accepted and adopted by  
127 City Council in 2009 which put us into the current design phase. The master concept plan  
128 involves the construction of a parking structure that will accommodate up to 1600 parking  
129 spaces to be shared between the University and the City. It also involves the relocation of the  
130 existing Amtrak station and new train platforms and a skywalk connection to the U of M  
131 Hospital. *(Mr. Dykman explained the project at length.) The consultant went on to say that the*  
132 *entire structure would be sprinklered. Because this site is dedicated for public use, no nearby*  
133 *buildings would be built that might interfere with fire services.*

134  
135 **Staff Report** - This is a non-combustible concrete parking structure. The petitioner is proposing  
136 to fire-suppress the ground floor with dry, automatic sprinklers. Setting the structure back from  
137 the north property line would hinder access to the 60” sewer line running parallel to the south  
138 elevation.

139  
140 **Recommendation:**

141  
142 R. Welton *(Building Official)*- Staff would support the request for a variance predicated on the  
143 Building Official interpretation of ***dedicated for public use*** as intended in **Section 704.8.2**  
144 of the 2006 Michigan Building Code. This provides for an exception if the structure can maintain a  
145 30’ clearance on all sides, and the applicant has 30’ of three sides, and the fourth side is  
146 bounded by the railroad track, which this section of the code says can be construed as having  
147 the required 30’ – provided it is dedicated to public use (which it is).

148  
149 Kathleen Chamberlain *(Fire Marshall)* – The Fire Department supports the variance, based on  
150 the specific design and contingencies outlined in this appeal.

151  
152 **Comments and Questions from the Board**

153  
154 P. Darling – The biggest difference for public use here and a Right-Of-Way is Fire Department  
155 access? Will the trucks be able to access the site easily? I’m not certain if you’d want to build

156 additional hose connections on that side of the building? (K. Chamberlain - The connections are  
157 still an issue, but the site team worked hard to come up with proper access and they did.  
158 Unfortunately, it meant that they had to sprinker the entire facility to get that fire suppression.)  
159

160 R. Hart – Asked for further information on the future phase plan. The contractor explained  
161 possible future walkways and additions. You said that this was an interim arrangement and that  
162 there will be easements down the road? (Yes. Most involve negotiations with the railroad).  
163

164 D. Dykman – Expounded on several government grants and funds that are involved, some of  
165 which require permanent easements which also secure the fact that nothing will be built in  
166 proximity to this building in the future.  
167

168 Ken Winters – With respect the grades, you're getting into the parking structure at grade and  
169 that whole first level is parking, and then there are four levels of parking above that? (The first  
170 level is what is the interval facility for this interim phase. It will include bus transportation, a  
171 waiting area for the busses, a bike station or weigh station for people who are using the non-  
172 motorized pathway. It serves more than parking in this phase. It will be an integral part of what  
173 AATA is trying to do to link up their intermodal transportation systems).  
174

175 That is at the same level of the railroad? (Plus or minus two feet, but virtually flat). Will that be  
176 open to the railroad track? (We can talk about means of egress. This is called an A-3 assembly  
177 area which is for transportation purposes. We will meet the means of egress requirements for  
178 that without having an exit there. We can discuss ways to do this, but we're also concerned with  
179 safety and people cutting across the railroad tracks to climb the hill, which is a real problem.)  
180

181 K. Winters – You stated that you're not going to 'encourage' people to be able to cut across  
182 there, but will there be the possibility of people to access that to go through? (The plan now is  
183 to build a barrier there). You're going to build a wall? (A railing, which will take the place of the  
184 railroad fence. We'll terminate the fence at a certain point and build the barrier out from there.)  
185

186 P. Darling – Asked about the maximum allowable openings on the property, and the applicants  
187 expounded on this and other future construction aspects of the program.  
188

189 K. Chamberlain – Provided the Board with the Fire Code regulations that govern this building -  
190 **Fire Code 3.1.1 (Buildings and Facilities) under Fire Apparatus access roads - Exception**  
191 **#1. Firecode official has authorized to increase the dimension of the 150', where:**  
192

- 193 1. **The building is equipped throughout with an approved automatic sprinkler system**  
194 **installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.**  
195

196 **Discussion:**  
197 **MOTION**  
198

199 Moved by R. Hart, Seconded by P. Darling, “In regard to Appeal Number BBA10-002, Fuller  
200 Road site, the Building Board of Appeals permits a variance from Section 704.8 of the  
201 2006 Michigan Building Code, permitting an open, non-combustible structure on a lot line  
202 on the basis that the adjoining railroad property, which by public land definition is a  
203 public unbuildable site. The building will be fully suppressed and that emergency access  
204 in and around the structure has been reviewed and is acceptable to the fire department,  
205 and meets fire code, Section 503.1.1 and we find this to be equivalent to the intent of the  
206 Code.”  
207

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

209 **OLD BUSINESS**

210  
211 **D-1 – BBA09-025 – 311 South Main Street** (This issue was originally heard in October  
212 of 2009 and postponed until further notice.)  
213

214 **BACKGROUND (Take from October 2009 Minutes):**

215  
216 **C-3 BBA09-025 – 311 South Main Street**

217  
218 **Northern United Brewing Co., owner of this property, is requesting a variance from**  
219 **Sections 1015.1 and 1008.1.5 of the 2006 Michigan Building Code.**

220  
221 **Description and Petitioner Presentation**

222  
223 *The applicant is requesting a variance from the following sections of the 2006 Michigan Building*  
224 *Code:*

225  
226 Section 1015.1 which states: “Two exits or exit access doorways from any space shall be  
227 provided where one of the following conditions exists:

- 228 1. The occupant load of the space exceeds the values in Table 1015.1.  
229 2. The common path of egress travel exceeds the limitations of Section 1014.3. (the  
230 common path of egress travel shall not exceed 75 feet)  
231

TABLE 1015.1  
SPACES WITH ONE MEANS OF EGRESS

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E*, F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

232  
233  
234 Section 1008.1.5 which states: “Landings at doors. Landings shall have a width not less than the  
235 width of the stairway or the door, whichever is greater. Doors in the fully open position shall not  
236 reduce a required dimension by more than 7 inches. When a landing serves an occupant load of  
237 50 or more, doors in any position shall not reduce the landing to less than one-half its required  
238 width. Landings shall have a length measured in the direction of travel of not less than 44  
239 inches.”

240  
241 *The building in question is “The Jolly Pumpkin” restaurant. It consists of a basement brewery*  
242 *with a kitchen on the first floor and dining on the first and second floor. It is adjacent to “The*  
243 *Melting Pot” restaurant which has three floors of dining space (first, second and third floors.)*  
244 *The remodeling of these two restaurants did not constitute a change of use for either space.*

245  
246 *Both restaurants have rear decks off of the second floor, which are used for dining. Both*  
247 *restaurants have as their second exit, doors onto this deck area. Once a person exits either*  
248 *restaurant to the deck, they are directed to a single stair at the rear of the Jolly Pumpkin which is*  
249 *a common exit stair for both restaurants. This is an older, weight activated fire stair that does*  
250 *not meet code requirements for an egress stair neither in its construction nor in its width.*

251  
252 *During the construction at the Jolly Pumpkin, the roof under the deck began to leak. The owner*  
253 *had the deck removed and replaced without a permit to make the repair. At the same time, the*  
254 *deck at the Melting Pot was removed, replaced and expanded by the same contractor. The*  
255 *inspector discovered this on his inspection. Because of this change, it was determined that, as*  
256 *mentioned above, the existing stair does not meet code for egress from not only the restaurants,*

257 but also the deck areas. The Building Department is requiring that the existing common stair be  
258 rebuilt to code or that separate stairs be built for each restaurant.

259  
260 Secondly, during the inspection process, the inspector found that the existing stair at the second  
261 floor exit to the deck at the Jolly Pumpkin does not have a landing. While the deck was rebuilt,  
262 this door and stair was not modified.

263  
264 Mr. John Carlson was present to speak on behalf of the appeal. He stated that this building has  
265 been a restaurant or bar for over thirty years. They are the tenants at 311 South Main Street  
266 and are representing the building owner of 309 South Main who is ill and unable to attend the  
267 meeting (supposedly for his tenant, who is the Melting Pot).

268  
269 **STAFF NOTE:** We did NOT receive any documented information (“Letters Of Authority) signed  
270 by the Building owners allowing and/or authorizing anyone to speak on their behalf.

271  
272 Mr. Carlson went on to state that even though they are not the owners, they have Jolly Pumpkin  
273 restaurant and brewery. They did a remodel of the space and brought that indoor space up to  
274 code and opened approximately three weeks prior. In the process, (and the Melting Pot also  
275 went through similar circumstances) they opened up their two story building (Melting Pot is a  
276 three story building) along with their (Melting Pot’s) deck, which is the first area of the deck. In  
277 the process, they had roof leaks, and they removed the deck, replaced (patched and repaired)  
278 the roof and put a deck back down. They were undergoing inspections for the entire project  
279 (mechanical, electrical, fire, etc. for the INTERIOR) but did not pull a permit for the replacement  
280 of the deck.

281  
282 Throughout the interior inspections, the building inspectors came in and asked what the  
283 situation was with the deck – i.e., egress, the amount of egress out of the two buildings which  
284 share the back of the building stairwell and they started meetings with the Building Department  
285 to get the building open and discovered what needed to be done on the deck.

286  
287 The first thing that the Building Department required was to look at the existing deck which didn’t  
288 meet any requirements as far as load; it was too heavy and was sitting directly on the roof. We  
289 replaced it and put it in the exact same spot and were told that this was unsafe due to load, so  
290 we went back again, redesigned it, did a structural analysis, put steel in, rebuilt it and had their  
291 inspection this morning. He stated that there was one issue to be corrected and that they would  
292 come back later to check it for finalization and would at least get approved on the structure.

293  
294 What we’re asking for now is total occupancy on our building. In essence, occupancy on the  
295 Melting Pot – which they have, but due to the uniqueness of their egressing the building onto the  
296 one we’re leasing, there could be some issues. We want to be good neighbors and not block off  
297 their egress, so what we’re asking for is to continue to use what we currently have.

298  
299 Mr. Brian Howard was also present to speak on this appeal. He stated that this (rooftop/deck)  
300 had an existing walkway that went over that space (which is still basically in tact). The means of  
301 egress out of that and the fire escape that is currently there is still operational. When the  
302 Melting Pot went through their renovation about a year ago, was currently allowing about 70  
303 people total from the interior of that space and the outdoor deck area out on to that exterior and  
304 then via the walkway and fire escape, and that is how they egressed. Also, the bar prior to the  
305 Jolly Pumpkin put 30 people out onto that deck area, which, as mentioned, was literally sitting  
306 right on top of the roof.

307  
308 **Recommendation:**

309

310 A. Savoni (Building Official) – Staff would not be supportive of granting the variance for the  
311 second exit from this space. The code clearly requires a second exit to these spaces and the  
312 existing stair that is there is not adequate to support the occupancy load onto this deck.  
313 Even though there were decks in this location, they were rebuilt and expanded without a permit  
314 and this change would require that the existing stair be rebuilt to be code compliant.

315  
316 With regard to the landing at the Jolly Pumpkin, we would be in favor of the board granting this  
317 variance. While this door does not meet code without the landing, we feel that this is a  
318 preexisting condition that it did not change. While it is true that the exterior deck was rebuilt  
319 outside the door, the door and stair have not been modified. This condition has not been made  
320 more unsafe by any adjacent work that has been done.

321  
322 K. Chamberlain (Fire Marshal) – The Fire Department yields to the Building Department.

323 **Comments and Questions from the Board**

324  
325 The Board discussed at length how to approach this issue as it must be approved by the  
326 Historic District Commission for egress.

327  
328 **Discussion:**

329  
330 **MOTION #1**

331  
332 Moved by P. Darling, Seconded by S. Callan, ***“In Regard to Appeal Number BBA09-025,***  
333 ***311 South Main Street, the Board TABLES this appeal for Six (6) Months in order to allow***  
334 ***the petitioner additional time to re-evaluate and propose a compliant second means of***  
335 ***egress from 309 and 311 South Main Streets (which share a roof and roof access).***

336  
337 ***The petitioner of 311 South Main Street will provide the City of Ann Arbor a signed***  
338 ***agreement with 309 South Main Street, stating that they are acting on their behalf for this***  
339 ***issue. 309 & 311 South Main Street will provide the Building Official with life safety plans***  
340 ***that will comply with the means of egress. This issue is being tabled as the Historic***  
341 ***District Commission must approve the egress first. Until this is approved and/or***  
342 ***submitted, the roof deck to 309 South Main Street will stay cordoned off and unusable***  
343 ***until/unless the petitioner provides the Building Official with a proposal for a separation***  
344 ***wall and new stair (which will also be submitted to the HDC) as mentioned by the***  
345 ***petitioner.***

346  
347 ***On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS (TABLED to April 2010)***

348  
349  
350 *(Discussion amongst the Board and Petitioners regarding the egress doors and restrictions*  
351 *preventing usage of these doors. R. Hart commented that the solution for this would be much*  
352 *easier if the petitioner would move the liquor storage area.)*

353  
354 **MOTION #2**

355  
356 Moved by P. Darling, Seconded by S. Callan, ***“In Regard to Appeal Number BBA09-025,***  
357 ***311 South Main Street, the Board grants a variance from The 2006 Michigan Residential***  
358 ***Code, Section 1008.1.5, to allow reconstruction of an exterior upper deck to improve the***  
359 ***life safety and structure capacity, without having to place a code compliant landing under***  
360 ***the doors onto the deck. We find this to be equivalent to Appendix “J” of the Code.***

361  
362 ***On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS)***

363 (END of OCTOBER 2009 MINUTES)

364

365 **CURRENT HEARING (May 2010)**

366

367 **Description and Petitioner Presentation**

368

369 Jon Carlson, Agent for The Melting Pot (309 S. Main) & Jolly Pumpkin (311 S. Main), agent for  
370 this property, gave updates on what had transpired since they last met with the Board. He  
371 stated that they had submitted plans for a new emergency stairway/egress off the property.

372

373 He stated that the Building Official had visited the site. This is a current fire escape that is non-  
374 conforming. To get the new stair installed, it would need a variance.

375

376 Deck has not been used on the 309 side since previously told not to by the Board last October.  
377 until a new plan/solution for egress across both of these spaces could be engineered. This plan  
378 was approved by the Historic District Commission a few weeks back for their part in this as it's  
379 involved in a Historic District.

380

381 The builder for 309, was actually our contractor for 311, and he has the stair designed and built,  
382 but when he attempted to get a building permit, he became aware of this situation. There was  
383 also a situation with 311 S. Main, a permit for the deck that had not passed inspection, so we  
384 did a design change on that and Ralph looked at that issue. Everything is ready but not  
385 approved by the Building department pending the outcome of this meeting.

386

387 **STAFF REPORT** - R. Welton – States that he has all the new plans and that he approves this.  
388 They have complied with all of the caveats set forth at the October meeting by the Board. There  
389 were issues on how these decks were installed on these roofs because of the structural integrity  
390 (The roof previously had NO structural steel within it to hold it up, and was built without city  
391 permits or city approval). All of that weight has now been distributed on the beams that were  
392 installed. They have one older fire escape and they want to install the other on 309 S. Main.  
393 Otherwise, 309 would lose their egress on the 3<sup>rd</sup> and 4<sup>th</sup> floor as well, as they have their area  
394 walled off until this could be resolved with the Board.

395

396 K. Chamberlain – States she will yield to the Building Department's choice.

397

398 **Comments and Questions from the Board**

399

400 K. Winters – So, the existing stair/exit off the back of 311 did not meet code. (J. Carlson – No,  
401 not today's code). A new stair was going to be built, but has not yet been built? (Has not yet  
402 been built). It would be either take off the stair that is there and replace it, or build an additional  
403 stair behind 309? (Yes. Keep the one on 311 and build an additional on 309). So, that second  
404 level, the door goes out onto the back of their deck area and down a new stair on the east alley?  
405 (Yes). Exit from 311 goes out onto their deck and down what is in effect, an existing, non-  
406 compliant stair? (Yes, but there would then be no wall so that people could use either access.

407

408 With no wall there, that is acceptable for the roof area. The variance would be to allow the  
409 existing egresses to be maintained (with the new one installed). Yes, to handle occupancy  
410 loads

411

412 P. Darling – At your October 2009 hearing, we asked you for a life safety plan that would list  
413 occupant loads and travel issues? I haven't seen anything like that. Did you prepare that? (It  
414 may not have the pathways, but I thought that the loads were on the drawings submitted for the  
415 stair which showed the building and the decks). It would be nice to know what those figures are.

416 R. Hart – Are the buildings sprinklered? (Yes). Ok, so that extends the travel distance. This is  
417 different from what I remember. They had a mechanical stair which was going to be replaced by  
418 a new fixed stair, and that both buildings were going to share egress to the new stair (for those  
419 using the deck) and the old one would be removed.

420  
421 P. Darling – That’s correct, but at the time, the Melting Pot didn’t have its own egress, and we  
422 didn’t have the load figures.

423  
424 R. Hart – (To R. Carlson) This is still different from what I remember. So at the end of this  
425 process, you’re going to have a fixed new stair that is non-conforming and you’re going to keep  
426 the mechanical fire escape stair on 311? (J. Carlson – That is what we’re proposing).

427  
428 R. Welton – That would be up to Fire. I wasn’t that impressed with the mechanical stair.

429  
430 R. Hart – I also remember suggesting that if there was going to be a shared egress between the  
431 two buildings (under different owners), that there would be some written understanding that no  
432 one would be building any walls that would cordon off access from one to the other. I thought  
433 the idea was to get rid of the mechanical stair, because it was in lousy shape and dicy to get to  
434 it, narrow, and the last report was that it was chain locked up? (J. Carlson – Yes, the restaurant  
435 did lock it to keep people from climbing up, but it won’t be locked again. It’s a drop down, but  
436 functions extremely well)

437  
438 J. Carlson – We can put up security lighting to discourage people climbing up the ladders to the  
439 roof.

440  
441 P. Darling – We don’t have any information about the load capacity of the building. Its difficult to  
442 give a variance when we don’t know what the occupancy load is. Well, 36” stairs are ok, but  
443 without knowing how many people will use it – you can put a lot of people up on that roof. I  
444 don’t have a record of whatever that is. (J. Carlson stated these were on the plans).

445  
446 R. Welton – Stated that when he inspected the decks, he didn’t take into account the upper flors  
447 at all, I was just looking at the decks. The decks themselves were inspected they can be  
448 approved. They are wood decks over a steel frame.

449  
450 R. Hart – Are there other floor above this? (J. Carlson – 309 does not have additional floors  
451 above the deck. 311 does – they have a banquet room). Banquet room – assembly use.

452  
453 K. Winters – That’s the one that currently has no access, but would have direct access with the  
454 new stair? (Yes).

455  
456 J. Carlson – Stated that the previous owner (who has recently passed away) did a lot of things  
457 over the last thirty years without permits, and even Jeff Ellis wasn’t even sure how they got the  
458 deck up there – probably in the seventies. Since that time, there have been building permits  
459 and the life safety of these buildings has been greatly approved.) *(STAFF NOTE: They do  
460 currently have permits on the decks. This is because they were stopped by a Bulding inspector  
461 and presented with a a “STOP WORK” order and mandated to obtain legal permits for this work)*

462  
463 P. Darling – All of this will also have emergency lighting? Yes.

464  
465 K. Winters – The existing decks now have structural steel under both? (Correct). Those have  
466 been inspected? (R. Welton – Not the roof deck, but the occupied deck. Have you had a  
467 structural engineer check the stair? There was a feature that the inspector was unfamiliar with,  
468 but it can be approved). (No, no structural engineering evaluation.)

469 P. Darling – You’re going to provide emergency egress lighting at the back of the stairway and  
470 all that will be compliant? .

471  
472 It strikes me that the variance was because the new stairs were undersized, correct? (Yes.)  
473

474 R. Hart – There were two renters one set of stairs and no proper egress.

475  
476 R. Welton – If the new set of stairs is to be egress for both buildings, I would say that in order to  
477 recommend that for approval, you would have to put language in the motion that would not allow  
478 them to cordon off one from the other – or some sort of agreement between the two.  
479

480 K. Winters – What is the structural condition of the existing stair? (Carlson – It’s doesn’t look  
481 pretty, but it’s sound). You could get an architect or structural engineer to take a look at that.  
482

483 R. Welton – You could include that as a condition of the Variance. (J. Carlson – Yes, it probably  
484 needs some money spent on improving it.) *After discussion, the Board proposed the following:*  
485

486 **MOTION #1**

487  
488 Moved by P. Darling, Seconded by R. Hart, “**That in the case of Appeal Number BBA09-025.**  
489 **309/311 South Main Street (Melting Pot’s building, shared egress with Jolly Pumpkin) the**  
490 **Board grants a variance to allow the construction of a new exterior stairway at the rear of**  
491 **the property to be 36” in clear width (in place of the 44” required minimum), provided that**  
492 **the occupant load of the space provides sufficient stairway width as outlined in Section**  
493 **1009.1. In addition, a life safety plan showing life safety load and travel distance shall be**  
494 **submitted to the building department. Building will be fully fire suppressed and this**  
495 **meets the intent of the code.**  
496

497 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**

498  
499 **MOTION #2**

500  
501 Moved by P. Darling, Seconded by R. Hart, “**That in the case of Appeal Number BBA09-025,**  
502 **309/311 South Main Street (Melting Pot and Jolly Pumpkin), the Board grants a variance**  
503 **from Section 10:003 of the Michigan Building Code, to allow the construction of a stair**  
504 **with an 8 inch rise and a 9 inch tread. This stair will also have load calculations done by**  
505 **an Architect or Structural Engineer, given the limited constraints of the property. We find**  
506 **that this meets the intent of the code to facilitate a second means of egress. This second**  
507 **stair will have a structural load calculation performed and the results given to the**  
508 **Building Official before permit’s can be finalized out. This function will be enforced by the**  
509 **Building Department.”**  
510

511 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**

512  
513 E - **NEW BUSINESS** –

514  
515 F - **REPORTS & COMMUNICATIONS** – None.

516  
517 G - **AUDIENCE PARTICIPATION – GENERAL** - None.

518  
519 **ADJOURNMENT**

520 The meeting was adjourned without opposition at 3:30 p.m.

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