



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE HOUSING BOARD OF APPEALS OF THE CITY OF ANN ARBOR, MI  
100 NORTH FIFTH AVENUE - SECOND FLOOR – CITY COUNCIL CHAMBERS  
MARCH 4, 2008**

The meeting was called to order at 1:32 p.m. by Chair Ron Suarez

**ROLL CALL**

Members Present: (6) A. Stuart, M. Goldstein, L. Wessinger  
C. Christiansen, D. Fleece and R. Suarez

Members Absent: (1) K. Busch

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

**A. APPROVAL OF AGENDA –**

Moved by L. Wessinger, Seconded by M. Goldstein, **“to Approve the Agenda as Presented”** - *Approved as Presented without Objection.*

**B, APPROVAL OF MINUTES**

Draft Minutes of the February 3, 2008 Regular Session

Moved by M. Goldstein, Seconded by C. Christiansen, **“to approve the February 3, 2008 Draft minutes as presented.”**

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

**C. APPEALS & ACTION**

**C-1 416 Hamilton Place – 2007-H-008**

Bill and Lynn Sturgis, property managers for the owner of this property, seek to obtain multiple Housing Board of Appeals Variances from the following:

<b><u>Code Section</u></b>	<b><u>Code Violation</u></b>
8:503	Grade (5'0" existing, 3'6" required)
8:502	Inadequate ventilation in the front room (939 sq. inches required, 855 sq. inches existing).
8:504	No emergency escape window in either room (undersized opening and excessive sill height)
8:504	Inadequate stairway headroom (two reductions to 5'6", two reductions to 5'8")
8:504	Undersized stair treads (8 ½" upper stringer, 8" lower stringer)
8:506	No positive heat supply
8:506	No one hour fire rated enclosure around boiler

54 **Background**

55  
56 Beginning in 1984, a housing inspection cited the unapproved use of the two cellar rooms as  
57 bedrooms and ordered them vacated. In 1989 the supervisor of the Housing Bureau permitted  
58 the owners of the property to use one of the rooms for short time periods when they were in town  
59 from California, but specifically prohibited such use by tenants. The 1991 inspection noted the  
60 rooms were used only by the owners. Subsequent housing inspections continued to note that the  
61 cellar was not habitable space. The 2002 inspection revealed that the drywall in the rooms had  
62 been replaced and that hardwired smoke detectors (not interconnected) had been installed inside  
63 each room without an electrical permit. An electrical permit was later obtained and given final  
64 approval by an Electrical Inspector. In 2004, the rooms were cited for unapproved use as  
65 bedrooms and ordered vacated. In 2007, the rooms were again cited for unapproved use as  
66 bedrooms by the tenants and the owner was instructed to seek a variance from the Housing  
67 Board of Appeals. It appears that at some point between the 2004 and 2007 inspections the  
68 windows in the rooms were replaced, but there is no record of a building permit for this work.  
69

70 **Recommendation:**

71  
72 Staff recommends the following motions:

- 73  
74 1. Motion to deny the variance from the emergency escape requirements of section 8:504 in both  
75 rooms. Motion to deny the variance from the ventilation requirements of section 8:503 in the  
76 front room because the installation of an emergency escape window will provide adequate  
77 ventilation and render the variance unnecessary.  
78 2. Motion to deny the variance from the stairway headroom requirements of section 8:504.  
79 3. Motion to deny the variance from the stairway tread size requirements of section 8:504.  
80 4. Motion to deny the variance from the positive heat supply requirements of section 8:506.  
81 5. Motion to deny the variance from the requirements of section 8:503(6)(o) for a one hour fire  
82 rating around the boiler and water heater.  
83 6. Motion to approve the variance from the grade requirements of section 8:503 to allow the two  
84 cellar rooms to be used as bedrooms with the following contingencies:  
85  
86 a. Provide acceptable results of a radon test.  
87 b. Provide documentation that the sanitary sewer has been cleaned by a qualified  
88 contractor.  
89 c. Complete all other requirements of the Cellar Requirements Worksheets.

90  
91 K. Chamberlain – Fire Department recommends the first request be denied (smoke detectors)  
92 (interconnected and/or radio controlled fire detectors are acceptable. I would like interconnected  
93 smoke detectors throughout the house, as both units (or apartments) were open to each other.)

94  
95 Requests 2-5, Defer to Housings opinion.

96  
97 Request # 6 – Recommend denial, egress window to be provided.

98  
99 I would like to have at least one sprinkler put into the laundry room – or laundry ‘entrance’ to the  
100 laundry room. There need to be fire stops in many of the areas, and upon closer evaluation,  
101 depending on how the fire stops are and whether they’re successful or not, I’d like additional  
102 sprinklers to protect those areas that cannot be fire stopped properly.  
103  
104

105 **Petitioner Presentation:**

106  
107 Bill Sturgis of Arbor Maintenance was present on behalf of the owner. After the site visit, it's  
108 pretty clear what needs to be done. Wireless smoke detectors are acceptable? (K. Chamberlain  
109 – Yes.)

110  
111 L. Wessinger – You probably realize we are not going to approve the windows that are there for  
112 egress, so we'll end up denying that variance because the code can be met. As to the positive  
113 heat source, I think you have to maintain a certain temperature.

114  
115 C. Christiansen – 68 degrees in the center of the room at 10 degrees below zero. (R. Fulton –  
116 And the code says that you have to have a positive heat source.)

117  
118 L. Wessinger - Is a 'fin' in the pipe considered a positive heat source? I'm not sure how you'll (the  
119 petitioner) do it, but you'll have to meet the requirement for a positive heat source.

120  
121 *(Further discussion by the Board as to what variances the petitioner needs and formulating*  
122 *motions.)*

123  
124 **Questions of Staff by the Board**

125  
126 C. Christiansen – Stairway tread and headroom at the bottom of the stairs – if we address the  
127 treads, won't that affect the headroom? (R. Fulton – We can't rebuild at all, or that will then have  
128 to be brought up to code, and I don't think those can be brought up to code. Right now there are  
129 four 'drops,' two at 5'6" and two at 5'8". Typically, you'll see one drop, and then hardwired  
130 interconnected smoke detectors. Staff is very concerned with the four drops. We can take care  
131 of three of them, but the other one is at the bottom of the stairs. There is really no way to drywall  
132 there, but Kathleen and I talked about putting a sprinkler head there.)

133  
134 L. Wessinger – So, you're talking about basically abandoning the upper stairway to get that  
135 headroom, and at the bottom, cutting that railing back a few inches and moving that washing  
136 machine over? (R. Fulton – There are a lot of open spaces back there, and the back area where  
137 there are ceiling tiles, that could actually be dry walled because there is nothing in the way.) So  
138 dry wall in the hallway by the furnace? (Yes.)

139  
140 **Discussion by the Board**

141  
142 **MOTION #1**

143  
144 Moved by L. Wessinger, Seconded by C. Christiansen, **"In regard to the property at 416**  
145 **Hamilton Place, Appeal Number 2007-H-008, that a variance be granted from the Housing**  
146 **Code, Section 8:503 (Grade) with the contingency that sprinkler heads be installed in the**  
147 **utility room and/or any other basement room that cannot be adequately fire stopped –**  
148 **sprinklers to be installed per the Fire Marshall's recommendations and plan review**  
149 **approval. (plumbing permit required). Contingent upon meeting all other requirements**  
150 **on the cellar check sheet including (sanitary sewer, radon test.)"**

151  
152 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Approved)**

153 **\*The Board grants a 90 day period to complete this work.**

154  
155

156 **MOTION #2**

157  
158 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
159 Hamilton Place, Appeal Number 2007-H-008, that a variance from the Housing Code,  
160 Section 8:502 (Inadequate Ventilation) in the front room be denied as the work can be  
161 accomplished and made code compliant. ”

162  
163 **On a Voice Vote – MOTION TO DENY – PASSED – *UNANIMOUS (Variance Denied)***

164 **\*The Board grants a 90 day period to complete this work.**

165  
166  
167 **MOTION #3**

168  
169 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
170 Hamilton Place, Appeal Number 2007-H-008, that a variance from the Housing Code,  
171 Section 8:504, regarding the emergency escape windows in each room be denied, as the  
172 work can be accomplished and made code compliant. ”

173  
174 **On a Voice Vote – MOTION TO DENY – PASSED – *UNANIMOUS (Variance Denied)***

175 **\*The Board grants a 90 day period to obtain a building permit and complete this work.**

176  
177  
178 **MOTION #4**

179  
180 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
181 Hamilton Place, Appeal Number 2007-H-008, that a variance from the Housing Code,  
182 Section 8:504, (Inadequate Stairway Headroom), where two reductions of 5 feet 6 inches  
183 and two reductions of 5 feet 8 inches exist – 3 of those can be corrected, therefore a  
184 variance is granted for **ONE HEAD ROOM PROBLEM at the base of the stairs ONLY**. The  
185 other three head room problems can be corrected and made code compliant.”

186  
187 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance Granted)***

188 **\*The Board grants a 90 day period to obtain a building permit and complete this work.**

189  
190  
191 **MOTION #5**

192  
193 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
194 Hamilton Place, Appeal Number 2007-H-008, that a variance from the Housing Code,  
195 Section 8:504, (Undersized Stair Treads) be granted with the contingency that the railing at  
196 the bottom of the basement stairs be trimmed back and the washing machine be moved  
197 over to create a wider opening to the stairs. An interconnected building wide smoke  
198 detection system shall be installed to the satisfaction of the Fire Marshal as a condition of  
199 this variance.”

200  
201 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance Granted)***

202 **\*The Board grants a 90 day period to obtain building and electrical permits and complete this**  
203 **work.**

204  
205  
206

207 **MOTION #6**

208 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
209 Hamilton Place, Appeal Number 2007-H-008, Section 8:506 of the Housing Code, (Positive  
210 Heat Supply) – The Board denies the variance as this condition can be made code  
211 compliant.”

212  
213 **On a Voice Vote – MOTION TO DENY – PASSED – *UNANIMOUS (Variance Denied)***

214 \*The Board grants a 90 day period to obtain a building permit and complete this work.

215  
216

217 **MOTION #7**

218 Moved by L. Wessinger, Seconded by M. Goldstein, “In regard to the property at 416  
219 Hamilton Place, Appeal Number 2007-H-008, Section 8:506 of the Housing Code (One Hour  
220 Fire Rating Enclosure - Boiler) – The Board denies the variance as this condition can be  
221 made code compliant by either dry walling or installing sprinklers.”

222  
223 **On a Voice Vote – MOTION TO DENY – PASSED – *UNANIMOUS (Variance Denied)***

224 \*The Board grants a 90 day period to obtain a building permit and complete this work.

225  
226

227 **C-2 934 Greenwood Avenue – 2008-H-002**

228  
229

The Applicant, Christopher Heaton, seeks to obtain Housing Board of Appeals Variances from the following:

230

- 231
- 232 1. Section 8:503(6)(m) – At least 80% of the required floor area of every habitable cellar  
233 room shall have a ceiling height of at least 6’8”. Currently Apt. #1 northwest room has  
234 a ceiling height of 6’6” and southwest room is 6’4 ½”, both rooms having dropped  
235 ceilings.
- 236 2. Section 8:504(4)(a)(2) – Exit corridors shall have a ceiling height of at least 6’6”. The  
237 current ceiling height in Apt. #1 outside of the cellar studies is 6’5”-6’6”.
- 238 3. Section 8:503(6) – Grade and cellar occupancy for northwest & southwest rooms in  
239 Apt. #1.

240

241 R. Fulton - The building is a two family dwelling. Apt. #1 is a 2 bedroom unit comprising the cellar  
242 and first floor levels with two studies in the cellar space. Apt. #2 is a 4 bedroom unit comprising  
243 the second and third floors. The two studies in Apt. #1 have been cited in previous inspections  
244 for unapproved use as bedrooms and ordered vacated. Prior to current management, the  
245 previous owner obtained building permit PB041409 to install an egress window in each cellar  
246 study. The windows were installed but have never been inspected or approved.

247

248 **Recommendation:**

249

250 Staff recommends the following motions:

251

- 252 1. Motion to approve a variance from Section 8:503(6)(m) of the Ann Arbor Housing Code  
253 which requires that at least 80% of the required floor area of every habitable cellar  
254 room have a ceiling height of at least 6’8” in order to allow the existing ceiling heights in  
255 the northwest and southwest rooms in Apt. #1 with the following contingency:
  - 256 a. Replace the dropped ceilings with drywall to provide the maximum possible  
257 ceiling height. Building permit required.

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273
2. Motion to approve a variance from Section 8:504 Section 8:504(4)(a)(2) that exit corridors have a ceiling height of at least 6’6” to allow the existing cellar exit corridor ceiling height of 6’5” to 6’6” in Apt. #1.
  3. Motion to approve a variance from Section 8:503 of the Ann Arbor Housing Code granting grade and cellar occupancy of the northwest and southwest rooms as habitable space in Apt. #1 with the following contingencies:
    - a. Obtain and final a building permit for the installation of the existing egress window in each room.
    - b. Install hardwired interconnected smoke detectors located within each of these rooms, in the hallway and on the first floor. Electrical permit required.
    - c. Install electrical outlets to new construction code in each of these rooms. Electrical permit required.
    - d. Have an independent accredited contractor conduct a radon test and submit documentation which indicates acceptable levels of radon in each room.
    - e. Have the sanitary sewer cleaned and submit documentation.

274 K. Chamberlain – The Fire Department yields to the Building/Housing Inspector. The majority of  
275 this appeal does not have any fire issues, with the exception of approval of the egress windows  
276 for code compliance and interconnected building-wide smoke detectors.

277  
278 *(Discussion by the Board and staff regarding Building Code and Housing Code precedence.)*  
279

280 **Petitioner Presentation:**

281  
282 Chris Heaton of Campus Management was present to speak on behalf of the owner. He stated  
283 that he appreciated the comments from the Board, and feels that there should be special housing  
284 code to accommodate older buildings that can’t make current code. He asked questions of staff  
285 and the Board regarding this property, and questioned interconnected smoke detectors beyond  
286 the bounds of this particular apartment.  
287

288 K. Chamberlain – Stated that because many of these units house friends, etc., the units become  
289 ‘one’ and doors are opened up to each apartment, making it one space. It’s the determination of  
290 the Fire department that if you have someone in the basement and the third floor, they should be  
291 notified as soon as possible with a building-wide system.  
292

293 **Questions of Staff by the Board** - None.  
294

295 **Discussion by the Board**

296  
297 **MOTION #1**

298  
299 Moved by A. Stuart, Seconded by D. Fleece, “**In regard to the property at 934 Greenwood**  
300 **Avenue, Appeal Number 2008-H-002, that the Board grant a variance from Section 8:503 of**  
301 **the Housing Code (Ceiling Height Requirement of 6’8”)** and to allow the ceiling heights in  
302 **the northwest & southwest rooms will remain ‘as is.’ (Apt. #1). A building wide,**  
303 **interconnected smoke detection system installed to the satisfaction of the Fire Marshall**  
304 **shall be a condition of the variance.”**  
305

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

307 **\*The Board grants a 90 day period to complete any work associated with this.**  
308

309 **MOTION #2**

310  
311 Moved by A. Stuart, Seconded by L. Wessinger, “In regard to the property at 934 Greenwood  
312 Avenue, Appeal Number 2008-H-002, that the Board grant a variance from Section 8:504(4)  
313 (a)(2) that exit corridors have a ceiling height of at least 6’6” to allow the existing cellar exit  
314 corridor ceiling height of 6’5” to 6’6” in Apt. #1, provided that the interconnected smoke  
315 detectors required (per previous motion), are maintained and in service.”

316  
317 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

318 \*The Board grants a 90 day period to complete any work associated with this.

319

320

321 **MOTION #3**

322

323 Moved by A. Stuart, Seconded by M. Goldstein, “In regard to the property at 934 Greenwood  
324 Avenue, Appeal Number 2008-H-002, that the Board grant a variance from Section 8:503 of  
325 the Ann Arbor Housing Code granting grade and cellar occupancy of the northwest and  
326 southwest rooms as habitable space in Apt. #1 (Cellar) with the following contingencies:

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**C-3 849 Tappan – 2008-H-003**

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The applicant, James Smiley, seeks to obtain Housing Board of Appeals Variances from the following:

1. Section 8:503(6) – Cellar occupancy for Apt. #1 northwest and southwest rooms to be used as habitable space.

**Background:**

R. Fulton - The building is a two family dwelling. Apt. #1 is a 3 bedroom unit comprising the cellar and first floor levels with two studies in the cellar space. Apt. #2 is a 4 bedroom unit comprising the second floor. Since 1991, the two studies in Apt. #1 have been cited for unapproved use as bedrooms. In 2000, the fire department ordered that the doors on these rooms be removed and not be used as bedrooms.

360 An inspection was conducted on May 29, 2007, and the results are summarized on the attached  
361 Cellar Requirements Worksheet.

362

363 **Recommendation:**

364

365 Staff recommends the following motions:

366

367 1. Motion to approve a variance from Section 8:503 of the Ann Arbor Housing Code  
368 granting cellar grade and occupancy of the two studies in Apt. #1 as habitable space  
369 with the following contingencies:

370

a. Install drywall on the ceiling at the base of the cellar stairs.

371

b. Maintain existing hardwired interconnected smoke detectors.

372

c. Have an independent accredited contractor conduct a radon test and submit  
373 documentation which indicates acceptable levels of radon in each room.

374

d. Have the sanitary sewer cleaned and submit documentation.

375

376 K. Chamberlain – The Fire Department is requesting interconnected smoke detectors throughout.

377

378 **Petitioner Presentation:**

379

380 James Smiley was present to speak on behalf of this appeal. He stated that they have two units,  
381 both have hard-wired smoke detection systems separately. The Fire Department recommended  
382 interconnected smoke detectors connecting both units in this building (*this was discussed by the*  
383 *Board.*). if we go back to two units again, if the toast burns in unit 1, it will set off the smokes in  
384 the second floor. Every bedroom currently has a smoke detector in it. What does the Fire  
385 Department want?

386

387 A. Stuart – The detectors in the bedrooms are hard-wired? (No.)

388

389 L. Wessinger – This issue has come up before, and we made a ruling with the last petitioner to  
390 connect the two units because they are constantly opened up into one unit. Do we want to  
391 interconnect separate apartments?

392

393 K. Chamberlain – The more I visit these homes, there is evidence in these older buildings that  
394 they're a perfect opportunity to 'open up,' and that is taken advantage of. The majority of cases  
395 are doing this. It's not as though you have a separate hallway with a lot of individual apartments  
396 going down that hallway that don't have that opportunity to open up that way. It is much more a  
397 'communal' circumstance in these older homes.

398

399 R. Suarez – What assurances would we have that these wouldn't be opened up in the future? Is  
400 there anything that would be scheduled for future inspections? (R. Fulton – We're seeing 2 unit  
401 and 3 unit buildings that it's really one group renting the entire thing, and the entry door is either  
402 taken off or open. On this one, all the doors (when you went in the front door) – were all propped  
403 open.)

404

405 A. Stuart – All the fire doors? (R. Fulton – Yes. There were two for the first floor and one to go  
406 upstairs and they were all wide open because these kids know each other and they traverse the  
407 whole thing. The petitioner just stated "What if it goes back to a two-family dwelling?" -  
408 Technically, it is already a two family, but the kids are making it a single-family home by getting  
409 rid of the fire doors. This is happening everywhere.)

410

411 K. Chamberlain – (To petitioner) I understand what you mean about the ‘burnt toast,’ but that’s an  
412 inconvenience as opposed to a life safety precaution. Opening up those fire stops is very  
413 dangerous.

414  
415 A. Stuart – From the walk-thru, we saw the huge central staircase that went all the way up. That  
416 would burn extremely fast throughout that building.

417  
418 R. Suarez – As a Board, we need to look at how easily something could be opened up into a  
419 single unit. We need to make some kind of judgment on this.

420  
421 L. Wessinger – We just made the last petitioner have interconnected smoke detectors, but he had  
422 two separate units (dry walled separately.)

423  
424 R. Fulton – Can he put in radio controlled smokes on each floor that would suffice?  
425 (K. Chamberlain – That is in the right direction. If there is a unified system with a detector on all  
426 levels (3 floor). One would be hard-wired, the other two will be radio controlled.)

427  
428 **Questions of Staff by the Board** - None.

429  
430 **Discussion by the Board**

431  
432 **MOTION #1**

433 Moved by L. Wessinger, Seconded by M. Goldstein, ““In regard to the property at 849 Tappan  
434 Street, Appeal Number 2008-H-003, that the Board grant a variance from Section 8:503 of  
435 the Ann Arbor Housing Code, granting grade and cellar occupancy of the two studies in  
436 Apartment #1 as habitable space with the following contingencies:

- 437  
438 a. **Maintain existing hardwired interconnected smoke detectors and that a wireless**  
439 **stacked system be installed that interconnects all three floors per the Fire**  
440 **Marshal’s recommendation.**  
441 b. **Have an independent accredited contractor conduct a radon test and submit**  
442 **documentation which indicates acceptable levels of radon in each room.**  
443 c. **Have the sanitary sewer cleaned and submit documentation.**  
444

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

446 **\*The Board grants a 90 day period to complete any work associated with this.**

447  
448  
449 **C-4 851 Tappan – 2008-H-004**

450  
451 The applicant, James Smiley, seeks to obtain Housing Board of Appeals Variances from the  
452 following:

- 453  
454 1. Section 8:503(6) – Cellar occupancy for 2 studies in Apt. #1 to be used as habitable  
455 space.

456  
457 **Background:**

458  
459 R. Fulton - The building is a single family dwelling with 5 bedrooms and 2 cellar studies. The two  
460 studies in cellar have been cited in previous inspections for unapproved use as bedrooms and

461 ordered vacated. Housing Board of Appeals variance 88-H-37 granted the stair width leading to  
462 the cellar space with the contingency that the cellar studies not be used for sleeping purposes.  
463 An inspection was conducted on May 29, 2007, and the results are summarized on the Cellar  
464 Requirements Worksheet.

465  
466 **Recommendation:**

467  
468 Staff recommends the following motions:

- 469
- 470 1. Motion to approve a variance from Section 8:503 of the Ann Arbor Housing Code  
471 granting grade and cellar occupancy of the rear study as habitable space with the  
472 following contingencies:
    - 473 f. Provide an approved stairway leading to the cellar room. Building permit  
474 required.
    - 475 g. Install electrical outlets to new code. Electrical permit required.
    - 476 h. Install hardwired interconnected smoke detectors in the rear study, outside this  
477 study and on each level of the building. Electrical permit required.
    - 478 i. Have an independent accredited contractor conduct a radon test and submit  
479 documentation which indicates acceptable levels of radon in the rear room.
    - 480 j. Have the sanitary sewer cleaned and submit documentation.

481  
482 **\*Note:** *After the site visit to the home, the Inspector discussed different codes with the Board,*  
483 *and proposed the following information:*

484  
485 There is a former variance on this property – 1988-H-037 that was issued in April of 1988 for a  
486 third floor ceiling height, room width and door with. When the variance was granted, they look at  
487 the stairs going from the first floor down to the cellar. They approved the width of that, as long as  
488 the two cellar rooms weren't used as a bedroom. This is contrary to what he is asking.

489  
490 Staff makes the following recommendation:

- 491
- 492 1. Section 8:504 (4) (a)(2) – Exit corridors shall have a ceiling height of at least 6'6". The current  
493 ceiling height in the cellar is 6'5" to 6'6" with one drop of 6'2" under a pipe at the base of the  
494 stairs.
  - 495 2. Section 8:500 (14)(b) – Habitable rooms must have a minimum of a 7' horizontal dimension for  
496 the front cellar study. This room is "L" shaped; the first part of the room is currently 6'2" x  
497 13'1" plus 5'4" x 6'2" for the other section. He has 70 feet, but not the room dimension. (Front  
498 Cellar Study.)
  - 499 3. Section 8:503(6) – Cellar grade and occupancy for the front and rear studies to be used as  
500 habitable space with the following contingencies:
    - 501
    - 502 a. Install hardwired interconnected smoke detectors in both studies, outside the  
503 studies and on each level of the building. Electrical permit required.
    - 504 b. Have an independent accredited contractor conduct a radon test and submit  
505 documentation which indicates acceptable levels of radon in the rear room.
    - 506 c. Have the sanitary sewer cleaned and submit documentation.

507  
508 Maximum occupancy (currently no more than 6 persons) is limited by the current zoning code.  
509 The current egress window is compliant as is; light and ventilation is fine.

510  
511 K. Chamberlain – Yields to Housing – Concurr on hard-wired interconnected smoke detectors.

512 **MOTION #1**

513  
514 Moved by D. Fleece, Seconded by L. Wessinger, “In regard to the property at 851 Tappan  
515 Street, Appeal Number 2008-H-004, that the Board grant a variance from;  
516

517 **Section 8:500 (14)(b) – Habitable rooms must have a minimum of a 7’ horizontal**  
518 **dimension for the front cellar study. This room is “L” shaped; the first part of the**  
519 **room is currently 6’2” x 13’1” plus 5’4” x 6’2” for the other section. He has 70 feet, but**  
520 **not the room dimension. (Front Cellar Study.) Note: Remove stipulation from variance**  
521 **1988-H-037 (Prohibiting cellar from being used as bedrooms due to the existing conditions on**  
522 **the stairway. Allow current width of stairs and cellar occupancy for bedrooms – if**  
523 **interconnected smoke detectors are provided throughout the entire home per the Fire**  
524 **Marshall’s approval. Electrical permit required.**  
525

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

527 **\*The Board grants a 90 day period to complete any work associated with this.**

528

529

530 **MOTION #2**

531

532 Moved by D. Fleece, Seconded by L. Wessinger, “In regard to the property at 851 Tappan  
533 Street, Appeal Number 2008-H-004, that the Board grant a variance from;  
534

535 **Section 8:504 (4) (a)(2) – Exit corridors shall have a ceiling height of at least 6’6”.** The  
536 **current ceiling height in the cellar is 6’5” to 6’6” with one drop of 6’2” under a pipe at**  
537 **the base of the stairs.**  
538

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

540 **\*The Board grants a 90 day period to complete any work associated with this.**

541

542

543 **MOTION #3**

544

545 Moved by D. Fleece, Seconded by L. Wessinger, “In regard to the property at 851 Tappan  
546 Street, Appeal Number 2008-H-004, that the Board grant a variance from;  
547

548 **Section 8:503(6) – Cellar grade and occupancy for the front and rear studies to be used**  
549 **as habitable space with the following contingencies:**  
550

- 551 a. **Install hardwired interconnected smoke detectors in both studies, outside**  
552 **the studies and on each level of the building per the Fire Marshal’s**  
553 **approval and any plan review required. Electrical permit required.**  
554 b. **Have an independent accredited contractor conduct a radon test and**  
555 **submit documentation which indicates acceptable levels of radon in both**  
556 **rooms.**  
557 c. **Have the sanitary sewer cleaned and submit documentation.**  
558

559 **Maximum occupancy of this unit (Apt. #1), per current zoning code for R4C zoning is**  
560 **limited to no more than 6 persons.**  
561

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

563 \*The Board grants a 90 day period to complete any work associated with this.

- 564
- 565 D. **OLD BUSINESS** - None.
- 566
- 567 E. **NEW BUSINESS** - None.
- 568
- 569 F. **REPORTS & COMMUNICATIONS** – None.
- 570
- 571 G. **AUDIENCE PARTICIPATION – GENERAL** - None.
- 572

573 **ADJOURNMENT**

574

575 Moved by A. Stuart , Seconded by C. Christiansen, “**that the meeting be adjourned.**”

576

577 **On a Voice Vote** – MOTION TO ADJORN PASSED - **UNANIMOUS**

578 Chair Ron Suarez adjourned the meeting at 3:05 p.m.

579

580 **(Submitted by: Brenda Acquaviva, Administrative Support Specialist V –**

581 **Housing Board of Appeals)**