



**DRAFT MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
December 8, 2010 - 1:30 P.M. – 2000 South Industrial Hwy.**

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

ROLL CALL

Members Present: (4) K. Winters, S. Callan, R. Hart & R. Reik

Members Absent: (1) P. Darling

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

A - APPROVAL OF AGENDA

A-1 Approved without objection.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the June 9, 2010 Regular Session

Line 32 *should read* BBA10-003 and duplicated again at **Line 79**

Moved by R. Reik, Seconded by R. Hart, **“That the draft minutes of the June 9, 2010 Regular Session be approved as amended.”**

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

B-2 – Draft Minutes of the September 8, 2010 Regular Session (Not Available)

C - APPEALS & ACTION

C-1 BBA10-005 – 1445 King George Blvd.

Patricia Harroun, contractor on this project, is requesting a variance from **Section R305.1 of the 2006 Michigan Residential Code.**

Description and Petitioner Presentation

The applicant is requesting a variance from **Section R305.1 of the 2006 Michigan Residential Code** that states:

“Habitable rooms, hallways, corridors, bathrooms, and basements shall have a ceiling height of not less than seven feet.”

Petitioner is proposing to finish basement. Existing HVAC ductwork is 6'-1.5" in some areas and cannot be altered without affecting air balance. Affected area totals 52 Sq. Ft. Patricia Harroun was present to speak on behalf of the appeal. The problem is a head height issue in the basement. The petitioner is requesting down to a height of about 6'1".

51 **Recommendation:**

52
53 Ralph Welton (*Building Official*) - Staff supports the proposed variance from the code because
54 the existing configuration was part of original construction and met all existing codes at that
55 time, and would be structurally infeasible to alter.

56
57 K. Chamberlain (*Fire Marshall*) – Question. This comes across the central space. Are there
58 any egresses in the storage areas or the washer area? (No. None in the non-living areas). I'd
59 like to see inter-connected smoke detectors in the entire dwelling since it is in the path of
60 egress.

61
62 **Discussion by the Board**

63
64 R. Hart – Final finished ceiling height in that drop zone would be 6'1"? (6' to 6' ½" with a thick
65 carpet pad). How wide is the area to be soffited – the ceiling under the duct work. (In the living
66 area under 4'.)

67
68 K. Winters – Is it possible to re-do portions of that trunk climb in order to gain some space? (I
69 had my HVAC person in that said it wasn't possible if the furnace is to work as it was intended).
70 You could make it wider and gain 2". (We have an I-beam that we're close to). That's about
71 two feet from there. Can the trunk line be moved so that it's within the storage/washer/dryer
72 area? (No. There is an access space there. We would have to break open the foundation
73 wall). 6'0" is very low. Code requires 6'4" in there.

74
75 R. Hart – What is the measurement at the bottom of the beam? (6'3").

76
77 K. Winters – The ductwork you show as two straight lines on the plan and the ductwork
78 narrows down through the foundation wall access? (Yes)

79
80 R. Reik – You could leave the drywall off. Eliminate the carpet?

81
82 K. Chamberlain – I could suggest putting sprinklers in there. (Discussion amongst the board).
83 Four sprinklers at the most.

84
85 K. Winters – Would you accept that offer? (Yes.) I'm not comfortable with that head room.
86 You'd have to eliminate the carpet.

87
88 R. Hart – The real issue here is still the headroom. You should eliminate the thick carpet,
89 eliminate the finished ceiling...(More general discussion)

90
91 **MOTION**

92
93 *Moved by R. Reik, Seconded by R. Hart, "That in the matter of BBA10-005, 1445 King*
94 *George Blvd., that a variance be granted by the Board to permit a soffit height below the*
95 *existing unfinished duct (which will remain unfinished) in the basement with a final head*
96 *room of 6' 1 ½", provided that interconnected smoke detectors and basement sprinklers*
97 *are installed to the satisfaction of the Fire Marshal.*

98
99 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS**

100

102
103 Description and Petitioner Presentation

104
105 Debra Moore with Custom Design Build is requesting a Variance from Section R31.5.6.1 of the
106 2006 Michigan Residential Code. (Handrail Height). She introduced the owners of this condo
107 who were also present. Ms. Moore stated that due to the heights of the owners, the rails are not
108 useful and were non-conforming. The railing has been improved from its original condition, but
109 is still non-conforming due to height. They would like to keep their 32" handrail.

110
111 Recommendation:

112
113 R. Welton (Building Official) I spoke to Mia on the phone about this issue. We're sympathetic to
114 the homeowner and these issues are about stature; however, there is another area of concern,
115 and that is liability. If we approve a handrail that is not within the parameters of the code, and
116 someone falls, we can assume that they're going to sue. Not only could it affect us, but the
117 homeowner and their insurance as well, because insurance companies look to the code too.

118
119 That's a problem, and I'm not certain how it can be solved. In a more practical sense, you could
120 leave this handrail and install a 34" code compliant handrail on the opposite side as a possibility.
121 That would be totally up to the board, but based on liability and not on practicality, the city has to
122 recommend that this not be approved in this form.

123
124 K. Chamberlain (Fire Marshall) – What is the width of this stairway? (Petitioner – Standard 36").
125 So, if an additional handrail were installed, it would restrict the width.

126
127 R. Welton – 27" is allowed, so that would still be within the parameters of the code with the
128 additional railing. Even if the homeowner would sign a release, that wouldn't mean that would
129 hold up in court, and if the house is turned over to a new owner, that creates a problem.
130 (Petitioner suggested they could replace the railing with a compliant one if/when sold).

131
132 K. Chamberlain – For emergency egress, a handrail is supposed to be most useful to the people
133 who are trying to exit the home. I agree with Ralph that my sympathies are with the petitioner,
134 but this is lower than the code requires. As far as emergency personnel using it, the advantage
135 is not great enough for us to use, but we would want the railings to be as comfortable for the
136 residents as possible.

137
138 R. Hart – Are there handrails on both sides? (No).

139
140 K. Winters – The basement has a straight rail from the basement to the first floor; you would be
141 willing to replace this to code when the home is sold? (Yes). (Trim piece would have to be
142 removed). With two railings, you would be supplying something beyond what the code requires.
143 (At age 92, Ida will probably not need the basement railing, as she doesn't use it very often).

144
145 *(The board had further discussion on this issue and impressed upon the petitioners that in order*
146 *to grant a variance, they must improve the area in some way beyond what the code requires).*

147 ***It was determined by the board that if the petitioner installs a legal railing on the other***
148 ***side of the stair, then the code would be met and a variance would not be necessary.***

149
150 MOTION – NONE – NO VARIANCE WAS GRANTED.

151
152 NOTE: Per R. Welton – Handrail turns may not be continuous, but this will be covered by the
153 building dept. and the inspector when the permit is finalized.

155
156 Description and Petitioner Presentation

157
158 Vince Peters with Dexter Builders is requesting a Variance from **Section R311.5s** of the **2006**
159 **Michigan Residential Code** that states:

160
161 ***“The minimum headroom in all parts of the stairway shall not be less than 6’8”...”.***

162
163 Mr. Peters stated that they are remodeling and finishing the basement. They have made
164 several improvements, including an egress window and improvements on the existing non-
165 conforming stair (which included a non-compliant handrail, too narrow and rise and run) by
166 changing the joist, etc., to achieve at least 6’4” in all headroom areas. It would be extensive
167 work to bring it any closer to actual code which is 6’8”.

168
169 Recommendation:

170
171 Ralph Welton (*Building Official*) The stairs were rebuilt to gain compliance in all other respects.
172 Floor joists were altered to maximize headroom as much as feasible by making structural
173 changes. Staff recommends approval.

174
175 K. Chamberlain (*Fire Marshall*) - Are there interconnected smoke detectors in the home,
176 including the basement? (Yes.) The fire department concurs with the building department.

177
178 Discussion

179
180 R. Hart – The rise and run, the width and the handrail are all compliant? (Yes.) What was the
181 previous headroom? (It was previously 6’ at the bottom of the stair.)

182
183 K. Winters – I understand you’ve widened the opening at the bottom of the stair to achieve the
184 6’4”? (Yes. Petitioner explains with submitted drawings).

185
186 R. Hart – Door at the top of the stairs? (A landing).

187
188 R. Welton – And there are no bedrooms in the basement? (No. There is habitable space and a
189 bathroom and study room.) This is owner occupied? (Yes.)

190
191 MOTION

192
193 Moved by R. Hart, Seconded by R. Reik, **“That in the matter of BBA10-007, 1428 Henry**
194 **Street, “The Board grants a Variance from Section R311.5s of the 2006 Michigan**
195 **Residential Code to permit an interior reconstructed stairway from the first floor to the**
196 **basement with a headroom of 6’4” throughout and we find this to be within the**
197 **tolerances of the Code and satisfies Appendix “J” of the aforementioned Code.”**

198
199 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

202
203 **Description and Petitioner Presentation**

204
205 Dawn Zuber, architect on this project, is requesting a variance from Section R311.5.1 of the
206 2006 Michigan Residential Code **that states:**

207
208 ***“The minimum headroom in all parts of the stairway shall not be less than 6’8”...”.***

209 **-- And --**

210 **Section 311.5.1, which reads:**

211
212 ***“Stairways shall not be less than 36” in clear width...and... shall not be less than 31.5”***
213 ***where a handrail is installed on one side.***

214
215 Ms. Zuber stated that she wanted to make corrections to the quoted variance request; The
216 request should state that they are asking for a ceiling height variance in the kitchen at the top of
217 the stair and then variances for the stair, the width of the stair and the handrail.

218
219 K. Winters – So, is that still Section R311.5.1? (D. Zuber – No. It’s Section R305.1 and
220 R311.5.1)

221
222 We did a master plan and in the future we would like to refinish the basement. She explained
223 the proposed project which includes a kitchen remodel. The current basement stair is
224 dangerous (She demonstrated with photos and plans). The worst point on the stair is currently
225 6’3 ½” and we would like to rebuild the stair from the kitchen to the basement as a part of the
226 kitchen remodel (and in anticipation of future projects).

227
228 **Recommendation:**

229
230 R. Welton (Building Official) – The ceiling height is currently 6’9” in the kitchen. If this were any
231 other room, there would be allowances from the required 7’0” headroom in which, for example,
232 an upper room which is under a sloped roof has been allowed at less than 7’0”. This ceiling
233 height meets the spirit of the code by being 7’0” in most of the kitchen.

234
235 How big is this area that is 6’9”? (D. Zuber – It’s basically the size of a soffit, 4’8” wide by 1’8”
236 (exact dimensions were in the submitted documentation).

237
238 As to the stairway, if you had a handrail on each side, you would be allowed 27.5” for width; so
239 in essence, the code is saying that the smallest travel path we would want is 27.5” – that’s really
240 what they’re saying. The building department would be fine with the notion of only one handrail
241 but still meeting the allowable 27.5” width. The overall width of the stair is not as consequential
242 as the 27.5” opening between the handrail and the wall. We would recommend approval based
243 on Appendix “J” by gaining the same amount of travel space.

244
245 The petitioner mentioned that they will also be adding inter-connected smoke detectors and
246 handrails at 34 to 38”.

247
248 K. Chamberlain (*Fire Marshall*) - The interconnected smoke detectors begs the question, what is
249 the basement used for right now? (It’s not finished at this time. It’s currently used for laundry,
250 mechanicals and storage. It will be finished in the future and an egress window added.) The
251 fire department concurs with the building department.

253 **Discussion:**

254

255 K. Winters – Does the Board have any questions? (To Petitioner) – You have a dimension here
256 from wall to wall here that is 211 ½ – Taking off the projection from the stud wall and block wall?
257 (Petitioner explains. The 211 ½ is to the stud wall and the 2’ 6 dimension below that is to the
258 foundation wall which will not be drywalled in order to obtain additional width.) Is that wall
259 bowed? (It doesn’t appear to be). It should be looked at, because when the stairway is parallel
260 with the basement wall like that, the base wall has no framing and support at the top, so that
261 wall can move, crack, deteriorate further. As a contingency, I would like to see you have a
262 structural engineer take a look at that wall and strengthen it if needed. When was the house
263 built? (1924). A house that is 90 years old and has not been replaced should be looked at.

264

265 R. Hart – How do you strengthen that without compromising the stair?

266

267 K. Winters – One way of doing that is to take that board cap off and put in reinforcing rods and
268 grout which will stabilize it, if the wall is currently in good condition. If it’s not, we’ve had
269 homeowners replace that wall. (Discussion that the wall may have already been replaced.)

270

271 **MOTION**

272

273 Moved by R. Reik, Seconded by S. Callan, “**That in the matter of BBA10-008, 1512 Morton**
274 **Avenue, “The Board grants a Variance from Section R301.1 of the 2006 Michigan**
275 **Residential Code to permit a kitchen ceiling height at the top of the stairs at the first floor**
276 **(area immediately around the top of the stairs) with a headroom of 6’9”;** and a variance
277 **from Section R311.5.1 of the same Code, to permit a stair width for the basement stair of**
278 **30”, with the exception of the area where the handrail is installed to code, will be allowed**
279 **to be 27”;** provided that hardwired inter-connected smoke detectors are installed
280 throughout the house to the satisfaction of the Fire Marshall, and we find this to satisfy
281 Appendix “J” of the Code.”

282

283 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

284

285 **D - OLD BUSINESS – None.**

286

287 **E - NEW BUSINESS**

288

289 Discussion on the proposed schedule for 2011. Mr. Callan stated that he has a conflicting
290 schedule which will not allow him to be present on the usual Wednesday meetings. The Board
291 was agreeable to changing the day of the meeting to either the second Tuesday or Thursday of
292 each month. The schedule will be adjusted accordingly.

293

294 **F - REPORTS & COMMUNICATIONS – None.**

295

296 **G - AUDIENCE PARTICIPATION – GENERAL - None.**

297

298 **ADJOURNMENT**

299

300 The meeting was adjourned without opposition at 2:51 p.m.

301

302 ***Minutes prepared by B. Acquaviva, Administrative Specialist V***

303